

**Congress of the United States**  
**Washington, DC 20515**

May 1, 2020

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

The Honorable Eugene Scalia  
Secretary  
U.S. Department of Labor  
200 Constitution Ave. NW  
Washington, D.C. 20210

The Honorable Alex M. Azar, II  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Ave. SW  
Washington, D.C. 20201

Dear Secretary Perdue, Secretary Scalia, and Secretary Azar:

We write to follow up on the Executive Order signed by President Trump on April 28, 2020, invoking the Defense Production Act (DPA) to classify meat processing plants as critical infrastructure to keep them in operation during the coronavirus national emergency.<sup>1</sup>

Prior to issuance of the Executive Order, media reports indicated the government would provide personal protective equipment (PPE) and guidance for employees and employers on worker safety, and that the order would shield meat processing companies from legal liability against worker claims of inadequate protection.<sup>2</sup> However, neither the Executive Order nor the subsequent press release issued by the Department of Agriculture (USDA) contain information about coordination between federal agencies to provide PPE or plans to increase coronavirus testing for plant employees and the surrounding communities.<sup>3</sup>

Over 6,500 employees at meat processing plants have either tested positive or gone into self-quarantine, and 20 workers have died since the start of the pandemic, according to the United Food and Commercial Workers Union.<sup>4</sup> Continued operations at these plants and reopening currently closed facilities would require coordination between federal agencies, states, local communities, plant owners and workers, otherwise more workers will be at risk. To better understand federal efforts in this area, we request responses to the following by May 6, 2020:

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<sup>1</sup> <https://www.whitehouse.gov/presidential-actions/executive-order-delegating-authority-dpa-respect-food-supply-chain-resources-national-emergency-caused-outbreak-covid-19/>

<sup>2</sup> <https://www.politico.com/news/2020/04/28/trump-to-order-meat-plants-to-stay-open-215555>

<sup>3</sup> <https://www.usda.gov/media/press-releases/2020/04/28/usda-implement-president-trumps-executive-order-meat-and-poultry>

<sup>4</sup> <https://www.bloomberg.com/news/articles/2020-04-28/trump-says-he-s-issuing-order-for-tyson-s-unique-liability>

- 1) What guidance has been shared with meat processing plants regarding the steps they need to undertake to ensure worker health and safety before reopening or the steps they must undertake immediately to ensure worker health and safety if they are currently operating?
- 2) How is the federal government coordinating with meat companies, employees, state and local health departments, and local communities? How will each of these stakeholders be involved during the time the DPA is invoked?
- 3) What is the plan and timeline for distribution of PPE for all plant employees and will these supplies be sourced from the states' supply or the federal stockpile? Will there be continued deliveries of PPE while the DPA is invoked for these processing plants to ensure all employees are adequately protected?
- 4) As part of the DPA and any forthcoming guidance, will companies be required to retrofit plants and/or modify shifts and other practices in order to ensure compliance with the Center for Disease Control (CDC) and Occupational Safety and Health Administration (OSHA) recommended social distancing?
- 5) What enforcement mechanisms will be put in place to ensure OSHA and CDC guidance is adhered to at individual plants? Will teams from USDA's Food Safety and Inspection Service or OSHA regularly inspect these plants during the DPA?
- 6) Will there be a hotline or other mechanism for employees to report violations?
- 7) Will increased testing be provided at these plants for symptomatic and asymptomatic employees, including contact tracing? Is there sufficient testing capacity to regularly test all employees, whether or not they are symptomatic? What consultation have your agencies completed with the CDC and state and local health departments regarding testing capabilities in these states?
- 8) How will your agencies coordinate with the CDC to develop guidance regarding employees most at risk of developing COVID-19 complications? What is the timeline for release of that guidance? If such guidance has been developed, what actions does it recommend or require plants to undertake to protect these employees?

Maintaining our food supply chain is critical to the food security of all Americans, as well as our farmers and producers. however, it cannot be at the expense of worker health and safety,

Thank you for your prompt attention to this important issue. We look forward to receiving your response.

Sincerely,



Emanuel Cleaver, II  
Member of Congress



Marcia L. Fudge  
Member of Congress

Marcy Kaptur  
Member of Congress

Terri A. Sewell  
Member of Congress

Henry C. “Hank” Johnson, Jr.  
Member of Congress

Ilhan Omar  
Member of Congress

Jimmy Panetta  
Member of Congress

Sanford Bishop  
Member of Congress

Ro Khanna  
Member of Congress

Gregory Meeks  
Member of Congress

Joyce Beatty  
Member of Congress

Steve Cohen  
Member of Congress

Susan Wild  
Member of Congress

David N. Cicilline  
Member of Congress

Danny K. Davis  
Member of Congress

Madeleine Dean  
Member of Congress

Chellie Pingree  
Member of Congress

Jim Cooper  
Member of Congress

Eleanor Holmes Norton  
Member of Congress

Bennie G. Thompson  
Member of Congress

Gwen Moore  
Member of Congress

Lucille Roybal-Allard  
Member of Congress

Karen Bass  
Member of Congress

Ted Deutch  
Member of Congress

Sheila Jackson Lee  
Member of Congress

Dwight Evans  
Member of Congress

Joseph P. Kennedy, III  
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Joe Neguse  
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Joaquin Castro  
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Lizzie Fletcher  
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Alexandria Ocasio-Cortez  
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Peter A. DeFazio  
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Mark Pocan  
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Rashida Tlaib  
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Brendan F. Boyle  
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Bonnie Watson Coleman  
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TJ Cox  
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Judy Chu  
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André Carson  
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James P. McGovern  
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Dina Titus  
Member of Congress

Rosa L. DeLauro  
Member of Congress

Jahana Hayes  
Member of Congress

Jan Schakowsky  
Member of Congress

Filemon Vela  
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Alma S. Adams, Ph.D.  
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Raul Grijalva  
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Donald M. Payne, Jr.  
Member of Congress