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Co-Chair Helm, Co-Chair Owens, and Committee Members,

I am not only a family farmer and fourth-generation pear grower; I am also the board chair of Columbia Gorge Fruit Growers Association, representing the pear, cherry and apple growers in the Mid-Columbia region. In this position, it is my responsibility to advocate for my fellow growers, to support legislation that will benefit us and fight against legislation that will harm us. I have worked with our agricultural coalition to fight against harmful legislation and rulemaking at the state level and seen firsthand the damaging impact of lawmakers that do not listen to industry concerns.

I am grateful for your vigilant scrutiny of every bill presented to your committee. We need that scrutiny to make sure that we are not the victims of additional rules that push us closer to losing the family farms that are so critical to Oregon's history and economy. As a family-farmer myself, I live with the daily anxiety and fear that this year's crop will be the last one I grow because I cannot afford to keep up with Oregon's ever-growing list of compliance requirements.

The reason that I support this bill, HB 3010, is because I know with absolute certainty that it is not a threat to my industry. It is a support that will benefit employers and workers. If it included even the hint of additional regulation or threat, I would not support it. In fact, I would fight against it as publicly as possible.

This bill requires that OSU's Pesticide Safety and Education Program (PSEP) develop a Spanish-language Worker Protection Standard training that is delivered in-person. It does NOT mandate that employers use this program, nor does it take away any options employers currently have for training their employees. It adds an additional resource that employers can voluntarily use. As an employer who has had access to this type of program already from Washington State's Department of Agriculture, I know how beneficial it is to have this resource available.

As a small family farmer, I wear many professional hats. On any given day, I can serve as crew leader, bookkeeper, human resources, landlord, pesticide handler, and lowly grunt fetching tools and supplies. I don't have a compliance and safety manager I can direct to train my employees; it is my job and mine alone. Having an outside resource I can use at times – like what we are asking Oregon to create – has only been a benefit to me.

This legislation is in direct response to industry need statewide, with the goal of alleviating regulatory burden on small farms. It directs OSU PSEP to develop a program that would provide a service to agriculture in a way that is not currently being done. PSEP's training courses have been focused on continuing education credits for pesticide license holders, and they currently provide a pre-license training in English. No one in Oregon offers in-person Worker Protection Standard training (including private contractors). This is why we appreciate that Washington State Department of Agriculture is willing to offer this training in the Columbia Gorge region.

Our local Soil and Water Conservation District recognized that there were opportunities for collaboration and support with the local ag industry a few years ago, and got right to work filling those needs. Working with Washington State Department of Agriculture, they created opportunities for continuing education and workforce development that many orchardists in the area take advantage of. Aside from Worker Protection Standard training, they offer respirator fit testing for pesticide handlers and applicators, Spanish-language leadership classes for orchard supervisors, and courses on orchard irrigation management. When they offer WPS training in the winter before we begin our spray season, dozens of family farmers choose to enroll our employees in these classes. In January 2025, three Worker Protection Standard classes were offered in Hood River; over fifty agricultural operations enrolled employees to participate in these courses, and nearly 200 people were trained, with so many more on a waiting list to enroll that another set of training courses is planned for later this spring.

When this service is available in Hood River, delivered by Washington State Department of Agriculture, people from all over Oregon attend. They come from Eugene, Salem, McMinnville, Woodland, Portland, Milton-Freewater, Dayton, Dufur, and The Dalles. They travel to Hood River just to attend these in-person courses because these opportunities do not exist elsewhere in the state.

While we as employers can and do provide this training, we also appreciate the opportunity for our employees to learn in a more interactive setting with others. This is why we value the benefit of in-person training; the trainers come prepared with interactive teaching methods that they deliver in ways I as an employer do not always have the time or resources to do. This program exists in Hood River because Hood River Soil and Water Conservation District recognized a need and a demand, and worked to fill that need. Agricultural employers responded by taking advantage of these trainings to the point that there are waiting lists for all of the courses offered because we value workforce development, as do ag employers in other areas of Oregon. We see this legislation as an opportunity for other regions of Oregon to have this same kind of access and opportunity.

This training I use from Washington State Department of Agriculture trainers does not eliminate my personal training responsibilities; I often send my “home crew” (those that work for me year-round) to be trained at these classes, but as I have other short-term seasonal employees throughout the year, I still provide the training to them. It is critical that I have the freedom to do both, since I never know when a new employee may show up during my pruning, thinning or harvest seasons and I need to train them before they can begin working.

I hope that you will see why we, along with other agricultural organizations, are in strong support of HB 3010. This is an opportunity for our lawmakers to demonstrate how much they value Oregon’s agricultural industry, by providing a resource – an optional resource, but a resource nonetheless - for the industry to meet the many regulatory compliance requirements we are held to.

Below I address some questions and concerns that committee members have shared:

Question: *Worker Protection Standard is a settled issue. Why are we revisiting it?*

That is absolutely correct, the Worker Protection Standard is a settled issue. The rule itself is not in question, nor are we asking to make changes to the rule. What this bill proposes is that a resource be developed to meet the regulatory requirements of Worker Protection Standard and that this resource be available state-wide.

Question: The written and audio-visual materials for Worker Protection Standard already exist in Spanish. Why is this necessary?

This bill would require the development of an **in-person** Worker Protection Standard training in Spanish, which currently does not exist in Oregon. Yes, there are instructional materials available in Spanish for employers to use, and those resources will continue to be available. This would add to the resources available so that there are written, audio-visual, **AND** in-person training courses for our Spanish-speaking agricultural workers.

Question: *This bill amends the statute to mandate that the state of Oregon delivers Spanish pesticide education to applicators and farmworkers across the state. Does this mean that the farmer (employer) will no longer be able to train their own employees themselves, or using their own interpreter or a bilingual employee?*

No, this does not remove any training option for employers to utilize. The federal OSHA and Oregon-OSHA Worker Protection Standard rules are clear that the person conducting Worker Protection Standard training meet one of the following criteria:

1. Be designated as a trainer of certified applicators, handlers or workers by the EPA or the state agency responsible for pesticide enforcement.
2. Have completed an EPA-approved pesticide safety train-the-trainer program for trainers of workers.
3. Be currently certified as an applicator of restricted use pesticides.

This bill does not change those requirements, it only provides additional people at the state level that are designated to provide this training. Employers can still conduct their own training as certified applicators and can still utilize their own interpreter and/or bilingual employee to interpret.

Question: *Does this bill mean that agricultural employers will be required to use state-developed curriculum and videos ONLY? If so, when will those be available, and will employers be charged for their use?*

No, employers will NOT be required to use state-developed curriculum.

Federal and state-plan OSHA rules require that all pesticide safety training must be EPA-approved. There are other EPA-approved curriculums available in written and audio-visual form free of charge that employers can continue to utilize. There are no requirements for employers to use any curriculum developed by state-led trainers. As long as the materials are EPA-approved, employers maintain the freedom to utilize whatever resources they choose.

This bill requires that Oregon develop a Worker Protection Standard program that can be delivered in Spanish for in-person instruction for voluntary use, but does NOT impact employers' ability to deliver this training to employees in whatever way they choose. Should this legislation pass, there will be an additional resource for employers to meet the Worker Protection Standard training requirements, but does not mandate employers to use this program nor does it change their ability to use the materials they have already been using.

Question: *When will this take effect?*

This will not create any additional compliance requirements and therefore will have no effective date for employers. The only timeline will be for OSU's Pesticide Safety and Education Program (PSEP) to develop and implement the program, and this will not create any requirements for ag employers or employees.

Question: *The bill funds 2 FT Spanish-language pesticide educators to be housed at OSU PSEP program. They would work directly with Spanish-speaking workers to deliver in-person pesticide safety training. Does this mean that every farm would have to hire OSU trainers to come to their farm every time they hire a new employee?*

No, employers are NEVER required to hire OSU trainers to provide this pesticide safety training. Employers can continue to train their employees as they have before (conduct the training themselves, use written or audio-visual materials, etc.), but will have an additional resource to meet this requirement if it is needed.

If you have any additional questions or concerns, I would appreciate the opportunity to address them further.

Thank you,
Lesley Tamura
Board Chair, Columbia Gorge Fruit Growers