



Testimony in Opposition to HB 2205
House Committee on Judiciary Subcommittee on Civil Law
February 24, 2021

On behalf of the Oregon Wine Council, we are writing to express our strongest opposition to HB 2205, which would threaten every employer in Oregon with the burden of unwarranted lawsuits, including one of Oregon's most prized industries, the Oregon wine industry.

The Oregon Wine Council represents over fifty percent of the Oregon wine grapes grown, produced and sold and our members are deeply concerned by the proposal in HB 2205. This bill would allow any individual or opportunistic attorney to bring a lawsuit against an employer, such as one of our small, family-owned wineries, on behalf of the state for any statute with a civil penalty. This creates an enormous threat for many of our members, both large and small, who could be forced to defend themselves from lawsuits as a result of the most minor, unintentional infraction, ultimately impacting the sustainability of the business and its ability to continue to provide employment.

Many of our members have seen the devastating impacts of the similar Private Attorney General Act on wineries and vineyards in California, which allow one employee to sue on behalf of all other employees, whether other employees want them to or not, in the name of the State. These claims are similar to class action suits, but don't require the same certification as a class action suit. As our industry colleagues in California will attest, not only has this legislation caused significant harm to wineries and vineyards, it has also led to a steep increase in the number of lawsuits filed in the state, overburdening California's court systems. In addition, the California PAGA bill has benefited not employees, but trial attorneys, who often receive the vast majority of any PAGA lawsuit payouts outside of the state.

In Oregon, we know that HB 2205 has the potential to not only undermine the existing enforcement of state agencies, but it will also overburden all of our state agencies, which will be unable to operate efficiently or effectively under what we anticipate will be a new avalanche of lawsuits established by this legislation.

HB 2205 is a bad bill that will impact every single Oregonian, every business and every employer. The breadth and impact of this concept will create dangerous risk exposure with little benefit for employees. On behalf of our wineries and vineyards who are deeply concerned by this concept, we urge you to please oppose HB 2205.

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