



April 22, 2013

The Honorable Ron Wyden
United States Senate
221 Dirksen Senate Office Building
Washington, D.C., 20510

Dear Senator Wyden:

On behalf of the 1,000 members of the Oregon Association of Nurseries (OAN) and their 22,000 employees who provide over \$744 million in economic impact to the State of Oregon, we are urging you to oppose the Marketplace Fairness Act – a mislabeled piece of legislation that adds a heavy burden on small business owners.

Nursery association members represent wholesale growers, retailers, greenhouse operations, and Christmas tree growers. The nursery and greenhouse industry remains the state's largest agricultural sector as we emerge from the Great Recession. Our growers ship their products throughout the country, generating valuable traded sector revenue from outside the state that fuels Oregon's economy. Nearly 75% of nursery stock grown in our state leaves our borders – with over half reaching markets east of the Mississippi River.

Oregon is No. 1 in the United States in the production of shade trees, coniferous evergreens and Christmas trees; No. 2 among all states in the production of deciduous flowering trees and other broadleaf evergreens; and No. 3 in the production of deciduous shrubs, other ornamentals and fruit and nut plants. We are the nation's top net exporter of nursery and Christmas tree products.

Oregon would be placed at a competitive disadvantage

This proposed internet sales-tax would impose tax liability and collection requirements on internet retailers and businesses. While some may deride big business and the growth of internet sales, this legislation would require online retailers to comply with varying sales tax rates from customers, regardless of whether or not the business has a presence in the state. This would impact Oregon businesses since the state does not have a sales tax.

It is my view that this legislation would force small businesses to spend precious time generating endless sales reports for government instead of tending to customers, selling plants and trees, and creating traded sector jobs. Oregon growers are far away from their markets and we need to look to knock down barriers to sales of our green goods – not look callously for revenue to feed a spending problem by Congress.

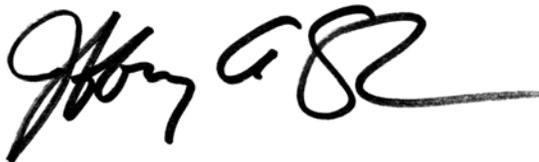
I have asked some of my small operations to advise me on the impact of this bill. The economy is still struggling and for some of my members the mail order portion of their business is critical for survival. These are not 500 employee companies, they have fewer than five. While you may have some of our larger members with in-house IT support, for most of my members the new law would be an additional administrative cost. The reporting aspect alone is problematic for small growers and the law would take away time and resources and have an economic impact on their bottom line.

Let's call this bill what it is – a transaction tax. As the legislation stands now, the bill will impact the marketplace – to the detriment of the small business and their ability to conduct commerce. Congress taxes things it wants to go away and if left unchecked, other sales mechanisms utilized by the nursery and greenhouse industry could be affected.

This is a time for the nation to recover and help those who invest, grow, and ship green goods for the good of Oregon's economy and the nation's environment.

Thank you for your time and attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Stone", with a long horizontal flourish extending to the right.

Jeff Stone, Executive Director
Oregon Association of Nurseries
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Wilsonville, Oregon 97070