



State of California—Health and Human Services Agency
California Department of Public Health



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Acting Director
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GAVIN NEWSOM
Governor

August 27, 2020

Foster Poultry Farms
1000 Davis Street
Livingston, CA 95334
C/O Philip R. Recht, Attorney at Law
Mayer Brown LLP
350 S. Grand Avenue, 25th Floor
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Via email: PRecht@mayerbrown.com

Dear Foster Poultry Farms:

It has come to my attention that the Merced County Department of Public Health (County) issued an order yesterday taking action to protect the public from an outbreak of COVID-19 in Foster Poultry Farms (Foster Farms) facilities in Livingston. I understand this order was necessary because Foster Farms is not in compliance with County directives dated August 5 and August 11, 2020, designed to assist Foster Farms in bringing the outbreak under control without the need for an order. By failing to comply with County directives, Foster Farms is not only jeopardizing the health of permanent, temporary, and volunteer workers and their families but also increasing the risk of community transmission in Merced County and surrounding counties, which are already experiencing very high levels of transmission. The California Department of Public Health supports the County's action and agrees that Foster Farms must take immediate steps to protect its workforce.

SARS-CoV-2, the novel coronavirus causing the novel coronavirus disease-2019 (COVID-19), is a highly infectious virus that is easily spread from person-to-person, and often by those without any visible symptoms. For some people, including older adults and the most vulnerable members of the community, the virus can result in hospitalization and death.

COVID-19 has already infected over 7,500 Merced County residents and over 679,000 Californians. It has killed 112 Merced County residents and over 12,400 Californians, and those numbers grow on a daily basis. The nature of this virus requires that all Californians work together to safeguard our communities. The Foster Farms facilities in Livingston continue to experience ongoing and uncontained outbreaks in multiple buildings. At least 8 workers from these facilities have died so far. Of particular concern, other Foster Farms facilities in multiple counties also are experiencing outbreaks. Foster

Farms must immediately take aggressive steps to prevent a repeat of what has happened in Livingston.

Governor Gavin Newsom proclaimed a State of Emergency and issued multiple Executive Orders, such as [N-25-20](#), requiring all residents to heed the orders and guidance of local and state public health officials, to lower levels of transmission and reduce risk to the public. Since that time the California Department of Public Health has issued multiple orders and guidance documents to combat this unprecedented pandemic, including guidance for “Responding to COVID-19 in the Workplace,” the “COVID-19 Employer Playbook Supporting a Safer Environment for Workers and Customers,” and the “COVID-19 Industry Guidance: Food Packing and Processing.”

Compliance with local and state orders and guidance is critical to reducing the spread of the virus and protecting the health of Merced County and surrounding counties. It is also required by law. Under the Emergency Services Act, the Governor’s Executive Orders have the force of law. California Government Code §§ 8567, 8627, 8665. The Governor’s orders directing all Californians to follow the orders and guidance of state and local public health officials include yesterday’s order issued by the County.

I hope this letter helps Foster Farms to understand that it has a legal obligation to comply with public health orders and guidance, as well as an obligation to its workers and to the people of Merced County and surrounding counties, and that these obligations compel Foster Farms to immediately comply with the order issued yesterday by the County. Should you have any questions, please do not hesitate to reach out to Dr. Robert Harrison at Robert.Harrison@cdph.ca.gov, and he or a designee from our CDPH Occupational Health Branch will be able to assist you.

Sincerely,



Erica Pan, M.D., M.P.H.
Acting State Health Officer

CC: Merced County Department of Public Health, via email
Office of the Attorney General, via email