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FOR IMMEDIATE RELEASE
August 27, 2020

Statement Regarding COVID-19 Outbreak at Foster Farms Facility in Livingston

MERCED—The Merced County Department of Public Health (MCDPH) has been actively responding to COVID-19 since January 27th, 2020 and works closely with local businesses to limit the spread of the disease and protect customers, employees, and the surrounding community. These efforts have resulted in the successful mitigation and resolution of 16 outbreaks (defined as three or more cases within a shared facility) to date.

The most severe and long-lasting outbreak in Merced County is at the Foster Farms Livingston Facility. On June 29th, MCDPH notified Foster Farms that its Livingston Facility was officially declared an outbreak. To date, there are 358 employees who have tested positive. The numbers of known cases in the outbreak were largely based on employees choosing to test and voluntarily reporting to Foster Farms. The true spread of COVID-19 in the Foster Farms Livingston Facility remains unknown.

Eight (8) employees of the Foster Farms Livingston Facility have died due to COVID-19 throughout the course of the current outbreak. For Foster Farms employees, the case fatality rate is 2.2 percent—it is 1.3 percent within the general population of Merced County. Data further show that the Foster Farms Livingston Facility accounts for a significant number of countywide deaths in those under the age of 65 (18 percent), total County deaths (7 percent), and deaths within the City of Livingston (4 out of 10).

On June 29, 2020, a month prior to any deaths and as cases continued to rise because of the outbreak, Merced County health officials provided a courtesy walk-through of the Foster Farms facility and provided recommendations to control the outbreak. These included making significant changes to the employee break spaces and performing widespread testing of employees within the facility.

Throughout the month of July, MCDPH continued to advise Foster Farms that widespread testing needed to be conducted to control the outbreak, particularly within the two departments with the highest number of cases. In late July, Foster Farms tested less than 10 percent of the department with the largest impact within the facility (less than 100 employees total). Over 25 percent of the employees screened at this time tested positive. However, expanded testing within the department was not completed for an additional three weeks and subsequently, three fatalities were linked to that department alone.

On August 3rd, CalOSHA and MCDPH performed a site visit; this was the second visit by MCDPH. At the time of this visit, recommendations made by MCDPH from the June 29th initial visit had not been fully adopted. On August 5, 2020 and August 11, 2020, the Merced County Health Officer issued directives to Foster Farms providing specific direction on testing requirements and other safety measures to control the spread of COVID-19 within the Livingston facility. Those directives required immediate COVID-19 testing of all permanent, volunteer, and temporary employees who share air within a facility that has an outbreak. Once an outbreak is confirmed within a building, it isn't cleared from outbreak protocol until the building reports no additional cases for two consecutive weeks or until testing of the building shows less than 1 percent of the workforce is COVID-19 positive.

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Since the August 5th directive was issued, the spread of COVID-19 within the facility has not been contained and active outbreaks continue to exist, posing a significant threat to Foster Farms employees and the surrounding community. Furthermore, testing as required by the Health Directive had not been completed and it is unclear whether the temporary workers were included in testing, as recommended by MCDPH.

Due to the number of deaths and a need to quickly test both permanent and temporary employees at the Foster Farms Livingston Facility, the Merced County Health Officer has ordered the Foster Farms Poultry Processing Plant to close until the plant is able to reopen safely, as approved by the Health Officer. MCDPH will continue to work with Foster Farms throughout this process.

Merced County and its partners take decisions of this nature very seriously. The State Attorney General's Office, California Department of Public Health and MCDPH worked with Foster Farms to limit the impact of the closure and could not reach agreement. Temporarily shutting down a food production facility is the last option available in getting this outbreak under control.

"If we're going to keep food on our tables during this pandemic, we must do a better job of protecting the essential workers who are putting it there. That means standing up for the people in our poultry facilities, agricultural fields, meat processing plants, restaurants, grocery stores, and more," said California Attorney General Xavier Becerra. "Foster Farms' poultry operation in Livingston, California has experienced an alarming spread of COVID-19 among its workers. Nobody can ignore the facts: It's time to hit the reset button on Foster Farms' Livingston plant."

"In view of increasing deaths and uncontrolled COVID-19 cases, the decision was made to order the Livingston Plant within the Foster Farms Livingston Complex closed until acceptable safety measures are in place," said Dr. Salvador Sandoval, Merced County's Public Health Officer. "Our charge is to protect the public's health, even in the face of difficult decisions. The closure of this plant is the only way to get the outbreak at Foster Farms swiftly under control. Our hearts are with the eight families who have lost a loved one."

For more information on COVID-19, please visit Merced County Department of Public Health's resource website at www.countyofmerced.com/coronavirus.

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