

## United States Senate

WASHINGTON, DC 20510

COMMITTEES:  
APPROPRIATIONS  
COMMERCE  
HEALTH, EDUCATION,  
LABOR, AND PENSIONS

May 6, 2020

Andre Nogueira  
Chief Executive Officer  
JBS USA Holdings, Inc.  
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Greeley, CO 80634

Noel White  
Chief Executive Officer  
Tyson Foods, Inc.  
2200 W Don Tyson Pkwy  
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Kenneth M. Sullivan  
President & CEO  
Smithfield Foods  
200 Commerce St  
Smithfield, VA 23430

Dear Messrs. Nogueira, Sullivan and White,

I write today with grave concerns about disturbing reports of unsafe working conditions and facilities failing to follow recommended safety guidelines. This unwillingness to implement recommended safety precautions in a timely manner has led to death and the spread of illness from COVID-19 that was preventable. Workers at meat processing plants are on the frontlines of the COVID-19 pandemic and they deserve to be protected as they take on great personal risk to continue to go to work to ensure Americans' food supply chain is not disrupted. Your actions directly impact not only these workers' health and safety, but also that of their family members and surrounding communities. Additionally, Americans need access to food in these challenging times and our farmers and ranchers need to be able to sell their livestock to processors. If meat processing facilities are unsafe for workers, production will slow causing challenges for farmers and ranchers and threatening our nation's food supply.

Across the country, meat processing plants have become hotspots for COVID-19, threatening worker health and safety, the integrity of our food supply chain, and consumer trust in your companies. As just one example, the Milwaukee Journal Sentinel has reported meat processing plants are playing a central role in the spread of COVID-19 in the state of Wisconsin<sup>1</sup>. In Brown County, as of April 29, more than half of the over 900 confirmed cases of COVID-19 are linked to food processing plants and 334 of those cases are linked to a single JBS USA plant in Green Bay. The JBS facility in Green Bay was voluntarily shut down following the COVID-19

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<sup>1</sup> <https://www.jsonline.com/story/news/2020/04/28/more-wisconsin-meatpacking-workers-hit-coronavirus/3034621001/>

outbreak. In addition, we've seen an outbreak at the Patrick Cudahy Smithfield Foods Plant, where 85 workers have tested positive as of May 4. This facility was also shut down following the spread of the virus. According to reports, workers were only provided face masks in April and learned of infections at the plant from their fellow employees<sup>2</sup>. In addition, the company resisted releasing full details about the scope of the outbreak at the facility.

On April 25, a Washington Post investigation revealed that, "Three of the nation's largest meat processors" [Tyson Foods, JBS USA, and Smithfield Foods], "failed to provide protective gear to all workers, and some employees say they were told to continue working in crowded plants even while sick as the coronavirus spread around the country and turned the facilities into infection hot spots." Workers were also retaliated against, and even fired, for raising safety concerns with supervisors or refusing to do work they feared would expose them to COVID-19.<sup>3</sup>

Firsthand accounts from workers in meatpacking and poultry plants from Georgia, Alabama, Iowa, Indiana, Colorado, Washington, and Wisconsin reveal a failure to follow Centers for Disease Control and Prevention (CDC) guidance published in March on social distancing and other measures employers need to take to reduce the spread of COVID-19 in the workplace. Workers have described being allowed to stand shoulder-to-shoulder on the assembly line, and to crowd into break rooms and locker rooms.

Major news organizations, including the Washington Post, USA Today, the New York Times and the BBC, as well as dozens of local news outlets, have also reported that workers were not provided face masks in processing plants—despite clear CDC guidance that masks help prevent the spread of COVID-19. In some instances, workers and their local unions repeatedly asked companies to implement preventive measures including asking for time and resources so employees could properly wash hands and sanitize equipment, but to no avail.<sup>4</sup> Now, 5,000 workers in the meatpacking industry either have COVID-19 or have been forced to self-quarantine and 20 workers have died.<sup>5</sup>

Further, news reports indicate that contrary to all CDC guidance that workers stay home if they are sick with or experiencing symptoms of COVID-19, companies have implemented policies that encouraged sick workers to come to work. The Washington Post reported that health officials in a Colorado county with a large meat processing plant chastised the company for having a "work while sick" culture and said the county's analysis showed that 64 percent of workers who tested positive for COVID-19 had "worked while symptomatic and therefore were contagious to others."<sup>6</sup> The BBC reported that your companies have incentivized workers to come into work whether they are sick or not by making bonuses only available to workers who did not miss any scheduled shifts for the month of April.<sup>7</sup>

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<sup>2</sup> <https://www.jsonline.com/story/news/2020/05/01/85-workers-test-positive-coronavirus-smithfield-plant-cudahy/3070192001/>

<sup>3</sup> <https://www.washingtonpost.com/business/2020/04/25/meat-workers-safety-jbs-smithfield-tyson/>

<sup>4</sup> <https://kdvr.com/wp-content/uploads/sites/11/2020/04/Letter-re-JBS-Closure-041020.pdf>;

<sup>5</sup> <https://www.bloomberg.com/news/articles/2020-04-28/trump-says-he-s-issuing-order-for-tyson-s-unique-liability>

<sup>6</sup> <https://www.washingtonpost.com/business/2020/04/25/meat-workers-safety-jbs-smithfield-tyson/>

<sup>7</sup> <https://www.bbc.com/news/world-us-canada-52311877>

On Sunday, April 26, CDC issued additional guidance for the meat packing industry: “Guidance for Meat and Poultry Processing Workers and Employers.” These guidelines detail steps employers should take, including: specific administrative controls that employers should institute to maintain a six foot distance between workers; controlling and limiting the type and duration of contact between workers in the workplace and during transport to and from work; reviewing and adjusting leave and incentive policies to make sure ill workers are not in the workplace; providing workers access to soap, clean running water, and single use paper towels for handwashing; educating and training workers and supervisors about how they can reduce the spread of COVID-19 in languages spoken or read by the workers; and properly cleaning and disinfecting the entire plant and regularly sanitizing work stations.<sup>8</sup>

The various accounts, findings, and investigative reports from the Washington Post verify what worker health and safety advocates have been saying for months: that voluntary safety guidelines are not being followed and are, therefore, not sufficient to protect workers, the surrounding communities, and our nation’s food supply chain. Mandated and enforceable worker health and safety protections such as those that would be created with the issuance of an Emergency Temporary Standard by the Occupational Safety and Health Administration, as would be mandated by the COVID-19 Every Worker Protection Act, are the single best way to require all employers to protect the health and safety of their workers and prevent additional outbreaks and further spread of the coronavirus.

In the meantime, I urge you to immediately and fully implement the new CDC Guidance for Meat and Poultry Processing Workers and Employers. I also encourage you to share any information you have about COVID-19 confirmed cases and exposures rates within your facility with health officials and the public to help prevent further spread of the virus. Your employees’ lives, and the health and safety of the surrounding communities in which you operate, depend upon your swift action.

1. The CDC recently released new guidance “Guidance for Meat and Poultry Processing Workers and Employers” after the CDC, with County and State officials, reported a blatant disregard for COVID-19 safety guidelines at the Smithfield Foods plant in Sioux Falls, South Dakota. When can workers expect you to fully implement these new recommended safety guidelines? What documentation will you provide to workers and the public to confirm these operating changes?
2. Will you commit to refraining from reopening your facilities until you are able to properly train and educate workers on new procedures, and fully implement these new CDC guidelines?
3. How are you implementing social distancing on your production lines, in break rooms and locker rooms, and when workers enter and exit your plants?

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<sup>8</sup> <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/meat-poultry-processing-workers-employers.html>

4. What kind of PPE are you providing to all workers, including face masks, and what are the guidelines for keeping such PPE sanitary?
5. Are you compensating all workers, at their regular rate of pay, for time spent donning and doffing their PPE and washing their persons before and after work?
6. How are you assuring workers have time to regularly use the bathrooms and wash their hands before and after breaks or eating meals?
7. What are the conditions workers must meet to receive the \$500 Responsibility Bonus as part of the #ThankAFoodWorker Initiative or other bonus initiatives?
8. How are you educating and training your employees to practice safety guidelines outlined by the CDC and OSHA? Additionally, how are you making sure this information is shared in a manner that can bridge language and cultural barriers so your employees can fully understand them?
9. Will you commit to providing details regarding COVID-19 cases at your facilities to the public?

Thank you for your prompt response to my inquiries.

Sincerely,

A handwritten signature in blue ink that reads "Tammy Baldwin". The signature is written in a cursive, flowing style.

Tammy Baldwin  
United States Senator