

# United States Senate

WASHINGTON, DC 20510

April 30, 2020

President Donald J. Trump  
The White House  
Washington, D.C. 20500

Dear President Trump:

We write to express our serious concern about your use of the Defense Production Act (DPA) to compel meat processing facilities to remain open despite poor safety and health standards at those facilities, which have led to documented COVID-19 infections and worker fatalities. Your action is particularly troubling in light of your Administration's persistent refusal to issue and enforce vital safety standards from the Occupational Safety and Health Administration (OSHA) to protect workers from occupational exposure to COVID-19. Using DPA authorities to force plants that process America's meat to stay open, reopen or operate without requiring compliance with health and safety standards jeopardizes the lives of the workers at the facilities, risks further spread of the virus in our communities, harms farmers and ranchers, and puts consumers and our country's meat supply at further risk.

Irresponsibly fast line speeds, physically grueling work, and extremely dangerous machines make the meat processing industry one of the most hazardous in the country, which is why these workers, who are predominantly Black and brown workers, experience some of the highest injury rates.<sup>1</sup> During the coronavirus pandemic, jobs at meat processing facilities have become markedly more dangerous due to employers' refusal to listen to the needs of their workers and implement health and safety guidelines to protect them. Workers in plants across the country report they have not been given the proper Personal Protective Equipment (PPE) to use on the job.<sup>2</sup> In addition, workers continue to complete their tasks in very close proximity to other workers for the duration of their shift because employers have not made adjustments to the line speeds or factory layouts to provide workers with the extra space called for by public health officials. In fact, your administration just this month approved faster line speeds at chicken processing plants, and at pork processing plants last fall<sup>3</sup>, which means workers are clustered

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<sup>1</sup> The Guardian, "Two amputations a week: the cost of working in a US meat plant," Andrew Wasley, Christopher D. Cook, and Natalie Jones, July 5, 2018. Retrieved from:

<https://www.theguardian.com/environment/2018/jul/05/amputations-serious-injuries-us-meat-industry-plant>

<sup>2</sup> USA TODAY, "Coronavirus at meatpacking plants worse than first thought, USA TODAY investigation finds," Kyle Bagenstose, Sky Chadde, and Matt Wynn, April 22, 2020. Retrieved from: <https://www.usatoday.com/in-depth/news/investigations/2020/04/22/meat-packing-plants-covid-may-force-choice-worker-health-food/2995232001/>

<sup>3</sup> United States Department of Agriculture, "Modernization of Swine Slaughter Inspection," 9 CFR Parts 301, 309, and 310, Federal Register Vol. 84, No. 190, October 1, 2019. Retrieved from:

closer together on the line.<sup>4</sup> Workers also continue to be crowded in break rooms and locker rooms, without being given additional space or other leeway to practice social distancing.<sup>5</sup>

As a result of insufficient worker protections, according to the United Food and Commercial Workers union, more than 6,500 meat industry workers have contracted COVID-19, and at least 20 have died.<sup>6</sup> In addition, more than 100 inspectors with the United States Department of Agriculture (USDA) have tested positive for the virus, and at least two food inspectors with the agency have died from the virus.<sup>7</sup> Without immediate, comprehensive intervention by the federal government to ensure the health and safety of workers at these plants, workers in the meat processing industry will remain at extremely high risk of contracting the virus and the plants will continue to be a major vector of significant infection. Failure to take action to protect these workers is not only a threat to their lives, but also to the public health of their communities.

Despite urgent calls from worker advocates<sup>8</sup> and Members of Congress, your Administration has refused to use its existing authority to issue enforceable OSHA safety standards that employers are required to meet to keep their workers safe. In light of the woeful lack of federal standards and enforcement, state and local officials have recently taken action to close several unsafe meatpacking plants that put workers and their communities at risk. Your use of DPA to mandate the reopening of these plants could prevent State and local authorities from compelling companies to provide workers with essential protections, and thus being able to keep their communities safe. In doing so, you have effectively signaled to the meat processing industry that they can continue business as usual, without taking further action to protect their workers or public health.

We urge you to take immediate action to amend your Executive Order to mandate that meat processing facilities closed down by State or local health authorities or of their own accord are permitted to reopen only after they have met all of the safety guidelines issued by OSHA and the Centers for Disease Control and Prevention (CDC) and to require OSHA to enforce that

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<https://www.fsis.usda.gov/wps/wcm/connect/72fa69e6-5e16-4347-83b4-4e3361317272/2016-0017+.pdf?MOD=AJPERES&useDefaultText=0&useDefaultDesc=0>

<sup>4</sup> USA TODAY, “USDA let poultry plants put workers close together even as they got sick from coronavirus,” Sky Chadde and Kyle Bagenstose, April 24, 2020. Retrieved from:

<https://www.usatoday.com/story/news/2020/04/24/usda-let-poultry-plants-move-faster-crowd-lines-covid-coronavirus-spread-meat-packing-workers/3013615001/>

<sup>5</sup> The Philadelphia Inquirer, “Hazleton meat-packaging plant closes with 130 workers testing positive for COVID-19,” Bob Fernandez, April 9, 2020. Retrieved from: <https://www.post-gazette.com/business/career-workplace/2020/04/10/Hazleton-meat-packaging-plant-closes-workers-test-positive-COVID-19-pennsylvania-Cargill/stories/202004100111>

<sup>6</sup> United Food and Commercial Workers, “UFCW Trump Order to Keep Meatpacking Plants Open Must Include Immediate Action to Strengthen Coronavirus Testing and Safety Measures,” April 28, 2020. Retrieved from: <http://www.ufcw.org/2020/04/28/order/>

<sup>7</sup> USA TODAY, “USDA inspector dies as coronavirus spreads in meat packing plants,” Kyle Bagenstose, Grace Hauk, and Sky Chadde, April 23, 2020. Retrieved from: <https://www.usatoday.com/story/news/2020/04/23/usda-inspector-dies-coronavirus-spreads-meat-packing-plants/3014597001/>

<sup>8</sup> AFL-CIO, “A Petition to Secretary Scalia for an OSHA Emergency Temporary Standard for Infectious Disease,” March 6, 2020. Retrieved from: <https://aflcio.org/statements/petition-secretary-scalia-osha-emergency-temporary-standard-infectious-disease>

guidance under the General Duty Clause of the Occupational Safety and Health Act.<sup>9</sup> All facilities that have continued to operate must also be required to meet all OSHA and CDC guidance, including social distancing requirements on production lines and in break and locker rooms. In addition, your Administration must immediately issue and enforce an OSHA Emergency Temporary Standard that requires employers to protect their workers from the spread of the coronavirus at work. We further urge you to immediately disburse sufficient PPE to all USDA food inspectors to protect the workers who are tasked with keeping our food supply safe.

Americans need access to food during these challenging times. Farmers and ranchers need to be able to sell their products to processing facilities. Without the proper health and safety standards in place at processing facilities, workers will continue to be infected with COVID-19 which will hurt production and lead to food supply shortages for consumers and continued low commodity prices for farmers and livestock producers. Requiring all employers, particularly those in the meat processing industry, to meet worker safety standards is critical to protecting workers and stopping the spread of the coronavirus. It is also essential to preserving our country's food supply chain and reopening the economy safely.

Sincerely,

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Sherrod Brown  
United States Senator

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Patty Murray  
United States Senator

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Tammy Baldwin  
United States Senator

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Michael F. Bennet  
United States Senator

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Robert P. Casey, Jr.  
United States Senator

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Sheldon Whitehouse  
United States Senator

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Mazie K. Hirono  
United States Senator

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Richard Blumenthal  
United States Senator

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<sup>9</sup> Centers for Disease Control and Prevention, "Meat and Poultry Processing Workers and Employers: Interim Guidance from CDC and the Occupational Safety and Health Administration (OSHA)," April 26, 2020. Retrieved from: <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/meat-poultry-processing-workers-employers.html>

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Chris Van Hollen  
United States Senator

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Catherine Cortez Masto  
United States Senator

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Bernard Sanders  
United States Senator

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Jack Reed  
United States Senator

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Kamala D. Harris  
United States Senator

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Ron Wyden  
United States Senator

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Richard J. Durbin  
United States Senator

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Cory A. Booker  
United States Senator

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Elizabeth Warren  
United States Senator

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Patrick J. Leahy  
United States Senator

Cc: Secretary of Agriculture Sonny Perdue, Secretary of Labor Eugene Scalia