

Joint Response Protocol for COVID-19 Outbreaks in Agriculture and Farm Operations

Playbook for Joint Response Protocol for COVID-19 Outbreaks in Agriculture and Farm Operations

Purpose

The purpose of this plan is to establish the coordination and response efforts of the Oregon Occupational Safety and Health Administration (Oregon OSHA), Oregon Department of Agriculture (ODA), and the Oregon Health Authority (OHA) when one or more cases of COVID-19 are identified at a farming operation. This coordinated response will help to prevent and slow the spread of COVID-19 and, when it's possible, ensure that farming operations can continue to operate while protecting the health and wellbeing of farm workers and their families.

This plan takes into account the consultative and enforcement role of Oregon OSHA when validating conditions at a farming operation to be sure that the farming operation is in compliance with OAR 437-001-0749 related to sanitation, including handwashing stations and toilet facilities, hygiene, potable drinking water, housing, kitchen facilities, laundry facilities, garbage and refuse disposal, and dining halls and equipment (see Appendix 1 for regulation text).

The intent is to ensure minimal disruption to all farming operations by acting in an expedited manner.

Agencies, Acronyms and Definitions:

ACDP—Acute and Communicable Disease Prevention
BOLI—Bureau of Labor and Industries
CFR—Code of Federal Regulations
CRRU – Covid-19 Response and Recovery Unit
DHS—Department of Human Services
H-2A—Visa Program for Temporary Agricultural Employment of Foreign Workers
H-2B—Visa Program for Temporary Non-Agricultural Employment of Foreign Workers
IAST—Interagency Support Team
LPHA—Local Public Health Authority
MSW—Migrant Seasonal Workers
OAR—Oregon Administrative Rules
ODA—Oregon Department of Agriculture
OEM —Office of Emergency Management
Orpheus—Oregon Public Health Epidemiologists' User System
ORS—Oregon Revised Statutes
OHA—Oregon Health Authority
OSHA— Occupational Safety and Health Administration
OSPHL—Oregon State Public Health Laboratory
POC—Point of Contact
PPE—Personal Protective Equipment
RCSG—Regional Coalition Support Group
SMA—State Monitor Advocate
UERT—Urgent Epidemiology Response Team

Farm use—the current employment of workers for the primary purpose of obtaining a profit in money, as used in ORS 308A.050 (Legislative intent) to 308A.128 (Certain district assessments inapplicable to exclusive farm use zone farmland), by:

- (a) Raising, harvesting and selling crops
- (b) Feeding, breeding, managing or selling livestock, poultry, fur-bearing animals or honeybees or the produce thereof
- (c) Dairying and selling dairy products
- (d) Stabling or training equines, including but not limited to providing riding lessons, training clinics and schooling shows
- (e) Propagating, cultivating, maintaining or harvesting aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission
- (f) On-site constructing and maintaining equipment and facilities used for the activities described in this subsection
- (g) Preparing, storing or disposing of, by marketing, donation to a local food bank or school or otherwise, the products or by-products raised for human or animal use on land described in this section
- (h) Implementing a remediation plan previously presented to the assessor for the county in which the land that is the subject of the plan is located

Site visit assessment—either an in-person visit to the facility, a phone conversation with the facility or another virtual means of communication with the facility to gather enough information to complete a summary report regarding the safety of the employees and food production.

Agency Roles

Local Public Health Authority (LPHA)

Responsible for investigating reportable diseases and disease outbreaks and controlling the spread of disease under ORS 433.006.

Office of Emergency Management (OEM)

Responsible for coordinating and maintaining a statewide emergency services system for emergency and disaster communications.

Oregon Department of Agriculture (ODA) Produce Safety and Certification programs

Responsible for providing third-party food safety audits and providing education and technical assistance to farms related to the federal Produce Safety Rule. ODA staff serve as subject matter experts with existing relationships with farms.

Oregon Occupational Safety & Health Administration (Oregon OSHA)

Responsible for ensuring compliance with workplace safety and health regulations and Governor's Executive Orders related to workplaces. Oregon OSHA has a consultation section that provides education and outreach as well as assistance with regulatory compliance.

Oregon OSHA can also provide consultative services to employers in agricultural industries including certifying housing as 100% compliant with Ag Labor Housing rules for the purposes of H2A certification.

Oregon Health Authority (OHA)

Responsible for establishing rules and investigative guidelines related to the control of disease. OHA works in collaboration with LPHAs and can help sister agencies and facilities related to infection control, disease outbreak management and can also assist with contact tracing.

- ***Acute and Communicable Disease Prevention (ACDP) & Urgent Epidemiology Response Team (UERT) Epidemiologists***

When an outbreak is identified in a facility, UERT epidemiologists serve as the OHA representative for the outbreak. UERT collaborates with the LPHA to monitor case numbers, manage database documentation, coordinate LPHA requests for specialized outbreak expertise from Senior Health Advisors or the Healthcare-Associated Infections Team and assumes a leadership role in the outbreak response if LPHA capacity is limited. They also track outbreak status daily and update the COVID-19 Response and Recovery Unit (CRRU). They are responsible for approving testing at the Oregon State Public Health Laboratory (OSPHL) and provide infection control consultations.

COVID-19 Response & Recovery Unit (CRRU)

The CRRU is established within the state's emergency response incident command structure, consisting of staff from OHA and Department of Human Services (DHS), that

provide resources to support and help LPHAs, the Regional Coalition Support Group (RCSG), ODA, and OSHA respond and coordinate to slow the spread of an outbreak.

- **Regional Coalition Support Group (RCSG)**
Consists of staff from OHA and DHS that work in collaboration with LPHA, OEM and OHA to identify at-risk facilities, establish situational awareness, support medical surge, and coordinate and support response actions through existing regional coalitions.
- **Interagency Support Team (IAST)**
Multi-jurisdictional team with staff from OHA, DHS, and agency-specific licensing staff tasked with creating an action plan and implementation of the plan using state or federal resources in the event of emergency scope exceeding RCSG capacity.

Response Plan

This section outlines the process for agencies to respond to a farm that is confirmed to have one or more COVID-19 positive workers and the process for escalation to CRRU. This plan will provide proactive support to limit further spread of COVID-19 within the farming operation, between the farmworkers and their families, and to help protect against the further spread of COVID-19 within the community. In addition to protecting workers and families and the community at large, this plan is designed to ensure the continuation of agriculture and farming operations. Each agency's response process is outlined below including the process when additional resources need to be requested.

The identification of a COVID-19 positive worker in a farm will primarily come from LPHAs through case interviews or contact tracing. However, there may be circumstances where other agencies or entities are aware of a situation prior to the LPHA. If a farm receives a report that they have a COVID-19 positive worker or family member, ideally the farm will contact the LPHA and ODA to inform the agencies of the outbreak.

Considerations for Farms

Considerations for agencies working on outbreaks in agricultural settings: Farms rely on the timely harvest and processing of seasonal or perishable commodities that are very sensitive to delay and may require specific and timely handling. If a farm needs to shut down or limit operations in order to control the spread of disease and protect the public's health, it may result in catastrophic failure for crops and have other consequences that are unique to this sector. Farms are unique operations, some potential items to consider when planning a response and resource needs include:

- Worker displacement
- Loss of wages
- Supply chain vulnerability / limited availability
- Visitor and contractor policies
- Employer may be relying on a migrant workforce through the H2A or H2B programs and domestic migrants and seasonal workers; these farm workers may

work for multiple farms/employers any given day/week. Additionally, there may be farm labor housing provided on or off site

- Operations in multiple counties (some counties may have additional worker and employer guidelines)
- Worker transportation considerations, operations requiring travel to and from them daily (fields located in other areas)
- There may be limited ability to physical distance on machinery or during field operations
- Workers may speak languages other than English
- The workers are often hired at different times and in various sized groups. Response resource needs will be greater when workers arrive. Expect a period with significant activity. Worker schedules are varied and often do not follow the standard Monday through Friday, 9 AM to 5 PM, schedule and accommodation may be necessary.
- Employers, due to growing season timeline, etc. are often unable to quarantine workers without significant disruption and potential significant negative impact to food supply chain. Employers have varying resources in terms of their ability to provide isolation facilities.
- Farm workers may be uninsured which may impact their ability to access medical services, such as testing, on their own. There also may be bias or fears that discourage farm workers from seeking medical resources.

Farm size and operation type (ex: commercial vs U-Pick)

- Worker education and outreach with consideration for language or cultural barriers that may exist
- Workforce leave and incentive policies (sick leave, flexibility on leave, etc.)
- Availability of PPE
- Availability of hand washing systems and portable toilets
- High-skill job duties
 - Maintenance
 - Sanitation
 - Technical operational requirements

Oregon Health Authority Acute and Communicable Disease (ACDP) & Urgent Epidemiology Response Team (UERT) Response Protocol

When an LPHA finds a positive COVID-19 case associated with a facility, OHA's COVID-19 investigation guidelines require a LPHA to input that information immediately into the state's reportable disease database (Orpheus) and to notify OHA's UERT. Once UERT is aware of a case associated with a facility, it will immediately share a summary of the situation to include: case volume; infectious period dates; any facility prevention measures in place; issues of concern associated with the facility; and any other pertinent information.¹ The summary of the situation will be sent to <Community.LifeLine@dhsosha.state.or.us>.

¹ OHA's investigative guidelines will also require the LPHA to do the following:

Oregon Department of Agriculture Response Protocol

Once ODA has knowledge of a confirmed COVID-19 positive case associated with a farm, as the agricultural authority, ODA will assign the internal state-wide “Point of Contact” (POC) to coordinate with the local farm response person(s). The local farm response person(s) will help with contacting the farm and scheduling a consultation with Oregon OSHA, OHA and the LPHA. The consultation may include a site assessment.

The purpose of the consultation is to:

- Assess potential impacts to food safety practices
- Support the farm in communication and coordination
- Conduct farm food safety risk assessment
- Provide resources to the farm e.g. toolkit
- Collaborate on next step for outbreak prevention
- Connect affected workers with wrap-around services

The site consultation report should clearly identify the steps taken to minimize the spread of COVID-19 and reduce the risk of illness and death for workers and the community. Reports will be sent to Community.LifeLine@dhsosha.state.or.us for analysis.

Oregon OSHA Response Protocol

- If available, an Oregon OSHA consultant will be assigned to participate in the site assessment in an advisory role to the notifying agency (OHA or ODA). The consultant will conduct a hazard assessment following applicable agency guidelines with a focus on ensuring the employer is abiding by COVID-19 workplace safety requirements.
 - This hazard assessment should be conducted in concert with the other State agencies planning on going to the site and the employer.
- Oregon OSHA’s participation in an advisory role is distinct from Oregon OSHA’s voluntary service to employers to provide a comprehensive consultation.
- Based on information gathered during its participation in an advisory role during the site assessment, Oregon OSHA will assist employers in establishing adequate workplace hygiene following the hierarchy of controls if deficiencies are identified.
- Oregon OSHA will provide a written report of its observations from the site assessment when acting in an advisory capacity to ODA, OHA and the LPHA. They will also provide a draft executive summary of observations to share with the employer, including any issues found on-site, which may include information supplied by ODA and OHA and to the RCSG team at

Notify the facility, preferably the Human Resources (HR) Department, that there is a COVID positive result associated with the facility and provide information regarding immediate measures the facility can take to limit the spread of the disease, the playbook and toolkit information. If there is more than one confirmed or suspect case associated with the facility, that information will be shared with the facility as well.

<Community.LifeLine@dhsosha.state.or.us>. This document, prepared by Oregon OSHA in its advisory capacity, is not confidential.

- Oregon OSHA will maintain an advisory role unless the employer requests a comprehensive consultation by Oregon OSHA's Consultation Section or Oregon OSHA's Enforcement Section receives a complaint or referral.
- Upon an employer's request, Oregon OSHA's Consultation Section may provide a comprehensive consultation to the employer. With the consent of the employer, Oregon OSHA may share its report to the employer with ODA or OHA.
- If a complaint or referral is received, Oregon OSHA's executive team will evaluate it to determine if the Consultation Section must withdraw from its advisory role or comprehensive consultation process to facilitate an investigation by the Enforcement Section.
- If engaged to investigate, the Enforcement Section will be notified of the other state agencies involved and their contacts.

COVID-19 Recovery & Response Unit (CRRU) Response Protocol

Upon receipt of the ODA and OSHA reports, the RCGS will complete a mission analysis that includes an assessment of the risk of instability based on:

- Number of COVID-19 positive workers and family members
- Continued exposure and increase in COVID-19 positive workers and family members
- Continued risk of harvesting or packing ability not meeting production demands
- Continued risk of community and cross-community exposure
- Contact tracing ability and culturally and linguistically appropriate response
- Quarantining resources (quarantine/isolation housing; worker support for quarantining)
- Testing resources
- Continued concern and lack of precautionary measures being effectively established and implemented
- Facilities response and willingness to coordinate safety efforts with LPHA, ODA and RCGS.

The RCGS supervisor will provide a status update to the CRRU directors based on the mission analysis. The frequency of the updates will be determined by the RCGS supervisor and the CRRU director.

CRRU Interagency Support Team (IAST) Response Protocol

Upon review of the RCGS mission analysis, the CRRU may determine if further escalation is necessary and whether an IAST needs to be activated. The decision will also be based on:

- Whether the farm will have increased supply chain instability
- Risk for further instability
- Risk that farm might have to close within 36 hours
- Potential of increased spread of outbreak in farm

IAST: Coordinate actions and planning

- The IAST will convene to coordinate efforts and determine and the best course of action with the information available
 - The IAST determines the actions that are believed to be necessary and any support needed from ODA, LPHA, Oregon OSHA and/or OHA in order to implement the desired strategy.
- The members of the IAST should include but aren't limited to:
 - OHA Incident Management Team leadership
 - CRRU leadership
 - IAST lead
 - RCSG
 - ODA Shipping Point Inspection
 - Oregon OSHA
 - LPHA
 - UERT
- Meeting notes, which may include plans of action, should be sent out to the IAST participants. On-going outbreak investigations are extremely sensitive and should be considered confidential. Subject matter may include but is not limited to:
 - IAST attendee/participant list
 - Context of outbreak
 - Testing information + planning
 - Staffing information + planning
 - Communications
 - Potential strategies for mitigation and support
 - A timeline of key events
- Once all key information is gathered, IAST should agree on an action plan. See Appendix 2 for possible action plan items.
- The IAST may involve the CRRU directors for additional support when needed.
- Regular updates on the action plan will be prepared by the IAST lead and reported to the CRRU directors, OHA UERT lead epidemiologist and Incident Commander. The cadence of updates should be determined by the IAST lead with input from team members.

An IAST may continue its support and coordination functions until the team decides that it is no longer needed, and a Farm has stabilized. However, the stabilization of a Farm does not mean that the outbreak has been closed.

Strategies for the CRRU to consider

These are potential strategies for IAST to consider to be implemented by ODA, Oregon OSHA, and CRRU: What here needs to change for farming operations?

1. Review of toolkit resources and precautions;
2. Coordinate with farm for testing of workers;
3. Coordination with farm on isolation for workers that are positive or presumptive;
4. Evaluate systems in place for prevention of employee exposure (Oregon OSHA);
5. Support farm with labor resources;
6. Facility infrastructure support;

- a. Harvesting and transport of product
 - b. Product storage
 - c. Alternative processing option
7. Enforcement recommendations.
- a. Citations
 - b. Force closure

Facility COVID Response Protocol Flow

See document titled:

Process Map - Mobilization of Interagency Facility Support Team 5-21-20 V5.pdf

Resources

Oregon Employment Department

The Oregon Employment Department has responsibility to ensure that both Migrant Seasonal Workers (MSWs) and H2A workers are aware of all their legal protections. The State Monitor Advocate (SMA), who is under the [Monitor Advocate System](#), a federal program put into effect by the Department of Labor over 40 years ago, has the responsibility to support agricultural workers and Ag employers throughout Oregon. The Monitor Advocate System is designed to ensure farmworkers have equal access to career and training services, and workforce protections offered by [American Job Centers](#) so they may improve their living and working conditions.

Bureau of Labor and Industries (BOLI)

[BOLI Farm/Forest Labor Contractors](#)

[BOLI COVID-19 Resources](#)

Appendix 1- Regulations

OAR 437-001-0749 - Temporary Rule addressing the COVID-19 emergency in employer-provided housing, labor-intensive agricultural operations, and agricultural transportation.

- (a) Section 1 of this rule applies to all labor-intensive agricultural operations (activities that normally fall under OAR 437, Division 4) when employees would otherwise perform their duties or routinely congregate within 6 feet of one another. Agricultural employers whose normal activities do not involve such close contact have no additional requirements under Section 1. While this rule remains in effect, its requirements supersede those found in OAR 437-004-1110 “Field Sanitation for Hand Labor Work” for all activities otherwise subject to that rule.
- (b) Except as otherwise noted, Section 2 of this rule applies to all temporary worker housing or other employer-provided housing, whether such housing is otherwise currently covered by OAR 437-004-1120 “Agricultural Labor Housing and Related Facilities” or by CFR 1910.142 and OAR 437-002-0142 “Labor Camps.”
- (c) Section 3 of this rule applies to all employer-provided transportation within labor-intensive agricultural operations. It does not apply to employer-provided

transportation when such transportation supports activities that fall outside the scope of Section 1 of this rule.

OSHA Rules - Division 4 – this manual comprises all rules currently in effect and superseded by the rules spelled out in OAR-437-001-0749 through October 25, 2020.

Appendix 2 - Contact list

Oregon OSHA

- Larry Fipps, Field Consultation Manager
541-687-7369, larry.fipps@oregon.gov
- Roy C. Kroker, Consultations / Public Education Manager
971-718-1179, roy.c.kroker@oregon.gov

Oregon Health Authority Acute and Communicable Disease (ACDP) Urgent Epidemiology Response Team (UERT) Response Protocol

After hours and weekends, the facility should contact the duty officer:

- State of Oregon, Public Health Duty Officer
Voice/text: 971-246-1789, PHP.DUTY-OFFICER@state.or.us

Oregon Emergency Response System

- 800-452-0311

Regional Coalition Support Group

Community.LifeLine@dhsosha.state.or.us

Oregon Department of Agriculture

- Primary email: certification@oda.state.or.us; Fsd-managers@oda.state.or.us
- Susanna Pearlstein, ODA Certification, Produce Safety and Field Burning Manager 971-283-4749, spearlstein@oda.state.or.us
- Rusty Rock, ODA Food Safety Program Field Operations Manager, 503-508-2262, rrock@oda.state.or.us
- Isaak Stapleton, ODA Food Safety Program Director, 503-798-7789, istapleton@oda.state.or.us

Oregon Employment Department

- Primary email:
- Fernando Gutierrez, State Monitor Advocate, 503-947-1996, fernando.gutierrez@oregon.gov

Appendix 3 – Action Plan Items

Listed below are potential action plan items for the IAST to consider when developing an action plan:

- Contract Nurses / clinical staff
- Contract housing

- Contract employees
- Contract transportation
- Testing / lab availability
- Culturally and Linguistically appropriate Educational materials
- Multiple language support
- Worker wrap-around support
- Storage facilities for inbound and work-in-progress
- Supplies
 - PPE / masks
 - Cleaning chemicals / disinfectants
 - Hand sanitizer
- Barrier materials that may be needed from the CRRU IAST
- Are there suggested strategies listed below which the IAST should consider when developing an action plan?
- Has urgency of situation been communicated to IAST within recommendation, specifically around type?
- Number of employees needed
- Migrant / H2A workforce
- Existing protocols and effectiveness in establishing control

Joint Response Protocol for COVID-19 Outbreaks in Agriculture and Farm Operations

Signature

Date

Jana McLellan, COVID-19 Response and Recovery Unit

Signature

Date

Lauren Henderson, Assistant Director of Oregon Department of Agriculture

Signature

Date

Michael Wood, Administrator of Oregon Occupational Safety & Health Administration