



**Statement of the Black Hawk County Board of Health
Concerning the Waterloo Tyson Plant**

WHEREAS, the Black Hawk County Board of Health recognizes and mourns the toll of human suffering being caused by COVID-19 in our community, state, country, and world, and the Board extends its heartfelt condolences to all who have lost their lives or who have otherwise been impacted by COVID-19, including those themselves infected and those affected by a loved one who has struggled with COVID-19.

WHEREAS, the Black Hawk County Board of Health applauds those in healthcare and public health who are on the front lines battling COVID-19, especially those here in Black Hawk County.

WHEREAS, the Black Hawk County Board of Health recognizes that continued operation of essential services and workplaces is necessary to ensure the availability of a safe food supply, to ensure an adequate health care system, and for the Iowa economy.

WHEREAS, essential businesses and services exist to serve Iowa workers and families, rather than Iowa workers and families existing to sacrifice themselves for the benefit of business.

WHEREAS, the spread of COVID-19 is facilitated by close employee interaction in workplace environments.

WHEREAS, the proactive nature of protecting workers ensures the continued operation of essential services.

WHEREAS, as of the date and time of this Statement, there are at least 356 confirmed cases of COVID-19 in Black Hawk County, and the largest single source of these is an outbreak at the Waterloo, Tyson Foods, Inc., Meat Processing Plant (“Tyson Waterloo”).

WHEREAS, active cases of COVID-19, both locally and nationally, are disproportionately impacting low income, minority, and immigrant communities.

WHEREAS, these low income, minority, and immigrant communities are a significant component of the workforce at Tyson Waterloo, as well as of other businesses providing essential services that cannot be performed remotely.

WHEREAS, Article I, Section 1 of the Constitution of the State of Iowa provides, in relevant part, that “[a]ll men and women are, by nature, free and equal, and have certain inalienable rights – among which are those of enjoying and defending life . . . and pursuing and obtaining safety and happiness.”

WHEREAS, Governor Kim Reynolds’ April 16, 2020, Proclamation states in Section Two, Part B that “[a]ll businesses or other employers remaining open with in-person operations shall take reasonable precautions to ensure the health of their employees and members of the public, including appropriate employee screening, social distancing practices, and increased cleaning and hygiene practices.”

WHEREAS, Governor Reynolds’ April 16, 2020, Proclamation states in Section Two, Part C, that “[t]his section shall not be a basis for closing or taking other enforcement action against a business or other employer absent an additional specific order or directive of the Iowa Department of Public Health.”

WHEREAS, Governor Reynolds’ April 16, 2020, Proclamation states in Section Three that state agencies, including the Iowa Department of Public Health, are “hereby directed to monitor the operation and implementation of this proclamation to assure the public’s health and safety.”

WHEREAS, the sudden and rapid increase in Black Hawk County infections has stemmed from an outbreak at Tyson Waterloo, which employs an estimated 2,700 persons.

WHEREAS, Tyson Foods, Inc., closed a plant in Columbus Junction, Iowa, for a period of at least 2 weeks due to a COVID-19 outbreak with approximately 186 infected workers there.

WHEREAS, Tyson Foods, Inc., closed a plant in Perry, Iowa, for at least 24 hours due to COVID-19 concerns there.

WHEREAS, National Beef closed a plant in Tama, Iowa, after more than 100 workers tested positive for COVID-19 there; ultimately, it was reported that 177 workers there tested positive.

WHEREAS, the incidence of positive cases at some employers’ current rates suggests willful negligence toward the emphasis on worker safety implied in

Governor Reynolds' April 16, 2020, Proclamation.

WHEREAS, Smithfield Foods closed its plant in Sioux Falls, South Dakota, when more than 300 of its employees tested positive for COVID-19; ultimately, it was reported that this number more than doubled.

WHEREAS, Hormel Foods, Inc., was ordered to close a plant of approximately 800 workers in Rochelle, Illinois, for having 24 confirmed cases of COVID-19 among its employees.

WHEREAS, there have been multiple reports of displaced Tyson Foods employees from Columbus Junction seeking medical attention in Waterloo.

WHEREAS, there have been multiple reports of Tyson Waterloo employees residing in households with providers of other essential services, including employees of long term care facilities.

WHEREAS, over each of the past several days, there have been hundreds of Tyson Waterloo employees who have called in sick instead of reporting for their scheduled shifts.

WHEREAS, it has been determined that legally, during a State Disaster Declaration, the Governor, and not the County, has the authority to order closure of a plant due to concerns about the spread of this pandemic.

WHEREAS, as of the date and time of this Statement, Governor Kim Reynolds has declined to order closure of Tyson Waterloo.

WHEREAS, as of the date and time of this Statement, Tyson Foods, Inc., has not voluntarily closed Tyson Waterloo.

WHEREAS, as of the date and time of this Statement, numerous Tyson Waterloo employees are either in need of testing, or are awaiting results of testing, for COVID-19.

WHEREAS, the Black Hawk County Board of Health acknowledges the importance and essential nature of Tyson Waterloo both as an area employer and as a significant link in the nation's food supply chain.

WHEREAS, in order to sustain the long term operation of Tyson Waterloo, temporary plant closure is necessary in order to test, and obtain the results of

testing, of all plant employees; in order to conduct thorough cleaning and sanitation of the plant; and in order to design and implement necessary distancing and/or barriers for the protection of employees from infection.

WHEREAS, continued operation of Tyson Waterloo in its current condition will exacerbate – rapidly – the infection of its employees, their households, and the communities in which they reside.

WHEREAS, continued operation of Tyson Waterloo in its current condition will lead to a long-term shortage of workers, and ultimately to a more significant interruption in its operation than what the Black Hawk County Board of Health here is seeking.

THEREFORE, the Black Hawk County Board of Health hereby requests and implores Tyson Foods, Inc., to voluntarily and temporarily close its Waterloo plant to allow for necessary cleaning, testing of employees, and implementation of measures to combat the spread of infection at the plant; **AND**

ADDITIONALLY, the Black Hawk County Board of Health requests and implores Tyson Foods, Inc., to implement among its employees appropriate quarantine and isolation practices, in accordance with testing and results, and to ensure access of its employees to medical and other necessary support relative to COVID-19; **AND**

ADDITIONALLY, the Black Hawk County Board of Health requests and implores Governor Kim Reynolds and the Iowa Department of Public Health to order the temporary closure of Tyson Waterloo, to order the deep cleaning and sanitation of Tyson Waterloo; to make COVID-19 tests available in sufficient numbers to test all employees of Tyson Waterloo; to make continued testing available to workers at Tyson Waterloo; to order Tyson Foods, Inc., to develop and implement distancing and/or barriers, as appropriate, to prevent the spread of infection at Tyson Waterloo and other Tyson Foods facilities; to order and implement thorough contact-tracing and follow-up on confirmed cases associated with the plant; and to condition the reopening of Tyson Waterloo on the completion of all of these measures, including obtaining the results of COVID-19 testing of Tyson Waterloo employees; **AND**

ADDITIONALLY, the Black Hawk County Board of Health hereby requests that Governor Reynolds and the Iowa Department of Public Health reduce the action threshold from its current “10% of employee base testing positive or being absent from work” to “evidence of employee-to-employee transmission;” **AND**

ADDITIONALLY, the Black Hawk County Board of Health hereby requests that Governor Reynolds and the Iowa Department of of Public Health publish the methodology and criteria to be used to monitor the implementation of Governor Reynolds’ April 16, 2020, Proclamation as mandated by Section Three of that Proclamation; **AND**

ADDITIONALLY, the Black Hawk County Board of Health hereby requests that Governor Reynolds and the Iowa Department of Public Health include (1) a broad range of sources in determining adherence to Governor Reynolds’ April 16, 2020, Proclamation, including confidential interviews with employees, and (2) on-site inspection of facilities to ensure compliance with the Proclamation by employers with suspected employee-to-employee transmission of COVID-19; **AND**

ADDITIONALLY, the Black Hawk County Board of Health hereby requests that Governor Reynolds and the Iowa Department of Public Health mandate the closure of facilities unable to take reasonable precautions to ensure the health of their employees, and of members of the public, until such time as those facilities can and do take such precautions, **AND**

ADDITIONALLY, the Black Hawk County Board of Health requests that Governor Reynolds and the Iowa Department of Public Health to make COVID-19 tests readily available for all Black Hawk County residents due to rapid extensive community spread of COVID-19 in Black Hawk County.

APPROVED and DONE this ____ day of April, 2020.

BLACK HAWK COUNTY BOARD OF HEALTH

By: _____
Dr. Catherine Zeman, Vice Chair