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November 3, 2017

Garnet Cooke, Pesticide Coordinator
Department of Consumer and Business Services/Oregon OSHA
350 Winter Street NE
Salem OR 97301-3882

Delivered via email: Garnet.R.Cooke@oregon.gov

RE: Objection to Fiscal Impact Statement and Request for Appointment of Fiscal Impact Advisory Committee Pursuant to OAR 137-001-0087

Dear Ms. Cooke,

I am writing to object, on behalf of Columbia Gorge Fruit Growers, in regards to the Statement of Need and Fiscal Impact in the matter adopting OAR 437-004-6405 and 427-004-6406 (Oregon OSHA's Application Exclusion Zone for the Worker Protection Standard rules) noticed on October 20, 2017. Columbia Gorge Fruit Growers represents 440 tree fruit farm families in Hood River and Wasco counties, which are home to 202 of Oregon's 309 registered agricultural labor camps. We house 5,835 labor housing occupants – nearly two-thirds of the state's 9,283 total. Our members believe the Statement of Need and Fiscal Impact inadequately addresses the cost of compliance that will be borne by our growers.

Our members will be significantly impacted and financially affected by the proposed rule. In 2016, OR-OSHA staff and SAEAC asked our association to identify costs associated with a 100-foot Application Exclusion Zone. We submitted details from 30 association members outlining a variety of costs that showed average lost annual production costs of \$1,707,914 per 100 acres. These costs would be the result of tree fruit removal within the Application Exclusion Zone. Although OR-OSHA requested this information, and had access to the information for close to a year, the agency did not include these figures in its Statement of Need and Fiscal Impact.

We submitted a letter Sept. 7, 2017 to OR-OSHA Administrator Michael Wood detailing costs associated with farm structure evacuations that included providing alternative housing. This letter was a response to an OR-OSHA staff request at an August 2017 SAEAC meeting. It stated the proposed 150-foot Application Exclusion Zone would cost the average grower \$125,000 each year – \$55 million annually for our grower membership. This estimate does not include tree removal or lost production costs. Again, OR-OSHA did not include these recently identified costs in its Statement of Need and Fiscal Impact.



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To that end, Columbia Gorge Fruit Growers object to the fiscal impact statement due to the lack of consideration and inclusion of the financial impacts these rules will have on local growers and request the appointment of a Fiscal Impact Advisory Committee in order to adequately assess the fiscal impact of OR-OSHA's proposed rule on Oregon's growers.

Best regards,

A handwritten signature in black ink that reads "Mike Doke".

Mike Doke
Executive Director
Columbia Gorge Fruit Growers
[cfg2@hrcn.net](mailto:ccfg2@hrcn.net)

Cc: Timothy J. Bernasek, Attorney, Dunn Carney Allen Higgins & Tongue