

HB 3194

Chair Kropf, Vice-Chairs Chotzen and Wallan, Members of the Committee,

My name is Lesley Tamura, and I am a pear grower in Hood River County and the board chair of Columbia Gorge Fruit Growers Association.

I **OPPOSE** House Bill 3194 because it makes landowners and housing providers legally and financially responsible for situations out of their control and essentially makes them into collateral damage of illegal cannabis operations.

I'm certainly not in support of the illegal cannabis industry. The danger and exploitation people face in these situations is terrible, and these operations should be dealt with. Those who have been victimized by this system deserve justice. But this is not the way to do it; what this bill proposes goes so far beyond the illegal cannabis industry and only creates more victims of their damage.

As the agricultural industry continues to consolidate due to low income and high costs, some farmers and growers are trying to expand their operations because the only way to stay in business is to have more acreage to run, to have economies of scale. Here in the Mid-Columbia region, when people can no longer afford to run their own orchard or when they are ready to retire with no successors in place, many choose to lease their property rather than sell it outright. This happens for various reasons: the landowner may need to continue living in their home on the property because they don't have anywhere else to go, or they feel such a strong tie to it that they want to stay there even if they are not operating the orchard, or perhaps the land is the only financial asset they have and want to continue ownership because they depend on it for rental income. Some owners may stay on their land, others may choose to live elsewhere. Because land is so expensive to purchase, leasing is often the only way for new and beginning farmers to get started in this industry, and it's often the only way for others to expand their operation to stay in business.

Proponents of this bill claim it is a myth that landowners have no way of knowing that illegal cannabis is being grown on their property because these operations need large amounts of water and generate a lot of garbage. This is untrue. For landowners that are not physically present on their property, they have no way of knowing how much water is used or how much garbage is generated. Even for those that are physically present, they may not have any way of observing or tracking water use. On my own property, I can only tell you approximately how much water I use because I can walk up and down the rows to count how many sprinklers are running at one time and calculate approximately how much water they put out. But if someone were to take over operating my orchard, I have no way of knowing how much water they use because nowhere in the chain of supply does it get measured and communicated to me as a landowner. I know how much I am technically allotted under my water rights, but there are also places along the supply line that this could be manipulated without my knowledge. And if someone were able to pump water from a nearby stream or river to use on my land, I would have no way of knowing it's happening.

Proponents also claim it is a myth that this bill will harm honest farmers because they say there is no liability for farmers who are licensed to provide housing. Again, this is wrong. I have five housing units on my property that my employees live in; three of them are registered with Oregon OSHA, and two of them are not because they are NOT REQUIRED TO BE registered as single-family units. Section 5 of Oregon OSHA's Ag Labor Housing rules says that single family housing is not required to be registered. In fact, because Hood River growers often house our permanent employees and the employee's family members year-round, many of our housing units are single-family units that are not registered – again, because they are not required to be. We are following the state's compliance rules and doing everything legally and correctly, and yet under this proposed bill we will be open to a huge amount of liability.

Under HB 3194, property owners must prove they had “no actual knowledge or reason to know [that a farmworker camp didn't comply with the law].” This is not a standard that can be easily proven; how is someone supposed to prove a lack of knowledge? This will inevitably lead to someone facing steep penalties and legal claims for something they had nothing to do with, or because this bill creates a loophole in the law that can be taken advantage of. I understand that the goal is to disincentivize landowners from leasing their property to cartels for cannabis growth, but the assumption that landowners must be aware of these things and therefore should be held jointly liable is simply not true. It is also not true that housing providers with unregistered housing are doing anything wrong, as we are legally allowed to have unregistered housing in specific circumstances.

This bill casts a net that is far too wide and creates a liability nightmare for so many that are operating within the law and the state's rules and have not done anything wrong.

Landowners and legitimate farmers stand ready to help fight the illegal marijuana problem in Oregon, but this is not the solution. **I ask you to OPPOSE House Bill 3194.**

Thank you,
Lesley Tamura

Tamura Orchards, Inc.
& Columbia Gorge Fruit Growers