



House Committee on Labor & Workforce Standards

March 4, 2025

Oregon Farm Bureau Comments on HB 3193

Oregon Farm Bureau (“OFB”) is the state’s largest general agriculture organization, representing over 6500 family farms and ranches that produce more than 220 agricultural commodities. Our members utilize all farming methods including organic, conventional, regenerative, biotech, and even no-tech. Some farms employ many workers and others are run solely by the family. There is no one-size-fits-all when it comes to our diverse agricultural economy.

In 2022 Oregon OSHA (“OR-OSHA”) adopted two climate-related workplace safety rules that apply to nearly every workplace: **heat illness prevention** and **wildfire smoke**. During the rulemaking process, OFB and other business groups submitted comments that explained how the rules could create work stoppages due to their cost and liability for employers. That prediction has largely been borne out for the heat rules, and many local farms shut down operations before midday on hot summer days to control costs. The wildfire smoke rules were amended in May 2024 to a more reasonable standard but do create compliance challenges for some sectors.

Oregon’s Heat Illness Prevention rules have had an impact on take-home pay. In 2022 OR-OSHA adopted the most protective heat illness prevention rules in the country (OAR 437-002-0156), applying regulations to indoor and outdoor workplaces. Shade and water requirements apply at a heat index of 80 degrees. However, the rules become costly for farm employers when the heat index reaches 90 degrees F. And once the heat index exceeds 95 degrees, the rules require paid rest breaks of between 15-45 mins per hour, depending on a variety of factors including work type and employee attire. One of the permitted rest break schedules is posted below:

<u>Heat index (° F)</u>	<u>Rest break durations and intervals</u>
<u>90 or greater</u>	<u>10 minutes every two hours</u>
<u>95 or greater</u>	<u>20 minutes every hour</u>
<u>100 or greater</u>	<u>30 minutes every hour</u>
<u>105 or greater</u>	<u>40 minutes every hour</u>

Note: The Table 2 heat illness prevention rest break schedule is only required during the specified heat index.

The rest break requirements are not economically feasible for most farms. To control costs and reduce risk during warm summer months, many operations begin the workday early in the morning and close operations when the heat index reaches 90 degrees. On warmer days, that heat index is often achieved by 10:00 AM. This rule has had the effect of **creating shorter workdays** and **less predictability and income** for growers and workers.

It is for this reason that **OFB is neutral on HB 3193**. We know that workers have experienced reduced work hours and lost income due to OR-OSHA's Heat Illness Prevention rules, just as our members have. We also appreciate that the legislature is not considering an additional workplace mandate with HB 3193. Our members are struggling to keep their operations viable, and we appreciate the bill's sponsors recognizing that family farms and ranches cannot afford to pay for time lost due to extreme weather events. Those events also impact the farm's bottom line and make it even more challenging to survive. Market pressures, trade, extreme weather, pests, disease, yields, state regulations, and tax burdens all play a role in the viability of the farm and the jobs that each operation is able to provide. HB 3193 addresses one of those factors for workers in a very complicated and unpredictable industry.

OFB urges lawmakers to consider including a **worker education component** in HB 3193 to clarify its scope—specifically, that it does not establish protected leave. Without clear communication, workers might mistakenly assume this bill provides leave protections for weather-related disruptions, such as a rainstorm, when it does not. For example, missing a scheduled shift due to weather not covered by existing laws does not apply, unlike specific situations covered by Oregon Sick Time or the Oregon Family Leave Act, such as during public health emergencies. Educating workers about what HB 3193 does—and does not—cover, alongside awareness of other applicable benefits, could prevent confusion and ensure realistic expectations

Thank you for the opportunity to comment.