

Written Testimony in Opposition to Proposed HB 2548 and -7 Amendment
Submitted to the Oregon Legislative House Committee on Rules.
By: Ken Polehn, Family Farmer, The Dalles, Oregon
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Chair Bowman, Vice Chair, and Members of the Committee:

My name is Ken Polehn, and I am a multi-generational family farmer in The Dalles, Oregon. I write today in respectful opposition to both the original bill and the proposed -7 amendment currently under consideration.

Oregon Agriculture Already Operates Under Comprehensive Regulation

Farm employers in Oregon are already held to a high standard by a broad and well-established framework of federal and state laws. These laws include, but are not limited to:

The Fair Labor Standards Act (FLSA) and Migrant and Seasonal Agricultural Worker Protection Act (MSPA) at the federal level;

The H-2A Temporary Agricultural Visa Program, which has stringent wage, housing, transportation, and recruitment requirements;

Oversight by OR-OSHA, which has implemented some of the most protective heat and smoke rules in the country;

Enforcement by BOLI, which ensures compliance with Oregon's minimum wage laws, paid sick leave mandates, and anti-discrimination protections.

In short, Oregon farmers are already subject to rigorous oversight regarding worker safety, pay, and fair treatment. The creation of a new unelected board with the power to unilaterally increase wage rates, set rest breaks, limit work hours, and impose penalties would duplicate and confuse the existing regulatory landscape, while removing accountability from the legislative process.

A New Study Does Not Justify Suspending Due Process or Farm Viability

While the -7 amendment removes the immediate regulatory board, it directs Portland State University's Center for Public Service to conduct a study shaped by farmworker advocacy groups. While I support fact-finding and inclusive dialogue, this approach raises serious concerns:

1. Lack of Balance in Scope and Input: The study's framework appears heavily influenced by a single perspective—without equal representation from farm employers, workforce managers, rural communities, or those tasked with actual compliance and labor law enforcement.

2. Redundancy of the Topics Studied: The study will review wages, benefits, health and safety, training, enforcement gaps, and H-2A impacts—all areas already under the jurisdiction of OR-OSHA, BOLI, and the U.S. Department of Labor. This raises the question: what is the study's purpose if not to build a case for future legislation to override or bypass these agencies?

3. Implied Presumption of Employer Misconduct: By centering only on “barriers to enforcement” and “legal remedies,” the study suggests systemic wrongdoing without evidence. This erodes trust between farms and the workers they value and employ year after year.

A Better Path Forward

If legislators believe gaps exist in enforcement, data, or worker experience, let's strengthen the transparency, efficiency, and responsiveness of the agencies already responsible. Let's also ensure any future study includes:

Equal representation from farm employers, including small and family-owned farms;

Recognition of the economic and logistical realities of crop harvests, which are time-sensitive and weather-dependent;

Data collection that values both worker and employer input equally;

Clear protections for due process, at-will employment, and a farm's right to make decisions necessary for sustainability.

Conclusion

Farming in Oregon is more than a business—it's a way of life. Our state has some of the highest labor standards in the nation, and farmers continue to comply, adapt, and support their workers despite intense economic and regulatory pressures. What we need now is collaboration, not duplication or confrontation.

I urge the committee to oppose the bill in its original and amended form and instead invest in improving the function of existing systems.

Thank you for the opportunity to share my perspective.

Sincerely,

Ken Polehn
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