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August 12, 2020

The Honorable Gene Dodaro
Comptroller General of the United States
441 G. Street, NW
Washington, DC 20548

Dear Mr. Dodaro,

We write to respectfully request the Government Accountability Office (GOA) investigate the correlation between the prevalent spread of COVID-19 infections in meatpacking facilities across the country and the workplace standards that are being set by the Department of Labor (DOL), the Centers for Disease Control and Prevention (CDC), and the Department of Agriculture (USDA) for the industry. We are alarmed that even with significant irregularities in reported data, trends across the board show that there has not been a flattening in the number of new COVID-19 cases in this sector since the pandemic began.¹ Vulnerable members of our communities continue to find themselves in the middle of these epicenters as the administration weakens federal oversight. Therefore, we are requesting that the GAO conduct an examination of the Administration's coronavirus policies and practices as they relate to workplace standards and safety in the meatpacking industry.

OSHA's enforcement practices combined with the agency's attenuated and voluntary standards have failed to ensure that employers are appropriately protecting their workers. A 2017 GAO report found that OSHA has long faced challenges identifying and addressing worker safety concerns because workers may be reluctant to contact OSHA for fear of employer retaliation.² Since the beginning of the pandemic, OSHA has received close to 8,000 complaints about workplace safety related to the coronavirus. Yet, it wasn't until late July that the DOL finally issued its first coronavirus workplace citation to a nursing home in Ohio.³ Then, on July 22nd three meatpacking workers filed a lawsuit against OSHA after feeling abandoned by the agency.⁴

¹ <https://thefern.org/2020/06/covid-19-shows-no-sign-of-slowing-among-food-system-workers/>

² <https://www.gao.gov/products/GAO-18-12>

³ <https://www.usnews.com/news/top-news/articles/2020-07-22/labor-dept-cites-ohio-nursing-homes-for-covid-19-violations>

⁴ <https://www.propublica.org/article/they-warned-osha-they-were-in-imminent-danger-at-the-meat-plant-now-theyre-suing-the-agency>

The Department of Labor’s refusal to abide by lawmakers’ request to issue an emergency rule forcing businesses to comply with the Centers for Disease Control guidelines for COVID-19 further weakens the agency’s credibility among those they intend to protect.⁵

The issuance of an executive order by President Trump directing processing plants to remain open has contributed to massive COVID-19 outbreaks for states and communities across the country that are home to meatpacking plants.⁶ In the middle of a pandemic the USDA’s Food Safety and Inspection Service (FSIS) irresponsibly approved the requests of fifteen large poultry plants to increase line-speeds at their facilities.⁷ A quick scan at public data revealed that all fifteen plants granted line-speed waivers were already sites of recent COVID-19 outbreaks and each had a history of OSHA workplace safety violations, confirming that poor safety records mean close to nothing.⁸ The granting of these fifteen waivers was the highest number in a 30-day period since the waiver was put in place two years ago. Approval of these line-speeds result in more bodies at the production lines to keep up with supply, going against all initial CDC guidelines.

We request that GAO examine the correlation between the spread of COVID-19 infections in meatpacking facilities across the country and the standards that are being set by the Department of Labor (DOL) and the Department of Agriculture (USDA) within the industry. We would like the following questions to be considered in the report:

- To what extent have meat and poultry employers reported COVID-19 related hospitalizations and fatalities to OSHA and recorded other COVID-19 related illnesses as required?
- How has OSHA responded to COVID-19 illnesses at meat and poultry plants, and what challenges has OSHA experienced investigating safe and healthful working conditions at these plants under its’ regulatory framework?
- How have meat and poultry employers changed their production processes due to COVID-19 to ensure safe and healthful working conditions for their employees?
- How have OSHA, USDA, and CDC coordinated during the COVID-19 pandemic to ensure safe and healthful working conditions at meat and poultry plants?
- What is known about the COVID-19 infection rates in the communities surrounding meat and poultry plants?

A GAO report containing recommendations for these concerns will be crucial in our efforts to protect and save the lives of our essential workers. We thank you for your attention to this critical matter and we look forward to your response.

Sincerely,

Joaquin Castro
Chair
Congressional Hispanic Caucus

Ruben Gallego
First Vice-Chair
Congressional Hispanic Caucus

Nanette Diaz Barragán
Second Vice-Chair
Congressional Hispanic Caucus

⁵ <https://www.hrdiver.com/news/court-wont-force-osha-to-issue-emergency-workplace-covid-19-standards/579795/>

⁶ <https://www.usatoday.com/story/news/investigations/2020/06/06/meatpacking-plants-cant-shake-covid-19-cases-despite-trump-order/3137400001/>

⁷ <https://www.nelp.org/publication/usda-allows-poultry-plants-raise-line-speeds-exacerbating-risk-covid-19-outbreaks-injury/>

⁸ <https://s27147.pcdn.co/wp-content/uploads/Policy-Brief-USDA-Poultry-Line-Speed-Increases-Exacerbate-COVID-19-Risk.pdf>

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