

Washington state fines Gebbers Farms months after COVID-19 deaths of workers

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The Washington state Department of Labor & Industries (L&I) has fined Gebbers Farms \$2 million for 24 “egregious and willful” and four “serious” violations of COVID-19 safety protocols after the deaths last summer of three farmworkers living in its work camps.

The fine, which the company will challenge and seek to reduce, represents a small fraction of the annual revenues of one of the top apple growers in the northwestern US and, according to its website, the largest provider of cherries in the world. It amounts to a wrist-slap punishment for the company that willfully risked the lives and health of over 3,100 workers, which largely consists of H-2A immigrant guest workers from Latin America and the Caribbean.

The L&I investigation began after a July 16 anonymous tip from a worker reporting the COVID-19 death of Juan Carlos Santiago Rincon, a 37-year-old migrant worker from Mexico, living on the farm. Workers “who shared the same cabin with the deceased were not tested for the virus and were then split up into different cabins with other migrant workers,” the report noted. Another anonymous worker reported that the company was not providing support to the hundreds of potentially infected workers.

When Santiago Rincon became sick, he took medicine and continued to go out into the fields to work, according to a report in the *Seattle Times*. It was only the day before he died that he ended up feeling too sick to work and went to the isolation camp. The next day, the workers in the camp called an ambulance. He died later that day in the hospital.

The investigation commenced, finding numerous safety violations, including mass busing of workers to and from worksites. On July 22, L&I issued an “order and notice of restraint,” which required the company to immediately comply with the rules.

Ernesto Dimas, a worker who left in July before the end

of the season, told the *Times* that many were going into the orchard sick. “You could hear people coughing everywhere.”

On July 31, a second worker died. Earl Edwards was a 63-year-old Jamaican farmer who tended his own crops during the tropical winter season in the Caribbean and then headed north, for the last 10 years, to work for Gebbers. Normally, his job was outdoors, according to his wife, Marcia Smith Edwards, but this year he was given a more dangerous and difficult job of working in the packing plant. Gebbers did not report either death to the government, as is required by law.

A Gebbers representative claimed that those in their COVID-19 isolation camps were checked on frequently as well as being provided with food and medicine. They were given assistance in filling out forms to apply for financial assistance while they were sick, management claimed. This is disputed by a fellow Jamaican worker who spoke to the *Times* and asked to remain anonymous.

An official spokesperson for Gebbers Farms, Amy Philpott, revealed that a third worker, who was a domestic employee, Francisco Montiel, died on August 1. According to the *Times*, he had decided to quarantine when someone in his household tested positive. He became ill and never returned to work. Philpott did not say if he received medical attention.

Adding insult to injury, Gebbers is taking no responsibility for the deaths or even funeral costs, according to Juan Celin Guerrero Camacho, Santiago Rincon’s brother-in-law. Instead, the company offered to match farmworker donations.

Workers subsequently took a collection for \$9,000 and Gebbers finally agreed to pay to transport Santiago Rincon’s ashes home to Mexico, leaving the remaining funds to Santiago Rincon’s mother.

L&I assistant director of Occupational Safety and Health, Anne Soiza, said, “Gebbers continually failed to

comply, even after the first worker died and our repeated presence at the farm, clearly demonstrating a lack of regard for worker safety and health.”

Despite this, the Washington state Democratic Party, led by Governor Jay Inslee, allowed the farm to continue operations for the intervening five months. The federal Occupational Safety and Health Administration (OSHA), which has issued only a handful of small COVID-related penalties against employers, is equally complicit in this travesty.

According to a report in the *Times*, United Farm Workers representative Victoria Ruddy visited the farm after receiving calls and stated that the workers were afraid of the isolation camps where COVID-19 victims were held. She visited a camp and said that none of the six workers there were being treated by a medical professional. Workers also told her that they heard from colleagues that going to town to see a doctor could cost them hundreds of dollars and that they were reluctant to get tested.

In other words, the UFW and other state unions were fully aware of the criminal exploitation of these workers and blocked any action by the working class to oppose them. In May, hundreds of fruit packing warehouse workers in Yakima County held a wildcat strike to fight dangerous conditions and a lack of PPE after 12 workers tested positive for COVID-19. The struggle was isolated by the state unions, which would collaborate with Inslee to open up giant manufacturing facilities like Boeing.

The unscientific 15-person cohort rules used to justify warehousing and busing migrant farmworkers in cramped conditions were themselves in part a product of a lawsuit in mid-April brought by farmworker unions Familias Unidas por Justicia, the United Farm Workers and the L&I. Tim Church, the L&I’s assistant director, web and communication services, declared at the time, “Under the emergency rules, if you have a group that stays together, works together, eats together, and it’s only that group, then they [growers] would be allowed to use bunk beds.” Thus, the unions agreed to guidelines that would have been unsafe even if growers had adhered to them.

Even so, for months, Gebbers openly flouted the inadequate 15-person cohort rule, claiming that 42 was the correct number, based on the input of a supposed public health specialist. Forty-two happens to be the seating capacity of Gebbers’ buses. State investigators carrying out unannounced visits found that workers were not told to stay within their cohorts even while working. Nevertheless, state officials allowed operations to

continue.

Gebbers now points to test results from its 3,100 workers released in October by Okanogan County Public Health, finding a positivity rate of 0.7%. It is unclear which tests were actually employed, but tests given in October are unlikely to give any information about the extent of the July outbreak.

In sparsely populated Okanogan County, where Gebbers Farm is located, 1,757 people, or fully 4 percent of the county population of 41,000, have had confirmed COVID-19 cases. The county’s test positivity rate of 11 percent indicates that the true case count is much higher. Gebbers’ roughly 3,100 seasonal workforce constitutes 7 percent of the county’s permanent population.

The government’s fine of \$2 million will in no way halt dangerous conditions facing farmworkers and it is unclear whether it will pay the fine at all. The company continues to deny any responsibility for the worker deaths.

In 2010, an explosion at a Tesoro oil refinery in Anacortes, Washington killed seven workers. In 2014, L&I fined the company \$2.38 million. The fine remains in court and has been reduced to \$490,500, about one-fifth the original amount, after successive rulings in favor of the company.

Responsibility for the death and endangerment of the Gebbers workers lies with the Washington Democratic Party and the trade unions, particularly the United Farm Workers, all of whom were aware of hazardous conditions at the farm for months.

To ensure safe and dignified working conditions, farmworkers must form rank-and-file safety committees to demand a shutdown of agricultural production until workers are provided with working and living conditions that workers and public health experts agree are safe and based on science. This will necessitate the replacement of cramped company dormitory housing with housing capable of ensuring adequate physical distancing and sanitation. Construction of such housing should begin immediately, as the COVID-19 pandemic will almost certainly still be ongoing during the 2021 harvest. We call on all permanent and seasonal farm workers who agree with this perspective to contact the Socialist Equality Party today.



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