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Opinion

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Our View

Voters never get last word against administrative state

Progressive politicians in the Pacific Northwest are big fans of voter initiatives, right up until voters use the process to limit government's overreach.

In Olympia, House Bill 1837 would repeal a 2003 voter initiative that banned the Department of Labor and Industries from writing ergonomics rules. Voters then were reacting to an L&I rule that required all employers to identify "caution zone jobs."

That rule, adopted in 2000, was fairly short, but the "concise explanatory statement" accompanying it was 127 pages. It reached into virtually every workplace.

Workers with "caution zone jobs" had to receive "ergonomics awareness training." Plus, caution zone jobs had to be further analyzed to determine

whether they were hazardous.

If hazardous, L&I had suggestions for modifying the work. For example, ice cream parlors were advised to sharpen scoops monthly or store ice cream at no colder than 14 degrees below zero Celsius to reduce "hand force."

L&I advised those "harvesting radishes" to alternate between kneeling and sitting in a chair. The department suggested meatpackers replace "manual deboning" with "machine deboning."

L&I had more tips for several industries, such as construction workers (use lighter nail guns) and clerical workers (smaller paper files to reduce "grip forces"), but did single out agriculture in its explanatory statement.

In 2003, before the rule went fully into effect, voters took away L&I's

authority to make it. The initiative passed by a 7-point margin.

But that was nearly 19 years ago, and the will of the people can never be allowed to stand in the way of the expansion of the administrative state. The state wants to impose its will to protect you, even if you've voted overwhelmingly to reject that protection.

The bill's Democratic sponsors argue that ergonomic rules would reduce injuries and compensation claims related to repetitive motions or awkward postures.

While everyone agrees that many jobs can result in injuries, the answer is not to give L&I unlimited authority to dictate how those jobs must be done.

Employers have a vested interest in keeping workers safe and healthy,

and though there are bad actors, most do what they can to reduce injuries. Insurance companies and trade organizations provide help with safety audits and training programs.

Even L&I offers ergonomic advice to employers. And, according to a 2006 state Supreme Court ruling, the department still has the power to regulate repetitive motions as part of its duty to enforce employers' obligations to keep workspaces safe.

Nonetheless, nothing short of L&I bureaucrats examining each job in the collective workspace and transforming their expansive experience in performing such tasks into mandates will do.

Washington voters have rejected this once. If the legislature passes this measure and it's signed into law, we hope they will again.

Our View



USDA

A coyote kills a lamb. An Oregon legislative committee failed to pass a bill continuing districts in which landowners were assessed to pay for controlling predators.

Predator damage control districts should be saved

A lowlight of the current Oregon legislative session is the demise of the predator damage control district that landowners in Coos and Douglas counties had set up.

By all lights, the district was a success. Five years ago, the legislature had approved it as a way to keep predators under control as the counties' budgets got tighter. The landowners, including timber firms, paid a fee of up to \$1 an acre for USDA Wildlife Services to dispatch coyotes, cougars, bears and other predators that damage property and kill livestock.

Last year, landowners in the two counties voluntarily paid \$120,000 to control predators.

During this legislative session, however, success has taken a back seat to those who don't like the way wildlife are managed. What should have been a slam-dunk decision

to continue and increase the number of predator damage control districts in House Bill 4080 died in the House Environment and Natural Resources Committee.

Opponents had complained that Wildlife Services was "ineffective" and "cruel."

What is ineffective and cruel is a legislature that allows a good program voluntarily funded by citizens to die.

Those same citizens will now pay the price of the legislature's ineffectiveness in the form of dead lambs and calves and damaged trees.

The predator control specialist who recently retired from Wildlife Services estimated he had to track and kill about 100 coyotes and 10 cougars a year. Each kill was reported to the state Fish and Wildlife Department so managers there knew what was going on.

There has never been a short-

age of predators in Coos and Douglas counties, but without a predator control specialist on duty that population will likely mushroom. The result will be more dead livestock.

Now that livestock owners will be forced to take on that chore, the state will also lose the reports from the Wildlife Services specialists. The information was used in studies and to make wildlife management decisions.

Any way you look at it, the landowners, ranchers — and even the wildlife — are short-changed by allowing the bill authorizing predator damage control districts to die in committee.

But all may not be lost. Legislators can resurrect this bill by including it as an amendment to a related bill. While some folks may look askance at such tactics, there are times when they make sense.

This is one of those times.

Democrats vote down direct payments to farm workers

On Thursday evening, Democrats on the Joint Committee on Farm Worker Overtime voted to move HB 4002, the controversial proposal to require employers to pay overtime to agricultural workers, on a party-line vote that will single Oregon out as only a handful of states to impose high labor costs on cash-strapped family farms.

"We were deeply disappointed to see Democrats in the joint committee ignore the concerns of growers and move this version of the bill. HB 4002 has the potential to devastate and cause the closure of many family farms," said Dave Dillon, executive vice president of the Oregon Farm Bureau. "By voting to adopt a completely unworkable 40-hour threshold, legislators have guaranteed that farm workers will ultimately see reduced wages and reduced hours."

The committee failed to consider an amendment proposed by Rep. Shelly Boshart Davis, R-Albany, that would have created a \$50 million worker relief fund to provide direct overtime payments to farm workers, while creating thresholds for overtime that both guarantee workers overtime and account for the unique seasonal needs of Oregon agriculture.

Instead, the committee adopted an amendment that will require farms to pay overtime at 40 hours by 2027 with a vanishing tax credit to make up for some of those costs. Tax credits are subject to the whim of legislators and the availability of tax dollars.

Passage of HB 4002 means that Oregon farms will have to compete against states without any overtime requirements for farm workers. As evidenced in California, the only state that has a 40-hour threshold currently, these requirements often mean worker hours and total compensation are decreased due to farmers being forced to cut worker hours at the arbitrary cap of 40.

"Tonight's decision highlighted that Democrats were unwilling to engage in meaningful conversations about how this legislation will impact family farms and, ultimately, the workers they employ," said Kyle Fessler, a greenhouse grower and past president of the Oregon Association of Nurseries. "Farmers have been clear throughout this process that we were not asking for a tax credit since it will be unworkable for many operations, yet Democrats continued to push forward an unworkable tax credit."

The amended bill has moved to the House and Senate floors, where it was expected to pass on a party-line vote due to Democrat supermajorities.

This was co-signed by Dave Dillon, Oregon Farm Bureau; Tami Kerr, Oregon Dairy Farmers Association; Jeff Stone, Oregon Association of Nurseries; Colleen Nihen, Oregon Hazelnut Industry; Mike Doke, Columbia Gorge Fruit Growers Association; Tammy Dennee, Oregon Cattlemen's Association; Richard Kosesan, Oregon Sheep Growers Association; and Roger Beyer, Oregon Grass Seed Council. Oregon's Coalition of Agricultural Organizations represents a diverse array of farming operations and agricultural commodities and was formed in response to the legislature's proposal to require farmers to pay workers 1.5 times regular pay for all hours worked over 40.

GUEST VIEW

Dave Dillon, Tami Kerr, Jeff Stone, Colleen Nihen, Mike Doke, Tammy Dennee, Richard Kosesan and Roger Beyer

READERS' VIEW

China joins race for cultivated meat

With China including cultivated meat in its latest five-year agricultural plan, the United States should make sure it isn't left behind by investing heavily into cellular-agriculture development.

For those who don't know, cultivated meat is grown from animal cells, without slaughter. It's better for animals, the

environment and our health.

"This nationwide strategic initiative could accelerate the country's regulatory timeline for cultivated meat, drive more research and investment into the alternative protein industry and fuel broader consumer acceptance of these products," said Josh Tetrick, the CEO of food-technology company Eat Just. "In short, this is one of — if not the most — important policy actions in the history of alternative proteins."

Our legislators should support increased federal funding for cultivated-meat research. This will help bring these revolutionary products to market faster at a competitive price with slaughtered meat. In order to reduce the suffering we inflict on animals, our greenhouse-gas emissions, and our pandemic risk, we have to keep pace with China.

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