

My name is Brenda Frketch and I farm in the St. Paul area. I am strongly urging you to oppose HB 2205. This bill would allow for any person, environmental group or other organization to file a lawsuit against my business for any perceived violations of Oregon laws. The open free for all in liability that this bill could create is terrifying for me as a business owner and puts everything I work for at risk.

State agencies are given the responsibility to enforce state laws. This bill would take that away and place them in our already overburdened court system. A place where judges deal with cases ranging from criminal law to fraud to child support on a daily basis. Judges are not – nor should they be – subject matter experts on the myriad of Oregon laws that agencies routinely enforce.

This bill is worse than the federal citizen suit provisions – which environmental groups have abused to make millions – because it would allow a direct cause of action against individual farmers and ranchers, not just the agency that the group didn't feel was correctly applying the law. It would also allow the plaintiff to collect a portion of the civil penalties associated with the violation if their lawsuit is successful. At the federal level, this monetization of lawsuits has created a robust incentive to "sue and settle" knowing that it's often cheaper to settle a lawsuit than to litigate claims to completion. Please don't open my farm up to endless litigation we cannot afford. Unlike these groups, we do not have attorneys on staff. One baseless lawsuit could easily cost me my business.

This will also undermine existing enforcement authority with ALL state agencies. Even if it is scaled back to focus solely on BOLI and OR-OSHA, it will divert the agency attention away from education and enforcement in order to focus on responding under tight timelines for notices under this bill. No state agency will operate efficiently or effectively under the new lawsuit regime established by HB 2205.

This bill would have an enormous impact on farms and ranches statewide, both as written and if narrowed to wage and hour claims. I urge you to oppose this bill.