



UPDATES TO THE BOARD OF HEALTH AGENDA

April 7, 2021

ADD COMMUNICATIONS

- Renumbered 3. A) AAB
Re: BOH/MOH Decision Process 2
- B) Strawberry Tyme Farms
Re: Section 22 Order 5
- C) EZ Grow Farms
Re: Section 22 Order 8
- D) Ryder Farms
Re: Section 22 Order 9

Date: April 7, 2021

To: Haldimand-Norfolk Health Unit Board of Health (“BOH”), Dr. Shanker Nesathurai (“MOH”)

From: Norfolk Agricultural Advisory Board (“AAB”)

It is an understatement in the extreme to say that it has been a difficult 12 months for all concerned. The COVID-19 pandemic has swept through considerable portions of our communities and caused significant heartache and grief amongst those families who lost loved ones to this virus. The pandemic also resulted in job and business losses as the economies of Canada and its trading partners was shaken. As the pandemic impacted our society, our government and health leaders were forced to take steps to lessen the affect of the virus and to protect public health from a relatively unknown illness. This was not an enviable position to be in. Any number of decisions were made in the name of public health at various levels of government which were contradictory. In retrospect, any number of decisions were made which were ineffective in controlling the spread of the virus and yet caused significant disruption and upheaval within our communities – in essence, the medicine being worse than the disease.

The AAB wishes to move forward in a positive fashion: Little can be gained by pointing fingers and making accusations. However, it is also important for us to analyze what was done over the last 12 months to determine what was effective; what did work and what did not. We need to understand the consequences (some of those unintended) of those actions. Only after we have reviewed what took place and asked some difficult questions can we appropriately determine a path forward.

With this in mind, we would like to raise some issues and ask a series of questions as it relates to the BOH/MOH decisions over the last 12 months relating to COVID and its effect on the agricultural community here in Norfolk County:

1. Did the AAB appropriately communicate the concerns of the agricultural community to BOH/MOH? Did BOH/MOH hear the concerns being expressed and did they take these concerns into account when making their decisions? The AAB and numerous members of the local agricultural community expressed significant concerns regarding the MOH’s rulings early in the process. Numerous communications and depositions were made on behalf of this community specifically regarding the Section 22 order relating to SAWP housing arrangements. It is the considered view of this community that no one was listening to our concerns. *No one*. The MOH dismissed *all* our concerns. Conversations with him, when they could be had, were nothing more than the MOH telling us what had to be done. He was not interested in hearing the issues from our perspective. There was an unflinching disregard for AAB concerns and an unquestioning adherence to the MOH position from the BOH. Again, no one was listening. Or if they were, no one was prepared to challenge the MOH and his determinations. We now hear that the BOH feels like MOH decisions are being made in a silo. The agricultural community realized that very clearly a year ago. When reasonable arguments presented to the BOH/MOH got us nowhere, legal action ensued. When that course of action failed, farmers took to the streets. That action resulted in us finally hearing the BOH express their concerns over MOH decisions and challenge that decision making processes and taking the concerns to the province. It is gravely concerning that we have now determined that the way to get our political leaders to

move forward is not through reasoned argument or even legal representation. Rather, effective change can only be brought about through pitchforks in the streets. There has been a massive breakdown in communication as between BOH/MOH and agricultural stakeholders. This must be rectified. What steps will BOH take to improve its capacity to hear what the AAB and other members of the agricultural community are actually saying? Will the BOH ensure that the new MOH will also have the capacity to hear what the AAB is saying? Will the BOH ensure that any new MOH is effectively accountable to the BOH such that MOH decision making is not conducted “within a silo”?

2. In the spring of 2020, the MOH enacted a Section 22 order limiting bunkhouse usage to a maximum of 3 SAWP workers regardless of its size. Did either the MOH or the BOH fully understand the consequences (some of these unintended) of this 3 *per* ruling? How was public health within the HNHU affected by this decision? As the pandemic broke upon our communities, farmers were told that we had a significant role to play in protecting public health – the provision of safe and nutritious food stuffs. We took that role seriously. While it may have been easier to simply put a hold on production plans in 2020- and many did just that – most farmers took on their role of essential service providers with determination. We were going to play our role. When the MOH imposed the 3 per ruling, it caused a significant problem for growers here in Norfolk, many of whom rely extensively on manual labour to plant, grow and harvest their crops. The 3 per ruling dramatically reduced the numbers of SAWP workers which growers would be able to access. How would growers respond to a shortage of SAWP workers? It was obvious. Growers looked around within our communities and sourced labour closer to home. In some cases, we employed students who were no longer attending classes. In other cases, growers entered into arrangements with contract labour providers. These contractors sourced their labour from urban centers here in the province. It was well known that some growers who had lost access to SAWP employees because of the 3 per rule now brought in contract labour from the GTA and other urban centres by the busloads. With SAWP workers, growers were able to mitigate COVID risks to a great degree. We did this by limiting access to our bunkhouse facilities. In some cases, we provided groceries on site to limit the time which SAWP employees spent in our local towns. However, we had no way of controlling the activities or movements of the contract labour. So, here is the reality: The 3 per ruling forced growers to source labour from other locales. Most of that labour came from large urban centers where COVID infection rates were much higher than here in Norfolk. We had limited to no control over the movements and activities of these contract labourers but were forced to use them to fulfill our essential role of providing food to Canadians. These realities were communicated to the BOH and to the MOH at the outset of the pandemic. It is arguable that any number of the outbreaks which we experienced here in Norfolk can be directly attributable to this use of contract labour. So the question has to be asked, how effective was the 3 per ruling in keeping Norfolk residents safe? What role did the 3 per ruling have in the outbreaks which we did experience? If the MOH was warned about this concern and pushed through with his 3 per ruling regardless, was this truly an unintended consequence or a blatant failure to appreciate the outcomes of decisions being made? Was this another example of a decision being made “in a silo” and if so, why didn’t the BOH tackle this issue head on *at that time*?

3. We have now had an additional Section 22 order imposed by the MOH on the community relating to transportation of SAWP workers to their quarantine accommodations. This order has the effect of causing growers to transport workers individually or at most, in groups of 3, even though the workers have all just arrived at the airport having travelled together on a plane from their homes in Mexico or the Caribbean. The nature of this order defies all sense of logic. The consequences of forcing additional trips and thus additional exposures between SAWP workers and taxi/other drivers are obvious. How many more transmissions are we looking at as a result? It is not even possible to view these consequences as unintended as any reasonable right-thinking individual can appreciate. We understand that the BOH has expressed significant reservations regarding this decision and how it was made. It has even been suggested that BOH may resign their roles in response to the actions of the MOH. The question must now be asked, and given the impending departure of the current MOH, how will the BOH ensure that the next MOH will take direction and make decisions in conjunction with the BOH. How will the BOH ensure that lines of accountability are in place and prevent any future MOH from going “off the rails” as would appear to be the case here?

These are all difficult questions to come to grips with. But we must all face up to them. These issues cannot be swept under the rug. We must learn from our past mistakes or we will simply end up repeating them. The AAB is willing and prepared to work together with Norfolk Council and the BOH in addressing these concerns.

Notes from Strawberry Tyme Farms Inc .

This year we have become even more frustrated with Haldimand Norfolk Health Unit.

1. On our March 3 flight, from airport Switch Health test, we had 1 positive Covid result. That TFW was in a bunk with 1 other person. We moved the positive to our isolation unit. That left the other exposed man in a bunk of his own. The other men, with 2 negative Covid tests were in bunks of 3 each. That day we were notified by HNHU to move these men to individual isolation units . This was not the policy last year . Did the policy change ? If so farmers were not notified !!! WE FEEL THIS IS NOT FAIR TO CHANGE THE RULES WEEK TO WEEK WITHOUT ANY NOTICE, THIS MAKES IT IMPOSSIBLE TO PLAN. In fact the only way to plan for this is to book motel rooms for all our men arriving from that flight forward. That is costing us \$100-150 per man per night. This is not a recoverable cost to the farmer. This has cost us \$42,000 to isolate only 30 men !!! Not economically feasible.

** A year into Covid and not one other MOH in Canada (the health experts) has felt it necessary to even isolate the men 3 per bunk let alone implement these extra regulations.

Because of this we asked HNHU was this the case moving forward with every flight. We were told they did not know for sure but every flight will be decided independently of another !! For this reason farmers are forced to use motel rooms, we cannot take the chance of this happening again and having to move the men, now with taxi cabs to available motel rooms , probably into Hamilton or further as Brantford is booked solid.

2. Because we have been forced to use motel rooms for isolation that means bringing each TFW from the airport in taxi cabs at approx. \$150-175. Per ride. We are not understanding why this is safer than each farm hiring their own bus with 1 driver. Now, for at least 2 hours, the men are exposed to a driver from Toronto, in a cab from Toronto that has been exposed to numerous people.

**Again not one other MOH (the experts) have implemented this in their county.

3. Because we had a positive on our first flight that triggered calls everyday from the health unit. Most days we had several people on the call but not one could answer a single question !! Info just had to be taken back to Dr Shanker, why so many on the call then ? This is a waste of tax payer dollars and HNHU resources. Should have just been a secretary gathering our questions.

We asked for the records from these daily meetings (phone calls) for further reference but were told they could not be given to us ?! We were referred to the Solicitor for Norfolk County. She has refused to give us a copy of the notes from our calls with the Health Unit !!!

Her reply was actually “she does not see why we need them “ !!! I can forward the emails if necessary.

4. Our farm friends in other counties are not completing all this health unit paperwork. It is very time consuming and could have been stream lined. I am guessing this is one of the reasons staff are overwhelmed and the budget is so high. Just 2 weeks ago we had 2 HNHU staff approve the same isolation plan, on a Sunday. This type of scenario has happened many times.

Are these extra rules necessary when they are not being implemented in any other county in Canada ?

Of course the farmers are deeply concerned about the health of our TFW , many are like family to us. I think we all proved that last year with all the extra safety precautions we quickly put in place including groceries delivered to the farm, which many farmers started although it was not mandated. We did this for the safety of our employees.

It is important to keep in mind agriculture is the largest employer in Norfolk County. We are running a business , these extra regulations are not financially feasible . Again especially when not one other MOH in another county has implemented them. Can all these other health professionals be wrong ??

Diane and John Cooper



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Haldimand-Norfolk Board of Health and Dr. Nesathurai,

Dusty Zamecnik here from EZ Grow Farms. To say that I miss 2020 may be a tad facetious but after dealing with the first few months of 2021, the truth may not be that far off. Us in the Haldimand-Norfolk farming community and now greater public are continually perplexed by the continual and spur of the moment changes in procedures by Dr. Nesathurai. This year we experienced a single positive case of Covid-19 during travel here, and we had the men into their mandated 3 man/bunk which was to help just this type of situation. The men wore their masks on the bus the entire time, even though we come to find out that the men cannot be trusted to do that. Instead, our entire transport was to be split individually and if not enough bunkhouses were available they were to be transported to a hotel. We were given 18 hours (over night) to find this new updated rule that was never communicated to farmers. All while, Dr. Nesathurai mandated **no outdoor access for the men during their quarantine if it is being done at a hotel. Regardless of close contact or not.** This is a **blatant** attack and infringement on human rights. Prisoners who commit heinous crimes even get an hour outside. Do you know how hard it is to find balcony hotels in mere hours, let along hotels that will even "ACCEPT" close contact individuals?

We are also trying to understand why the hotel cannot be used as a stop gap while the migrant workers await their airport administered PCR test result. Then, the individuals who test negative can then finish their quarantine in their 3-man/bunk unit. If something were to happen, the men in the 3-man get tested at day 10 and the 3 man / bunk would be ultimately beneficial. An outbreak would be contained and those others in the bunk go to self-isolation, while the others can resume finishing their last few days. The claim was lack of trust on the farm, meanwhile EZ Grow dealt with 6 different audits from 6 different government agencies while our situation was evolving.

What is being put down upon Norfolk County farmers is beyond frustrating while we are all doing our part and have never given nor shown any situation that proves otherwise to do what's best for our employees, our families, and our communities. I find it difficult to see and know first hand how other industries are treated and dealing with Covid-19 close contacts while still able to function, meanwhile our farmers live each day on pins and needles awaiting what will be struck down upon us next.

We are trying to feed our neighbours and our world, all while these men and women of the TFW program and our farmers are treated **drastically** different than our neighboring counties. I won't even get into the individual transportation issue because I know others will be coming forward looking for clarification on that issue.

We as farmers are continually committed to working with the MOH and beyond to continually ensure that the best practices are in place to ensure the safety of all parties associated; the employee, the farmer and the community. The issue lies in the fact that we seemingly have to go to these extents to get rationales for specific and targeted programs, and to which many questions remain unanswered.

All we ask is to work with us, every day we deal with this and skin the metaphorical cat in a million different ways. We at EZ Grow Farms believe that undue physical and mental anguish are being put upon these people, as well as a greater risk of exposure while being transported individually which exponentially increases exposure to these people, to our communities and farms.

Can we please get an answer as to why we, essential farmers and these essential individuals, are treated differently than our neighbours?

Dusty Zamecnik

April 7, 2021

RYDER FARMS INC.

Jason and Jacklynn Ryder

Owners

Norfolk County Board of Health,

April 7, 2021

Ryder Farms experience with the Dr. Nesathurai's new travel instruction leaves our operation feeling that we put our workers at a greater risk of CoVid-19 exposure during their travel from the airport to their isolation location. On March 31st Ryder Farms had 15 workers arrive to Pearson International on a charter flight filled with SAWP workers destined for Ontario and Eastern Provinces. That flight became a travel cohort the moment each passenger boarded the plane. The workers sat in each seat, shoulder-to-shoulder as they would have pre-CoVid to travel by air. That same travel cohort then deplaned together, went through immigration together, completed government documents together, were tested for CoVid together and moved through the airport together. This same travel cohort (as defined by the federal government) then was moved through to the passenger pick up area where many SAWP farm groups from other Ontario jurisdictions were loaded on to buses to be transported to their final isolation location maintaining their travel cohort. To further improve worker safety CanAg travel arranged for every worker to be given a face shield to help protect them from infection during their bus travel.

Norfolk area SAWP workers; however, were separated from their travel cohort at the point of airport pickup and were required to wait in a separate area for their special transport arrangements to arrive. Ryder Farms contracted an airport limousine service to pick up our 15 SAWP workers individually in 15 large SUVs, as per Dr. Nesathurai's special travel instruction, allowing them the ability to physically distance themselves from the driver by sitting in the third-row seat. This was 15 "new" introductions into our workers travel cohort, these 15 people live and work in the areas of the GTA which are known CoVid-19 hotspots with high numbers of variants of concern. Those drivers then spent over an hour in a vehicle with our workers. IF Ryder Farms could have followed Federal guidelines, which all producers from outside of Norfolk are allowed to, we would have had 1 "new" introduction to my workers travel cohort. To us those 15 drivers were a huge health and safety risk to my workers, an unnecessary risk. On reflection we feel we have increased our workers potential exposure to CoVid-19 by following Dr. Nesathurai's special travel instruction versus protecting them.

Sincerely,

Jason and Jacklynn Ryder

