

Congress of the United States
Washington D.C. 20515

April 30, 2020

The Honorable Donald J. Trump
President
United States of America
White House, Washington, D.C.

Dear President Trump,

We write with extreme concern over your recent Executive Order ordering meatpacking plants open under the authorities of the Defense Production Act. Particularly, we are concerned for the implications this may have for the health and safety of the workers in these plants during the ongoing pandemic.

As you well know, over 20 meatpacking plants have closed for some length of time over the past two months due to outbreaks of COVID-19 within the plant. The United Food and Commercial Workers believe that at least 20 worker deaths in meatpacking and food processing plants can be attributed to COVID-19, and another 1,500 have tested positive, self-quarantined or awaiting test results.¹

Despite these outbreaks, meatpackers have failed to act on their own. A recent court order in Missouri ordered Smithfield to abide by recommendations from the Occupational Safety and Health Administration (OSHA) and the Centers for Disease Control and Prevention (CDC) until the court has time to consider a lawsuit against Smithfield.²

Given the ongoing health and safety conditions inside of these plants, we believe that your recent Executive Order requires clarification on several points.

- 1) Given the nature of the working conditions inside meatpacking plants:
 - a. How will social distancing be applied and enforced on production lines and in other areas of these plants?
 - b. Are there any mechanisms in place to ensure quick and efficient distribution of Personal Protective Equipment (PPE) to workers in these plants?
 - c. How will any interim regulations from the CDC and OSHA ensure that measures beyond social distancing are employed to ensure worker health and safety?
- 2) How will CDC and OSHA ensure that meatpackers are abiding by existing and any future guidance related to worker safety as it relates to COVID-19?
- 3) What steps will be taken to ensure that workers, both symptomatic and non-symptomatic, will have access to testing paid for by either the employer or the federal government?
- 4) What guidelines and requirements will be put in place should an employee of the plant test positive, or presumptive positive for COVID-19?

¹ http://www.ufcw.org/2020/04/28/protectfoodworkers/?mod=article_inline

² <https://www.politico.com/news/2020/04/27/meatpacking-plant-coronavirus-211632>

Additionally, in comments to the press³, you have indicated that companies would be shielded from legal liability from worker claims stemming from employers failing to ensure that adequate protection is provided. We request that you provide the legal justification you would use to take this action, as well as if such protection would extend to companies found to have violated CDC and OSHA guidelines.

Ensuring the safety of workers in our nation's meatpacking and food processing facilities should be of paramount importance given the ongoing pandemic. Putting worker safety first is not only a moral imperative, it will also ensure that critical food stocks are able to be distributed to the American people over the long term, as well as ensure that the hard work and livelihoods of our nation's farmers and ranchers are not put in jeopardy.


We respectfully request your response to these questions no later than May 8, 2020.

Sincerely,
Diana DeGette



Member of Congress

Alma Adams



Member of Congress

cc:

The Honorable Robert Redfield
Director of the Centers for Disease Control

The Honorable Sonny Perdue
Secretary of the United States Department of Agriculture

Loren Sweatt
Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health

³ <https://www.politico.com/news/2020/04/28/trump-to-order-meat-plants-to-stay-open-215555>