

My name is Willy Dinsdale; I am the owner and manager of Blue Heron Farm in Salem and a third generation Oregon farmer and I humbly submit the following testimony to the committee in regard to HB 2548:

I would like to begin my testimony by enumerating what is at stake should this bill pass. It is an existential threat to Oregon farmers and Oregon agriculture. The burdens and costs built into this bill will slowly extinguish all but the very largest operators. Family farms, operated by owners living in the communities where they farm, will be replaced by venture capital-funded absentee investors farming thousands of acres with no personal connection to the land or the community. I know this because it has been happening for the last 10 years up and down the Willamette valley. Farm ownership is little more than a temporary vehicle for sheltering money earned in other enterprises from taxation for these investors. The end result will be an extractive economy in which profitability is irrelevant. If a given enterprise succeeds in a year, the money flows onto an out of state balance sheet. If it fails then a beneficial tax deduction devolves to the investors. Meanwhile the know-how and ingenuity of Oregon farmers, once lost, will not be recoverable.

How does this bill lead to that dark outcome? It adds cost, management and the threat of legal suit to every facet of the employer-employee relationship. I would add that nearly every enumerated responsibility for the Workforce Labor Standards Board (WLSB) is redundant and already addressed in exhaustive detail by existing state laws and agencies. Inquiries from BOLI (Bureau of Labor and Industries), the ODA (Oregon Department of Agriculture), OSHA (Occupational Safety and Health Administration), SAIF (State Accident Insurance Fund), DSL (Department of State Lands), the OWRD (Oregon Water Resources Department) and others are a routine demand on farm resources. A few months ago a BOLI compliance review required 33 hours of work to furnish all the historic payroll information they requested. There was no follow-on to the compliance review nor any indication why it was necessary in the first place. This is not atypical and we spend a disproportionate amount of time reacting to these inquiries. Another layer of oversight supplied by a body whose mandate is to expand on existing agency rules ensures more costly and onerous efforts to adapt to whatever topic has landed in their crosshairs. Are the existing state agencies and their rules not up to the task of providing farm workers with safe and fair working conditions?

The remit of the WLSB includes setting compensation rates to include piece rates for agricultural workers. As anyone who has worked a harvest for piece rate wages knows the harvest conditions are as important or more to their earnings as the pay per piece. Would the WLSB-established piece rate take account of harvest conditions or fruit varieties or fruit size or concentrated ripening or any of the other important variables that affect piece rate earnings? Would it even be possible to do so? The subtleties of piece rate pay are too complicated to trust to a board of 9 appointees for the entire state. Market forces already do an excellent job of setting a fair piece rate with the backstop of the state minimum wage should piece rate earnings not reach that level. More redundant and costly provisions are added in the paid benefits portion of HB 2548. Paid leave is already provided by Paid Leave Oregon, workers' compensation is already required and administered by SAIF. Additional training standards and certification will be established on top of the suite of trainings already required by OSHA and BOLI. It all adds up to more expense, more time and a greater burden on Oregon farmers.

It is worth digressing briefly to note that most Oregon farm products are commodities that can be grown in other states and countries and there is already evidence that whole sectors of the agricultural economy in Oregon are beginning to migrate to states and countries with lower costs of production. As price takers we cannot simply raise prices on our goods and products to cover increased costs. Also worth noting is the incentive to mechanize created by making the burden and cost of employment greater. Crops amenable to mechanization tend to be lower value and lead the arc of Oregon farming from higher value and greater intensity to lower value and lesser intensity, a trajectory at odds with most county comprehensive plans.

The final provision in HB2548 terminating at-will employment in Oregon agriculture codifies an adversarial relationship between employee and employer that will depress farm worker hiring and damage the competitiveness of Oregon farms. This section of the bill guarantees lawsuits, whether frivolous or warranted, will be levied against farmers and labor contractors and will saddle both with expensive legal bills and uncertain labor availability for time-sensitive work. Why is agriculture being singled out for this aggressive escalation of state authority?

If you value the ongoing viability of family farming in Oregon please kill this bill.