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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SKAGIT

FAMILIAS UNIDAS POR LA JUSTICIA,
AFL-CIO and UNITED FARM WORKERS
OF AMERICA,
labor organizations,

Petitioners,

vs.

WASHINGTON STATE DEPARTMENT OF
LABOR & INDUSTRIES and
WASHINGTON STATE DEPARTMENT OF
HEALTH,

Respondents.

No.

**EMERGENCY PETITION FOR
JUDICIAL REVIEW, DECLARATORY
JUDGMENT AND INJUNCTIVE
RELIEF**

I. PRELIMINARY STATEMENT

1.00 Familias Unidas por la Justicia, AFL-CIO (FUJ) and the United Farm Workers of America (UFW) seek immediate injunctive relief to require the Department of Labor & Industries and the Department of Health to adopt emergency rules related to the COVID-19 pandemic to protect the lives of all Washington farmworkers.

1 1.01 FUJ, UFW, and others sent a plea to Governor Inslee on March 19, 2020 for
2 emergency orders to protect farmworkers. This plea asked for specific mandates, but L&I and
3 DOH responded on April 3, 2020 by putting forth non-binding guidance—the worst of which
4 was the DOH guidance suggesting that labor camp operators could “isolate” farmworkers by
5 putting sick workers on one side of a bedroom and healthy workers on the other side of the same
6 room. (April 3, 2020 guidance is attached as Exhibit 1.)

7 1.02 Following the issuance of this guidance, FUJ, UFW, and others petitioned L&I
8 and DOH on April 6, 2020 to adopt emergency rules pursuant to RCW 34.05.350(1)(a) no later
9 than April 10, 2020 to protect farmworkers’ lives and their health.

10 1.03 At an April 9, 2020 public meeting, L&I provided updated drafts of non-binding
11 agency “Fact Sheets” and DOH admitted that it had already licensed virtually all labor camps
12 based on its existing rules, i.e., without taking into account the existence of COVID-19. (Fact
13 Sheets are Exhibit 2.)

14 1.04 Grower and farmworker representatives expressed frustration about the Fact
15 Sheets’ lack of clarity on what was required. The president of the Washington State Tree Fruit
16 Association stated: “I do want to point out, I know there was some frustration about things that
17 are or are not happening. **I want to remind everyone that we are talking about looking at**
18 **draft guidance that hasn’t even gone out yet.**”

19 1.05 Drs. Anjum Hajat, Ph.D., MPH, and Catherine Karr, M.D., Ph.D. reviewed the
20 Fact Sheets. Their professional opinions on the Fact Sheets and other relevant matters were sent
21 to the agencies on April 15, 2020 and are attached as Exhibit 3.

1 1.06 In light of Governor Inslee’s state-wide emergency proclamations, a documented
2 outbreak of COVID-19 among seasonal farmworkers from Mexico just 80 miles north of the
3 Canadian border in Kelowna, B.C. (20 testing positive, 62 others in isolation), alleged COVID-
4 19 positive tests from farmworkers at an orchard in the Yakima Valley, and because L&I and
5 DOH refuse to adopt rules to carry out their statutory duties, FUJ and UFW respectfully request
6 a permanent injunction requiring L&I and DOH to protect the lives of Washington farmworkers
7 by adopting emergency rules. (*See Exhibits 4 and 5.*)

8 **II. JURISDICTION AND VENUE**

9 2.00 This action arises under the Washington Administrative Procedure Act, RCW
10 34.05.001 *et seq.*

11 2.01 Proper venue for this action is in Skagit County, pursuant to RCW 34.05.514.

12 **III. PARTIES**

13 3.00 Petitioner Familias Unidas por la Justicia, AFL-CIO, is a recognized Washington
14 labor union the objectives of which are set forth in its Constitution: “the elevation of the position
15 of its members, [to represent] persons engaged in the performance of work within its
16 jurisdictions; to organize, unite, and assist persons, without regard to race, creed, color, sex,
17 religion, age, disability, sexual orientation, national origin, or ethnic background, engaged in the
18 performance of work within its jurisdiction for the purpose of improving wages, hours, benefits,
19 and working conditions . . . ; to obtain the status of exclusive bargaining representative of persons
20 employed within the jurisdiction of the Union and to process and resolve grievances and enforce
21 all other rights arising out of such collective bargaining relationships; to advance and safeguard
22 the full employment, economic security, and social welfare of its members and of workers
23

1 generally; to protect and extend democratic institutions, civil rights and liberties, and the
2 traditions of social and economic justice; to function as an autonomous Union . . .” Its principal
3 mailing address is P.O. Box 1206, Burlington, WA 98233.

4 3.01 Founded in 1962, the United Farm Workers of America (“UFW”) is the nation’s
5 oldest and largest farmworkers’ union, with members in the State of Washington. To promote a
6 just food supply, UFW works to protect the health and safety of farmworkers from occupational
7 injuries due to unsafe working conditions, sexual harassment, physical violence, and violations
8 of labor and human rights. UFW vindicates farmworkers’ rights through, among other things,
9 assisting in investigating and documenting violations of the law, filing complaints with state and
10 federal agencies, assisting farmworkers in finding attorneys to represent them in civil litigation
11 against agricultural employers, assisting in organizing farmworkers for collective-bargaining
12 purposes, educating the public regarding farm-related issues of public concern, and engaging
13 with retailers regarding social-justice, food safety, and health issues affecting the food supply
14 chain. UFW has thousands of members, many of whom are highly vulnerable migrant and
15 seasonal farmworkers, and serves farmworkers across the country, including in Washington
16 state. Its principal mailing address in Washington State is 1761 George Washington Way, #106,
17 Richland, WA 99354.

18 3.02 Respondent Washington State Department of Labor & Industries is responsible
19 for promulgating safety and health standards of general and specific application governing the
20 conditions of employment in all workplaces, including agriculture, pursuant to the Washington
21 Industrial Safety and Health Act, RCW 49.17 *et seq.*

1 3.03 Respondent Washington State Department of Health is responsible for licensing
2 and inspecting temporary farmworker housing. RCW 43.70.334-.340 and RCW 70.114A *et seq.*

3 3.04 The principal mailing address for each respondent is P.O. Box 40121
4 Olympia, WA 98504-0121 (L&I) and Town Center 3, 243 Israel Road SE, Tumwater, WA
5 98501 (DOH).

6 **IV. STATUTORY AND REGULATORY BACKGROUND**

7 4.00 The Washington State Industrial Safety and Health Act (WISHA) requires that the
8 director of L&I “shall provide for the promulgation of health and safety standards and the control
9 of conditions in all workplaces concerning . . . vapors . . . or other airborne particles, . . . or
10 harmful physical agents which shall set a standard which most adequately assures, to the extent
11 feasible, on the basis of the best available evidence, that no employee will suffer material
12 impairment of health.” RCW 49.17.050(4).

13 4.01 DOH is required to establish rules for the licensing, operation, and inspection of
14 temporary farmworker housing, that “are as effective as the standards developed under the
15 [WISHA], chapter 49.17 RCW.” RCW 70.114A.065.

16 4.02 These statutory directives constitute a duty to act by both agencies.

17 **V. FACTUAL ALLEGATIONS**

18 5.00 The COVID-19 disease is caused by a virus that spreads easily from person to
19 person which may result in serious illness or death and has been classified by the World Health
20 Organization as a worldwide pandemic. It has broadly spread throughout Washington State,
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1 significantly increasing the threat of serious associated health risks statewide. Proclamation 20-
2 25 by Governor Jay Inslee issued March 23, 2020.

3 5.01 On February 29, 2020, Governor Jay Inslee issued his first COVID-19-related
4 Proclamation—Proclamation 20-05.

5 5.02 On March 19, 2020, FUJ, Community to Community Development, UFW,
6 Northwest Justice Project, and Columbia Legal Services wrote to Governor Inslee requesting
7 “immediate protection for Washington State’s farmworkers during this dire health care crisis.”

8 5.03 The March 19, 2020 letter noted that Washington’s agricultural industry was in
9 the process of bringing in thousands of workers from Mexico under the H-2A temporary
10 agricultural visa program; 7,500 of these workers were already in Washington. Up to 30,000 H-
11 2A workers would arrive from Mexico in the coming months. In addition to not being tested for
12 COVID-19 prior to entry, the letter said that the vast majority of H-2A workers will be living on
13 isolated, rural farms in crowded dormitory-style housing. Besides living, cooking, and bathing in
14 common facilities, they will also be bussed to and from work daily in old school buses or vans.
15 These same modes of transportation will also be used to get the workers into towns to shop at
16 local stores, cash checks, and send money to their families.

17 5.04 The March 19, 2020 letter went on to request several steps be taken to protect
18 farmworkers.

19 5.05 The Governor subsequently issued several additional COVID-19-related
20 Proclamations. On March 23, 2020, the Governor issued Proclamation 20-25 entitled “Stay
21 Home – Stay Healthy.” The Proclamation noted there had been 110 COVID-19-related deaths
22 and at least 2,221 cases of COVID-19 in Washington State.

1 5.06 Proclamation 20-25 required non-essential businesses to cease operations no later
2 than midnight on March 25, 2020.

3 5.07 An Appendix to Proclamation 20-25 declared that farmworkers were “Essential
4 Critical Infrastructure Workers.” Essential Workers were not subject to the Stay at Home
5 directive.

6 5.08 In response to the March 19, 2020 letter, L&I sent out *draft* guidance to the
7 agricultural industry to implement Proclamation 20-25 on April 3, 2020.

8 5.09 This guidance does not have the force of agency rules.

9 5.10 The guidance is unenforceable by L&I or DOH.

10 5.11 On April 4, 2020, the Governor issued Proclamation 20-25.1. Proclamation 20-
11 25.1 said that since Proclamation 20-25 was issued on March 23, 2020 the number of confirmed
12 COVID-19 cases and deaths in Washington State had more than doubled, and there were
13 currently at least 5,984 cases of COVID-19 in Washington State with 247 associated deaths; and,
14 furthermore, models predicted that many hospitals in Washington State would reach capacity or
15 become overwhelmed with COVID-19 patients within the following few weeks unless we
16 significantly slowed its spread throughout the state.

17 5.12 On April 6, 2020, FUJ, UFW, and others sent a petition to L&I and DOH asking
18 the agencies to adopt emergency rules pursuant to RCW 34.05.350(1)(a) no later than April 10,
19 2020 to protect farmworkers’ lives and their health.

20 5.13 The state acknowledged the receipt of the April 6, 2020 rulemaking petition but
21 has not substantively responded to it to date.

1 5.14 A staffer from the Governor’s office sent an email to FUJ and others on April 11,
2 2020. It said:

3 We have received your latest correspondence regarding the status
4 of your petitions for emergency rulemaking to the Departments of
5 Labor & Industries and Health. Please know that we are actively
6 and expeditiously reviewing all materials that we have received
7 and will be able to provide further updates on our overall direction
8 by Wednesday, April 15, 2020.

9 5.15 The April 6, 2020 petition for emergency rulemaking details the inadequacies of
10 the April 3, 2020 draft guidance.

11 5.16 On April 9, 2020, the Employment Security Department’s Agricultural and
12 Seasonal Workforce Services Advisory Committee held a virtual meeting that was open to the
13 public. At this meeting, L&I provided updated drafts of non-binding agency “Fact Sheets.” *See*
14 Exhibit 1.

15 5.17 Representatives from L&I and DOH participated in the public meeting.

16 5.18 L&I’s Assistant Director, Anne Soiza, participated in the public meeting and
17 spoke extensively about L&I’s guidance documents.

18 5.19 Voting members of the Committee representing the interests of the agricultural
19 industry and agricultural workers participated in this meeting.

20 5.20 FUJ president, Ramon Torres, is a voting member of the Committee but was
21 unable to attend the April 9, 2020 meeting.

22 5.21 Both agricultural industry and agricultural worker voting members of the
23 Committee stated that they were confused as to whether L&I’s draft guidance (three “Fact

1 Sheets” covering agricultural fields, housing, and packing operations) were requirements or
2 suggestions.

3 5.22 An L&I senior manager stated at the public meeting: “We’re just trying to make
4 sure, as [Assistant Director] Anne [Soiza] said, that the Fact Sheets are clear as to what is
5 required versus what is a suggestion, an idea, to achieve the expectations that are delineated.”

6 5.23 At the end of the meeting, Rosalinda Guillen, Executive Director of Community
7 to Community Development and a Committee voting member representing agricultural workers
8 stated: “What I’m most concerned about is trying to see what is actually enforceable and trying
9 to drill down on that. The farmers are waiting about what are the requirements. The longer that
10 takes the more people are being exposed.”

11 5.24 These April 9, 2020 Fact Sheets are quasi-rule-like, but do not carry the force of
12 rules, nor were they adopted by the agencies as emergency rules.

13 5.25 The April 9, 2020 Fact Sheets do not fulfill L&I’s duties under RCW
14 49.17.050(4).

15 5.26 Todd Phillips, a non-voting member of the Advisory Committee who represents
16 DOH attended the meeting.

17 5.27 Mr. Phillips stated that DOH has already licensed virtually all agricultural labor
18 camps in Washington under state codes that have not changed and “are not set up for this
19 [COVID-19] situation” and DOH has no plan to re-inspect them to protect farmworkers from
20 COVID-19.

1 5.28 Based on a review of ESD public records, Rosalinda Guillen, Executive Director
2 of Community to Community Development and a voting member of the Committee stated:
3 “According to what we know of approved applications from the Employment Security
4 Department, there will be a total of almost 11,000 [H-2A] workers here by May 1st and there are
5 already 8,500, almost 9,000, already here.”

6 5.29 Rosalinda Guillen also stated: “This is very concerning. I mean, there are 204 [H-
7 2A] applications already approved by ESD with a total of 19,829 workers planned or scheduled
8 to be here by June 1st. So, I would imagine . . . that’s a big concern of ours. How are you going
9 to backtrack and ensure the safety of the workers now?”

10 5.30 Mr. Phillips responded: “Today I don’t have that answer because I have not been
11 able to connect with L&I or others in that respect.”

12 5.31 Canada also employs seasonal, foreign farmworkers.

13 5.32 These seasonal workers must come from Mexico or participating Caribbean
14 countries. [https://www.canada.ca/en/employment-social-development/services/foreign-
15 workers/agricultural/seasonal-agricultural.html](https://www.canada.ca/en/employment-social-development/services/foreign-workers/agricultural/seasonal-agricultural.html).

16 5.33 Canadian authorities are presently dealing with a COVID-19 outbreak involving
17 several dozen Mexican seasonal farmworkers near Kelowna, B.C.

18 5.34 According to the Canadian Broadcasting Corporation, as of March 31, 2020, the
19 nursery employing the seasonal workers is shut down, fourteen of the migrant workers have
20 tested positive for COVID-19, and twelve local workers are in isolation, as are sixty-three
21 additional seasonal workers. *See Exhibit 4.*

1 5.35 Kelowna, B.C. is included in the larger, geographic area known as the Okanogan
2 Valley which stretches several hundred miles, including into Washington State where, like the
3 British Columbia Okanogan region, there are many farms.

4 5.36 Seasonal farmworkers entering Canada, like everyone entering the country, are
5 required to isolate for fourteen days. Seasonal farmworkers, however, are permitted to isolate at
6 their work sites.

7 5.37 H-2A workers from Mexico have already arrived in the Washington State
8 Okanogan region, 80 miles from Kelowna, B.C.

9 5.38 In addition to H-2A workers already in Okanogan County, H-2A workers from
10 Mexico have also arrived in the following Washington counties: Chelan, Douglas, Grant, Skagit,
11 and Douglas.

12 5.39 Several thousand additional H-2A workers are expected to arrive in the coming
13 weeks.

14 5.40 Unlike workers entering Canada, these H-2A workers are not required to isolate
15 for fourteen days.

16 5.41 Respondent L&I has a non-discretionary duty under RCW 49.17.050(4) to
17 promulgate health and safety standards to protect farmworkers from vapors and other airborne
18 particles so that no employee will suffer material impairment of health.

19 5.42 Respondent DOH has a non-discretionary duty under RCW 70.114A.065 to
20 promulgate standards in temporary farmworker housing consistent with RCW 49.17.
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1 5.43 Petitioners have continued to send additional materials to L&I and DOH to
2 support its request for emergency rulemaking.

3 5.44 In the absence of emergency rulemaking from L&I and DOH, FUJ and UFW turn
4 to this Court for relief. Without relief from this Court, essential farmworkers are at imminent risk
5 of contracting COVID-19.

6 5.45 Based on the record, the existence of the COVID-19 pandemic, and Governor
7 Inslee’s Proclamations, there is good cause for the immediate adoption of emergency rules for
8 the preservation of public health, safety, and general welfare such that observing the time
9 requirements of notice and opportunity to comment upon adoption of a permanent rule would be
10 contrary to the public interest. RCW 34.05.350(1).

11 5.46 As of the date of filing, 10,783 people living in Washington are known to have
12 contracted COVID-19 and 567 have died of the disease. Since the Governor’s April 4, 2020
13 Proclamation 20-25.1, the death toll has more than doubled, from 247 to 541.
14 <https://www.arcgis.com/apps/opsdashboard/index.html#/3614241b1c2b4e519ae1cf52e2c3d560>

15 5.47 If this Court does not order immediate equitable relief in the form of a permanent
16 injunction ordering L&I and DOH to engage in emergency rulemaking, members of FUJ and
17 UFW and other similarly situated farmworkers across the state will suffer irreparable harm.

18 **VI. EXHAUSTION, TIMELINESS OF PETITION, AND IRREPARABLE INJURY**

19 6.00 Exhaustion of administrative remedies is not required to the extent that the APA or
20 any other statute states that exhaustion is not required. RCW 34.05.534(2).
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1 6.01 Additionally, the court may relieve a petitioner of the requirement to exhaust any or
2 all administrative remedies upon a showing that the remedies would be patently inadequate; the
3 exhaustion of remedies would be futile; or grave irreparable harm that would result from having
4 to exhaust administrative remedies would clearly outweigh the public policy requiring
5 exhaustion of administrative remedies. RCW 34.05.534(3).

6 6.02 All three requirements of RCW 34.05.534(3) are met here.

7 6.03 COVID-19 presents a potentially fatal risk to virtually every human being.

8 6.04 Grave, irreparable harm to farmworkers would result from proceeding through the
9 rule making process set forth in RCW 34.05.330.

10 6.05 It would be patently inadequate to protect farmworkers to proceed through the rule
11 making process set forth in RCW 34.05.330.

12 6.06 It would be futile to require farmworkers to proceed through the rule making
13 process set forth in RCW 34.05.330.

14 **VII. STANDING**

15 7.00 FUJ's and UFW's domestic and H-2A members have a clear equitable and legal
16 right to the promulgation of emergency rules and are aggrieved by the two agencies' refusal to
17 adopt emergency rules.

18 7.01 The agencies' actions and inaction will cause substantial and imminent harm to
19 FUJ and UFW's members.

20 7.02 FUJ and UFW's asserted interests are among those that the agencies were required
21 to consider when it engaged in the agency action challenged.
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1 7.03 A judgment in favor of FUJ and UFW would substantially eliminate or redress the
2 prejudice to their members caused or likely to be caused by the agency action.

3 **VIII. REQUEST FOR RELIEF**

4 Petitioners respectfully requests:

5 8.00 Entry of declaratory judgment finding that L&I and DOH have failed to carry out
6 their statutory duties, and that that failure is arbitrary and capricious;

7 8.01 Entry of a declaratory judgment finding that Petitioners have met the
8 requirements of RCW 34.05.350(1) justifying the immediate adopting of emergency rules; and

9 8.02 Entry of a Permanent Injunction requiring L&I and DOH to immediately adopt
10 emergency rules that fulfill the requirements imposed on the agencies by RCW 49.17 *et seq.* and
11 RCW 43.70.334-.340 and RCW 70.114A *et seq.* with respect to farmworker housing, work sites,
12 and worker transportation that are consistent with current science-based guidance on preventing
13 exposure to COVID-19.

14 **IX. PRAYER FOR RELIEF**

15 WHEREFORE, Petitioners requests that the Court:

16 9.00 Assume jurisdiction of this case;

17 9.01 Enter declaratory judgment and a permanent injunction as requested above;

18 9.02 Award Plaintiffs their costs and reasonable attorneys' fees pursuant to RCW
19 4.84.350 or other applicable statute.

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1 DATED this 15th day of April, 2020

2 COLUMBIA LEGAL SERVICES

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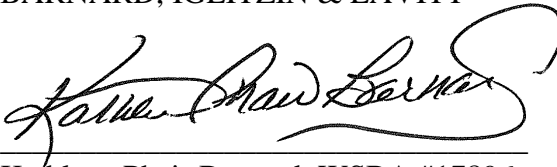
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EXHIBIT 1

DRAFT-feedback to KILP235@lni.wa.gov by Monday 4-6 Noon

(COVID-19) Prevention in Agriculture, Temporary Worker Housing and Related Operations

Employers and workers can help limit the spread of coronavirus and keep workers safe and healthy.

Prevent Worker Exposure to Coronavirus (COVID-19)

As of this date, COVID-19 is known to spread from person to person, primarily through respiratory droplets produced when an infected person coughs or sneezes. The Coronavirus virus also spreads by people touching surfaces or objects and then touching one's mouth, nose, and eyes.

The Department of Labor & Industries (L&I) requires employers to implement the Governor's Proclamation: <https://www.governor.wa.gov/news-media/inslee-announces-stay-home-stay-healthy%2%A0order> . Employers must ensure social distancing for employees and customers; frequent and adequate handwashing; and that sick employees stay home or in the case of employer owned housing, move to isolation away from other employees. Additionally, employers must provide basic workplace hazard education regarding Coronavirus (COVID-19) and how to prevent transmission. This basic workplace hazard education must be in the language best understood by employees.

Workplace Discrimination

It is against the law for any employer to take any adverse action such as firing or threatening a worker for exercising safety and health rights such as raising safety and health concerns to their employer, participating in union activities concerning safety and health matters, filing a safety and health complaint or participating in a DOSH investigation. Workers have 30 days from the date of any such discriminatory action by the employer to file their complaint with L&I DOSH and/or with Federal OSHA. <https://lni.wa.gov/workers-rights/workplace-complaints/discrimination-in-the-workplace>

Employers Must Create and Implement an Effective Social Distancing Plan

You must arrange work areas to facilitate social distancing with a minimum of 6 feet between staff and ensure your staff follow social distancing protocols.

Ideas for Social Distancing (at least 6 feet) in Agricultural Work:

- Stagger tasks and work shifts.
- Limit work to only necessary tasks, to maintain distance over six feet.
- In the field, assign and enforce tasks in which the workers can maintain a distance of at least six (6) feet apart.
- Reorganize work to break up tasks in a manner that facilitates social distancing or other protective measures.
- While maintaining social distancing, employers may need to schedule multiple smaller meetings for crews: safety meetings, trainings, and rest/lunch breaks with no more than 10 workers at any one time in one place.
- You must arrange lunch, common areas, and break rooms to ensure a minimum distance of 6 feet between occupants.

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- For field workers, ensure adequate shade areas for breaks with minimum distance of 6 feet between occupants.
- Hold gatherings of no more than 10 employees and hold them outdoors.
- Establish a 'physical distance monitor' – similar to a safety monitor but whose job it is to reinforce the minimum six foot separation.
- Ensure supervisors lead by example.
- Evaluate both the size of vehicles used to transport employees and how many will be transported in order to maintain 6 foot distance between passengers.
- Commuting to/from worksite, limit occupancy during mass transit or carpooling in accordance with six-foot rule. For example, when a bus is used, put one worker per seat or row.
- Modify work so that pick up/drop off points are separated or increase the number to reduce number of employees going to one location.
- Inform workers about the steps being taken in the workplace to establish social distancing to prevent the spread of the coronavirus.
- Discourage nonessential visitation to facilities, and it is advised to maintain a record of all visitors

Employers Must Ensure Frequent and Adequate Handwashing

Ideas for an Effective Handwashing Plan:

- Ensure all workers know why and how to effectively wash hands with soap and water for at least twenty seconds.
- Employers must provide enough hand washing facilities/stations to promote frequent hand washing. There must be enough fixed or portable stations so all employees can wash their hands with soap and hot and cold running water at all worksites and in the Temporary Worker Housing area.
- Require workers to wash hands frequently with soap and water for at least twenty seconds such as when they arrive at work, leave their workstations for breaks, use the bathroom, or after touching any surfaces suspected of being contaminated.
- Require handwashing before and after consumption of food, drink or using tobacco products.
- Make sure handwashing stations have an adequate supply of soap, water and towels whenever they are or could be used by employees.
- Set up a schedule to ensure frequent re-supply of soap and running water on all jobsites and emptying of trash.
- To facilitate more frequent cleaning, secondary handwashing or sanitizing stations can be provided with either hand sanitizer, soap and tepid water, or wipes/towelettes.
- Gloves may be provided, but also must be washed regularly to prevent the spread of the virus. This may help for workers whose hands are bothered by frequent washing.
- Portable hand washing stations are required in fields.

Employers Must Ensure that Sick Employees Stay Home or in the Case of Employer- Owned Housing, Isolation Protocols from ALL Other Employees.

Ideas for Ensuring that Sick Employees are not at Work:

- Ensure employees know the signs and symptoms of COVID-19 caused by coronavirus exposure.

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- Require sick workers to stay home or go home if they feel or look ill.
- Have a process for identifying and isolating people workers who shows signs of COVID-19 or potential or confirmed COVID-19 cases.
- Encourage workers to report concerns and use paid sick leave.
- Conduct daily COVID-19 symptoms checks of employees, contractors, suppliers, customers and visitors entering the worksite – many employers are using short questionnaires.
- Develop a procedure if a worker becomes ill while at work or if a worker notifies the employer they have become ill while not at work.
- Maintain a process to check-in on sick workers to determine if emergency transport is required.

Establish Increased Frequency for Cleaning and Disinfecting the Worksite and TWH Facilities **Make sure you pay close attention to disinfecting common areas and touch points including:**

- Establish increased frequency and maintain regular disinfection at the site, particularly clean objects handled extensively by more than one worker when the items are transferred and in common areas and touch points including:
 - Taps and washing facilities
 - Toilet flush and seats
 - Door handles and push plates
 - Hand rails on staircases and corridors
 - Lift and hoist controls
 - Vehicles
 - Machinery and equipment controls
 - Food preparation and eating surfaces
 - Telephone equipment
 - Food prep areas
 - Common or community dining areas
 - Toilets, bathrooms, sinks, tubs and showers
 - Door handles and push plates
 - Hand rails on staircases and corridors
 - Shared or common telephone equipment
 - Keyboards, photocopiers and other office equipment.
- The first step in cleaning is to remove buildups of dirt and other materials on surfaces. Water and soap or other cleaning fluids are used with cloths, brushes or other physical means of removing these materials so that there is no visible build-up, smears, or streaks on the surface.
- Disinfecting is the second step and is primarily needed for high touch surfaces including vehicles. An EPA approved disinfectant must be used to make sure this is effective:
<https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2>.
- Surfaces that are commonly touched with the hands but difficult to clean (fabric, rough surfaces, and so forth) may need to be covered to make sure the environment is hygienic.
- Cleaning supplies need to be available to workers to do spot cleaning when necessary.
- Surfaces that are regularly touched by workers must be cleaned regularly to maintain a visibly clean state (no obvious soiling, smearing, or streaks).
- Follow CDC guidelines for cleaning and disinfection

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<https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html>

- Update Safety Data Sheets (SDS) of all disinfectants on site

Employers Must Provide Basic Workplace Hazard Education Regarding Coronavirus (COVID-19) and How to Prevent Transmission in the Language Best Understood by Employees

Ideas for Providing Basic Workplace Hazard Education About Preventing Coronavirus Transmission:

- Instruct all workers on social distancing, handwashing, and other safety procedures related to coronavirus.
- Educate workers with up-to-date guidelines on COVID-19 risk factors, protective behaviors (e.g., cough etiquette and care of PPE), and how to prevent the spread.
- Advise workers about not touching eyes, noses, and mouths with unwashed hands or gloves.
- Post information from the local health department, state department of health, Center for Disease Control and Prevention, and other authorities.
- Teach workers the importance of hand washing before eating, drinking, or using tobacco.
- Communicate important safety messages/updates daily etc.
- Post large signs throughout the worksite with social distancing guidance; frequent hand washing; required PPE; symptoms reporting.
- Make sure written Accident Prevention Programs, Safety and Health Plans and policies, including plans to protect workers from biological hazards, are communicated to employees in a language they understand, and that they are easily accessible.
- Inform workers about the steps being taken in the workplace to establish social distancing and prevent the spread of the virus.

Personal Protective Equipment

Personal protective equipment may be helpful to prevent transmission of the disease or provide protection from cleaning and disinfecting materials.

- Face shields can prevent direct exposure to expelled droplets and provide protection from disinfectants.
- Respirators require care in use and management under a program covered by the Respirator Rule, Chapter 296-842 WAC. Respirators are not normally recommended for social distancing purposes, but may be appropriate where workers must have close proximity to others.
- Surgical face masks (loose fitting cloth covers over the mouth and nose) do not prevent respiration inhalation of fine aerosols and are not protective in close proximity. The primary purpose for these devices are to prevent exposures to others and may have a use when individuals enter the workplace with a cough or sneezing
- Non-medical face coverings, such as scarves or homemade face masks may be helpful in preventing the wearer from transmitting a non-symptomatic infection to others.
- Care should be used to prevent touching mouth, nose, or eyes when donning, doffing or adjusting the covering. When removing the covering the individual should prevent contaminating themselves, others, or nearby objects with the covering.

Employers Who Provide Worker Housing

DRAFT-feedback to KILP235@Ini.wa.gov by Monday 4-6 Noon

The employer's social distancing obligations includes Temporary Worker Housing. The Washington State Department of Health developed guidance to assist temporary worker housing facilities in response to the COVID-19 outbreak.

<https://www.doh.wa.gov/Portals/1/Documents/1600/coronavirus/TemporaryWorkerHousingGuidance.pdf>

Employer-Provided Temporary Worker Housing is temporary housing provided by the employer in some circumstance such as agricultural guest workers.

- Social distancing must be supported for occupants during the time workers are housed, which may require additional resources. This includes accommodation of the six feet separation of social distancing during recreating time, cooking, and sleeping.
- Workers may have limited control over their environment in some worker housing situations and to the extent that the employer controls conditions the basic program elements should be maintained as feasible during non-working time.
- Transportation provided for workers must also allow for social distancing.
- Housing occupants **must be provided** cleaners and equipment to maintain a hygienic living space.

If a housing occupant becomes sick

- Provide sick employees with isolation plans that prevent further spread of the disease
 - Separate food and bathroom access is also strongly advised.
- Arrange for medical access.
 - Telemedicine resources should be utilized first to determine appropriate care.
 - Provide transportation, if necessary in a manner that does not expose others.
- The employer needs to consult with a physician or public health authority to monitor the situation and provide guidance on treatment and continued housing of workers.
- Establish a process for deep cleaning after any worker leaves the workplace reporting a suspected or confirmed case of COVID-19.
 - Thoroughly clean areas where the worker worked or would have stayed more than 10 minutes.
 - Wipe all accessible surfaces
 - Clean up any visible soiling including any smears or streaks.
 - Sanitize common touch surfaces in the vicinity.
 - Do not allow other workers into these areas until the cleaning is complete

Employee responsibilities:

- Don't go to work if you are sick.
- Wash hands just before consumption or use of food, water, and tobacco.
- Cover your mouth and nose with tissues if you cough or sneeze, or cough/sneeze into your elbow.
- Do not shake hands or bump elbows with others.
- Avoid touching your eyes, nose, or mouth.
- Wash your hands often with soap and water for at least 20 seconds.
- Pay attention to official sources of information such as the CDC and the Washington State Department of Health.
- Do not share tools, phones, or PPE.
- Do not share food with others on the jobsite.

DRAFT-feedback to KILP235@lni.wa.gov by Monday 4-6 Noon

- Wear appropriate PPE for jobsite hazards.

Other Protective Measures

- Provide ways for workers to express any concerns and ideas to improve safety.
- Update store Accident Prevention Program (APP) to include awareness and prevention measures for diseases and viruses.
- Businesses are strongly encouraged to coordinate with state and local health officials so timely and accurate information can guide appropriate responses.

Resources

Call a consultant near you or email DOSHConsultation@lni.wa.gov for help lni.wa.gov/doshconsultation

Employers should reference the CDC's **Interim Guidance for Businesses and Employers :**
<https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>
Employers should check CDC recommendations frequently and update JHAs and safety plans.

Additional links from our federal and state government partners:

From OSHA: <https://www.osha.gov/SLTC/covid-19/>; <https://www.osha.gov/Publications/OSHA-FS-3747.pdf>; <https://www.osha.gov/SLTC/covid-19/controlprevention.html>

From NIOSH: https://www.cdc.gov/niosh/emres/2019_ncov.html

From WA DOH: <https://www.doh.wa.gov/Portals/1/Documents/Pubs/130-012.pdf>

EXHIBIT 2

Coronavirus (COVID-19) Prevention in Agriculture

Prevent Worker Exposure to Coronavirus (COVID-19)

Coronavirus causes COVID-19 and spreads when an infected person coughs or sneezes. Coronavirus also spreads by touching surfaces or objects and then touching one's mouth, nose, or eyes. Coronavirus is recognized as a very serious workplace hazard.

The Department of Labor & Industries (L&I) requires employers to implement the Governor's proclamation . <https://www.governor.wa.gov/news-media/inslee-announces-stay-home-stay-healthy%2%A0order> Employers must ensure social distancing for employees and customers; frequent and adequate employee handwashing; and that sick employees stay home/go home. Employers must also provide basic workplace hazard education about coronavirus and how to prevent transmission in the language best understood by the employee. [WAC 296-307-030]

Workplace Discrimination

It is against the law for any employer to take any adverse action such as firing, demotion, or otherwise retaliate against a worker they suspect of exercising safety and health rights such as raising safety and health concerns to their employer, participating in union activities concerning safety and health matters, filing a safety and health complaint or participating in a DOSH investigation. Workers have 30 days to file a complaint with L&I DOSH and/or with Federal OSHA.

<https://lni.wa.gov/workers-rights/workplace-complaints/discrimination-in-the-workplace>

Expectations: Employers Must Create and Implement an Effective Social Distancing Plan

Employers must assess the risk of exposure from the public, co-workers, individual workers' risk factors (such as age and underlying health conditions), and other factors throughout their worksites, considering all job tasks, and then develop a plan to address those risk factors. This plan must ensure that work areas and activities occur with at least six feet between staff, and that all staff follow social distancing protocols. [WAC 296-307-030]

Suggestions: Ideas to Achieve Social Distancing (at least 6 feet) in Agricultural Work:

- Stagger tasks and work shifts.
- Limit work to only necessary tasks.
- In the field, assign and enforce tasks to maintain a distance of at least six feet between people.
- Reorganize work, break up tasks to facilitate social distancing.
- Provide radios for workers to communicate without having to come together.
- Set up staging areas where tools or other materials can be dropped and picked up by workers.
- Find alternatives to group meetings for sharing information (e.g. telephone conference).
- Ensure adequate shade areas for breaks with minimum distance of six feet between people.
- Hold gatherings (of no more than 10) outdoors while maintaining required distancing.
- Establish physical distance monitors to reinforce the minimum six-foot separation.
- Stress the importance of social distancing off the job

Suggestions: Ideas for Alternate Protections When six foot Spacing Is Infeasible

- Use barriers between workers to block direct face-to-face pathways and create at least six foot indirect pathways.
- Use fans or take advantage of natural breezes. Air pushed towards the worker's breathing zone must be from a clean source. Avoid blowing air exhaled by one worker directly to another.
- Review jobs that use more than one person to see if one person do them.
 - Consider shifting workers and/or tools used.
 - Consider reducing the size of the material being worked (e.g.lifted or processed).

Expectations: Employers Must Ensure Frequent and Adequate Handwashing

- Ensure all workers know how to wash hands with soap and water for at least twenty seconds, drying hands with disposable paper towels with proper used towel disposal during work time.
- Portable hand washing stations are required in fields and must contain water, liquid soap, disposable paper towels and a trash can.

Suggestions: Ideas for an Effective Handwashing Plan:

- Set up a schedule to ensure frequent re-supply of soap, running water, and paper towels on all jobsites and emptying of trash.
- Provide secondary handwashing or sanitizing stations (hand sanitizer or wipes/towelettes).
- If gloves are used, they must also be washed regularly.[WAC Part H 296-307-10005]

Expectations: Employers Must Ensure that Sick Employees Stay Home

- Require sick workers to stay home or go home if they feel or look ill. The main symptoms of COVID-19 include fever (100 or higher), cough and shortness of breath. Other symptoms may include body aches, fatigue, diarrhea, and loss of smell or taste.[WAC 296-307-030]

Suggestions: Ideas for Ensuring that Sick Employees are not at Work:

- Have a plan for identifying who exhibits symptoms of the disease (fever, sore throat, cough, difficulty breathing, etc.)
- Encourage workers to report concerns. Explain to workers that there are programs so workers can be paid if they are sick and can't work.
- Have flexible sick leave policies and tell workers about paid sick leave.
- Tell older workers (60 or older) and workers with underlying health conditions that if they stay home on furlough they will not suffer adverse employment consequences.
- Conduct daily COVID-19 symptoms checks of employees, contractors, suppliers, customers and visitors entering the worksite –consider a physical test or even a short questionnaire.
- Develop a process if a worker becomes ill while at work or outside of work.
- Notify co-workers who have come within six feet of COVID-19 sick worker, without identifying the sick worker.
- Notify the workers at the site that someone has fallen sick, and inform them of the measures you have taken to clean and sanitize the worksite.

Expectations: Employers Must Provide Basic Workplace Hazard Education Regarding Coronavirus (COVID-19) and How to Prevent Transmission in the Language Best Understood by Employees [WAC 296-307-030]

- Instruct all workers on COVID-19 preventive behaviors such as social distancing, handwashing, facial touching avoidance, cough etiquette, and PPE.

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Comments to KILP235@lni.wa.gov on Friday, 4/10

- Emphasize cleaning and sanitizing items that are frequently touched, such as cell phones.
- Ensure written Accident Prevention Programs, Safety and Health Plans and policies, including plans to protect workers from biological hazards, are communicated to employees in a language they understand and are easily accessible. Include information about emergency services such as **911**, local hospital emergency room <https://www.wsha.org/our-members/member-listing> and community health centers. <https://www.wacommunityhealth.org/member-health-centers>

Suggestions: Ideas for Providing Basic Workplace Hazard Education About Preventing Coronavirus Transmission:

- Post information from the health authorities (CDC, OSHA, DOSH, WA DOH, etc.).
- Communicate important safety messages/updates daily etc.
- Post signs throughout the worksite about how to prevent coronavirus transmission.

Personal Protective Equipment - Personal protective equipment may prevent coronavirus transmission.

- Face masks/shields or cloth face coverings can prevent direct exposure to coronavirus droplets.
- Respirators require care in use and management under a program covered by the Respirator Rule. [Agriculture employers must comply with Part Y-5 Respirators under WAC 307-594 through 622](#). Respirators are not normally recommended for social distancing purposes, but may be appropriate where workers must be near to others.
- Avoid touching mouth, nose, or eyes when donning, doffing or adjusting the face covering.

Other Protective Measures

- Provide ways for workers to express any concerns and ideas to improve safety.
- Update your Accident Prevention Program (APP) to include awareness and prevention measures for diseases and viruses.
- Businesses are strongly encouraged to coordinate with state and local health officials so timely and accurate information can guide appropriate responses.
- Regular cleaning of all items frequently touched

Resources

Call a consultant near you or email DOSHConsultation@lni.wa.gov for help lni.wa.gov/doshconsultation

From WA DOSH: <https://www.lni.wa.gov/safety-health/safety-topics/topics/coronavirus> includes resources from CDC, OSHA, and WA DOH

[Yakima Health District : https://www.yakimacounty.us/2323/COVID-19](https://www.yakimacounty.us/2323/COVID-19)

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Comments to kilp235@lni.wa.gov on Friday 4/10/2020

Temporary Worker Housing Supplemental Fact Sheet for Coronavirus (COVID-19) Prevention in Agriculture

This supplemental fact sheet should be read in conjunction with the “Coronavirus (COVID-19) Prevention in Agriculture” publication.

This supplemental fact sheet is directed to agriculture operations that have temporary worker housing.

Expectations for Employers Who Provide Temporary Worker Housing

An employer’s social distancing obligations include temporary worker housing. The Washington State Department of Health developed guidance to assist temporary worker housing facilities during the COVID-19 outbreak. (WAC 296-307-030)

<https://www.doh.wa.gov/Portals/1/Documents/1600/coronavirus/TemporaryWorkerHousingGuidance.pdf>

- Update store Accident Prevention Program (APP) to include awareness and prevention measures for diseases and viruses. (WAC's 296-307-030 APP or WAC 296-307-16127 TWH management plan)

Employer-provided temporary worker housing is temporary housing provided by the employer in some circumstances, such as for agricultural guest workers.

- Social distancing must be supported for occupants during the time workers are housed, which may require additional resources. This includes maintaining six-foot separation for recreation, cooking, and sleeping.
- The employer shall continuously exercise reasonable efforts to ensure that the coronavirus prevention protocols, including social distancing elements, are maintained within the temporary worker housing environment.
- Transportation provided for workers must also allow for social distancing. This includes retrofitting buses with screens and keeping workers from sitting next to each other.
- Employers must provide cleaners and equipment to maintain a hygienic living space.

Suggestions to Meet 6’ Social Distancing Expectations

- Physical solutions, such as plastic flexible screens, should be added between sinks and other areas where workers are in close contact.
- Housing should be evaluated, and its initial set up modified to encourage social distancing, including the removal and/or spacing of chairs and furniture.
- Air conditioner units should be cleaned, always on at least fan, and filters changed weekly.
- Units without air conditioners should be provided with air filters.
- Transportation to and from housing should be cleaned on a daily basis.

Expectations - If a housing occupant becomes sick

- Provide sick employees with isolation plans that prevent further spread of the disease.
 - Separate food and bathroom access is also strongly advised.

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- Arrange for medical access.
 - Telemedicine resources should be utilized first to determine appropriate care.
 - Provide transportation, if necessary, in a manner that does not expose others.
- The employer must consult with a physician or public health authority to monitor the situation and provide guidance on treatment and continued housing of workers.
- Establish a process for deep cleaning temporary worker housing following a report and isolation of a worker with a suspected or confirmed case of COVID-19. (WAC 296-307-16145-8)
 - Thoroughly clean areas where a worker was for more than 10 minutes.
 - Wipe all accessible surfaces.
 - Clean up any visible soiling including any smears or streaks.
 - Sanitize common touch surfaces in the area.
 - Do not allow other workers into these areas until cleaning is complete.

Expectations - Establish Increased Frequency for Cleaning and Disinfecting TWH Facilities

- Make cleaning supplies available to workers to do spot cleaning when necessary.
- Follow CDC guidelines for cleaning and disinfection
<https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html>
- Update Safety Data Sheets (SDS) of all disinfectants on site.

Suggestions to Meet Cleaning/Disinfection Expectations:

- Increase frequency of regular disinfection at the site, particularly clean objects handled extensively by workers in common areas and touch points.
- Clean using soap water/other cleaning fluids and cloths and brushes to remove dirt buildups.
- Disinfect high touch surfaces including vehicles using an EPA approved disinfectant:
<https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2>.
- Consider covering surfaces difficult to clean or disinfect (fabric, rough surfaces, etc.).

Employee responsibilities:

- **Don't go to work if you are sick and tell the employer representative** you are not well.
- Wash hands just before consumption or use of food, water, and tobacco.
- Cover mouth and nose with tissues if you cough or sneeze, or cough/sneeze into your elbow.
- Do not shake hands or bump elbows with others.
- Avoid touching your eyes, nose, or mouth.
- Wash your hands often with soap and water for at least 20 seconds.
- Pay attention to official sources of information such as the CDC and the Washington State Department of Health.
- Do not share unsanitized cooking utensils, work tools, phones, or PPE.
- Do not share food with others on the jobsite.
- Wear appropriate PPE for jobsite hazards and sanitize and store it properly after each use.

Other Protective Suggestions

- Provide and encourage ways for workers to express any concerns and ideas to improve safety. (WAC 296-307-030).

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- Businesses are strongly encouraged to coordinate with state and local health officials so timely and accurate information can guide appropriate responses.

Resources

Call a consultant near you or email DOSHConsultation@lni.wa.gov for help lni.wa.gov/doshconsultation

Employers should reference the CDC's [Interim Guidance for Businesses and Employers](https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html) :

<https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>

Employers should check CDC recommendations frequently and update JHAs and safety plans.

Additional links from our federal and state government partners:

From OSHA: <https://www.osha.gov/SLTC/covid-19/> ; <https://www.osha.gov/Publications/OSHAHS-3747.pdf>; <https://www.osha.gov/SLTC/covid-19/controlprevention.html>

From NIOSH: https://www.cdc.gov/niosh/emres/2019_ncov.html

From WA DOH: <https://www.doh.wa.gov/Portals/1/Documents/Pubs/130-012.pdf>

From WA DOSH: <https://www.lni.wa.gov/safety-health/safety-topics/topics/coronavirus>

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Resources

Call a consultant near you or email DOSHConsultation@Lni.wa.gov for help Lni.wa.gov/doshconsultation

Employers should reference the CDC's [Interim Guidance for Businesses and Employers](https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html) :
<https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>
Employers should check CDC recommendations frequently and update JHAs and safety plans.

Additional links from our federal and state government partners:

From OSHA: <https://www.osha.gov/SLTC/covid-19/> ; <https://www.osha.gov/Publications/OSHA-FS-3747.pdf>; <https://www.osha.gov/SLTC/covid-19/controlprevention.html>

From NIOSH: https://www.cdc.gov/niosh/emres/2019_ncov.html

From WA DOH: <https://www.doh.wa.gov/Portals/1/Documents/Pubs/130-012.pdf>

From WA DOSH: <https://www.lni.wa.gov/safety-health/safety-topics/topics/coronavirus>

Food Processing/Warehouse Workers Supplemental Fact Sheet

For Corononavirus (COVID-19) Prevention in Agriculture

This supplemental fact sheet addresses agriculture food processing warehouse operations and should be read in conjunction with the “Coronavirus (COVID-19) Prevention in Agriculture” publication.

Suggestions to Achieve Social Distancing Plan for 6 feet of physical separation [WAC 296-307-030]

- Facilitate physical (social) distancing at warehouse entrances, processing floors, maintenance shops, cold storages, breakrooms, and all other potential exposure areas.
- Limit the number of visitors and time spent by them in warehouse.
- Arrange work areas to facilitate social distancing with a minimum of six feet between staff where feasible, and ensure your staff follow social distancing protocols.
- Arrange lunch and employee break rooms to ensure a minimum distance of six feet or more.
- Temporarily mark 6-foot increments (using adhesive colored tape, chalk, etc.) on the ground or processing floor to ensure social distancing.
- Post signs readable from a far distance (or use portable, electronic reader boards) that inform visitors and workers of social distancing practices.
- Designate workers to monitor and facilitate distancing on process floor lines.

Suggestions for physical controls where social distancing is not feasible

- Use barriers between employees to create an effective 6-foot air path between workers. Barriers should be able to stop airflow, so curtains or plastic sheeting may be effective, or more solid materials can be used.
- Set up fans to blow clean air at the workers' breathing zone. Ensure air is not blown from one worker directly to another.
- Extend production lines so workers can be farther apart.
- Reduce production speed to reduce the number of workers needed on the line. Running multiple shifts may allow for additional production.

Suggestions for interacting with Visitors

- Ensure visitor logs are accurate and maintained.
- Train visitors on your company's site-specific COVID-19 safety procedures. [WAC 296-307-030]
- Limit visitor's time and scope of visit to essential business only.
- Stagger shipping and receiving orders to reduce potential COVID-19 exposure of transport personnel.
- Train clerical personnel on how to protect themselves when interacting with visitors.

Suggestions for an Effective Handwashing Plan:

- Install hand washing stations or hand-sanitizing dispensers at warehouse entrances and at key locations inside for visitors and workers. Hand sanitizer is not a substitute for hand washing. [WAC 296-307-24021; WAC 296-307-24024]
- Appoint a designated worker to replenish water in portable wash stations, single-use towels, and soap, along with emptying the trash.

Suggestions to Ensure Sick Workers Are Not at Work:

- Monitor employees for signs of illness and require sick workers to stay home.
- Ensure employees know the signs and symptoms of COVID-19 caused by coronavirus exposure. [WAC 296-307-030]
- If an employee is sent home, strongly recommend that employee follow Washington State Department of Health Guidelines for COVID-19 (Link: doh.wa.gov). [WAC 296-307-030]

Suggestions for Basic Workplace Hazard Education to Prevent Coronavirus Transmission:

- Instruct all workers on social distancing, handwashing, and other employee and food safety procedures related to coronavirus.
- Advise on respiratory etiquette, including covering coughs and sneezes and not touching eyes, noses, and mouths with unwashed hands or gloves.
- Limit the sharing of utensils, phones, work tools, and other workplace items.
- Communicate important safety messages/updates daily with methods such as posters, meetings, reader boards, etc. that will reach all workers.
- Educate workers on the importance of hand washing before eating, drinking, using tobacco.
- Educate workers on how to report potential COVID-19 exposures, symptoms and signs.
- Educate workers on how to report unsatisfactory sanitation of work areas.

Warehouse Sanitation [WAC 296-307-24001]

- Appoint a designated sanitation worker(s) to continuously clean and disinfect surfaces on a significantly increased schedule. Use the environmental cleaning guidelines set by the CDC. <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html>
- Move deep cleaning activities during closing hours. If running a 24-hour operation, deep clean during the slowest period of the night with the least amount of workers on duty.
- When disinfecting for coronavirus, the EPA recommends using the longest recommended contact time and/or most concentrated solution per the label.
- Be sure to follow the label directions for FOOD CONTACT SURFACES when using the chemical near or on utensils and food contact surfaces.
- Be sure to wash and rinse visible dirt/debris from equipment before sanitizing.
- Ensure workers use appropriate personal protective equipment (PPE) for work tasks. [WAC 296-307-10005]

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- Use protective gloves and eye/face protection (e.g. face shields and/or goggles) when mixing, spraying, and wiping with liquid cleaning products, like diluted bleach; you must provide a functioning eyewash station. [WAC 296-307-10005] [WAC **296-307-03930**]

Other Protective Measures

- Alert warehouse managers or shift supervisors of strategies for handling visitors or workers who are not following physical distancing practices or who demonstrate signs of illness.
- Provide ways for workers to express any concerns and ideas to improve safety.
- Update warehouse Accident Prevention Program (APP) to include awareness and prevention measures for diseases and viruses.

Resources

Call a consultant near you or email DOSHConsultation@lni.wa.gov for help lni.wa.gov/doshconsultation

Posters, alerts, and more workplace safety information relating to COVID-19 are available on L&I DOSH's webpage <https://www.lni.wa.gov/safety-health/safety-topics/topics/coronavirus> includes resources from CDC, OSHA, and WA DOH

Yakima Health District : <https://www.yakimacounty.us/2323/COVID-19>

WA Department of Agriculture: <https://agr.wa.gov/about-wsda/news-and-media-relations/covid-19>

EXHIBIT 3

We, Anjum Hajat and Catherine Karr, declare the following under penalty of perjury under the laws of the State of Washington.

1. I, Anjum Hajat, received my PhD in Epidemiology from the University of North Carolina and my Master in Public Health (MPH) degree from the University of Michigan. I worked in public health practice, at a local health department and the Centers for Disease Control, for seven years prior to joining academia. I have been a public health professional for 14 years. My current research focuses on the health of low wage workers.
2. I, Catherine Karr, received my PHD in Epidemiology, my Masters of Science (MS) in Environmental Health, and my Medical Degree (MD) from the University of Washington. I have been on faculty at the University of Washington in the School of Medicine and School of Public Health since 2004. I am also a practicing general pediatrician at UW Medicine Pediatric Care Center. My current research includes a focus on the health of farm worker children.
3. The Corona virus (COVID-19) is transmitted mainly through respiratory droplets. This means that if an infected person talks, sneezes or coughs on another person in close proximity they may be spreading the virus through tiny droplets in the air. Maintaining good social distancing (about 6 feet) may reduce person-to-person transmission. In addition, it is possible that persons coming into contact with infected surfaces or objects may become infected. Hand washing and disinfecting surfaces is recommended for this reason. Evidence suggests that the virus can spread easily and quickly if appropriate prevention measures are not taken.¹
4. We give these opinions relying upon our education, experience and materials that are reasonably relied upon in our professions.
5. We base our analysis below on the following information:
 - a. Farm labor camp housing typically consists of dormitory-style housing with common bathroom and kitchen facilities.
 - b. The bedrooms are often a minimum of two bunkbeds per room but can often have more depending on the size of the room. Much farmworker housing has open-style large rooms, with no separate space available for isolation of sick or exposed workers.
 - c. Washington temporary worker housing regulations ([WAC 246-358-029](#)) set a minimum of only 50 square feet of floor space per occupant. That amounts to about a seven-foot square. A standard-size twin bed occupies close to half of that space. Temporary worker housing regulations also allow beds to be closer together than six feet and within three feet of cooking surfaces. ([WAC 246-358-135](#))
 - d. H-2A temporary agricultural visa holders do not have their own transportation and rely on their employer to be transported to work daily on busses or vans. They also rely on that same transportation to be taken to the store to do grocery shopping and banking in rural towns throughout the state.
 - e. Some H-2A workers who work for large agricultural employers can sometimes spend up to 3 hours per day in close proximity to others commuting round-trip from their labor camps to various orchards throughout eastern Washington.

¹ <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html>

- f. Grocery shopping and banking trips usually happen on Friday evenings or weekends and can involve large groups of workers (50-100) being dropped off in parking lots of shopping areas and being given an hour or two to complete their shopping and banking needs.
 - g. Depending on the type of crop and type of work, farm workers are regularly asked to work in close proximity to (less than 6 feet away from) each other, both in packinghouse and harvest settings.
 - h. Farmworkers are often instructed to clean their own housing, buses, and workplaces. Industry representatives have stated in public meetings that cleaning supplies necessary for cleaning farmworker housing are backordered for long periods of time.
 - i. It is well documented that farmworkers, both domestic and H-2A workers, are fearful of making health and safety complaints due to a wide-spread fear of retaliation.
 - j. A recent Seattle Times article outlined worker complaints that handwashing supplies are not being provided in the fields. The same article included accounts of employers who did not provide information about prevention of COVID-19 or available paid sick leave to which workers are entitled.
 - k. The Department of Labor & Industries has released draft “fact sheets” about agriculture generally, packinghouses, and worker housing, dated April 8, 2020, which we have reviewed.
 - l. State agency staff has stated in public meetings that enforcement of the “fact sheets” will be complaint-driven, mostly due to limited enforcement staff. Farmworkers will have to complain before L&I attempts to determine whether their employer is complying.
6. Most farmworkers are living and working in rural areas, in which medical infrastructure can quickly be overwhelmed. Not only does infection of groups of farmworkers cause risk of overwhelming medical infrastructure, but visits from large groups of farmworkers to rural communities’ stores and other businesses poses a risk of transmission in those communities as a whole.
 7. Farmworkers may come to work sick with increased frequency due to fear of retaliation, economic hardship, and lack of knowledge about paid leave available to them.²
 8. Clear, specific, mandatory standards are needed to protect against the risk of COVID-19. Current draft guidance provided by the Department of Labor & Industries is unclear and in some cases contradictory. Rules should be specific and measurable. In the absence of clear, specific rules workers are unable to identify violations and thus will be unable to file complaints. (per 3l above).
 9. CDC now recommends the use of protective masks for anyone who is in close contact with others, where social distancing (at less than 6 feet distance) is difficult to maintain.³ For farmworkers this may occur in packinghouses and harvest settings as well as in living quarters. Therefore, employers should provide masks that cover workers nose and mouth and request that all workers wear masks when social distancing is difficult to maintain.

² <https://www.seattletimes.com/seattle-news/as-farm-work-carries-on-some-worry-about-becoming-the-states-new-coronavirus-epicenter/>

³ <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover.html>

10. Housing facilities that ensure one person or no more than two people per room of 150 - 200 square feet⁴ are necessary to meaningfully reduce the risk of transmission of COVID-19 in farmworker housing. People living in congregate housing such as the typical farmworker housing described above are at unique risk for the spread of COVID-19 because they are consistently in close contact with others and share bathroom and cooking facilities. Several research studies confirm that crowding increases the risk of transmission of influenza and similar illnesses.^{5 6}
 - a. If individual rooms are impractical, the number of farmworkers per room should be reduced and beds should be separated by 6 feet. Bunk beds that cannot meet this standard should be disallowed. Some have suggested using plastic sheeting on three sides of the bed and a curtain on the fourth side. This is likely to create poor ventilation which may result in abandoning the sheeting. Furthermore, studies have shown that poor ventilation increases the risk of respiratory infections.⁶
11. The number of people in vans and buses should be reduced so individuals can practice social distancing. Furthermore, employers should disinfect high-touch areas (handles, buttons, seat rests) with a bleach solution after every use to reduce the viability of the virus on surfaces. Since transportation on buses or vans puts people into close contact with one another, this may increase the likelihood of spread of COVID-19.
12. Farmworkers should not be relied upon to conduct critical environmental cleaning because they lack proper training, protection, and supervision. Requiring these workers to clean deviates from best practices and will likely contribute to the spread of COVID-19 in farmworker workplaces, housing, and transportation.
13. Employers should be responsible for providing housing units with bleach solutions, hand soap and additional needed cleaning supplies. Although an initial shortage of these supplies was reported, most local stores are selling these materials again.
14. Worker education about several aspects of COVID-19, i.e., how to prevent it and what to do if you think you are infected, should be provided in the language understood by the workers.
15. Employers must provide hand sanitizer/soap and water in the fields and ensure supplies are reliably replenished. A study in the military setting shows that hand-washing while working in field settings helps prevent acute respiratory infections.⁷
16. In the event a farmworker is diagnosed with COVID-19, the individual must immediately be isolated in their own housing unit with a bathroom. This will help reduce further spread of the virus.

⁴ Cedeno Laurent JG, Allen JG, McNeely E, Dominici F, Spengler JD. Influence of the residential environment on undergraduate students' health. *J Expo Sci Environ Epidemiol*. 2020 Mar;30(2):320-327.

⁵ Tsuang W M, Bailar JC, Englund JA. Influenza-like symptoms in the college dormitory environment: a survey taken during the 1999-2000 influenza season. *J Environ Health*. 2004 Apr;66(8):39-42, 44.

⁶ Sun Y, Wang Z, Zhang Y, Sundell J. In China, students in crowded dormitories with a low ventilation rate have more common colds: evidence for airborne transmission. *PLoS One*. 2011;6(11):e27140.

⁷Kim HS, Ko RE, Ji M, Lee JH, Lee CS, Lee H. The usefulness of hand washing during field training to prevent acute respiratory illness in a military training facility. *Medicine (Baltimore)*. 2018 Jul;97(30):e11594.

17. Farmworkers who demonstrate symptoms consistent with COVID-19, such as cough, fever, shortness of breath, fatigue, body ache, should be tested for COVID-19, put in isolation and prevented from further work until test results are known. The CDC recommendations for when to discontinue self-isolation can be found here: <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html>
18. For older workers (50 +) and those with preexisting conditions (e.g., hypertension, diabetes, asthma, tuberculosis) we recommend strictly following housing guidelines (1 person per room of 150 square feet) and providing work that allows for effective social distancing. These individuals should seek medical care immediately as potential for COVID-19 related complications is higher. In WA State the highest number of COVID-19 cases (35%) is among those 40 - 59 years old, indicating middle-aged individuals are at higher risk.⁸ One report suggests that about 34% of farmworkers are older than 45 years old.⁹ Some research indicates that farmworkers have a higher prevalence of TB¹⁰ and have higher exposure to agricultural dust which has been shown to result in a variety of respiratory conditions.¹¹ These conditions which may be more unique to farmworkers would put them at higher risk for complications of COVID-19.
19. Given the possibility of asymptomatic transmission, that is an infected person with no symptoms spreads the virus to others, it is possible that infections among farmworkers will spread undetected within the farmworker community for many days. Furthermore, asymptomatic persons who visit public places on weekends risk spreading the virus to the neighboring community.¹²
20. Because H-2A workers are dependent on their employers for transportation, these employers should be responsible for immediately transporting workers who show symptoms for testing. If testing facilities are unavailable or at capacity, employers should make every effort to facilitate contact between the worker and the health care provider. Employers should also provide workers who are subsequently isolated or quarantined with adequate food and water.
21. Farm workers have limited financial resources and loss of work can have devastating economic consequences. According to the most recent data from the National Agricultural Workers Survey, farmworkers' mean and median personal incomes the previous year were \$17,500 and \$19,999, respectively. Fourteen percent of workers said their total personal income was less than \$10,000, 29% said they had personal incomes of \$10,000 to \$19,999, another 29% had personal incomes of \$20,000 to \$29,999, and 14% reported that their total personal income was \$30,000 or more.⁹ As such, to the extent possible, symptomatic workers with COVID-19 diagnosis should be supported financially until their illness passes.

⁸ <https://www.doh.wa.gov/Emergencies/Coronavirus>

⁹ Hernandez T, Gabbard S. Findings from the national agricultural workers survey (NAWS) 2015-2016: a demographic and employment profile of United States farmworkers. JBS International, Research Report; 2019.

¹⁰ The National Center for Farmworker Health. Tuberculosis fact sheet. 2018

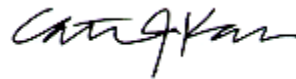
¹¹ Schenker MB, Pinkerton KE, Mitchell D, Vallyathan V, Elvine-Kreis B, Green FH. Pneumoconiosis from agricultural dust exposure among young California farmworkers. *Environmental health perspectives*. 2009 Jun;117(6):988-94.

¹² Mizumoto K, Kagaya K, Zarebski A, Chowell G. Estimating the asymptomatic proportion of coronavirus disease 2019 (COVID-19) cases on board the Diamond Princess cruise ship, Yokohama, Japan, 2020. *Eurosurveillance*. 2020 Mar 12;25(10):2000180.

Signed April 14, 2020 at Seattle, Washington.



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EXHIBIT 4

https://www.cbc.ca/news/canada/british-columbia/temporary-foreign-workers-west-kelowna-1.5516914?_vfz=medium%3Dsharebar

Health authority investigates COVID-19 outbreak among temporary foreign workers in West Kelowna

Workers had minimal contact with outside community and risk of exposure to public is low, says Interior Health

CBC News · Posted: Mar 31, 2020 5:09 PM PT | Last Updated: March 31



The garden centre and farm associated with Bylands Nurseries Ltd. is now closed to customers, and the staff housing is off-limits. (Dana Kelly/CBC)

Interior Health says there's been a community outbreak of COVID-19 among a group of temporary foreign workers living and working at a West Kelowna farm.

Among the workers, 14 have tested positive for COVID-19, and 63 other migrant workers are now in isolation, with more test results pending. Twelve local workers are also in isolation.

A health order was placed on Bylands Nurseries Ltd. Friday saying the group of workers must remain in quarantine in their on-site housing until further direction.

Dr. Silvina Mema, the medical health officer with Interior Health, says the workers are not sharing one single accommodation and they have enough room to self-isolate.

"They are doing well," Mema said. "Fortunately, we haven't had any of them [be] quite sick."

The garden centre and farm is now closed to customers, and the staff housing is off-limits.

Dr. Mema says the risk of transmission to the general public is low.

"These workers work on the field. There is no customer service that they would have been engaged in," she said. "We don't have any concerns the public has any risk of exposure."

At her daily press conference Tuesday, Dr. Bonnie Henry said the business and the workers are cooperating fully.

"Everybody is able to be isolated in the housing — the very good housing — that is on site there," Henry said. "We want to thank both the workers themselves and the owners and operators of the nursery for being fully cooperative ... everybody is being cared for very well."

Dr. Mema says the workers came to Kelowna from Mexico between January and March 12.

"We believe the latest group that came at the beginning of March or mid-March, there may have been someone incubating the disease when they came in and that's how this has occurred," she said.

Earlier this month the federal government eased travel restrictions and border closures to allow around 8500 migrant agricultural workers into the province [in order to keep the food supply chains running](#). Under the rules, all workers are supposed to self-isolate for 14 days.

CBC has reached out to the nursery owners, but have not yet received a response.

EXHIBIT 5

<https://www.seattletimes.com/seattle-news/as-farm-work-carries-on-some-worry-about-becoming-the-states-new-coronavirus-epicenter/>

As farm work carries on, some worry about becoming Washington state's new coronavirus epicenter

April 12, 2020 at 6:00 am



More Photo Galleries

- of 5 | Ramón Torres, president of Familias Unidas Por La Justicia, a farmworker union, interviews a worker from a packing... (Courtesy of Familias Unidas por La Justicia) More

By
[Nina Shapiro](#)
and
[Hal Bernton](#)

For a woman who works the fields in the Yakima Valley, the spring routines remain largely unchanged.

Crews huddle in the morning to hear instructions, then prune trees, tie up branches and replant orchards, often in close proximity to one another. Those who want to wash their hands — vital workplace safety in the age of the novel coronavirus — need to bring soap from home, and until recently their own water, according to an April 1 complaint the state Department of Labor & Industries (L&I) is looking into. And judging by a video shared with The Seattle Times, at least one portable bathroom on this site is dirty, the faucet dry, the soap and towel dispensers empty.

A couple of others who work for the employer, Stadelman Fruit, already may have contracted the virus, prompting the company to send many workers home for a few days in early April, according to the woman, who asked not to be identified, worried about retribution.

The company did not respond to repeated requests for comment.

“We’re scared,” said the worker.

In the Yakima Valley, as in the Puget Sound region, this is a difficult spring shadowed by a pandemic. But in this rural part of the state, much of the work cannot be done from home. It unfolds in the fields, orchards and packing houses essential to keeping grocery stores stocked with food.

With the growing season under way, employers, farmworker advocates and state officials are wrestling with redefining workplace safety, a task that eventually will spread to other parts of the economy when the governor’s stay-at-home order is relaxed.

The coronavirus creates special challenges for agriculture. By summer, some 80,000 workers find jobs in Washington agriculture, including more than 20,000 recruited from Mexico and other nations under temporary visas.

With safety guidelines rushed through earlier in the pandemic, the state has drafted new rules — expected to be finalized soon — requiring agricultural employers to “facilitate” social distancing that keeps workers 6 feet apart, ensure frequent hand washing and isolate sick workers. In recent days, farmers and farmworker advocates, often at odds over labor conditions, have scrutinized proposals in teleconferences as they grapple with a common threat.

Without such measures, Carlos Olivares, CEO of the Yakima Valley Farm Workers Clinic, said the region could become “the new epicenter of the disease” for the spread in Washington.

While coronavirus hospitalizations appear to have peaked in much of the state, he and other Yakima health officials say the county’s peak is yet to come.

Yakima County has more than 440 confirmed cases, and the April rate of increase has been higher than in the Puget Sound area.

In Grant County, Health District Administrator Theresa Adkinson said several farmworker cases have been investigated in Quincy and Mattawa.

Existing case numbers are likely an undercount due to limited testing.

“WE’RE THE ONLY ONES WORKING”

Many farmworkers are “very young and feel invincible,” Olivares said. They are still going to crowded flea markets and holding large family gatherings.

Luz Bazan Gutierrez, secretary of the Yakima Hispanic Chamber of Commerce, co-owns a grocery store and check-cashing business popular with farmworkers. She said she has a hard time getting customers to stop chatting close together.

“We’re the only ones working,” they tell her, happily. An estimated half of all farmworkers are undocumented and therefore ineligible for unemployment insurance.

Yet, Ramón Torres and Edgar Franks, the president and the political director of the farmworker union Familias Unidas Por La Justicia, said they heard a lot of anxious questions during a recent trip to the Wenatchee area. How do you get tested? What happens if you get sick? What happens if you die?

Some workers from other countries want to know if their bodies would be sent back to their home countries.

Officials have scrambled to find answers. The state enacted emergency rules to provide [health care coverage](#) for COVID-19 patients who are undocumented. And the federal government made two weeks of paid sick leave available to most workers through the federal [Families First Coronavirus Response Act](#). (The act does not stipulate legal status and is thought to include undocumented immigrants.)

But that information isn’t necessarily getting through to workers. One man who works in a Wenatchee warehouse told Torres and Franks he asked a supervisor what would happen if employees got sick. They could apply for vacation time, the supervisor said, but only if they had worked at the company for a year.

The worker said he fears getting the virus and infecting his family. The warehouse has put tables in a break room 6 feet apart. But that guideline isn’t applied during work time.

“You’re working on a line, people are really close together,” Franks explained. The company provides hand sanitizer for employees but not masks or gloves.

Worker advocates say they’re hearing a lot of similar stories. “Many are doing little to nothing” in the way of precautions, said Erik Nicholson, a national vice president of the United Farm Workers who is based in the Tri-Cities.

“We’re doing the best we can,” said Bob Grandy, food safety director of Brewster-based Gebbers Farms, which has multiple fruit orchards and warehouses. “We’ve never been here before. It’s a real challenge.”

It’s a simple matter to spread workers out in the fields, he said. Warehouses are different. “Work stations on a packing line are not set up 6 feet apart,” he said.

Grandy said the company has looked for ways to lessen risk. It has given workers bandannas to use as masks, and gloves. And it is putting up cardboard dividers between work stations.

Asked if the company has thought about putting employees at every other work station to keep them farther apart, Grandy said, “We’ve thought about everything.” He declined to elaborate on why the company has chosen not to.

FARMWORKERS ESSENTIAL

The pace of agricultural work quickens as orchards ripen with fruit.

Roughly a third of the farmworkers recruited from Mexico and elsewhere under the H-2A visa program already are in Washington. Another big surge will arrive later this spring to help in the cherry harvest, and another wave later in the summer for the apple season as the Trump administration has allowed most visa processing to continue and designated those border crossings part of “essential travel” allowed to clear U.S. entry points even as some other travel is restricted.

“My concern is they will be brought up in buses, crowded together, from the border,” said Michele Besso, head of Northwest Justice Project’s farmworker unit. Then, they are often placed in [housing furnished with bunk beds](#), sometimes four or more people to a room, with shared kitchens and bathrooms. On grocery trips enabled by company buses, “often 50 guys on a bus will pull up at a store,” Besso said.

Dan Fazio, of WAFLA, an Olympia-based organization that brings in H-2A workers, said his organization is taking precautions. When it charters buses, it leaves seats empty. It is also flying some people north on commercial airlines to minimize travel time. On grocery outings, it is using vans rather than buses.

The Washington Growers League is only partially filling its [housing](#) camps for seasonal workers, allowing more space between people, according to executive director Mike Gempler. That, he added, will not be possible when more workers arrive.

Gempler said the organization is also stepping up cleaning efforts. Because of shortages, it has made its own sanitizing supplies and is using lots of rags.

What will the state allow?

When the governor [issued his stay-at-home order](#) March 23, he required essential businesses to implement social distancing and sanitation measures outlined by the U.S. Department of Labor and the state Department of Health.

But those guidelines lack specificity. “Maintain regular housekeeping practices, including routine cleaning and disinfecting of surfaces, equipment and other elements of the work environment,” reads the [Labor Department guidelines](#). “Does that mean every day?” the Northwest Justice Project’s Besso asked. “Does that mean once a month? Who’s going to do it?”

State [health department guidelines](#) — a “first iteration” created “to get something out there,” according to Todd Phillips, the department’s environmental health and safety director — allow sick and healthy workers to sleep in the same room, on opposite sides.

“I can’t possibly go tell workers this is acceptable,” said Rosalinda Guillen, executive director of the advocacy group Community to Community. She and Phillips were speaking at a teleconference of a state [committee](#) on agricultural work, subsumed with discussing the COVID-19 crisis.

Farmers agree separate housing is needed for the sick, and the state is coordinating with counties to set up isolation quarters. WAFLA has turned over a housing camp in Okanogan County for this purpose.

Proposed new rules, shared in early April with the committee, come from L&I. Members on all sides criticized it as a confusing mix of mandates and suggestions. For instance, the document says employers “must” keep workers 6 feet apart, but then gives “ideas” of spacing people out and holding smaller meetings.

“At best, the guidance mandates general end goals without requiring specific actions; at worst, it is merely aspirational,” says a letter from worker advocates.

They also question whether the rules will be enforced. It’s a complaint-driven process, and L&I concedes it has limited staff to investigate.

Grower groups say if some of the items in the document are truly mandates, they may not be practical.

Hot water for hand washing at all work sites would be “impossible to achieve in field locations,” reads their letter. It suggests, instead of a 6-foot rule on buses, passengers sitting in every other seat, and continuing to use bunk beds by creating barriers around the sides.

Rosella Mosby, co-owner of Mosby Farms in Auburn, and a committee member, said all this was happening on top of preexisting economic forces hurting growers. Labor and other costs have gone up. Prices for goods haven’t. “We’re already going into this on the edge,” she said, and now the coronavirus is shrinking markets.

“We want everyone to stay healthy,” she stressed. The family farm, which grows vegetables and employs 20 people year-round and more during harvest time, has locked the warehouse to keep out visitors, put hand sanitizer by all the doors and kept a distance among workers as much as possible, she said.

She’s counting on workers to take precautions on their own time as well. A diabetic, she and her family are at risk, too. “At the end of the day, we all need each other.”

Still, she worries some proposed mandates, such as major changes to housing or packing lines, could bring business-ending costs. What about using personal protective equipment instead to mitigate risk, she asked. It’s good enough for health care workers, so why not agricultural?

Alejandro Sanchez, a special assistant to Gov. Jay Inslee, said the state is trying “to get to a place where advocates are satisfied on both sides.” But urgency limits time for debate. “It’s all happening extremely quickly,” he said.