CENTER for BIOLOGICAL DIVERSITY Because life is good.

December 9, 2020

VIA ELECTRONIC MAIL

Rebekkah Shaw
State Records Committee Executive Secretary
346 S. Rio Grande
Salt Lake City, UT 84101-1106
Phone: 801-531-3851 or Fax: 801-531-3854
E-mail: SRCSecretary@utah.gov

Re: Utah Animal Rights Coalition v. Department of Agriculture & Food (2020-131; Expedited)

Dear Ms. Shaw,

On behalf of the Center for Biological Diversity (Center) and our over 11,729 members and supporters in Utah, we provide this written statement in support of the Utah Animal Rights Coalition's (UARC) request for the release of public records related to COVID-19 outbreaks on Utah mink farming operations. We request that you share this written statement with the members of the State Records Committee (Committee) for their consideration in advance of the hearing on this matter, which is currently scheduled for tomorrow, December 10, at 1pm.[1]

The Center is a non-profit environmental organization that for thirty years has been dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center's Environmental Health Program aims to protect ecosystems and ensure that all species, humans included, are safe from dangerous pollution from an array of sources, including from industrial animal farming operations.

Over the past ten months, the COVID-19 pandemic has permeated nearly every aspect of our society and lives. During that time, we have witnessed doctors and scientists struggling to first understand the virus, and then contain the virus against further spread, and finally, hopefully, vaccinate against the disease. Throughout that time, doctors and public officials have consistently called on the public to help "flatten the curve," in reference to avoiding physical contact with infected individuals as a way to limit the spread of the disease, but time has proven the difficulty of doing so without informed contract tracing or reliable public information about if and where outbreaks of the disease are occurring.

[1] State Records Committee Meeting, Agenda for December 10, 2020, https://www.utah.gov/pmn/files/664065.pdf (last visited Dec. 9, 2020).

Partially as a result of these difficulties, the U.S. has recently experienced concerning spikes in transmission of the virus, resulting in new and ever grimmer records of deaths and hospitalizations as a result of COVID-19 continuing to be been broken across the country to this day.[2]

Thus, in an effort to better understand how to best combat the virus, scientists have poured considerable resources into learning more about risks related to zoonotic transmissions of the disease between animals and humans. As a result of that research—as well as real world events that have occurred in Denmark and across at least five other counties including the United States—scientists have identified mink farming operations as presenting a unique threat against fighting the coronavirus pandemic because of the ability of the virus to bidirectionally spread between mink and humans, because of the potential mutability of the virus under these circumstances to adapt in a way that could undermine attempts to develop an effective vaccine for COVID-19, and because, as the Centers for Disease Control and Prevention and other governmental health agencies have long held, the best way to protect against the spread of the virus is to avoid coming into contact with anyone or anything infected with this highly communicable disease.[3]

In addition, given the rapid rate at which the disease spreads among mink populations and that farmed mink are known to escape their confinements and enter into the wild, there is a very real risk of infected farmed minks potentially escaping and infecting wild American mink populations, whose natural range includes Utah.[4] In fact this very real threat is currently playing out in Denmark, where hundreds of infected farmed mink are believed to have escaped into the wild.[5] Plainly put, the potential escape of COVID-19 infected mink in to the wild could pose a terrible threat to wildlife populations.

It is against this backdrop that UARC requested the following records from the Utah Department of Agriculture and Food:

- Records identifying any and all Utah mink farms which have had positively identified cases of SARS-CoV-2 and/or COVID-19, including (but not limited to) those nine farms referenced in public media reports.
- Necropsy reports and diagnostic test reports for any mink from the two Utah mink farms which later had confirmed positive cases of SARS-CoV-2 (March 1, 2020 – present).
- Correspondence between Utah Department of Agriculture and Food (UDAF) representatives and representatives of the U.S. Department of Agriculture (USDA) regarding SARS-CoV-2 cases in mink, or efforts to identify such cases (March 1, 2020 – present).

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[2] Sabrina Tavernise, '*It's terrible, because it was avoidable': U.S. Virus Deaths Have Passed the Spring Peak*, New York Times (Dec. 3, 2020), https://www.nytimes.com/live/2020/12/02/world/covid-19-coronavirus/its-terrible-because-it-was-avoidable-us-virus-deaths-have-passed-the-spring-peak.

[3] *See* Exhs. A & B.

[4] Soo Kim, *Hundreds of COVID-Infected Mink Have Escaped Danish Fur Farms, Spreading New Coronavirus Strain*, MSN (Dec. 1, 2020), https://www.msn.com/en-us/news/world/hundreds-of-covid-infected-mink-could-have-escaped-danish-fur-farms-spreading-new-coronavirus-strain/ar-BB1bx5LI.

[5] *Id*.

- Correspondence between Utah Department of Agriculture and Food (UDAF) representatives and representatives of the Utah Department of Health (UDOH) or any county or district health department located in the state of Utah regarding SARS-CoV-2 cases in mink, or efforts to identify such cases (March 1, 2020 – present).
- Correspondence between any UDAF representatives and any representatives of the mink farming industry, including the Utah Farm Bureau, Fur Commission USA, and/or representatives of Utah fur farms, regarding the COVID-19 epidemic and its impact on Utah's fur farming industry (March 1, 2020 – present).
- Any protocols or documents reflecting precautions being taken or recommended be taken for Utah mink farms to reduce transmission of SARS-CoV-2 (March 1, 2020 – present).
- Records revealing the nature of the "stringent biosecurity measures" implemented on fur farms in response to the latest COVID-19 outbreaks, as indicated by a UDAF spokesperson in recent public media reports.

Given ongoing concerns related to increases in the spread of COVID-19 nationally and in Utah, as well as the significant risk of bidirectional transmission of the disease between humans and mink populations and the potential devastation of wild populations of American mink if exposed to infected escaped farmed mink, the Center supports UARC's request for the release of these records. Indeed, because these records are a matter of significant public interest, we believe that warrants in favor of the Committee granting UARC's expedited hearing request, pursuant to Utah Code § 63G-2-403(4)(a)(1), and ordering that the remaining withheld records be released without delay.

To cement an understanding of the Center's established interests with regards to this matter, we will note that Utah is not alone in the U.S. in dealing with outbreaks of COVID-19 at mink farming operations. The same is also true in Oregon. That is why the Center, in an effort unrelated to UARC's efforts in Utah, submitted a letter to Oregon officials in early November asking that they investigate the potential spread of coronavirus at Oregon's permitted mink confined animal feeding operations and promote public health and safety through transparency by providing detailed information to the public about any instances of coronavirus transmission at Oregon's mink farms.[6] On December 1, 2020, following a preventable outbreak of COVID-19 at an Oregon mink farming operation that was nationally reported in the *Washington Post*,[7] the Center sent a follow-up letter to the same Oregon officials, as well as Oregon Governor Kate Brown, reiterating its earlier requests and, given the growing risk of this industry to public health and the environment, requesting that Governor Brown impose an immediate quarantine of all mink farming operation in Oregon, halt breeding programs to arrest the expansion of animal hosts for the virus, and coordinate with the U.S. Department of Agriculture to implement a government buy-out program for the state's mink farms.[8]

[6] *See* Exh. A.
[7] Kim Bellware, *Fourth State Confirms Mink Farm Coronavirus Outbreaks as U.S. Looks to Avoid Denmark's Disaster*, Washington Post (Nov. 30, 2020), https://www.washingtonpost.com/science/2020/11/30/mink-coronavirus-oregon/.
[8] *See* Exh. B.

In Utah, as well as in Oregon and elsewhere, transparency and public accountability through open records play vital roles in supporting public health and maintaining healthy ecosystems. In this instance the public has a compelling interest in knowing the locations of COVID-19 outbreaks in mink farming operations in Utah. Accordingly, it is exceedingly important that UARC and other members of the public promptly obtain access to the requested information. Continued delay would undermine the public benefit by continuing to postpone the timely distribution of information that is vital to informed decisionmaking.

Thank you for your attention to this matter.

Sincerely,

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EXHIBIT A

November 6, 2020

VIA ELECTRONIC MAIL

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Dear Oregon Department of Agriculture and Oregon Health Authority officials,

On behalf of the Center for Biological Diversity (Center) and our over 30,197 members and supporters in Oregon, we write to ask you to immediately conduct an investigation into COVID-19 outbreaks and potential zoonotic transmission at Oregon's 11 permitted mink confined animal feeding operations, as well as any other mink operations in the state. With reports of significant outbreaks amongst mink in the United States, and even more alarming, an outbreak of a mutant COVID-19 strain spreading from mink to humans in Denmark, we urge your prompt attention to this urgent public health threat.

The Center is a non-profit environmental organization that for thirty years has been dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center's Environmental Health Program aims to ensure that all species, humans included, are safe from dangerous pollution from an array of sources, including from industrial animal farming operations. Our Oregon-based office is located in Portland.

Earlier this week, Denmark announced that it will be killing all 15 million of the mink raised in the nation following confirmation from the Danish Health Minister that 12 people had been infected with a mutated strain of COVID-19 that was spreading from mink to humans.[1] The main reason that Denmark, which is the largest producer of mink skin and fur in the world, decided to take this drastic action was simple: the mutated strain could undermine the efficacy of a COVID-19 vaccine or even pose its own novel risks. About half of northern Denmark's 783 human COVID-19 cases are related to mink farming.

While there have, thankfully, been no confirmed cases of mutated COVID-19 in the United States, COVID-19 has hit mink production facilities in the United States as well. Since August, the U.S. Department of Agriculture has announced confirmed cases of COVID-19 in mink at nine Utah mink farms,[2] leading to an estimated 10,000 mink deaths.[3] In addition, at least 3,400 mink have died over the last month after contracting COVID-19 in Wisconsin.[4]

The risk of the same happening in Oregon is not merely theoretical, and the time to open a public investigation into COVID-19 at Oregon's mink operations is now. Indeed, as early as September, the Center for Infectious Disease Research and Policy at the University of Minnesota published a report on the emerging research about the zoonotic transmission of COVID-19 among human and nonhuman animals, and found that "new studies suggest that high proportions of cats and dogs may have acquired COVID-19 from their owners and that the virus jumped back and forth between humans and minks on farms in the Netherlands."[5] Specifically, a study of infections at 16 mink farms in the Netherlands determined that the virus could be spread bidirectionally between mink and humans. Ultimately, the researchers that conducted the study "conclude[d] that initially the virus was introduced from humans and has evolved on mink farms, most likely reflecting widespread circulation among mink in the first SARS-CoV-2 mink farms, several weeks prior to detection." SARS-CoV-2 is the virus that causes COVID-19.

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[1] Associated Press, *Denmark Wants to Cull 15 Million Minks Over COVID-19 Fears*, AP News (Nov. 4, 2020), *available at* https://apnews.com/article/denmark-cull-15-million-minks-covid-19-37f57a303bbf738efca50918c35696de.

[2] U.S. Dep't of Agric., Confirmed Cases of SARS-CoV-2 in Animals in the United States (Oct. 14, 2020), *available at* https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/sa_one_health/sars-cov-2-animals-us.

[3] Wilson Wong, *Nearly 10,000 Minks Die After Covid-19 Outbreak at Utah Fur Farms*, NBC News (Oct. 9, 2020), *available at* https://www.nbcnews.com/news/us-news/thousands-minks-die-covid-19-utah-farms-n1242754.

[4] Hope Kirwan, *More than 3K Mink Reported Dead at WI Mink Farm from COVID*, Wisconsin State Farmer (Nov. 5, 2020), *available at* https://www.wisfarmer.com/story/news/2020/11/05/more-than-3-k-mink-reported-dead-wi-mink-farm-covid/6174646002/.

[5] Mary Van Beusekom, *COVID-19 Likely Spreading from People to Animals-And Vice Versa*, CIDRAP News (Sept. 18, 2020), *available at* https://www.cidrap.umn.edu/news-perspective/2020/09/covid-19-likely-spreading-people-animals-and-vice-versa; *see also* Oude Munnink BB, *et al*. (2020), Jumping back and forth: anthropozoonotic and zoonotic transmission of SARS-CoV-2 on mink farms, *bioRxiv*, doi: https://doi.org/10.1101/2020.09.01.277152, *available at* https://www.biorxiv.org/content/10.1101/2020.09.01.277152v1.

While this industry operates in secrecy, based on the best information available to us, there are 11 permitted confined animal feeding operations raising furbearing animals in Oregon. Based on a recent presentation by the Oregon Department of Agriculture, we believe all 11 of these permitted operations are mink-rearing facilities.[6] These facilities house approximately 438,327 animals. In addition, there are an unknown number of smaller facilities raising mink in the state. We do not wish to spread alarm; however, we are deeply concerned that these facilities could, knowingly or unknowingly, be contributing to the spread of COVID-19 in the state, or could even house or come to house new mutations of COVID-19, like the one discovered in Denmark.

We therefore strongly request that you immediately send inspectors to all mink-rearing facilities, starting with the ones containing the largest concentration of animals, to conduct an investigation and ensure that these facilities do not imperil public health. We further request that you promote public health and safety through transparency by making information about any cases of COVID-19 transmission on Oregon mink farms immediately available to the public.

In addition, if a public health threat is discovered and the animals must be killed, concerted attention must be focused on safe carcass disposal. Disposal of animal carcasses via unlined burial or on-site incineration can both pose additional public health threats.[7]

Thank you for your attention to this matter,

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[6] *See* presentation by Wym Matthews at Clackamas Community College on the Oregon Department of Agriculture CAFO Program, at 11, *available at* https://www.clackamas.edu/docs/default-source/degrees-certificates/departments-programs/wet-orwef---stormwater---or-dept-of-ag-cafo-program.pdf?sfvrsn=8fb68d68_0.
[7] *See, e.g.,* Marchant-Forde JN and Boyle LA (2020), COVID-19 Effects on Livestock Production: A One Welfare Issue, *Front. Vet. Sci.* 7:585787, doi: 10.3389/fvets.2020.585787, *available at* https://www.frontiersin.org/articles/10.3389/fvets.2020.585787/full; Center for Biological Diversity, Emergency Petition for Rulemaking on Farm Animal Carcass Management During Animal Health Emergencies (2020), *available at* https://www.biologicaldiversity.org/programs/environmental_health/pdfs/2020-06-28-APHIS-Petition.pdf.

EXHIBIT B

CENTER for BIOLOGICAL DIVERSITY Because life is good.

December 1, 2020

VIA ELECTRONIC MAIL

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Re: COVID-19 Outbreaks in Mink Farming Operations in Oregon

Dear Governor Brown and Officials from Oregon's Department of Agriculture and Health Authority,

We write on behalf of the Center for Biological Diversity (Center) and our over 30,197 members and supporters in Oregon. On November 6, 2020, as alarming outbreaks of SARS-CoV-2[1] were taking hold on mink farms across the United States and internationally, the Center wrote to your Agencies with a simple request: investigate the potential spread of COVID-19 at Oregon's permitted mink confined animal feeding operations and promote public health, transparency and safety by providing detailed information to the public about any instances of coronavirus transmission at Oregon's mink farms.[2]

As the Center maintained in that letter and continues to maintain, mink farming operations present a unique threat to fighting the coronavirus pandemic because of the ability of the virus to bidirectionally spread between mink and humans, because of the potential mutability of the virus under these

[1] SARS-CoV-2 is the animal virus linked to COVID-19 in humans.
[2] *See* Exhibit A.

circumstances to adapt in a way that could undermine attempts to develop an effective vaccine for COVID-19, and because, as the Centers for Disease Control and Prevention (CDC) and other health agencies have long held, the best way to protect against the spread of the virus is to avoid coming into contact with anyone or anything infected. For those potentially exposed, contact tracing—a key strategy for preventing further spread of COVID-19— means "[i]dentifying contacts and ensuring they do not interact with others," and requires "communication with the public" and that "[k]ey public officials . . . engage[] and support[] case investigation and contact tracing efforts."[3]

Yet on November 19, 2020, the Agencies responded dismissively to the Center's common-sense request, stating that instead of taking actions to affirmatively investigate and prevent the spread of the disease in Oregon's mink populations and farm workers, they were working with the industry by "proving information on biosecurity" and "develop[ing] collaborative disease response plans," and that specifically they were "not testing mink at this time."[4] In their response, the Agencies' further detailed a wait-and-see approach in which an outbreak would necessarily need to take hold before the Agencies implemented a *response* plan—which, to be clear, is quite different than the type of *preventative* plan originally requested by the Center.

On that *exact same day*, Oregon faced its first reported instance of mink experiencing symptoms of SARS-CoV-2.[5] Upon ODA taking representative samples from 10 of the approximately 12,000 mink on that one fur farming operation, all of them came back positive for the virus.[6] Despite the severity of the outbreak concern, it took state regulators four days from reporting to place the operation under quarantine and ask its workers to self-isolate.[7]

Despite these lags in testing, quarantine, and timing for the requested self-isolation, and the chilling fact that 100% of the animals tested at that facility were found to be positive for the virus, the Agencies, citing privacy concerns, have declined to even vaguely identify where the outbreak is taking place. The Agencies have further declined to revisit their position of passive response to outbreaks in this industry rather than proactive prevention. This is unacceptable.

As to the State's refusal to release any information regarding workers that may have been infected in this outbreak, we remind you that this is not the first instance of an outbreak of COVID-19 in a workplace in Oregon. Indeed, suspected workplace outbreaks of COVID-19 are required to be reported to the local public health authority per OAR 333-018-015, and according to publicly available data from the Oregon Health Authority (OHA), those instances have been significant.[8] Further, and perhaps

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[3] Centers for Disease Control and Prevention, Principles of Contact Tracing, https://www.cdc.gov/coronavirus/2019-ncov/php/principles-contact-tracing.html (last updated Oct. 21, 2020).
[4] *See* Exhibit B.
[5] Tracy Loew, *An Oregon Mink Farm Has a COVID-19 Outbreak Among Animals and Workers*, Salem Statesman Journal (Nov. 27, 2020), https://www.statesmanjournal.com/story/news/local/coronavirus/2020/11/27/covid-19-confirmed-10-oregon-mink-farm-regon-department-agriculture/6441838002/.
[6] *Id*.
[7] *Id*.
[8] *See, e.g.*, KWG Staff, *Here are the 89 Active COVID-19 Workplace Outbreaks in Oregon*, KWG News (Nov. 25, 2020), https://www.kgw.com/article/news/health/coronavirus/dont-publish-here-are-the-89-active-covid-19-workplace-outbreaks-in-oregon/283-c7f75a88-bcb8-44d8-be6e-020eef6bd4c7; OHA, *OHA to Take on Role of Reporting of Large COVID-19 Workplace Outbreaks* (Mary 28, 2020), https://www.oregon.gov/oha/ERD/Pages/OHA-reporting-large-COVID-19-workplace-outbreaks.aspx.

more importantly, in many of these instances OHA has made available data on these outbreaks, including details such as the facility name, county, reporting date, total cases, and total deaths.[9] This information is widely disseminated, including in the *Oregonian* and other newspapers, allowing the public to take appropriate measures to determine if they may have come into contact with these facilities or any of their workers, and to quarantine and seek out testing to determine whether they are now infected with the virus, as necessary.

This type of information is essential to efforts to contain the spread of COVID-19. And yet, despite the unique and elevated threat of a COVID-19 outbreak at a mink farming operation to public health, the Agencies have elected to keep secret nearly all information regarding the most recent outbreak at one such operation. On the precipice of a vaccine arriving, what is the purpose of depriving doctors, members of the public, and public health officials of the information they need to protect themselves and to ensure that a form of the virus isn't being transmitted between human and mink that would undermine the efficacy of vaccination efforts? We can see none.

According to recent data, many of the currently reported Oregon workplace COVID-19 outbreaks are in Marion County, which is where 8 of Oregon's 11 confined animal feeding operations for fur-bearing animals are located and an unknown number of smaller mink farming operations may exist. Since the Agencies have yet to release any information regarding the location of the mink farming operation at the center of the current outbreak, it is unclear whether there is a connection between that outbreak and other workplace outbreaks, but this obviously must be investigated.[10] In the nightmare scenario of a mutated form of the virus being transmitted, contact tracers and other public health officials would desperately need information about whether the workers at the mink operation have been in contact with people involved in other workplace outbreaks.

The Agencies have further refused to release any information on how many workers on the mink farming operation in question have tested positive for COVID-19, or the condition of those workers. Oregon is choosing to keep this information secret by vaguely citing to privacy concerns, even though this information is available for other workplaces. The Agencies must release this information, or provide a rationale, based in law and not just a desire to protect a highly secretive industry, for its decision to treat these mink farming operations differently than other workplaces.

Regarding the State's refusal to release more information about the infected mink, again citing basic privacy concerns, the public has a right to information beyond that the 10 mink tested by ODA have tested positive for the virus and that they will be retested. Those mink are not subject to any privacy laws, and the release of basic knowledge about what is happening with their infections is a critical matter of public health and safety. Therefore, the Center reiterates its request that the Agencies make publicly available essential information on the outbreak of COVID-19 at this mink farming operation, including its name and location, total number of mink infected and their status, total number of workers infected and their status, and information regarding ongoing monitoring of this situation tailored to the specific threat—including potential virus mutation related to mink operations, not just agriculture operations generally. The Center further requests information on what has happened to the mink since the outbreak was discovered, including any uses of euthanasia, what types of euthanasia

[9] *Id.*
[10] *Id.*

have been employed, and the means with which the animal carcasses have been disposed.[11] Denmark has faced unique challenges in disposing of infected mink carcasses, and the public has a right to know how Oregon will handle this matter.

All these facts are basic things that must be released for this threat to public health to be addressed.

Thus, especially given that there have now been confirmed cases of SARS-CoV-2 in mink in Oregon, we strongly request that the Agencies' reconsider and change their approach for addressing COVID-19 at mink farming operations in Oregon from being responsive to reported outbreaks to preventing future outbreaks through investigation, testing of mink, and transparency with the public. As studies have demonstrated, mink can be asymptomatic carriers, and the virus can circulate in mink populations for several weeks prior to detection.[12] Waiting for the next outbreak to take place before acting could be too late for addressing and limiting the spread of the disease or, as the *Washington Post* frankly summarizes, "avoid[ing] Denmark's disaster."[13]

Finally, given the growing risk of this industry to public health and the environment, the Center also supports the growing call for Governor Kate Brown to impose an immediate quarantine of all mink farming operation in Oregon, halt breeding programs to arrest the expansion of animal hosts for the virus and coordinate with the U.S. Department of Agriculture to implement a government buy-out program for the state's mink farms.

Sincerely,

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[11] According to recent news reports, for example, after several thousand mink were euthanized in a "rushed cull" and buried in shallow mass graves in Denmark, the carcasses as they started to decompose rose to the surface of the graves. Jon Henley, *Culled Mink Rise from the Dead to Denmark's Horror*, The Guardian (Nov. 25, 2020), https://www.theguardian.com/world/2020/nov/25/culled-mink-rise-from-the-dead-denmark-coronavirus. As photos and videos of the emerging bodies began to find their way onto social media, Denmark all of a sudden found itself in the middle of a public relations nightmare as social media users began dubbing 2020 "the year of the zombie mutant killer mink." *Id*. Even further, as the Center noted with citation in its November 6 letter, "if a public health threat is discovered and the animals must be killed, concerted attention must be focused on safe carcass disposal. Disposal of animal carcasses via unlined burial or on-site incineration can both pose additional public health threats."

[12] Mary Van Beusekom, *COVID-19 Likely Spreading from People to Animals-And Vice Versa*, CIDRAP News (Sept. 18, 2020), *available at* https://www.cidrap.umn.edu/news-perspective/2020/09/covid-19-likely-spreading-people-animals-and-vice-versa ("We conclude that initially the virus was introduced from humans and has evolved on mink farms, most likely reflecting widespread circulation among mink in the first SARS-CoV-2 mink farms, several weeks prior to detection."); *see also* Oude Munnink BB, *et al*. (2020), Jumping back and forth: anthropozoonotic and zoonotic transmission of SARS-CoV-2 on mink farms, *bioRxiv*, doi: https://doi.org/10.1101/2020.09.01.277152, *available at* https://www.biorxiv.org/content/10.1101/2020.09.01.277152v1.

[13] Kim Bellware, Fourth State Confirms Mink Farm Coronavirus Outbreaks as U.S. Looks to Avoid Denmark's Disaster, Washington Post (Nov. 30, 2020), https://www.washingtonpost.com/science/2020/11/30/mink-coronavirus-oregon/.

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EXHIBIT A

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The Center is a non-profit environmental organization that for thirty years has been dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center's Environmental Health Program aims to ensure that all species, humans included, are safe from dangerous pollution from an array of sources, including from industrial animal farming operations. Our Oregon-based office is located in Portland.

Earlier this week, Denmark announced that it will be killing all 15 million of the mink raised in the nation following confirmation from the Danish Health Minister that 12 people had been infected with a mutated strain of COVID-19 that was spreading from mink to humans.[14] The main reason that Denmark, which is the largest producer of mink skin and fur in the world, decided to take this drastic action was simple: the mutated strain could undermine the efficacy of a COVID-19 vaccine or even pose its own novel risks. About half of norther Denmark's 783 human COVID-19 cases are related to mink farming.

While there have, thankfully, been no confirmed cases of mutated COVID-19 in the United States, COVID-19 has hit mink production facilities in the United States as well. Since August, the U.S. Department of Agriculture has announced confirmed cases of COVID-19 in mink at nine Utah mink farms,[15] leading to an estimated 10,000 mink deaths.[16] In addition, at least 3,400 mink have died over the last month after contracting COVID-19 in Wisconsin.[17]

The risk of the same happening in Oregon is not merely theoretical, and the time to open a public investigation into COVID-19 at Oregon's mink operations is now. Indeed, as early as September, the Center for Infectious Disease Research and Policy at the University of Minnesota published a report on the emerging research about the zoonotic transmission of COVID-19 among human and nonhuman animals, and found that "new studies suggest that high proportions of cats and dogs may have acquired COVID-19 from their owners and that the virus jumped back and forth between humans and minks on farms in the Netherlands."[18] Specifically, a study of infections at 16 mink farms in the Netherlands determined that the virus could be spread bidirectionally between mink and humans. Ultimately, the researchers that conducted the study "conclude[d] that initially the virus was introduced from humans and has evolved on mink farms, most likely reflecting widespread circulation among mink in the first SARS-CoV-2 mink farms, several weeks prior to detection." SARS-CoV-2 is the virus that causes COVID-19.

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[14] Associated Press, *Denmark Wants to Cull 15 Million Minks Over COVID-19 Fears*, AP News (Nov. 4, 2020), *available at* https://apnews.com/article/denmark-cull-15-million-minks-covid-19-37f57a303bbf738efca50918c35696de.

[15] U.S. Dep't of Agric., Confirmed Cases of SARS-CoV-2 in Animals in the United States (Oct. 14, 2020), *available at* https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/sa_one_health/sars-cov-2-animals-us.

[16] Wilson Wong, *Nearly 10,000 Minks Die After Covid-19 Outbreak at Utah Fur Farms*, NBC News (Oct. 9, 2020), *available at* https://www.nbcnews.com/news/us-news/thousands-minks-die-covid-19-utah-farms-n1242754.

[17] Hope Kirwan, *More than 3K Mink Reported Dead at WI Mink Farm from COVID*, Wisconsin State Farmer (Nov. 5, 2020), *available at* https://www.wisfarmer.com/story/news/2020/11/05/more-than-3-k-mink-reported-dead-wi-mink-farm-covid/6174646002/.

[18] Mary Van Beusekom, *COVID-19 Likely Spreading from People to Animals-And Vice Versa*, CIDRAP News (Sept. 18, 2020), *available at* https://www.cidrap.umn.edu/news-perspective/2020/09/covid-19-likely-spreading-people-animals-and-vice-versa; *see also* Oude Munnink BB, *et al*. (2020), Jumping back and forth: anthropozoonotic and zoonotic transmission of SARS-CoV-2 on mink farms, *bioRxiv*, doi: https://doi.org/10.1101/2020.09.01.277152, *available at* https://www.biorxiv.org/content/10.1101/2020.09.01.277152v1.

While this industry operates in secrecy, based on the best information available to us, there are 11 permitted confined animal feeding operations (CAFO) raising furbearing animals in Oregon. Based on a recent presentation by the Oregon Department of Agriculture, we believe all 11 of these permitted operations are mink-rearing facilities.[19] These facilities house approximately 438,327 animals. In addition, there are an unknown number of smaller facilities raising mink in the state. We do not wish to spread alarm, however, we are deeply concerned that these facilities could, knowingly or unknowingly, be contributing to the spread of COVID-19 in the state, or could even house or come to house new mutations of COVID-19, like the one discovered in Denmark.

We therefore strongly request that you immediately send inspectors to all mink-rearing facilities, starting with the ones containing the largest concentration of animals, to conduct an investigation and ensure that these facilities do not imperil public health. We further request that you promote public health and safety through transparency by making any cases of COVID-19 transmission on Oregon mink farms immediately available to the public.

In addition, if a public health threat is discovered and the animals must be killed, concerted attention must be focused on safe carcass disposal. Disposal of animal carcasses via unlined burial or on-site incineration can both pose additional public health threats.[20]

Thank you for your attention to this matter,

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[19] *See* presentation by Wym Matthews at Clackamas Community College on the Oregon Department of Agriculture CAFO Program, at 11, *available at* https://www.clackamas.edu/docs/default-source/degrees-certificates/departments-programs/wet-orwef---stormwater---or-dept-of-ag-cafo-program.pdf?sfvrsn=8fb68d68_0.

[20] *See, e.g.*, Marchant-Forde JN and Boyle LA (2020), COVID-19 Effects on Livestock Production: A One Welfare Issue, *Front. Vet. Sci.* 7:585787, doi: 10.3389/fvets.2020.585787, *available at* https://www.frontiersin.org/articles/10.3389/fvets.2020.585787/full; Center for Biological Diversity, Petition to Emergency Petition for Rulemaking on Farm Animal Carcass Management During Animal Health Emergencies (2020), *available at* https://www.biologicaldiversity.org/programs/environmental_health/pdfs/2020-06-28-APHIS-Petition.pdf.

EXHIBIT B

From: Andrea Cantu-Schomus <acantuschomus@oda.state.or.us>
Sent: Thursday, November 19, 2020 4:53 PM
To: Lori Ann Burd <LABurd@biologicaldiversity.org>
Cc: Modie Jonathan N <JONATHAN.N.MODIE@dhsoha.state.or.us>
Subject: Letter

Dear Lori Ann Burd,

Thank you for contacting the Oregon Department of Agriculture (ODA) and the Oregon Health Authority (OHA) regarding your concerns for COVID-19 mutation and transmission in Oregon's mink production facilities. Our intention for this communication is to educate and inform the Center for Biodiversity about the actions Oregon is taking to protect all agricultural producers and farmworkers from COVID-19 exposure and illness. The response below is provided by Dr. Ryan Scholz, ODA state veterinarian, and Dr. Emilio Debess, OHA public health veterinarian.

You are correct in stating that there have been no confirmed cases of mutated COVID-19 in the United States. In addition, there have been no reports of symptoms consistent with SARS-CoV-2 (the virus which causes COVID-19 infection in people) in mink in Oregon. The SARS-CoV-2 virus in livestock and pets (dogs and cats) is a disease reportable to the state veterinarian. Guidelines provided by the Centers for Disease Control (CDC) recommend against testing for SARS-CoV-2 in mink unless there are consistent symptoms on a mink farm with a potential history of exposure. Because Oregon has not had any reports of consistent symptoms or mortalities, ODA is not testing mink at this time.

ODA and Dr. Scholz are engaged with the Oregon mink industry providing information on biosecurity, as well as specific steps to take in order to prevent the introduction of SARS-CoV-2 into mink farms. This outreach is ongoing. As the lead agency responsible for animal health and disease control in Oregon livestock, ODA has also been actively working with state and federal partners to prevent and prepare for detections of SARS-CoV-2 in Oregon livestock.

ODA is prepared to respond and investigate any reports of increased mortalities or other symptoms consistent with SARS-CoV-2 on Oregon mink farms. Response plans will include quarantine and appropriate testing of affected farms, epidemiologic investigation to determine any potential exposures to other farms, and management of any mortalities to ensure disposal is conducted in a manner that protects the public's health.

As the State Veterinarian and the State Animal Health Official for Oregon, Dr. Scholz is responsible for the prevention and control of reportable diseases in all livestock, including SARS-CoV-2. ODA and Dr. Scholz are working with all Oregon livestock industries to provide outreach on biosecurity measures to prevent the introduction of reportable diseases, provide

disease surveillance, and develop collaborative disease response plans for all reportable and foreign animal diseases.

While ODA is responsible for livestock, the Oregon Health Authority is responsible for creating guidelines and education for different communities (including agricultural workers) regarding the potential for COVID-19 infection in the workplace. OHA, along with the Public Health Veterinarian Dr. Debess, is very aware of the potential for bi-directional transmission—human to animal and vice-versa—and emphasizes the use of personal protective equipment and ensuring cleanliness in the workplace to workers and other staff.

In the case of agricultural workers, OHA is reaching out to facilities in the state to discuss their needs for keeping workers and their communities safe. OHA continues to work cooperatively with the industry and state and local agency partners toward this endeavor during the pandemic. Conducting case investigations and contact tracing is OHA's primary goal in public health. Reporting of human cases in such facilities will follow OHA guidelines that require reporting of workplace outbreaks involving five or more positive cases in a workplace with 30 or more staff.

Per OHA guidance for agricultural workers (including those working on a mink farm), new and incoming workers will be offered free COVID-19 tests to identify both symptomatic and asymptomatic cases. Based on the results, follow-up testing will be available to all staff in such facilities. ODA is supporting agricultural workers and the agricultural industry by providing free KN95 masks directly and through the Oregon State Extension service, distributing temporal thermometers and other necessary supplies. All of these activities are providing coordinated support for agricultural workers in these facilities and will aid in the identification of SARS-CoV-19 infections and contact tracing.

Through collaborative outreach on COVID-19 prevention, on-farm biosecurity, and ongoing disease surveillance activities, ODA and OHA are protecting the health of Oregonians and livestock (including mink) from reportable and foreign animal diseases, including SARS-CoV-2. Again, thank you for your interest on this issue and please feel free to share the information provided in this message with your members.

Sincerely,

Dr. Ryan Scholz, State Veterinarian, ODA

Dr. Emilio Debess, Public Health Veterinarian, OHA

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