

*Testimony in opposition to SB 999 (2025)*

Chair Taylor, Vice-Chair Bonham, and Members of the Committee:

My name is Kate Suisman. I am an attorney at the Northwest Workers' Justice Project (NWJP). Thank you for the opportunity to provide testimony on this important bill. We represent workers in low-wage jobs when bad things happen to them at work: when they are not paid, or are discriminated against for being in a protected class or are retaliated against for speaking up. Finally, we engage in policy advocacy and try to bring the important perspectives of workers in low-wage jobs and immigrant workers to these policy discussions.

As I shared when I testified twice on this concept in the last week, this is a bigger change than it may appear to be on its surface and, as written, will leave some farmworkers with little or no protections in unsafe housing situations. It is much too big to be done quickly, halfway through session, without consulting affected workers. There was also a significant error in the -2 which makes it difficult to fully analyze the concept. (At the hearing, proponents said that Section 1(1)(b) was written to exclude seasonal housing when the intent was to exclude permanent housing.)

Under the -2 amendment as I understand its intent, workers in certain types of housing would have many *fewer* protections than they currently have. Though proponents originally pitched this idea as moving certain types of housing *from* OR OSHA's jurisdiction *into* Landlord/Tenant (LL/T) protections, that is not what the -2 amendment does. It offers only the limited protection of ORS 90.320, the habitability section of the LL/T statute, and none of the other protections of the lengthy LL/T statute- ORS 90.100 *et seq.* Those protections include screening charges, landlord access, rent increases, damages for habitability violations, counterclaims against a landlord, retaliation by a landlord and dozens of others. I am not a housing lawyer but I believe there is currently no way for these would-be newly excluded workers to enforce their rights under ORS 90.320, which is a significant problem for workers who would need a venue in which to address habitability issues.

The -2 would exclude far more housing than what you may imagine as single family homes from Oregon OSHA's protections. This exclusion would also apply to trailers, which can be high-quality homes or can be hazardous and unimproved, as well as sheds, shacks and other isolated dwellings. Many agricultural entities provide housing to workers that is decent and safe. Some however do not, and workers in this substandard housing would have little recourse, as mentioned above.

We have also seen year-round housing in various industries including but not limited to the following list that would be excluded from protections under the -2 framework:

- Dairies
- Nurseries
- Livestock
- Pear growers and other growers who may have seasonal crops but allow workers to stay year round for the growers' convenience and as a benefit to the worker.

Workers who are housed year round in employer-provided housing need strong protections- they are still living on or immediately adjacent to farms, which comes with many unique health and safety risks. These

workers are also still *tenants of their employer*, a precarious situation in many cases because you are at risk of losing both your job and your home if you speak up or otherwise rub your employer the wrong way.

The bill also inserts the concept of housing that is provided “as a term or condition of employment” into the definition of farmworker camp. Inclusion of this concept would introduce more uncertainty into which, if any, protections apply. The reality for many workers is that on-farm housing is often the only type of housing they can afford, and/or that is near to the farm. If an employer offers housing but does not require a worker to live there, would this be a term or condition of employment? This legal grey area would leave workers, and employers, unsure about which protections, if any, apply.

Another concern is the many things that are likely *not* included in LL/T habitability protections but *are* included in the recently-updated OR OSHA Agricultural Labor Housing (ALH) rules:

- No charging for services - toilet paper, paper towels for handwashing, laundry, soap, etc.
- Enhanced water testing for nitrates and other dangerous groundwater contaminants
- Locking of toxic materials
- Distance from the fields for livestock workers
- At least one electrical outlet for two workers
- Signage from road to housing for emergency access
- Handwashing station requirements for common use areas - soap, towels
- Laundry facilities/place to hang clothes
- Cleaning of common-use (5 or fewer) bathrooms
- Bed provided for each occupant
- No triple bunks
- A safe manner to access the top bunk
- Screens on windows
- Minimum amount of window space
- Private sleeping area for members of each sex /family
- Mattresses in good repair/cover/cleaned
- Refrigerator - in working condition
- Burner - in working condition - requirements for protection behind wall
- Food prep area/food storage
- Locked storage for personal belongings
- First aid supplies
- Table and chairs
- Closure and replacement of housing if not habitable
- Housing must be kept to specific cool temperatures

This long list of protections is based on the specific risks and realities of farmwork, and is the result of a six-year rulemaking process- it is not arbitrary. Permanent workers may need these protections even *more* than seasonal workers, since the risks are constant and ongoing, rather than borne for a few months at a time.

I am also concerned that changes may put Oregon out of compliance with federal OSHA standards, and the state could get dragged into lengthen legal protections. The current enforcement system has been in place for decades, and I hope there is great thought put into any changes and unanticipated consequences.

In short, I have serious concerns about the framework of SB 999 and do not believe it should be rushed through the legislative session. Thank you.