

United States Senate
WASHINGTON, DC 20510

April 20, 2020

The Honorable Michael Pence
Vice President
The White House
1600 Pennsylvania Avenue N.W
Washington, D.C. 20050

The Honorable Sonny Perdue
Secretary
U.S. Department of Agriculture
1400 Independence Avenue S.W.
Washington, D.C. 20250

The Honorable Dr. Stephen M. Hahn
Commissioner
Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993

The Honorable Andrew Wheeler
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

The Honorable Chad Wolf
Acting Secretary
Department of Homeland Security
3801 Nebraska Avenue, N.W.
Washington, D.C. 20528

Dear Vice President Pence, Secretary Perdue, Commissioner Hahn, Administrator Wheeler, and Acting Secretary Wolf:

We write today to inquire about the actions you are taking to ensure the safety of our nation's food supply and protect our essential federal and private sector food supply chain workforce. There have been numerous reports of essential workers in meatpacking plants, processing facilities, farms, grocery stores, and markets falling ill from COVID-19. Other sources have reported that employee absences are high as people fear going into work due to the threat of infection. Some workers have reportedly felt pressured to work even when feeling sick. There are also serious concerns about the health of farmworkers who plant and harvest our crops and often work, live, and travel in close proximity, making social distancing very difficult.

The severe shortages of adequate COVID-19 testing capability and personal protective equipment are exacerbating these problems. Lack of access to tests and personal protective equipment leaves essential food supply workers at even higher risk and makes the virus more likely to spread, harming more workers and further damaging our food supply chain. Beyond the risk of infection, the lack of personal protective equipment is also harmful to farmworkers who apply pesticides and lack basic protections.

It is vital that we do everything we can to protect food supply workers and federal employees from COVID-19 infection. Breakdowns in the food supply chain could have significant economic impacts for both consumers and agricultural producers. It is also imperative that precautions are taken to ensure the stability and safety of our food supply.

During this public health crisis, the White House and your agencies must coordinate with state and local governments and the private sector to take aggressive action to protect essential workers in the food supply chain. We need bold action and creative solutions, including greatly increased testing and tracing of those exposed to the virus in order to stop the spread. This is critically important to protect our essential workforce, our food supply chain, our agricultural economy, and rural America from further damage. We ask you to respond to the following questions by April 24, 2020:

1. What are your plans for and what actions have you taken to help ensure the safety of essential food supply chain workers? In the event that essential food supply chain workers, including all farmworkers, contract COVID-19, what are the preparedness and response plans and actions to control the outbreak, ensure treatment of workers, and ensure that our food supply is maintained?
2. USDA's coronavirus website instructs the food industry to follow protocols set by local and state health departments for guidance about its business operations.
 - a. How are your agencies coordinating with the Occupational Safety and Health Administration (OSHA) to ensure that employers know what is necessary to protect their essential food supply chain workers from COVID-19?
 - b. A clear safety and health standard applicable to this novel virus would ensure employers understand what is necessary to keep essential food supply chain workers healthy so they can continue to work to keep the food chain strong. Have your agencies asked Secretary Scalia to use his existing authorities under the Occupational Safety and Health Act (OSH Act) to issue an Emergency Temporary Standard (ETS) to ensure employers of essential food supply chain workers institute necessary safety and health accommodations to deal with this virus? If not, why not?
 - c. What are your agencies doing to create consistency regarding recommendations from federal agencies that address issues related to monitoring of symptoms, sanitation practices, social distancing, personal protective equipment standards, and communication requirements?
3. Has the federal government worked with states or the food industry to develop contingency plans or guidance on how to adjust supply chains or move workforce capacity to other areas to address any personnel shortages?
4. What concerns and unmet needs have you heard from the food supply industry regarding protection of these essential workers? What are you doing to address shortages of personal protective equipment for private sector essential food supply chain workers?
5. What actions have you taken to make COVID-19 testing readily available to essential food supply chain workers?
6. Have you taken any actions to work with state and local governments and industry partners to find alternative housing options for essential food supply chain workers who have been infected by or exposed to COVID-19 to help stop it from spreading to others?
7. Protecting the health and safety of USDA inspectors from COVID-19 is critically important.
 - a. How many USDA inspectors have been infected by COVID-19?

- b. Have infections of inspectors caused any slowing in or reduction of inspections or production?
- c. Has USDA appropriately notified its personnel of the new COVID paid sick and family leave polices recently enacted by Congress?
- d. USDA briefed congressional staff and said it has been unable to supply masks for all of its food inspectors and has instead offered to reimburse its employees for making or purchasing their own masks. What is USDA doing to supply all FSIS inspectors, APHIS inspectors, and AMS essential personnel with appropriate personal protective equipment and what is the timeframe when USDA will be able to provide this equipment?

We thank you for your immediate attention to these questions.

Sincerely,

/s/ Debbie Stabenow
Debbie Stabenow
United States Senator

/s/ Chris Van Hollen
Chris Van Hollen
United States Senator

/s/ Richard Blumenthal
Richard Blumenthal
United States Senator

/s/ Michael F. Bennet
Michael F. Bennet
United States Senator

/s/ Jeffrey A. Merkley
Jeffrey A. Merkley
United States Senate

/s/ Kirsten Gillibrand
Kirsten Gillibrand
United States Senate

/s/ Robert Menendez
Robert Menendez
United States Senator

/s/ Robert P. Casey, Jr.
Robert P. Casey, Jr.
United States Senator

/s/ Jack Reed
Jack Reed
United States Senator

/s/ Mark R. Warner
Mark R. Warner
United States Senate

/s/ Thomas R. Carper
Thomas R. Carper
United States Senator

/s/ Richard J. Durbin
Richard J. Durbin
United States Senator

/s/ Angus S. King, Jr.
Angus S. King, Jr.
United States Senator

/s/ Mazie K. Hirono
Mazie K. Hirono
United States Senator

/s/ Jeanne Shaheen
Jeanne Shaheen
United States Senate

/s/ Tina Smith
Tina Smith
United States Senator

/s/ Ron Wyden
Ron Wyden
United States Senator

/s/ Kamala D. Harris
Kamala D. Harris
United States Senator

/s/ Christopher A. Coons
Christopher A. Coons
United States Senator

/s/ Sherrod Brown
Sherrod Brown
United States Senator

/s/ Patty Murray
Patty Murray
United States Senator

/s/ Patrick Leahy
Patrick Leahy
United States Senator

/s/ Christopher S. Murphy
Christopher S. Murphy
United States Senator

/s/ Gary C. Peters
Gary C. Peters
United States Senator

/s/ Bernard Sanders
Bernard Sanders
United States Senator

/s/ Amy Klobuchar
Amy Klobuchar
United States Senator

/s/ Benjamin L. Cardin
Benjamin L. Cardin
United States Senator

/s/ Tim Kaine
Tim Kaine
United States Senator

/s/ Cory A. Booker
Cory A. Booker
United States Senator

/s/ Doug Jones
Doug Jones
United States Senator

/s/ Charles E. Schumer
Charles E. Schumer
United States Senator

/s/ Tammy Baldwin
Tammy Baldwin
United States Senator

/s/ Edward J. Markey
Edward J. Markey
United States Senator

/s/ Tammy Duckworth
Tammy Duckworth
United States Senator

/s/ Dianne Feinstein
Dianne Feinstein
United States Senator

/s/ Jacky Rosen
Jacky Rosen
United States Senator