



March 11, 2021

TO: House Committee on Economic Recovery & Prosperity
RE: A Farmer & Policy Professional Urges You to Oppose HB 2334

Dear Chair Lively, Vice Chairs Cate and Kropf, and Members of the Committee:

Thank you for this opportunity to provide comments on HB 2334. As both a farmer and policy professional, I believe I may offer a unique perspective on this proposal and urge you to oppose HB 2334.

My husband and I own and operate a small farm business in Clackamas County. We accept that a standard cost of doing business in any industry is compliance with local, state, and federal regulations. We know that these are necessary to ensure the protection of human health and safety, the environment, and BIPOC communities. All too often, we see that unregulated markets, especially in natural resources sectors, can result in poor practices which externalize the costs imposed on human and environmental health. In our experience, the Oregon Department of Agriculture has done a commendable job of engaging our sector in the rulemaking process through public meetings, frequent opportunities to provide comments and feedback, and substantive communication. The rulemaking process has felt fair and balanced, and I believe that consideration of the economic impacts of proposed rules on small farms is given meaningful consideration.

In my professional life, I engage as a policy professional with more than a decade of experience in the formulation and implementation of local, state, and federal law and regulatory policy. In my current position as Conservation Director of the Native Fish Society, a non-profit organization with a mission to revive abundant wild fish, free-flowing rivers, and thriving local communities across the Pacific Northwest, I have engaged deeply in many permanent and temporary rulemaking initiatives. Where necessary, Native Fish Society petitions for rulemaking before relevant state decision-making bodies including the Oregon Department of Fish and Wildlife and the Oregon Department of Forestry.

Through the lens of both a farmer and policy professional, I can attest that Oregon's existing statutes governing rulemaking are more than fair in their consideration of economic impacts to small businesses through the already established rulemaking statutes. Oregon's existing rulemaking processes are robust and favor special consideration for economic impacts at present. Further weighting the process in this respect threatens to hamstring the creation of administrative rules and regulations necessary to protect the interests of those things which have all too frequently been externalized within our economic system: human safety, ecosystem health, and environmental justice.

Opportunities do exist at present to improve agency rulemaking. Legislators and the governor should ensure that state agencies are engaging consistently with existing statutes. Where possible, I strongly urge agencies to involve the public in the formulation of proposed rules and regulations far in advance of initiating the formal rulemaking process. Open, frequent communication between agencies and stakeholders can build respectful working relationships and identify and address potential pitfalls in advance. At present, there is a great divergence among the agencies in their efforts or ability to effectively engage with relevant stakeholders. This can engender distrust and resentment. I encourage the legislature to do what it can to ensure that existing rulemaking statute is being applied uniformly and transparently. Further, the natural resource agencies are limited by dwindling budgets and staff. All too often, their limited bandwidth must be dedicated to emergency issues. This results in necessary but less urgent rulemaking processes to be postponed or abandoned altogether. I urge the legislature to adequately fund the budgets of the natural resource agencies so that they have the staff necessary to execute the formulation and implementation of necessary regulatory policies.

Thank you for considering these comments. I urge you to oppose HB 2334.

Sincerely,



Jennifer Fairbrother

NFS Conservation Director & family farmer