



*Testimony in opposition to HB 4073 (2026)*

Chair Bowman, Vice Chairs Elmer and Pham, 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.

I write in opposition to HB 4073, which would change the way agencies make rules in Oregon.

As a worker advocate, I have participated in many rulemakings over the past nine years in my current role. I do not find the process perfect, and have been frustrated at the results in quite a few instances, notably during Oregon OSHA rulemakings on the pesticide application exclusion zone and more recently on agricultural labor housing. Farmworkers did not get important protections they fought for. However, the process was generally fair and transparent.

I listened to Representative Scharf's testimony on this bill and I think we share goals here- to make rulemaking more consistent and accessible. Summaries of comments and responses is something NWJP believes in and there may be other changes we agree with as well.

But, Administrative Procedures Act (APA) law is complex, and NWJP does not specialize in it. To get to a place of support on this concept, we would need time to consult with experts in Oregon and around the country about the new ideas raised in this bill. We would be happy to engage in conversations with Representative Scharf and others to see if we can improve Oregon's rulemaking, but this process has not been inclusive and I believe stakeholder work in the interim is necessary.

One thing that stands out as a question to me is formalizing the arbitrary and capricious standard (for court review) across agency processes. As I understand it, this may apply to more than rulemaking challenges, and could affect things like contested case hearings at BOLI and other agencies. I understand that while Oregon does not have this standard in statute, we use something similar which was judicially created – the “substantial reason” doctrine. This proposed change may have unintended consequences while not changing how courts review rulemakings.

Another concern I have is that the bill adds layers of bureaucracy to an already lengthy and cumbersome process. The added step of a report to Ways and Means will prolong this already lengthy rulemaking process and unduly involve the Legislature in agency business.

HB 4073 raises some interesting and important issues, but its solution is not narrowly tailored and did not involve necessary stakeholders. I appreciate the intent to include more public awareness and involvement. However at this point, the bill raises more questions than it answers and we oppose it.

Thank you.