



OREGON HOUSE OF REPRESENTATIVES

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SCHARF FORCES OSHA TO FOLLOW THE LAW DELIVERING BIG WIN FOR FARMERS

SALEM, Ore. – On Wednesday, **Rep. Anna Scharf (R-Amity)** published a [legal opinion](#) from the Oregon Legislative Counsel Committee (LC) that determined the Oregon Occupational Safety and Health Administration (OR-OSHA) rules on agricultural labor housing broke the law by reaching beyond their legal authority. The LC opinion found that the agency exceeded its statutory authority in expanding application of the ag-labor housing rules to single family homes.

“This is a major victory for Oregon’s farmers and an appropriate check on agency overreach,” said Rep. Scharf about the legal opinion. “After a painful 6-year process, OR-OSHA adopted some of the most extreme rules for ag-labor housing in the country, costing farm families between \$400K to \$1.5M, with an average cost of just over \$1M per operation, according to public records. Following a formal review of the rules, OR-OSHA will be forced to make the determination to repeal or amend their rules, or take other action,” Rep. Scharf added.

Prior to the legislative opinion, OR-OSHA had asserted that it had the authority to apply these rules to all housing, rented or otherwise, provided to farm employees by their employers, despite statute limiting their authority to seasonal, migrant labor camps.

The published [legal opinion](#) stated in part that OR-OSHA “impermissibly exceeds the authority granted to it by statute.”

“State agencies must follow the law,” said **House Republican Leader Christine Drazan (R-Canby)**. “Illegal government overreach is harming farmers, imposing obstacles on Oregon’s small businesses, and driving up costs for families,” Rep. Drazan concluded.

“We look forward to a response from the agency, describing how they will remedy this finding,” said **Rep. Jeff Helfrich (R-Hood River)**. “We believe there is an opportunity to draft rules in line with the US Department of Labor ag-labor housing regulations, that both protect employees and preserve Oregon’s legacy of family farms,” Rep. Helfrich concluded.

Rep. Scharf has also introduced [House Bill 2692](#) which would ensure consistency, transparency and effectiveness in how state agencies approach the rulemaking process and align judicial review standards with federal standards.

“HB 2692 will make government more transparent, help ensure the laws we pass accurately translate into the rules implemented by state agencies, and prevent agency overreach,” said Rep. Anna Scharf about the bill. HB 2692 had its first public hearing on Wednesday morning in the House Committee on Rules.

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