



STATE OF WASHINGTON

DEPARTMENT OF HEALTH

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ORDER OF THE SECRETARY OF HEALTH

20-04

GEBBERS FARMS – COVID-19 TESTING OF WORKERS

WHEREAS, as of late July 2020, more than 120 Gebbers Farms workers had tested positive for COVID-19 and more than 150 other workers had shown symptoms consistent with COVID-19 infection; and

WHEREAS, at least three individuals who worked for Gebbers Farms died after contracting Coronavirus Disease 2019 (COVID-19); and

WHEREAS, Gebbers Farms has approximately 4,500 workers who work in high-density settings, many of whom live in high-density shared housing provided by Gebbers Farms or in the community, presenting a significant risk of outbreaks of COVID-19, which may spread quickly; and

WHEREAS, the Washington State Department of Labor and Industries has issued two Orders of Immediate Restraint against Gebbers Farms for not complying with applicable worker safety and health rules, including rules to protect occupants of temporary worker housing from COVID-19 exposure; and

WHEREAS, conducting mass testing of Gebbers Farms workers is consistent with the recommendations of the Centers for Disease Control and Prevention (CDC) for testing in high-density critical infrastructure workplaces after COVID-19 cases are identified and the Washington State Department of Health's guidance for mass testing in non-healthcare workplaces; and

WHEREAS, per the above-noted recommendations, testing is important to identify infected workers, including asymptomatic and pre-symptomatic workers, to implement effective infection control measures and prevent COVID-19 transmission and subsequent outbreaks.

NOW, THEREFORE, I, John Wiesman, Washington State Secretary of Health, as a result of the above-noted situation and to control and prevent the spread of COVID-19, under RCW 43.70.130, RCW 70.05.070, WAC 246-100-036, and any other applicable authority, do hereby order the following:

Gebbers Farms and the individuals in control thereof shall:

- Ensure that every worker working for or residing in housing provided by Gebbers Farms as of the date this order is issued is tested for COVID-19 at least one time between the date this order is issued and 11:59 PM on September 2, 2020;
- Prohibit and prevent any worker who has not been tested as required above, whether due to refusal or any other reason, from working after 11:59 PM on September 2, 2020;
- Ensure that every worker who begins or returns to working for Gebbers Farms after the date this order is issued is tested for COVID-19 and quarantined until the worker receives an initial negative test result, provided they have not developed COVID-19 symptoms while in quarantine, or completes the isolation period after a positive test result or after developing COVID-19

symptoms while in quarantine, as recommended or directed by the Washington State Department of Health;

- Immediately quarantine and provide COVID-19 testing to any worker who develops any of the following symptoms: fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, or sore throat;
- Immediately notify Okanogan County Public Health when they become aware that a worker has tested positive for COVID-19;
- Cooperate with and follow any instructions, directions, or orders of Okanogan County Public Health and the Washington State Department of Health with respect to the testing, isolation, and quarantine of workers for COVID-19; and
- Not pass on to workers any cost incurred by Gebbers Farms in providing testing as required by this order, whether by direct or indirect charge, reduction in or deduction from pay, reduction in work, requiring workers to take leave, or any other means.

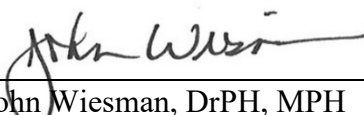
Additional Information and Requirements

- The Washington State Department of Health, in its sole discretion, may grant exceptions to the requirements of this order on its own initiative or upon a request of Gebbers Farms.
- For purposes of this order, “Gebbers Farms” is a collective term that includes all business entities with a principal office address at 25985 Highway 97, Brewster, WA 98812 as of the date this order is issued that employ, contract with or for, or otherwise compensate workers to plant, cultivate, pick, harvest, pack, transport, or engage in any other related activity in the production of agricultural commodities.
- “Worker” means any agricultural worker, including, but not limited to, any H-2A temporary agricultural worker, or any other person falling within the definition of “worker” under RCW 51.08.180.
- A worker is deemed to have been tested for COVID-19 when the worker’s specimen is properly submitted for FDA-authorized nucleic acid (PCR) or antigen testing for SARS-CoV-2 to a medical test site or other person or entity that is authorized under state and federal law to perform such testing.
- The individuals in control of Gebbers Farms may delegate to subordinates the responsibility for carrying out the tasks required under this order but shall remain accountable for ensuring compliance with every requirement of this order.
- The requirements of this order are in addition to any other requirements and worker protections under state or federal law. Such requirements and protections include those in Governor Inslee’s proclamations 20-46, et seq., *High-Risk Employees – Workers’ Rights*, 20-57, et seq., *Concerning the Health of Agricultural Workers*, and 20-67 *Food Production Workers Paid Leave*.

This order shall take effect immediately upon signing and remain in effect until 11:59 PM on December 31, 2020, unless earlier rescinded or amended.

Violation of this order may subject the violator to criminal penalties pursuant to RCW 43.70.130(7), RCW 70.05.120(4), WAC 246-100-070(3), or RCW 43.06.220(5) and to enforcement action by the Washington State Department of Labor & Industries and any other agency with jurisdiction.

Signed this 19th day of August, 2020.



John Wiesman, DrPH, MPH
Secretary of Health