



**OREGON**<sup>SM</sup>  
ASSOCIATION OF  
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To: Management-Labor Advisory Committee on Workers Compensation (MLAC)  
Date: July 15, 2020  
RE: COVID-19 and Workers' Compensation

Thank you for your service volunteering to serve Oregonians on this important committee and on this important issue on which the Governor has requested input.

The Oregon Association of Nurseries (OAN) is a non-profit trade association that represents more than 700 nursery stock producers, retailers, landscapers and related companies serving the nursery and greenhouse industry. The nursery and greenhouse industry is the state's largest agricultural sector, and the industry ranks third in the nation, with over \$996 million in sales annually to customers in Oregon, the rest of the United States, and abroad. In fact, nearly 75% of the nursery stock grown in our state leaves our borders – with over half reaching markets east of the Mississippi River. The nursery industry employs over 9,150 full time workers with an annual payroll over \$332 million. We send ecologically friendly green products out of the state, and bring traded sector dollars back to Oregon.

Businesses have faced unprecedented challenges to provide workplaces safe from the spread of COVID-19. Among those challenges, are the rapidly changing recommendations from a multitude of state agencies, each with a role to play in containing the virus.

MLAC's study of this issue shows the workers compensation system is working as intended. Claims are being filed, investigated and issued either an acceptance (in the vast majority of claims) or denial. A worker who receives a denial of COVID-19 claim has the same right to appeal as with any other denied claim.

Workers exposed to the virus at work are protected. A presumption that working Oregonians who have COVID-19 could only have been exposed at work, risks the stability and balance of the workers compensation system. And it would unfairly burden the system.

Part of the success of MLAC has been making decisions based on evidence. The data we have heard supports that the system is working as intended. A presumption of compensability for COVID-19 is not needed.

Thank you for time and attention to this important issue.

Warm regards,

**Jim Simnitt**  
President, Oregon Association of  
Nurseries  
Simnitt Nursery Inc.

**Kyle Fessler**  
President-Elect, OAN  
Woodburn Nursery & Azaleas Inc.  
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