



March 16, 2023

Chair Kathleen Taylor, Vice Chair Daniel Bonham  
Senate Committee on Labor and Business

***Re: Oregon Farm Bureau Federation Opposes SB 907***

Chair Taylor and Members of the Committee:

The Oregon Farm Bureau Federation (“OFB”) urges your opposition to SB 907. As a reference, OFB is the state’s largest general agriculture association, representing over 6,000 families engaged in farming and ranching, many of whom would face increased liability and regulatory uncertainty if SB 907 were to pass.

OFB members prioritize the safety of their employees, whether in the context of heat and other extreme weather events, use of ladders, pesticide applications, on-farm housing, or protocols around the safe use of heavy equipment. They do this through worker training and policies they have instituted voluntarily and in response to government mandates.

As the committee is aware, OR-OSHA has taken significant steps over the last several years to protect workers from the SARS-CoV-2 virus, manganese exposure, excessive heat, smoke particulate, pesticides, and other potential occupational hazards, such as those associated with on-farm worker housing. OR-OSHA has adopted numerous regulations intended to protect agricultural workers, and farm and ranch families are working hard to understand and comply with new and increasingly complex regulations promulgated by OR-OSHA to maintain a safe and healthy workplace.

OFB does not believe SB 907 is necessary, nor does it clarify existing retaliation protections for workers. In fact, SB 907 complicates compliance with existing Oregon OSHA (“OR-OSHA”) workplace safety laws and creates immense liability for family run businesses, as many of the definitions regarding “what is reasonable...” in SB 907 would be determined by the courts. SB 907 ignores the existing OR-OSHA regulatory framework that is intended to protect workers and defers to the individual employee to determine what is “dangerous”—eliminating the requirement to notify OR-OSHA of the hazard and denying the employer the opportunity to remedy the situation.

In Oregon, **the right to refuse dangerous work already exists**. Federal OSHA and state law grant workers a right to refuse dangerous work, and OR-OSHA has been proactive over the last five years, adopting some of the strongest workplace safety regulations in the country. Additionally, **workers are already protected against retaliation and discrimination by employers when they report workplace safety violations**,<sup>1</sup> and the Bureau of Labor and Industries (“BOLI”) provides easy-to-access to a complaint form on their website.<sup>2</sup>

Proponents highlight heat exposure as one of the problems that SB 907 is intended to address, but fail to acknowledge OR-OSHA’s robust heat illness prevention rule, which is among the strongest in the United States. Adopted on a temporary basis in 2021 and expanded in May 2022 in a permanent rule, OR-OSHA’s heat illness prevention rule is triggered at a heat index of 80 degrees Fahrenheit and requires<sup>3</sup>:

- Access to shade
- Sufficient cool or cold water
- Training on environmental and personal risk factors of heat, compliance with OR-OSHA’s heat rules, how to adapt to working in a hotter climate (e.g., acclimatization), the importance of employees immediately reporting symptoms or signs of heat illness, the effects of nonjob factors – such as medications, alcohol, and obesity – on tolerance to heat stress, the main types of heat-related illnesses, and the importance of frequent consumption of small amounts of water
- An acclimatization plan for employees
- Implementation of an emergency medical plan that includes responding to employees’ symptoms, contacting emergency medical services, and providing clear directions to emergency responders to the site

At a heat index of 90 degrees Fahrenheit or above, OR-OSHA requires that employers:

- Ensure consistent, two-way communication with employees at the worksite, a mandatory buddy system, or other effective means of observation or communication
- Designate and equip 1+ employees to contact emergency response services
- Ensure that each employee takes heat illness prevention rest breaks according to one of three schedules outlines by OR-OSHA, which increase rest breaks and decrease intervals between breaks as the heat index increases

OR-OSHA also recently adopted wildfire smoke protections for workers, requiring employers to track the air quality index (“AQI”) throughout the day and ensure that respirators are available whenever the AQI exceeds 101. At an AQI of 251, employees are required to wear respirators, and at an AQI of 500 or above, employers must implement a full respiratory protection program for all exposed employees or stop work. Like the heat illness prevention rules, OR-OSHA’s wildfire smoke rules are among the most protective of our neighboring states.

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<sup>1</sup> [ORS 654.062](#)

<sup>2</sup> <https://www.oregon.gov/boli/workers/Pages/retaliation-complaint.aspx#:~:text=It%20is%20illegal%20for%20your,or%20illegal%20activity%20at%20work>

<sup>3</sup> <https://osha.oregon.gov/OSHAPubs/factsheets/fs91.pdf>

Despite conversations with proponents of SB 907, OFB remains unsure of what workplace safety concerns or gaps SB 907 is attempting to remedy. Current law provides workers with the right to refuse dangerous work, modeled off federal OSHA's right to refuse work.<sup>4</sup> Oregon law also provides workers with protections from retaliation when they raise an issue of workplace safety. Further, OR-OSHA is very proactive in proposing and adopting rules to ensure the health and safety of workers in all workplaces. SB 907 does not provide clarity but instead creates liability for family farmers and ranchers who are working to comply with OR-OSHA workplace protections.

Many family farms and ranches in Oregon are at their breaking point as a result of record inflation, skyrocketing fuel and fertilizer prices, natural disasters, drought, shipping challenges, low commodity prices, and recently passed or adopted workplace mandates. Small farms are literally being priced and regulated out of business in this state.<sup>5</sup> SB 907 saddles Oregon's farm and ranch families with unnecessary uncertainty and liability, and consequently, increases the cost and risks associated with operating a farm in Oregon.

OFB respectfully urges your opposition to SB 907.

Sincerely,

A handwritten signature in black ink, appearing to be 'JD', with a long horizontal stroke extending to the right.

Jenny Dresler  
Lobbyist  
Oregon Farm Bureau Federation

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<sup>4</sup> <https://www.osha.gov/workers/right-to-refuse>

<sup>5</sup> [Pulling up stakes: Why some farmers are leaving the West Coast | California | capitalpress.com](#)