

My name is Lesley Tamura, and I spoke during the public testimony hearing in the first panel of speakers on behalf of the tree fruit growers of Hood River and Wasco counties. I spoke about the need for genuine compromise. I then stayed to listen to the next 3.5 hours of testimony. It was a long and difficult evening for everyone involved.

In our complicated and modern world, nothing is simple. There is rarely an issue that is “black and white.” Farmworker overtime pay is certainly an issue full of shades of gray. I know there was a lot of testimony from people outside of agriculture, especially labor unions that represent other industries. While I respect their right to speak to this issue, I strongly encourage you to focus on those that are most directly affected by this legislation: farmworkers and farmers. You heard from many in both groups last night.

A few people who spoke last night acknowledged a fundamental truth at the heart of this issue: both sides are right. Farmworkers are a critical part of our industry and deserve to be treated fairly for the work they do – AND – most farms cannot afford to pay an overtime rate at a 40-hour threshold and could very easily go out of business. If we accept both of these truths, how do we move forward? How do you reconcile those two truths into a piece of legislation that acts as a blanket rule for an industry that is constantly teetering on the edge of survival? You say that we are not responsible for the wrongs done in the past, but you’re about to sacrifice us in order to right those wrongs. What have we done to deserve that? I know that it feels easy to paint agricultural employers as the villains of this story, but we aren’t. Just like everyone else, we are doing our best to survive.

Objectively, I know that the tax credit proposals are a well-intentioned attempt to offer us the help we are begging and pleading for. And they will offer some help, for a year or two. But what do you think will happen when the transition and tax credits are finished and we are left to pay this additional expense, especially as labor costs continue to rise? Do you think we can magically change how crops are grown? Do you think we will magically earn enough money to absorb this cost? Some growers spoke of investing in mechanization; the tree fruit industry cannot do that. Those machines do not exist for our crops, and due to the delicate nature of tree fruits and seasonal window of time we deal with, they probably never will.

The way I see it, there are only two options:

Option #1: You choose to prioritize the needs/wants of one side over the other. And you have made clear throughout the last year that you will absolutely prioritize farmworkers over growers. Not all ag operations will go out of business; those that are vertically integrated and/or large corporations are more equipped to absorb this cost, and those that can pivot to other solutions (different crops or mechanization) might have a chance. But my orchard will go out of business, and so will many others. “We will not survive this.” I cannot tell you how often I have heard that sentence from my fellow growers, spoken in a fearful tone. And while some farmworkers will certainly benefit with higher wages or more time off, this will be detrimental to others.

Option #2: You find a true middle ground; NOT a transition plan, but a permanent policy that allows for some flexibility. Maybe this is an overtime threshold higher than 40, maybe it’s a seasonality accommodation. This option, while not perfect for anyone, at least gives the best chance for farmworkers to earn more money or have more time off while giving family farms the chance to survive. I know that labor advocates will likely not accept this and do everything in their power to fight it. But at least it is a true compromise and not just a temporary transition.

I recognize that you are stuck between a rock and a hard place, but let me be clear: you put yourselves in this position. You could have taken the time to put together a proposal that considers the nuance required, but you did not. You brought this legislation forward and then spent months telling anyone and everyone that it is your immediate priority. It is your responsibility to find a way forward that does the least amount of damage; allowing this to go to BOLI because it lets you off the hook is the coward’s way out and is unacceptable. You have a very limited amount of time to be the leaders that you claim to be and were elected to be. The future of Oregon’s family farms is in your hands.