



Idaho Farm Bureau Federation

500 West Washington Street
Boise, Idaho 83702
(208) 342-2688 Fax (208) 342-8585

July 24, 2020

Members of the Judiciary & Rules Working Group:

On behalf of the membership of the Idaho Farm Bureau Federation, we thank you for the opportunity to provide testimony regarding the topic of liability reform. The COVID-19 pandemic has highlighted the need for the state to address this issue and concern in a reasonable manner that is fair to employers.

Our members span every sector of the agriculture industry; whether large or small, crop or livestock, conventional or niche. These individuals face many of the challenges and hardships that coronavirus has dished out, ranging from market disturbance, labor concerns, product spoilage and employer liability.

Since April, we have held regular calls with our members and other representatives in the agriculture industry to understand the difficulties being faced by the state's farmers and ranchers. This topic of employer liability during COVID-19 has arisen repeatedly as a priority concern.

All aspects of agriculture and food production have been deemed essential, with many perishable products being produced. Food production and processing facilities require employees to show up for work, and thus pose a challenge for employers during a pandemic.

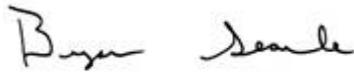
Social distancing, limited crowds, and good ventilation is less of a concern out in the field, or on the range. However, as crops and products are brought into enclosed facilities for sorting, packaging, processing, and/or shipping, the concern of virus transmission is elevated. The issue comes when employers do their best to implement policies and procedures to adequately protect and safeguard employees; nonetheless, they certainly cannot control every factor or situation that may or may not contribute to the spread of the virus.

One of our members recently shared with us the extensive measures that they have gone through in their packing facility to ensure a safe and clean work environment for their employees. They have used the guidance materials provided by both federal and state agencies to do their best in limiting disease spread and reducing employee risk. Notwithstanding this good-faith effort, these employers continue to receive mixed messages from state agencies and wonder if they can be held liable for any potential infection amongst their labor force. To our understanding, no certainty can be given under current state law.

We ask the working group to consider possible resolutions to this matter that would provide employers, who operate in good-faith and in accordance with best understood practices, to be held harmless and provided safe harbor from civil prosecution. We ask that this issue be addressed in an expedited manner and to not leave these questions/uncertainties to linger at the expense of Idaho employers.

Thank you for your consideration of these comments. We again urge the working group to identify a solution that would address the concern of employer liability during the COVID-19 pandemic, and any similar situation in the future. If you have any questions on this topic, please contact Russ Hendricks or Braden Jensen at 208-342-2688.

Sincerely,

A handwritten signature in cursive script that reads "Bryan Searle".

Bryan Searle, President
Idaho Farm Bureau Federation