

Enrolled House Bill 2548

Sponsored by Representatives VALDERRAMA, MUNOZ, NELSON; Representatives ANDERSEN, CHOTZEN, FRAGALA, GAMBA, HUDSON, NOSSE, TRAN, WALTERS, Senators JAMA, PATTERSON, PHAM K, TAYLOR (Presession filed.)

CHAPTER

AN ACT

Relating to labor standards for agricultural workers; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) The Higher Education Coordinating Commission shall distribute the moneys appropriated to it under section 3 of this 2025 Act to the Center for Public Service at Portland State University to be used by the center to conduct, in consultation with Oregon State University, a study examining the labor standards and working experiences of farmworkers in this state and evaluating the adequacy and availability of existing workplace protections for farmworkers.

(2) To the greatest extent practicable within the scope of allocated funding, the study must include, but need not be limited to, an analysis of the following:

(a) Health and safety risks, including work-related injuries and fatalities, experienced by farmworkers.

(b) Wages, including hourly and piece-rate compensation and work schedules.

(c) Availability of, and access to, benefits such as health insurance, retirement benefits and paid leave.

(d) Short-term and long-term financial security of farmworkers.

(e) Opportunities for farmworkers to raise workplace concerns or complaints.

(f) Harassment, discrimination or retaliation against farmworkers for asserting farmworkers' rights, and methods for preventing such actions.

(g) Availability of training and educational opportunities.

(h) Barriers to enforcement of labor protections and access to legal remedies.

(i) Employment conditions for farmworkers employed by farm labor contractors licensed under ORS 658.705 to 658.850.

(j) Working experiences of farmworkers subject to a labor contract made under a temporary employment visa program.

(k) The impacts on wages, working conditions and employment opportunities for local farmworkers resulting from the use of workers under a temporary visa program.

(3) As part of the study, the center shall:

(a) Engage with farmworkers and nonprofit organizations representing the interests of farmworkers to gain firsthand experiences and perspectives regarding the working conditions of farmworkers who work on a diverse range of farms that produce different types of agri-

cultural commodities, reflect different types of farm operations and are located in different geographic regions across this state using engagement methods, including but not limited to:

(A) In-person interviews;

(B) Focus groups; and

(C) Other engagement efforts carried out in partnership with farmworker-serving nonprofit organizations that have well-established relationships with the farmworker community.

(b) Conduct a confidential survey of farmers regarding the workplace benefits provided to farmworkers, such as health care stipends, housing, transportation, bonuses, paid vacation time and retirement benefits, and the factors that influence farmers' decisions about whether to provide benefits and which benefits to provide.

(c) To the greatest extent practicable, use data collection and reporting practices that protect the confidentiality of identities of individual farmers and farmworkers, including collection and reporting practices that:

(A) Present only summarized information or aggregated data that does not directly identify interviewees, survey participants, farm operations or the geographic location of such operations; and

(B) Include direct statements, quotations or personal experiences only if an interviewee or survey participant has provided express, informed consent.

(d) Integrate findings from the study completed by the Legislative Policy and Research Director under section 2 of this 2025 Act to be used as a reference framework to contextualize and inform the analysis of the working conditions of farmworkers.

(4) The survey conducted under subsection (3)(b) of this section must represent farmers from a diverse range of farms that produce different types of agricultural commodities, represent different types of farm operations and sizes and are located in different geographic regions across this state.

(5) The commission shall submit reports on the findings of the study, in the manner provided in ORS 192.245, to the interim committees of the Legislative Assembly related to agriculture, business and labor and natural resources, as follows:

(a) The first report must be submitted no later than May 1, 2026, and must provide the initial findings of the study.

(b) The second report must be submitted no later than September 1, 2026, and must provide:

(A) Updates to the initial findings; and

(B) A summary of the progress of the study.

(c) The final report must be submitted no later than December 1, 2026, and must:

(A) Include the final findings of the study.

(B) Describe the sampling process used to conduct the confidential survey under subsection (3)(b) of this section and a description of identified limitations in the survey sample data, if any.

(C) Demonstrate, without proposing formal or informal policy recommendations, how the final findings of the study were informed by and analyzed in conjunction with the study conducted by the Legislative Policy and Research Director under section 2 of this 2025 Act, regarding:

(i) The availability of, and access to, mandated and optional workplace benefits, including specific barriers farmworkers face in accessing such benefits;

(ii) Any identified gaps in the administration and enforcement of applicable laws and policies described under section 2 (2)(d)(A) of this 2025 Act;

(iii) Shortcomings in education and outreach by state agencies concerning farmworkers' rights;

(iv) Any identified gaps in workplace protections; and

(v) The effectiveness and accessibility of existing benefits, programs and protections for farmworkers, taking into account the dates of adoption and implementation of the relevant laws and policies establishing such benefits, programs and protections.

SECTION 2. (1) The Legislative Policy and Research Director shall conduct a study that includes data collection and assessment and a review of relevant studies, reports, publications and other relevant literature relating to the labor standards in the agricultural industry and rights and protections afforded to farmworkers in this state. To the greatest extent practicable within the scope of allocated funding, the study must incorporate:

(a) An assessment of data regarding the state of the agricultural industry for the five-year period beginning January 1, 2021, and ending December 31, 2025, that includes:

(A) Coordination with the Employment Department to obtain data on:

(i) The number of employers of farmworkers in this state.

(ii) The number of farmworkers who work on a seasonal basis versus farmworkers who work on a permanent basis, including any available data distinguishing farmworkers who are members of the employer's family from non-family members.

(iii) Farmworker wage data, including the number of farmworkers who are compensated on a piece-rate basis.

(iv) The total number of farms that hired, and the total number of workers hired, under a temporary visa program for the purpose of performing agricultural labor.

(B) Coordination with the Bureau of Labor and Industries to obtain data regarding the number of farm labor contractors licensed under ORS 658.705 to 658.850 and the number of farmworkers employed by farm labor contractors.

(C) Coordination with the State Department of Agriculture to:

(i) Identify shared elements across the criteria used by the department and the United States Department of Agriculture to classify family farms and apply those shared elements to determine:

(I) The number of family farms in operation in this state, expressed as a numerical count and as a percentage of the total farms in operation statewide.

(II) The distribution of farms in this state based on operational size and number of employees and which of those farms qualify as family farms under the applicable criteria.

(ii) Provide a breakdown of agricultural commodities produced in this state, including crop and livestock production.

(D) A review of the United States Department of Agriculture National Agricultural Statistics Service data for Oregon and, where feasible, comparisons with national data.

(b) A review of existing state and federal laws and regulations that provide workplace protections and benefits to farmworkers, including any training and outreach requirements that apply to farmworkers.

(c) An examination of how the following state agencies coordinate with each other in administering policies and programs regarding farmworkers' rights and protections and carrying out enforcement mechanisms regarding such rights and protections:

(A) The Bureau of Labor and Industries;

(B) The Department of Consumer and Business Services;

(C) The Employment Department; and

(D) Any other state agency deemed relevant by the director.

(d) An examination of peer-reviewed studies and research evaluating the impacts of the use of workers under a temporary visa program for purposes of performing agricultural labor on domestic farmworkers.

(2) The examination of the coordinated efforts across state agencies under subsection (1)(c) of this section, must include:

(a) A review of the policies of the Bureau of Labor and Industries with respect to complaints that may be lodged with the bureau.

(b) A review of existing farmworker training requirements for which the Bureau of Labor and Industries, the Department of Consumer and Business Services and the State Department of Agriculture are responsible, respectively.

(c) A review of available data and research of existing programs that aim to improve the health and safety outcomes for farmworkers or expand farmworker access to services and benefits.

(d) An evaluation of the respective responsibilities of the state agencies listed under subsection (1)(c)(A) to (C) of this section to:

(A) Investigate and enforce the following, as applicable to farmworkers:

(i) Wage and hour laws;

(ii) Workplace health and safety standards;

(iii) Workers' compensation requirements;

(iv) Laws and regulations prohibiting harassment, discrimination and retaliation for engaging in protected activities and invoking protected rights; and

(v) Laws and regulations related to pesticide safety and prevention of hazardous exposure.

(B) Administer the temporary visa program for purposes of performing agricultural labor on farms in this state.

(C) Collect and apply agricultural employment practice survey data issued by the United States Department of Labor for purposes of determining or applying prevailing wage rates for farmworkers.

(3)(a) In completing the study under this section, the director shall review relevant data and information that is made publicly available or made available through information shared by state agencies.

(b) To the greatest extent practicable, all agencies of state government are directed, to the extent permitted by laws related to confidentiality, to furnish information necessary for the director to complete the study under this section. The furnished information must be disaggregated and may not include any personally identifiable information about individual farmworkers or employers of farmworkers.

(4) The director shall submit a report in the manner provided by ORS 192.245 to the interim committees of the Legislative Assembly related to agriculture, business and labor and natural resources no later than September 15, 2026. The report must include the findings of the study and identify any limitations encountered in accessing or collecting data, including where information was unavailable or incomplete.

SECTION 3. In addition to and not in lieu of any other appropriation, there is appropriated to the Higher Education Coordinating Commission, for the biennium beginning July 1, 2025, out of the General Fund, the amount of \$666,791, for distribution in accordance with section 1 of this 2025 Act.

SECTION 4. Sections 1 and 2 of this 2025 Act are repealed on January 2, 2027.

SECTION 5. This 2025 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect on its passage.

Passed by House June 25, 2025

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Timothy G. Sekerak, Chief Clerk of House

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Julie Fahey, Speaker of House

Passed by Senate June 27, 2025

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Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2025

Approved:

.....M.,....., 2025

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2025

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Tobias Read, Secretary of State