

OUR VIEW

# OT law will prompt changes in Oregon ag

Oregon Gov. Kate Brown has signed legislation that will grant farmworkers overtime pay after 40 hours of work beginning in 2027.

Under the law, farmworkers will be owed time-and-a-half wages after 55 weekly hours of work in 2023, after 48 hours of work in 2025-2026 and after 40 hours per week beginning in 2027.

The legislation changes a farm pay formula that has stood for 84 years, and will lead to big changes for both employers and employees.

The Fair Labor Standards Act, passed by Congress in 1938, established a federal minimum wage and provided for overtime pay for work over 40 hours. The act also provided 19 job classifications, including farmworkers, that are exempt from the overtime rule.

Critics argue that the exemption was the product of racism and pandering to the needs of special interests — big, “corporate” farming concerns. Farmers of every scale note that farmwork is distinct from factory production. The nature of most farmwork makes it difficult to schedule in eight-hour days and 40-hour work weeks.

The economics of agriculture have not changed since 1938. Farmers are still price takers, not price makers, who cannot simply pass along higher labor costs to consumers the way retailers and manufacturers, though limited by the impacts of competition, do.

Gov. Brown acknowledged that the bill she signed is not perfect. She points out that the bill allows for a phase-in for overtime pay, a provision she says will give farm interests time to negotiate changes and improvements to the legislation.

No doubt farm interests will try to get the law changed. But it seems unlikely there will be significant changes made. It is more likely that farmers and processors will use the grace period to find ways they can change their operations to reduce labor costs.

Mary Anne Cooper, vice president of government affairs at the Oregon Farm Bureau, said farm employees will also lose out when employers can’t afford to hire more workers or must offer workers fewer hours.

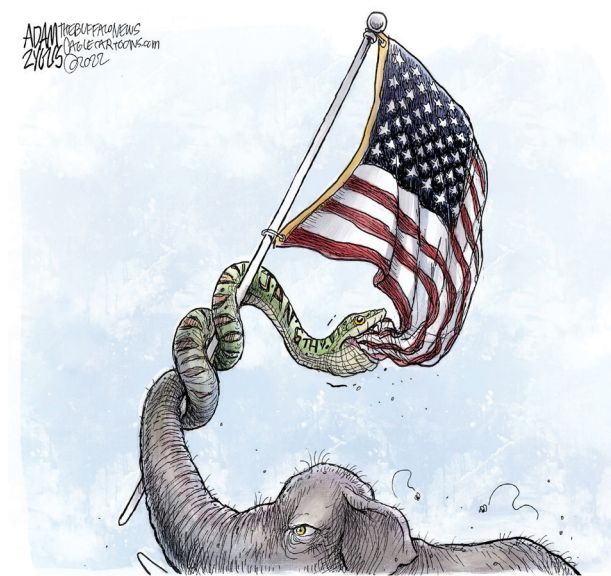
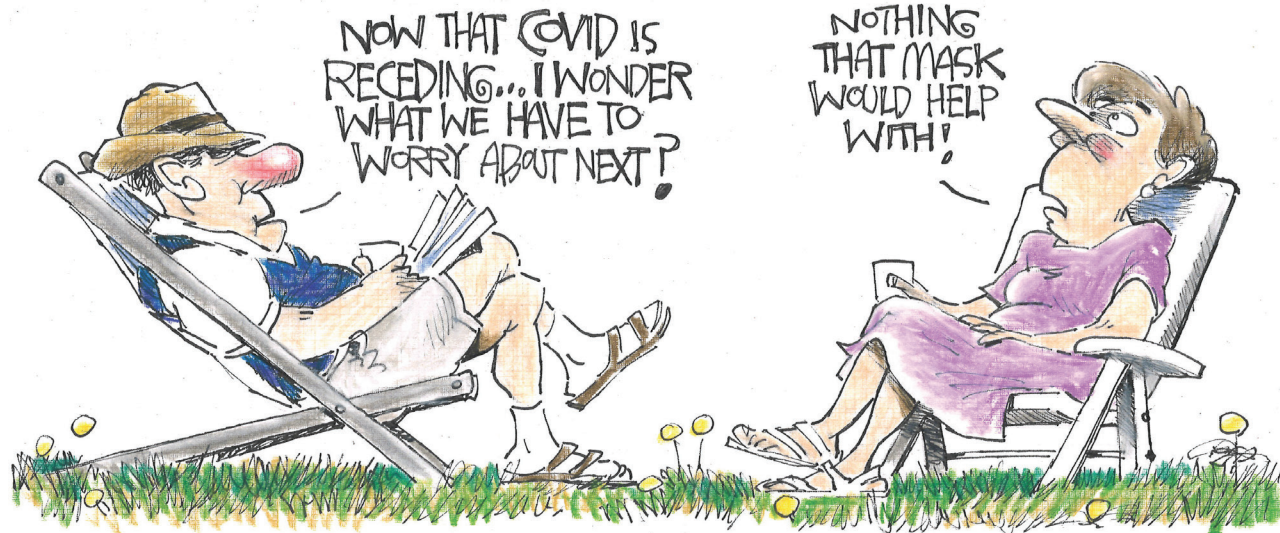
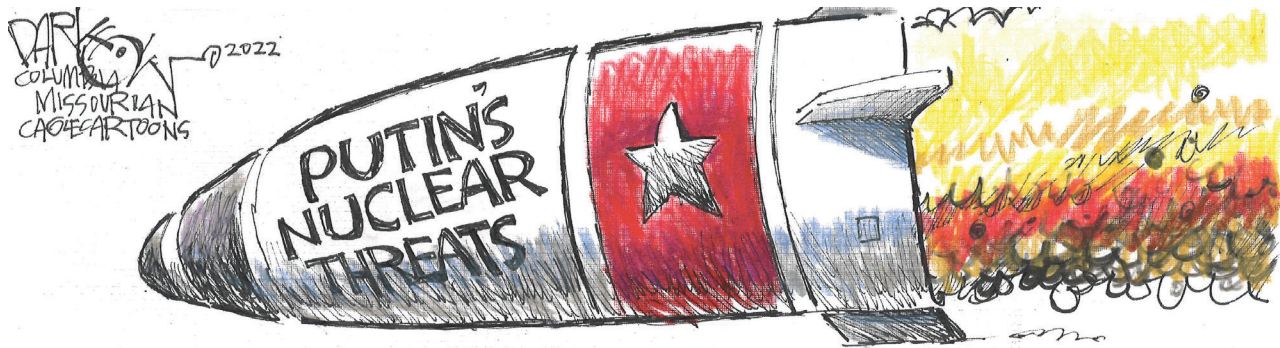
“We think this legislation will have devastating consequences for our family farms and their employees, will likely result in significantly reduced farm employment in Oregon and is really going to change the landscape of Oregon agriculture,” Cooper said.

Innovators are busy designing machines that can do intricate and delicate work such as picking fruit and pruning trees. Higher labor costs will hasten that effort.

Farmers who produce labor-intensive crops are also weighing the profit potential of growing crops that require less labor. Those crops generally are not as valuable as the labor-intensive crops, but for smaller producers the potential reductions in costs could make those crops more viable.

Inevitably, some farmers will decide that they can’t afford higher labor costs, increased automation or changes in their cropping plans. They will sell out to a larger operation that can.

We think everyone performing farmwork should be paid as much as business conditions allow. But we know that mandating overtime won’t change the basic economics.



# B2H seeks to overstep noise laws meant to protect Oregonians



**FUJI KREIDER**  
OTHER VIEWS

Ever hear the snap, crackle, pop or humming of transmission lines? Would you want to live near them? How about hike, fish or recreate in your favorite park with those sounds buzzing in the background? This is corona noise. High-voltage transmission lines, such as the proposed Boardman to Hemingway line, emit a low humming or crackling noise that is referred to as “corona sound.”

The corona sound emitted by B2H will not exceed Oregon’s maximum allowable industrial sound levels (so you won’t go deaf); however, it will exceed what’s called “ambient antidegradation standard.” This standard says that an industrial sound cannot exceed the natural (ambient) background sound more than 10 decibels (dBA) in any given hour of a day (24-hour period). Every increase of 10 dBA is experienced by humans as a doubling of the sound. This ambient degradation standard was created and put into law to protect Oregonians’ health, safety and welfare. Health studies have shown that this type of sound can affect sleeping patterns and people’s health.

So what is the Stop B2H Coalition’s contested case about? If the state of Oregon rules that Idaho Power must comply with the state’s noise control standards, the project is unpermissible. Therefore, Idaho Power is asking the state for an

exception to the rules and a complete variance from the rules. A variance would raise the ambient background an additional 10 dBA — a blanket variance for 300 miles. The exception would be for specific residents along the way where Idaho Power already knows there will be noise exceedances from the rules. There are 42 predicted by Idaho Power; we believe there are likely more.

Our case has been brought forward by Stop B2H plus four individuals. We have all taken different angles to this issue in an attempt to demonstrate that Idaho Power cannot comply with the law and should not qualify for an exception or variance. Our issues include: 1) Insisting on strict compliance to Oregon laws and rules, including what constitutes “infrequent foul weather” (when corona is loudest) and what qualifies for exception and variance (remember: sound doubles with every 10 dBA). 2) The boundary for the noise study was arbitrarily reduced by Oregon Department of Energy staff (1 mile to 0.5 mile). 3) The monitoring stations used to measure background (ambient) sound were not “representative” of rural residential areas (e.g., adjacent to the Union Pacific railroad). 4) The ODOE lacks legal authority to issue the variance. 5) The mitigation measures proposed, which essentially amount to an “after-the-fact” complaint process and window treatments, are not mitigation. The law says that the Commission on Environmental Quality (CEQ) is supposed to be the only entity able to issue a variance — not ODOE.

**ABOUT THIS COLUMN**

Nineteen members of the Stop B2H Coalition are still litigating in a contested case against Idaho Power and the Oregon Department of Energy. We started with 72 issues. After 20 months of legal volleying, we still have 39 total issues alive in the case. It’s been a heavy lift but we are determined to stop the Boardman to Hemingway high-voltage transmission project that would cross North-eastern Oregon. We seek to protect our region, our human and natural resources, quality of life and heritage. This is a summary of our issues relating to noise control.

By Idaho Power’s admission, there is not a technological way to mask corona noise. Idaho Power is proposing retrofitting some houses and providing new windows to those affected as mitigation. Apparently, Idaho Power doesn’t realize that many Eastern Oregonians spend time outside their homes: feeding livestock, working the land, recreating and enjoying the outdoors on a regular basis. Many of us live in this rural region of the state for the very peace and quiet we enjoy.

Corona noise is an industrial intrusion that our laws are supposed to prevent. Unfortunately, we have to prevail in this case to preserve what we have. Please Support Stop B2H and check us out at [www.stopb2h.org](http://www.stopb2h.org).

■ Fuji Kreider, of La Grande, is the secretary/treasurer of the Stop B2H Coalition. She is a community organizer and organizational development consultant who has worked in various sectors and countries. She loves to cook, travel to off-the-beaten-path locations, hike, raft and play with friends.

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