



Wild Blueberry Commission OF MAINE

5784 York Complex, Suite 52, Orono, Maine 04469-5784

TEL: 207-581-1475

FAX: 207-581-3499

Eric Venturini, Executive Director

Testimony in opposition to LD 358

An Act To Protect Workers from Unsafe Working Conditions with Regard to Indoor Temperatures

Senator Rafferty, Representative Sylvester, and esteemed members of the Committee on Labor and Housing, my name is Eric Venturini and I am the Executive Director of the Wild Blueberry Commission of Maine, the voice of Maine's wild blueberry farms and businesses.

The Wild Blueberry Commission of Maine (the Commission) is a quasi-governmental organization tax-funded by the wild blueberry industry in Maine, representing the voice of Maine's wild blueberry farmers and businesspeople. Our industry produces approximately 10% of all blueberries grown in the US, and near 100% of *wild* blueberries grown in the US. The Commission represents every farm that grows, and every business that processes wild blueberries in Maine.

Due to economic factors, Maine is currently losing wild blueberry acreage and farms. We have lost 20% of Maine's wild blueberry acreage in a ten-year period, going from 50,000 acres in 2007 to 38,000 acres in 2017. This trend has continued since 2017 and we expect that the next agricultural census will show additional loss. The year 2020 brought many challenges to farms across the state. The wild blueberry industry proactively sought access to COVID-19 testing for agricultural workers, coordinated with the state to create the #FarmingforME campaign to help alleviate labor shortages, and undertook the planning and preparations to keep farmers, workers, and communities safe. Despite all of this, agricultural businesses across the state were hit by an unrelated challenge, climate change. We witnessed three hard spring frosts, killing blossoms that should have become fruit. This was followed by a severe drought that lasted through most of the growing season. The 2020 wild blueberry harvest was 50% of what we expected—a major blow for the smallest to the largest wild blueberry farms and businesses. I think we can all agree that 2020 was not a good year. Of all the years to legislate additional burdens on businesses, this is not the one.

Second, the Occupational Safety and Health Administration already considered rules on indoor air quality which would have dealt primarily with office temperature and humidity. In 2001, they determined that temperature and humidity are matters of human comfort, not a safety issue, and terminated the proceedings.

Third, if this Committee passes this bill, I ask you that consider the unique nature of agriculture. As written, this bill applies to "indoor places of employment." Does that include greenhouses and high tunnels, which are built to capture heat and frequently above 90 degrees Fahrenheit in the summer? What about the processing plants that, in the wild blueberry industry, are where berries from the field are cleaned of sticks, leaves, and other debris, washed, and frozen. As a matter of food quality, these



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processing plants are cold. In the wild blueberry industry, it is of the utmost important to remove the field heat from berries as quickly after harvesting as possible. Later, as berries go down the line, they are frozen and moved into large commercial freezer spaces kept at very low temperatures. This means that processing plants are kept intentionally cold—all to create a high quality, healthy, delicious product.

Fourth, what scale of business does this apply to? Would it require that a small family wild blueberry farm with a roadside market and one employee, on the cusp of closing their doors due to the challenges of 2020, install an air conditioning system? If so, who bears the burden of that cost?

Finally, this bill comes at a time when Honorable Governor Mills, state agencies, and the Biden Administration are all looking to combat climate change. Neither heating nor cooling are climate neutral. Mandating that businesses keep temperatures within a certain range would increase heating and cooling costs across the state, increase carbon and greenhouse gas emissions, and increase the burden on agricultural businesses across the state that are reeling from the climate change-induced drought and COVID-19.

On behalf of wild blueberry farms and businesses in the state of Maine, I oppose this bill. Thank you Senator Rafferty, Representative Sylvester, and the Committee on Labor and Housing for your time and consideration.