

Submitter: Devon Wells

On Behalf Of:

Committee: House Committee On Business and Labor

Measure: HB4002

Chair Holvey, Vice Chairs Bonham and Grayber and members of the committee,

Thank you for the opportunity to provide comment on House Bill 4002, the proposed agricultural overtime bill. The Hood River County Farm Bureau represents many apple, cherry and pear growers in Hood River County, who employ over 1,000 workers year-round and over 7,500 during peak season.

We appreciate the legislature working hard to find an Oregon solution to agricultural overtime, however HB 4002 fails to address the uniqueness of our industry. Tree fruit growers are price takers. Meaning, our members do not get the luxury of setting the price of our crops. Instead, they compete in the global market and are told the price purchasers are willing to pay. This eliminates a farmer's ability to increase the price of their products in the way other industries can when labor or other cost inputs increase. Leaving them with two options – absorb the cost, which for many family farms means operating in the red year after year or stop farming altogether, laying off agricultural workers in the process.

Tree fruit orchards are also one of the most labor-intensive sectors of the agriculture industry. Correctly pruning and thinning fruit trees is critical to harvesting a healthy crop and the hand-labor workers that perform this work are irreplaceable. Not only because our members value their workers and often employ the same families for generations, but because a machine does not exist that can perform this work. Mechanization is simply not an option. It is because of these unique characteristics of our industry that we must have an Oregon solution to agricultural overtime. A policy that includes seasonality with peak weeks to allow farmers and farmworkers the flexibility to work extra hours during a narrow set of weeks throughout the year.

Additionally, the bill does not take into consideration wages paid on a per-piece rate. How will this be calculated? Ag employees are already making between \$25 and \$50 per hour when working by piece rate picking apples, pears and cherries. You expect us to pay overtime on top of those wages?

As introduced and with the latest round of Committee amendments, HB 4002 phases-in a 40-hour overtime mandate while simultaneously phasing-out tax credits for farmers. A temporary tax credit is simply delaying the inevitable for our members – going out of business.

We ask that you oppose HB 4002 and work with our growers to craft an Oregon

solution to agricultural overtime. One that recognizes the unique seasons of our industry, preserves farmworker jobs, and treats both farmworkers and farmers fairly.