

Congress of the United States
House of Representatives

SELECT SUBCOMMITTEE ON THE CORONAVIRUS CRISIS

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MEMORANDUM

October 27, 2021

To: Members, Select Subcommittee on the Coronavirus Crisis

Fr: Majority Staff

Re: Coronavirus Infections and Deaths Among Meatpacking Workers Were Nearly Three Times Higher than Previous Estimates

This staff memorandum provides findings from the Select Subcommittee on the Coronavirus Crisis' investigation into the impact of the coronavirus pandemic on meatpacking workers and into industry practices and government policies pertaining to the spread of the virus at meatpacking plants.

I. EXECUTIVE SUMMARY

As the coronavirus spread rapidly through the United States in the spring of 2020, meatpacking facilities became hotspots for outbreaks that sickened and killed meatpacking workers and likely caused significant spread in surrounding communities. Following multiple reports of widescale coronavirus outbreaks within and around meatpacking facilities, the Select Subcommittee initiated an investigation into coronavirus infections and deaths in meatpacking plants, and failures by meatpacking companies and the Department of Labor's Occupational Safety and Health Administration (OSHA) to safeguard workers against workplace coronavirus outbreaks in the first year of the pandemic.¹ This investigation has revealed that the impact of the coronavirus on meatpacking workers' health and safety was significantly worse than previously estimated.²

Newly obtained documents from five of the largest meatpacking conglomerates, which represent over 80 percent of the market for beef and over 60 percent of the market for pork in the United States³—JBS USA Food Company (JBS), Tyson Foods, Inc. (Tyson), Smithfield Foods (Smithfield), Cargill Meat Solutions Corporation (Cargill), and National Beef Packing Company, LLC (National Beef)—reveal that coronavirus infections and deaths among their meatpacking workers were substantially higher than previously estimated. While publicly available data already indicated high volumes of coronavirus infections and deaths at these companies, data from JBS, Tyson, Smithfield, Cargill, and National Beef obtained by the Select Subcommittee now show that:⁴

- **Across these five companies’ respective workforces, at least 59,000 meatpacking workers were infected with the coronavirus during the first year of the pandemic—almost triple the 22,700 infections previously estimated by the Food and Environment Reporting Network (FERN) based on publicly available information.⁵**
- **At least 269 meatpacking workers lost their lives to the coronavirus between approximately March 1, 2020 and February 1, 2021⁶—over three times higher than what was previously estimated by FERN.⁷**
- **Certain meatpacking plants saw particularly high rates of coronavirus infections during the first year of the pandemic. For example, 54.1 percent of the workforce at JBS’ Hyrum, Utah plant contracted the coronavirus between March 2020 and February 2021, 49.8 percent of the workforce at Tyson’s Amarillo, Texas plant contracted the coronavirus between March 2020 and February 2021, and 44.2 percent of the workforce at National Beef’s Tama, Iowa plant contracted the coronavirus between April 2020⁸ and February 2021.⁹**
- **Across companies, Tyson saw 29,462 employee infections and 151 employee deaths, JBS saw 12,859 employee infections and 62 employee deaths, Smithfield saw 9,666 employee infections and 25 employee deaths, Cargill saw 4,690 employee infections and 25 employee deaths, and National Beef saw 2,470 employee infections and six employee deaths. These companies collectively represent the vast majority of national meat markets, representing over 80 percent of the market for beef and over 60 percent of the market for pork in the United States.**
- **The full extent of coronavirus infections and deaths at these meatpacking companies was likely much worse than these figures suggest, as the data provided to the Select Subcommittee in many instances excludes coronavirus cases confirmed by offsite testing or employee self-reported cases.¹⁰**

The Select Subcommittee’s investigation has also revealed that companies could have done more to mitigate coronavirus infections and deaths. Instead of addressing the clear indications that workers were contracting the coronavirus at alarming rates due to conditions in meatpacking facilities, meatpacking companies prioritized profits and production over worker safety, continuing to employ practices that led to crowded facilities in which the virus spread easily.

- Internal Tyson talking points obtained by the Select Subcommittee show that on March 20, 2020, **Tyson had not even begun to conduct temperature checks, but nonetheless was telling its workers: “It is vital that you come to work as planned, despite stories about ‘shelter in place.’”¹¹**
- An internal Smithfield communication obtained for the first time by the Select Subcommittee shows that on April 21, 2020, **Smithfield executives were vigorously pushing back on federal and state government recommendations for coronavirus**

precautions at meatpacking plants. In a draft memorandum from the Centers for Disease Control and Prevention (CDC) to the South Dakota Department of Health documenting a CDC inspection of the Smithfield's Sioux Falls facility, the Chief Executive Officer of Smithfield flagged 14 CDC recommendations for the facility as “problematic,” including “actions to physically separate employees ... and reduce employee density in non-work areas of the facility,” and asked what flexible attendance policies “have to do with” reducing the spread of the coronavirus.¹² This document appears to be an early draft of a CDC memorandum that was reportedly altered as a result of political pressure. The final memorandum, published on April 22, 2020, included more precatory language and highlighted that all recommendations were “discretionary and not required or mandated by CDC,”¹³ permitting Smithfield to effectively ignore the recommendations it found “problematic.”

- In flagging touchless mask distribution as a “problematic” recommendation, Smithfield’s CEO speculated this measure would consume three hours of time otherwise spent working each day, calculating: “3800 employees x 30 seconds each = 1900 minutes = 31 hours day = 3 hours/[illegible].”¹⁴ Just five days earlier, Smithfield’s CEO had exchanged emails with the CEO of National Beef stating: **“Employees are afraid to come to work.”**¹⁵
- New documents obtained by the Select Subcommittee also underscore the dangerous working conditions that meatpacking workers faced in the spring of 2020. A memorandum from the CDC and Texas health authorities to Tyson reveals that as late as May 2, 2020, **many employees at Tyson’s Amarillo, Texas plant were working with masks “saturated” from sweat or other fluids, and in lines where workers were not socially distanced and separated only by flimsy “plastic bags on frames” as opposed to CDC-compliant barriers.**¹⁶ This plant saw over 1,900 workers contract the coronavirus—49.8 percent of the plant’s workforce—and five employees die of the coronavirus between March 1, 2020 and February 1, 2021.¹⁷
- New documents obtained by the Select Subcommittee also show that, despite the well-known risks associated with meatpacking facility conditions, some company executives continued to insist that facilities were safe. In a May 14, 2020, email, an executive for Koch Foods discussed with two trade group representatives his view that **“work is probably the safest place [the workers] go everyday.”** A trade group representative responded: **“I firmly believe that the safest place for employees IS in the plant.”**¹⁸

Meanwhile, under the Trump Administration’s leadership, OSHA exercised minimal oversight and failed to protect worker safety. The Select Subcommittee learned during a staff briefing with OSHA that OSHA leadership made a **“political decision”** not to issue a much-needed regulatory standard requiring meatpacking companies to take specific steps to protect workers, limiting the universe of enforcement tools OSHA had at its disposal.¹⁹ Without being held to any specific standard, meatpacking companies were left with largely unchecked

discretion to determine how to respond to the coronavirus pandemic, to the detriment of meatpacking workers.

I. BACKGROUND

A. The Meatpacking Industry

Even before the onset of the coronavirus pandemic, meatpacking workers suffered from hazardous working conditions. Meatpacking workers generally work long shifts in enclosed facilities that they share with hundreds, if not thousands, of other workers, taking few breaks.²⁰ When workers take breaks, they generally do so collectively, migrating in large groups to the same separate common areas.²¹ Workers are typically stationed in close quarters to one another on the meatpacking facility floor, unable to socially distance by virtue of the production line layouts that employers utilize.²² The nature of the work is also difficult, requiring significant manual effort and thus heavy breathing alongside fellow workers.²³ Taken together, meatpacking facility conditions pose uniquely acute risks of viral transmission among workers. Conditions in meatpacking plants are so susceptible to viral spread that one labor organizer who formerly worked in a slaughterhouse described them as “like stationary cruise ships,” stating that even if a coronavirus infection originates outside of a plant, “[i]t’s that environment that let[s] it spread.”²⁴

B. Prior Warnings About the Need for Pandemic Precautions

As early as 2006, the federal government was acutely aware of the need for industries involving essential workers to prepare for a viral respiratory pandemic. In January 2007, the President’s National Infrastructure Advisory Council warned that it “is not a matter of if, but rather a matter of when” a contagious respiratory illness pandemic would occur.²⁵ Then-President Bush’s Homeland Security Council recommended that companies—including meatpacking companies—engage in “effective continuity planning including protection of personnel during an influenza pandemic” as a “‘good business practice’ that must become part of the fundamental mission of all...private sector businesses.”²⁶ The Food and Agriculture Sector Coordination Council, an industry association, also urged meatpacking companies that “the systematic application of infection control and social distancing measures during a pandemic should reduce employee-to-employee disease transmission rates, [and] increase employee safety and confidence,” and even issued pandemic contingency plan templates containing 13 “Workplace Controls to Minimize Transmission” of respiratory viruses, including attendance policies, hand-washing and sanitization requirements, social distancing, and masks. In issuing this template, the Food and Agriculture Sector Coordination Council emphasized that “[t]he health threat to personnel is the primary threat [w]ithin the workplace.”²⁷ Under former President Obama’s leadership, the Department of Labor urged employers, including meatpacking companies, to “[i]nstruct employees to avoid close contact (within 6 feet) with other employees,” and where social distancing was not possible, to have employees “use personal protective equipment” such as “surgical mask[s],” and to stockpile enough facemasks for each employee to have “[t]wo facemasks” per employee, per shift.²⁸

Each of these resources detailed specific attributes of influenza—including how it is transmitted from person to person through virus-laden droplets, and the possibility that infected

individuals may be asymptomatic but still contagious—that would later manifest in COVID-19, and explained how to address respiratory viruses of this nature. The National Infrastructure Advisory Council specifically noted that the “timing, severity, and ultimate strain” of influenza would “remain a mystery,” but the public should be certain that whatever shape the virus took, it would “promise[] to test the critical infrastructure of both the United States and the world.”²⁹ Despite this forewarning, meatpacking conglomerates were caught flat-footed by the coronavirus pandemic, leading to breathtakingly high numbers of coronavirus infections and deaths among meatpacking workers.³⁰

II. MEATPACKING WORKERS SUFFERED GREATER NUMBERS OF INFECTIONS AND DEATHS THAN PREVIOUSLY KNOWN

In spring 2020, meatpacking facilities saw some of the first and largest outbreaks of the coronavirus in the nation, presaging the virus’ rapid spread through the country. Since that time, it has been clear that significant numbers of essential workers in the meatpacking industry were infected and fell ill with the coronavirus.³¹ Based on publicly available information, researchers estimated that the essential workers at the largest of these conglomerates—JBS, Tyson, Smithfield, Cargill, and National Beef—together suffered approximately 22,700 infections and 88 deaths from the coronavirus.³² Until now, a precise accounting of the number of infections and deaths of meatpacking workers has been elusive due to the refusal of the meat conglomerates that control these facilities to release internal data related to infections and deaths of their workforce. The lack of any uniform reporting requirements on coronavirus infections and deaths by employers or state and local health organizations has left the public in the dark as to the precise extent of the harm from coronavirus infections and deaths across certain economic sectors, including meatpacking workers. Meanwhile, the conglomerates that own and control these facilities have by and large refused to publicly release information concerning the infections and deaths within their respective workforces.³³

Following multiple reports of disproportionate rates of coronavirus infection and death among meatpacking workers, the Select Subcommittee began investigating the impact of the coronavirus pandemic on the health and safety of meatpacking workers, the meatpacking industry’s response to the skyrocketing levels of coronavirus infection and death across the meatpacking workforce, and OSHA’s actions with respect to the rampant spread of coronavirus across meatpacking plants. As part of this investigation, the Select Subcommittee sent letters to the five largest meatpacking conglomerates—JBS, Tyson, Smithfield, Cargill, and National Beef—seeking documents and information concerning coronavirus outbreaks at these companies’ facilities, as well as to OSHA, seeking information regarding its actions to protect meatpacking worker safety during the coronavirus pandemic.³⁴

The Select Subcommittee has so far received and reviewed nearly 150,000 pages of documents in the course of its ongoing investigation, including correspondence regarding coronavirus measures, OSHA policies and complaint trackers, emails concerning worker complaints and local health department inquiries, and most significantly, previously unpublished data concerning coronavirus infections and deaths among each meatpacking company’s respective workforce, including facility-specific data, and information concerning how these companies track such data.³⁵ The Select Subcommittee also surveyed representatives of labor unions, workers at meatpacking plants, representatives of state and local health departments in

areas with large meatpacking facilities, and experts in workplace safety and the meatpacking industry, and was briefed by OSHA.

Based on these activities, the Select Subcommittee has found that the number of coronavirus infections and deaths among meatpacking workers—already estimated to be staggeringly high—was in fact much higher than previously estimated, and that many of these infections and deaths were the result of meatpacking companies prioritizing profits and production over the health and safety of their employees while the Trump Administration stood by, failing to protect workers.

A. Coronavirus Infections and Deaths Were Significantly Higher Than Previously Disclosed

Internal records from JBS, Tyson, Smithfield, Cargill, and National Beef obtained by the Select Subcommittee show that between March 2020 and February 2021, over 59,000 meatpacking workers employed by these five companies alone contracted the coronavirus, and at least 269 died.³⁶ These internal numbers are significantly higher than previous estimates. As of September 2021, publicly-available data collected by FERN estimated that there had been approximately 22,700 coronavirus infections and 88 coronavirus-related deaths across these five companies' respective workforces between April 2020 and September 2021.³⁷ The data received by the Select Subcommittee from these companies thus indicates that coronavirus infections were nearly three times higher than prior estimates, and coronavirus deaths were over three times higher than prior estimates, over an even shorter time period than that covered by the prior estimates.

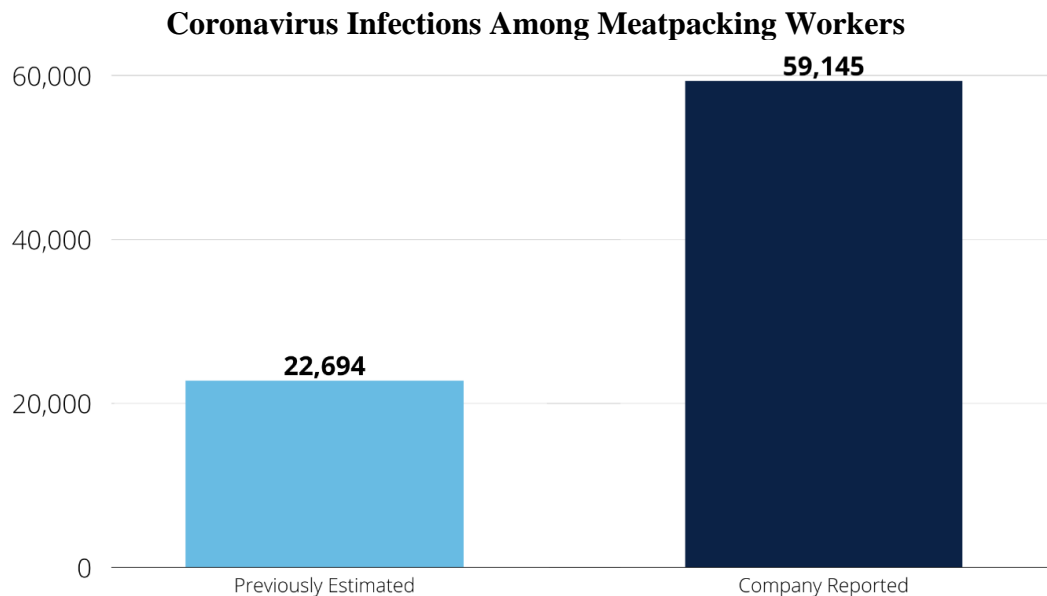


Figure 1: The left column represents the number of coronavirus infections among meatpacking workers previously estimated by FERN. The right column represents the total number of coronavirus infections as confirmed by the Select Subcommittee among workers for Cargill, JBS, National Beef, Smithfield, and Tyson. Data for FERN is from March 2020 through September 2, 2021. Data for Cargill, JBS, and Tyson is from March 2020 through January 2021. Data for National Beef is from April 2020 through January 2021. Data for Smithfield is from March 2020 through April 2021.

Coronavirus Deaths Among Meatpacking Workers

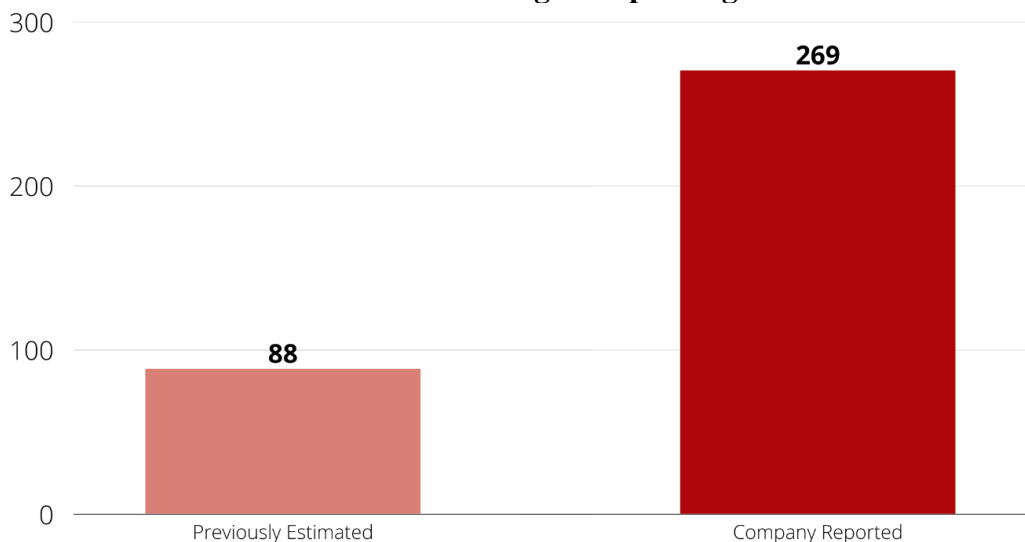


Figure 2: The left column represents the number of coronavirus deaths among meatpacking workers previously estimated by FERN. The right column represents the total number of coronavirus deaths as confirmed by the Select Subcommittee among workers for Cargill, JBS, National Beef, Smithfield, and Tyson. Data for FERN is from the onset of the pandemic through September 2, 2021. Data for Cargill, JBS, and Tyson is from March 2020 through January 2021. Data for National Beef is from April 2020 through January 2021. Data for Smithfield is from March 2020 through April 2021.

The Select Subcommittee’s investigation has also revealed high levels of infection at certain plants, with infection rates close to or exceeding 50 percent of plant workers. For example, JBS’ Hyrum, Utah plant saw 758 infections among its 1,400 employees—an infection rate of approximately 54 percent.³⁸ National Beef’s Tama, Iowa plant saw 379 infections among its approximately 857 employees—an infection rate of 44 percent.³⁹ Tyson’s Amarillo, Texas plant saw 1,917 infections among its 3,847 employees—an infection rate of over 49 percent.⁴⁰ Tyson’s Dakota City, Nebraska processing plant saw 18 deaths and 1,973 infections among its approximately 4,300 employees—an infection rate of approximately 46 percent.⁴¹ Smithfield’s Sioux Falls, South Dakota plant saw 1,674 infections among its 3,969 employees—an infection rate of over 42 percent. Smithfield’s Vernon, California plant saw 763 infections among its 2,146 employees—an infection rate of over 35 percent.⁴² For certain companies, numbers were similarly high across other plants. For example, over a quarter of the workforce at eight out of the eleven Smithfield plants employing over 1,000 meatpacking workers became infected with the coronavirus between March 2020 and April 2021,⁴³ while over a fifth of the workforce at both National Beef plants employing over 1,000 meatpacking workers between April 2020 and February 2021.⁴⁴

The data disclosed by each of these five meatpacking companies also indicates that previous public estimates significantly undercounted the number of coronavirus infections and deaths among each company’s respective employee population: Tyson facilities had 135 percent more coronavirus cases and 287 percent more deaths than previously estimated.⁴⁵ Smithfield facilities had 187 percent more coronavirus cases and 67 percent more deaths than previously estimated.⁴⁶ JBS facilities had 225 percent more coronavirus cases and 210 percent more deaths than previously estimated.⁴⁷ Cargill facilities had 236 percent more coronavirus cases, and 150

percent more deaths than previously estimated.⁴⁸ National Beef facilities had 72 percent more coronavirus cases and 50 percent more deaths than previously estimated.⁴⁹

The five companies based their calculations of coronavirus infections primarily on positive coronavirus tests administered by the company or within company facilities, although JBS and Cargill indicated that they supplemented this data with positive coronavirus tests administered offsite as well as with employee self-reports of coronavirus infections and reports by employee peers. Because data for Smithfield, Tyson, and National Beef may exclude positive coronavirus tests from community testing centers or other health providers, it is likely that the actual rate of coronavirus infections among these companies' workers was even higher than these companies' data reflects.

B. Coronavirus Outbreaks in Meatpacking Plants Disproportionately Impacted Minority Workers

The pervasive presence of coronavirus infections in meatpacking facilities not only endangered those who worked in these facilities, but they may have also disproportionately impacted minority meatpacking workers. The United States' meatpacking worker population is largely comprised of ethnic minorities, with nearly one-half—44.4 percent—being Hispanic, and approximately one-quarter—25.2 percent—being Black.⁵⁰ With respect to the meatpacking workers who suffered coronavirus infections and deaths, a CDC study of Nebraska meatpacking facility outbreaks found that 89 percent of those infected with the coronavirus in the summer of 2020 were racial or ethnic minorities. Despite white workers making up 39 percent of the overall workforce studied, data also showed that only 13 percent of coronavirus cases involved white workers.⁵¹ Similarly, a study of infected Iowa workers in the early days of the pandemic found that, of all infected workers, 44 percent were Hispanic, 20 percent were non-Hispanic Black, 18 percent were non-Hispanic white, 16 percent were Asian, and two percent were members of other, unspecified groups.⁵² These trends in Nebraska and Iowa—two states with some of the highest concentrations of meatpacking workers⁵³ and the lowest proportions of racial and ethnic minorities⁵⁴—illustrate the disproportionate impact of the coronavirus on minorities both within the meatpacking industry and nationwide.

C. Coronavirus Outbreaks Among Meatpacking Workers May Have Spread to Workers' Communities

Coronavirus outbreaks at meatpacking facilities also likely increased the infection rates in the surrounding communities by significant margins. A study published in the *Proceedings of the National Academy of Sciences* found that as of July 21, 2020, the presence of a slaughtering plant in a county was associated with a 51 to 75 percent increase in coronavirus cases from the baseline rate in that county, and an increase of 37 to 50 percent in the death rate.⁵⁵ The United States Department of Agriculture (USDA) similarly found that between April 2020 and the end of May 2020, coronavirus infection rates in rural counties economically dependent on meatpacking facilities were more than 10 times higher than the rates in rural counties not dependent on meatpacking facilities.⁵⁶ In Black Hawk County, Iowa—home to a 2,800 employee Tyson meatpacking plant that saw 1,174 employees contract the coronavirus⁵⁷—coronavirus rates surged by 900 percent in April 2020. Local health officials attributed 90 percent of these cases to the outbreak at Tyson's facility.⁵⁸ Although the rates have since fallen,

the damage to communities from increased infection rates, including in lost productivity and life, is irreversible.

D. Meatpacking Companies Failed to Address Coronavirus Outbreaks and thus Propagated the Spread of Coronavirus Among Workers

Instead of reacting swiftly to address an apparent threat to the health and safety of their workers, many meatpacking companies such as Smithfield and Tyson prioritized profits and productions, failing to ensure that meatpacking facilities had sufficient coronavirus precautions until infection rates rose so high as to require facility closures or attract public scrutiny.⁵⁹ As many other businesses restructured or reorganized to comply with CDC guidance, many meatpacking companies continued to ask employees to work on crowded assembly lines without screening, personal protective equipment, or time for proper hygiene. For example, despite purporting to adopt a relaxed attendance policy and give paid leave to employees who tested positive for the coronavirus, internal Tyson talking points obtained by the Select Subcommittee show that as of March 20, 2020, Tyson had implemented virtually no coronavirus screening precautions, only having plans to implement temperature checks before shifts in the future, while nonetheless telling its workers, “It is vital that you come to work as planned, despite stories about ‘shelter in place.’”⁶⁰

The Select Subcommittee obtained a copy of a memorandum from CDC and Texas health authorities to Tyson, laying out recommendations based on a May 2, 2020 inspection of Tyson’s Amarillo, Texas plant. Inspectors observed that many employees on the floor were working with masks “saturated” from sweat or other fluids, and in lines where workers were not socially distanced, and separated by flimsy “plastic bags on frames” as opposed to CDC-compliant barriers.⁶¹ The Amarillo plant saw over 1,900 workers contract the coronavirus—49.8 percent of the plant’s workforce—and five employees die of the coronavirus between March 1, 2020 and February 1, 2021.⁶²

Meatpacking worker accounts highlight the egregious nature of these meatpacking companies’ failures to protect their employees during the early months of the coronavirus pandemic. Workers and labor organizers who spoke with Select Subcommittee staff described meatpacking employers who either refused to implement coronavirus precautions or did so in name only, without adequately communicating coronavirus-related procedures or requirements to meatpacking workers or evenly enforcing coronavirus policies. For example, a worker for a Tyson facility reported feeling unsafe well into the spring of 2020, describing work conditions where employees had “no type of protection” and were provided no information about the coronavirus by Tyson, even after the virus began circulating within the plant. When a colleague who worked near this employee contracted the coronavirus and the employee became worried about his own health, he was told to simply continue working. After a second exposure to the coronavirus, Tyson Human Resources told him everything was “fine” and initially denied his request for a coronavirus test until the worker threatened to seek a test from an outside clinic—which would have required him to quarantine in the event of a positive test.⁶³ Indeed, workers felt meatpacking plant conditions were so unsafe that many walked out, risking financial uncertainty and jobs loss.⁶⁴

Yet even when infections hit their worst levels—sickening workers to the point of impacting facility operations—companies continued to espouse a work-at-all-costs attitude and almost uniformly resisted adopting the kinds of measures that would keep their employees safe. By the end of May 2020, of 111 meatpacking facilities that publicly disclosed information on virus interventions and prevention efforts, only 37 percent offered testing to workers, despite 22 percent of these facilities having outbreaks so severe they were forced to close temporarily as an intervention measure.⁶⁵ Internal meatpacking company documents obtained by the Select Subcommittee confirm the recalcitrance of many company executives to adopt coronavirus precautions. For example, a previously undisclosed internal Smithfield communication shows that, as of April 21, 2020, Smithfield executives were vigorously pushing back on federal and state government attempts to motivate meatpacking companies to adopt coronavirus precautions. In a review of a draft Memorandum from the CDC to the South Dakota Department of Health, the CEO of Smithfield flagged 14 CDC recommendations that he viewed as “problematic,” including “actions to physically separate employees ... and reduce employee density in non-work areas of the facility,” “increasing flexibility around shift start times and break times,” “staggering employees along line workstations so that employees are not working directly across from each other,” and “ask[ing] employees about history of fever.”⁶⁶ In flagging touchless mask distribution as a “problematic” recommendation, Smithfield’s CEO speculated it would eat into three hours of work time across Smithfield’s workforce, calculating “3800 employees x 30 seconds each = 1900 minutes = 31 hours day = 3 hours/[illegible].”⁶⁷ Smithfield’s CEO also noted that “social distancing” is the “hardest thing in a product plant” and the “single biggest practical difficulty,” that “staggering shifts” is “difficult to do in assembly line,” and asked what flexible attendance policies “ha[d] to do with” reducing the spread of the coronavirus.⁶⁸ As has been previously reported, this CDC report was revised by the following day to include more precatory language and highlight that all recommendations were “discretionary and not required or mandated by CDC,”⁶⁹ permitting Smithfield to effectively ignore these “problematic” recommendations.

When faced with the rampant spread of coronavirus within their facilities, meatpacking executives failed to take responsibility for these lethal outbreaks, insisting that infection rates were disproportionately high because more meatpacking workers were getting tested, and asserting without basis that meatpacking workers were safer being crowded into enclosed facilities than anywhere else. For example, an email obtained by the Select Subcommittee shows that the CEOs of Smithfield and National Beef—two of the largest five meatpacking conglomerates, which collectively saw over 12,100 of their workers contract the coronavirus and 31 of their workers die—discussed the rampant spread of coronavirus in their facilities on April 16, 2020.⁷⁰ The CEO of National Beef acknowledged that “Employees are afraid to come to work,” and that National Beef’s Dodge City plant was “running at 50% capacity because of absenteeism.”⁷¹ Even outside of the five largest conglomerates, smaller meatpacking companies adopted similar attitudes of downplaying infection rates. For example, in a May 14, 2020 email between the Chief Operating Officer of Koch Foods and two industry trade group representatives, the Koch executive insisted that a “cluster” of maintenance workers contracting the coronavirus should not shut the plant down because “work is probably the safest place they go everyday.”⁷² One of the trade group representatives responded in agreement, saying, “I firmly believe that the safest place for employees IS in the plant,” and that “Community spread is the real issue here – it is not the plant.”⁷³

When faced with public scrutiny regarding coronavirus infections at their facilities, company executives refused to admit the severity of infection rates in their plants. For example, documents obtained by the Select Subcommittee show that when Perdue Farms was asked to inform USDA Agriculture Marketing Service graders stationed within its facilities of any positive coronavirus cases, the company expressed “concern” about doing so, saying they “just aren’t comfortable sharing numbers as they can easily get construed or taken out of context.”⁷⁴

A marked decrease in coronavirus infections and deaths once these companies began implementing protective measures may suggest just how effective they might have been had companies utilized them earlier. By the end of May 2020, many meatpacking facilities had made progress in adopting coronavirus precautions. Of 111 meatpacking facilities that shared data on coronavirus intervention and prevention efforts with the CDC, 80 percent reported screening workers on entry, 77 percent required all workers to wear face coverings, 65 percent increased the availability of hand hygiene stations, and 62 percent installed physical barriers between workers.⁷⁵ Month-by-month data from three of the meatpacking companies shows that once these companies began implementing protective measures such as regularized testing, offering paid sick leave, and providing adequate PPE and protective barriers, infections among meatpacking workers saw a marked decline.⁷⁶ For example, Tyson’s monthly employee infections from its 15 facilities with the highest aggregate team member positive case counts have decreased from counts as high as 1,672 in April 2020 and 1,242 in March 2020, to counts as low as ten and seven in July 2020.⁷⁷

E. Government Agencies Charged with Protecting the Safety of Workers Failed to Take Steps to Mitigate the Spread of COVID-19

During the Trump Administration, the Department of Labor failed to protect meatpacking workers from harm. Despite repeated calls from labor groups, Democratic lawmakers, and experts in infectious disease and workplace safety, OSHA did not issue an Emergency Temporary Standard (ETS), which would have supplied a much-needed enforceable regulatory standard requiring employers to take specific steps to protect meatpacking workers.⁷⁸ The Select Subcommittee was informed during a staff briefing with OSHA personnel that OSHA leadership under former President Trump made a “political decision” not to issue an ETS, thereby limiting the universe of enforcement tools OSHA had at its disposal.⁷⁹ Without an ETS specific to meatpacking plants during the coronavirus pandemic, OSHA could enforce only the General Duty Clause⁸⁰—which carries a statutory maximum fine of approximately \$13,000 for serious and other-than-serious violations⁸¹—to curb the behavior of meatpacking companies like JBS that net hundreds of billions of dollars each year.⁸² As current OSHA personnel acknowledged in correspondence with the Select Subcommittee, enforcing workplace safety violations under the General Duty Clause “can be more difficult to show, than the elements of proof required for violation of a hazard-specific standard” had an ETS been issued.⁸³

The difficulty of this enforcement technique was borne out over the course of 2020, during which OSHA issued just nine citations to three meatpacking companies with severe coronavirus outbreaks⁸⁴ despite receiving over 100 complaints related to meatpacking facilities,⁸⁵ including a large influx of worker complaints around March 2020 that one OSHA employee described to the Select Subcommittee as “inundating” the agency.⁸⁶ OSHA also significantly

scaled back inspections in 2020, conducting 35 percent fewer inspections in 2020 than it conducted in 2019,⁸⁷ and lacked a reliable mechanism to receive information on potentially unsafe workplace conditions, relying largely on incomplete reporting by employers to determine whether to pursue new cases.⁸⁸ OSHA's reliance on meatpacking companies that do not have any public reporting obligations on coronavirus infections and deaths to self-disclose hazardous workplace conditions is particularly problematic given the evidence that meatpacking companies often failed to report workplace infections and even deaths during 2020.⁸⁹ In addition, during a briefing with the Select Subcommittee, one OSHA official said that OSHA relied at least in part on data from FERN to track worker infections and deaths—the same data that the Select Subcommittee's investigation has now revealed to have undercounted coronavirus meatpacking infections by more than 36,000 cases, and undercounted coronavirus meatpacking deaths by at least 181.⁹⁰

III. INFECTION AND DEATH RATES HAVE DECLINED, BUT THE PRECISE PICTURE REMAINS UNCLEAR AND MORE NEEDS TO BE DONE

Although infections and death rates among meatpacking workers declined after the early months of the pandemic, more actions are still needed by meatpacking companies and federal regulators to ensure coronavirus infections and deaths continue to decline.

The Biden Administration's aggressive vaccine rollout, coupled with the voluntary implementation of vaccine mandates or other schemes to incentivize vaccinations by many meatpacking companies, have all contributed to improved conditions in meatpacking facilities. For example, Cargill had administered onsite vaccinations for over 7,000 of its workers as of September 29, 2021,⁹¹ while National Beef had administered onsite vaccinations for over 4,000 of its workers as of September 15, 2021.⁹² JBS has engaged in a campaign to administer onsite vaccinations and has launched a pilot program to require employee vaccinations for onboarding in certain sites, leading to over 42,700 of its employees receiving coronavirus vaccines as of September 10, 2021.⁹³ In some JBS plants, employee vaccination rates are now as high as 92 percent.⁹⁴ Similarly, following Tyson's announcement of its vaccine mandate for workers in early August 2021, more than 90 percent of Tyson's 120,000-person workforce as of September 30, 2021 has been vaccinated.⁹⁵

However, other large meatpacking conglomerates have not yet made their vaccination statistics public, and there are concerns that some meatpacking companies do not track vaccination rates adequately. For example, Cargill and National Beef reported to the Select Subcommittee that neither has been tracking vaccinations among plant workers received outside of programs administered or sponsored by the respective companies.⁹⁶ Thus, the Select Subcommittee still lacks a full and accurate count of vaccination rates among meatpacking workers.

In addition, a sustained decline in coronavirus infections and deaths will depend upon efforts from OSHA to ensure the success of vaccine mandates through regulatory standards—such as issuing an ETS—and enforcement of those standards. During the Biden Administration, OSHA has adopted a workers-first attitude and taken significant steps to protect the health and safety of some of the country's most vulnerable workers, including meatpacking workers. In September 2021, the White House announced that OSHA was developing an ETS that would

require employers with 100 or more employees—such as many large meatpacking companies and all five meatpacking conglomerates the Select Subcommittee has been investigating—to ensure workers are vaccinated or provide a negative coronavirus test result each week before reporting to work.⁹⁷ In addition, Congress has ensured that \$700 million in grant funding will help farmworkers and meatpacking workers with pandemic-related health and safety costs. The program will provide up to \$600 to meatpacking workers, among other essential workers, for expenses incurred due to the coronavirus pandemic, including defraying costs borne by workers for PPE, dependent care, and other expenses associated with quarantines and testing related to the pandemic.⁹⁸ Adding to this effort, USDA will invest more than \$4 billion to strengthen critical supply chains through USDA’s Build Back Better initiative to strengthen and transform the food system, using funding from the American Rescue Plan and the Consolidated Appropriations Act. The effort will bolster the food system, create new market opportunities, and support well-paying jobs throughout the supply chain.

¹ Select Subcommittee on the Coronavirus Crisis, *Press Release: Select Subcommittee Launches Investigation into Widespread Coronavirus Infections and Deaths in Meatpacking Plants* (Feb. 1, 2021) (online at coronavirus.house.gov/news/press-releases/select-subcommittee-launches-investigation-widespread-coronavirus-infections-and).

² Previous estimates were provided by the Food and Environment Reporting Network (FERN), which collected data from state and local health departments, news reports on coronavirus outbreaks, and meatpacking companies that reported on certain coronavirus outbreaks. *Mapping Covid-19 Outbreaks in the Food System*, Food and Environment Reporting Network (Sept. 8, 2021) (online at thefern.org/2020/04/mapping-covid-19-in-meat-and-food-processing-plants/). As discussed in Section II, *infra*, due to a lack of uniform reporting requirements on coronavirus outbreaks, FERN data provided one of the most comprehensive estimates of coronavirus infections and deaths among meatpacking workers based on publicly-available data.

³ White House, *Briefing Room: Addressing Concentration in the Meat-Processing Industry to Lower Food Prices for American Families* (Sept. 8, 2021) (online at www.whitehouse.gov/briefing-room/blog/2021/09/08/addressing-concentration-in-the-meat-processing-industry-to-lower-food-prices-for-american-families/); Howard, Philip H., *Corporate Concentration in Global Meat Processing: The Role of Feed and Finance Subsidies*, *Global Meat: Social and Environmental Consequences of the Expanding Meat Industry* (2019) online at <https://direct.mit.edu/books/book/4570/chapter/203936/Corporate-Concentration-in-Global-Meat-Processing>).

⁴ Data for Cargill, JBS, and Tyson is from March 1, 2020 through February 1, 2021. Data for Smithfield is from March 1, 2020 through April 30, 2021. Data for National Beef is from early April 2020, when National Beef first began tracking coronavirus infections, through February 1, 2021. Data for JBS includes the majority-owned Pilgrim’s Pride Corporation.

⁵ Letter from Outside Counsel, JBS USA Food Company, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Sept. 10, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/JBS%202021.09.10%20WH%20Production%20Letter%20to%20SSCC.pdf>); Letter from Outside Counsel, Cargill Meat Solutions Corporation, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Oct. 22, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Cargill%202021.10.22%20Response%20to%20Clyburn.pdf>); Letter from Outside Counsel, Tyson Foods, Inc., to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, (Apr. 30, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Tyson%202021.04.30%20Letter%20to%20House%20SSCC.PDF>); Letter from Outside Counsel, National Beef Packing Company, LLC, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Oct. 24, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/National%20Beef%202021.10.24.pdf>);

HSSCV-Smith00000584, HSSCV-Smith 00000691 – HSSCV-Smith00000695, HSSCV-Smith00000703 (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/10.27.21%20Hearing%20-%20Smithfield.pdf>); *Mapping Covid-19 Outbreaks in the Food System*, Food and Environment Reporting Network (Sept. 8, 2021) (online at <https://thefern.org/2020/04/mapping-covid-19-in-meat-and-food-processing-plants/>).

⁶ Smithfield provided data through April 30, 2021, and did not provide month-by-month data on coronavirus deaths. Accordingly, it is possible that some of these deaths occurred between February 1, 2021 and April 30, 2021.

⁷ Letter from Outside Counsel, JBS USA Food Company, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (May 28, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/JBS%202021.05.28%20Production%20Letter.pdf>); Letter from Outside Counsel, Cargill Meat Solutions Corporation, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Oct. 22, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Cargill%202021.10.22%20Response%20to%20Clyburn.pdf>); Letter from Outside Counsel, Tyson Foods, Inc., to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Apr. 30, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Tyson%202021.04.30%20Letter%20to%20House%20SSCC.PDF>); Letter from Outside Counsel, National Beef Packing Company, LLC, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Oct. 24, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/National%20Beef%202021.10.24.pdf>); HSSCV-Smith00000584, HSSCV-Smith 00000691 – HSSCV-Smith00000695, HSSCV-Smith00000703 (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/10.27.21%20Hearing%20-%20Smithfield.pdf>); *Mapping Covid-19 Outbreaks in the Food System*, Food and Environment Reporting Network (Sept. 8, 2021) (online at <https://thefern.org/2020/04/mapping-covid-19-in-meat-and-food-processing-plants/>).

⁸ National Beef did not begin tracking coronavirus infections until early April, and thus did not supply the Select Subcommittee with data from before then. Letter from Outside Counsel, National Beef Packing Company, LLC, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Oct. 8, 2021) (online at coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/National%20Beef%202021.10.08.pdf). Because National Beef did not track coronavirus infections before early April, infection rates among National Beef workers may be higher than that presented by the company's data.

⁹ Letter from Outside Counsel, JBS USA Food Company, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Sept. 10, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/JBS%202021.09.10%20WH%20Production%20Letter%20to%20SSCC.pdf>); *A Utah Meat Plant is Staying Open Even After 287 Workers Got Coronavirus*, Vox (June 11, 2020) (online at www.vox.com/future-perfect/2020/6/11/21286840/meat-plant-covid-19-utah-coronavirus); Letter from Outside Counsel, Tyson Foods, Inc., Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Apr. 30, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Tyson%202021.04.30%20Letter%20to%20House%20SSCC.PDF>); Letter from Outside Counsel, National Beef Packing Company, LLC, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Oct. 24, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/National%20Beef%202021.10.24.pdf>). Tyson provided data at the “cohort worksite” level, defined as “the more than 400 discrete areas in which groups of team members regularly interact with one another.” The Select Subcommittee calculated plant-level data based on the descriptions of the “cohort worksites” provided by Tyson.

¹⁰ JBS calculated coronavirus infections based on positive coronavirus tests administered onsite, positive coronavirus tests administered offsite, cases of written physician notes indicating a presumptive positive case, employee self-reporting, and employee reporting on another person's behalf. Letter from Outside Counsel, JBS USA Food Company, Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Sept. 10, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/JBS%202021.09.10%20WH%20Production%20Letter%20to%20SSCC.pdf>). JBS calculated coronavirus deaths based on life insurance records where the coronavirus was listed as the primary cause of death, corroborated for all but five deaths by health benefits data.

Letter from Outside Counsel, JBS USA Food Company, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (May 28, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/JBS%202021.05.28%20Production%20Letter.pdf>). Cargill calculated coronavirus infections based on testing performed by Cargill, public health authorities, employee self-reports of coronavirus cases, and family and friend reporting of employees contracting the coronavirus. Cargill did not specify what data it used to calculate coronavirus deaths. Letter from Outside Counsel, Cargill Meat Solutions Corporation, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Sept. 21, 2021) (coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Cargill2021-09-29LettertoClyburn.pdf). Tyson calculated coronavirus infections based on the number of employees for whom the company had a positive coronavirus test as of February 1, 2021, and calculated coronavirus deaths based on instances where an employee contracted the coronavirus and subsequently passed away. Letter from Outside Counsel, Tyson Foods, Inc., to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Apr. 30, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Tyson%202021.04.30%20Letter%20to%20House%20SSCC.PDF>). National Beef calculated coronavirus infections based on employee self-reports of coronavirus test results, and calculated coronavirus deaths based on employees who contracted the coronavirus and subsequently passed away. Letter from Outside Counsel, National Beef Packing Company, LLC, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Oct. 8, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/National%20Beef%202021.10.08.pdf>). Smithfield did not provide the Select Subcommittee with its methodology for calculating coronavirus infections and deaths. Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to President and Chief Executive Officer Dennis Organ, Smithfield Foods (Feb. 1, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021-02-01.Clyburn%20to%20Smithfield%20re%20Meatpacking%20Investigation%20.pdf>).

¹¹ Tyson, *Temperature Checks – Key Messages for Team Members* (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/TYSON-SSCC-00000026.pdf>).

¹² Email from Chief Executive Officer Ken Sullivan to Glenn Nunziata, Smithfield Foods (Apr. 21, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/HSSCV-Smith%2000000806-820_Redacted.pdf).

¹³ Memorandum by Michael Grant, CDC National Institute for Occupational Safety and Health, et al., to Joshua Clayton, South Dakota Department of Health (Apr. 22, 2020) (online at https://covid.sd.gov/docs/smithfield_recs.pdf); *The CDC Softened a Report on Meatpacking Safety During the Pandemic. Democrats Say They Want to Know Why.*, Washington Post (Sept. 30, 2020) (online at www.washingtonpost.com/business/2020/09/30/cdc-meatpacking-smithfield/); *CDC Director's Office Ordered Softening of Coronavirus Safety Protocols for Meat Plant*, MSNBC (Sept. 22, 2020) (online at www.msnbc.com/rachel-maddow/watch/cdc-director-s-office-ordered-softening-of-covid-safety-protocols-92362309670).

¹⁴ Email from Chief Executive Officer Ken Sullivan to Glenn Nunziata, Smithfield Foods (Apr. 21, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/HSSCV-Smith%2000000806-820_Redacted.pdf).

¹⁵ Email from Ken Sullivan, Chief Executive Officer, Smithfield Foods, to Tim Klein, Chief Executive Officer, National Beef Packing Company, LLC (Apr. 16, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/HSSCV-Smith%2000000740_Redacted.pdf).

¹⁶ Memorandum by Christa Hale, CDC National Institute for Occupational Safety and Health, et al., to Ernesto Sanchez, Amarillo Beef Plant, Tyson Foods, Inc. (May 15, 2020) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/TYSON-SSCC-00001552-1564.pdf>).

¹⁷ Letter from Outside Counsel, Tyson Foods, Inc., to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Apr. 30, 2021) (online at

<https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Tyson%202021.04.30%20Letter%20to%20House%20SSCC.PDF>).

¹⁸ Email from Ashley Petersen, Chicken USA, to Mark Kaminsky, Koch Foods, and Mike Brown, Chicken USA (May 14, 2020) (online at coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/NCC-00003972_Redacted.pdf).

¹⁹ Briefing by Occupational Safety and Health Administration, to Staff, Select Subcommittee on the Coronavirus Crisis (Oct. 2021).

²⁰ Survey call by Staff, Select Subcommittee on the Coronavirus Crisis, to Mark Lauritsen, President, United Food and Commercial Workers (Sept. 2021); Survey call by Staff, Select Subcommittee on the Coronavirus Crisis, to Meatpacking Worker (Aug. 2021); *Why Meatpacking Plants Have Become COVID-19 Hotspots*, Wired (May 7, 2020) (online at www.wired.com/story/why-meatpacking-plants-have-become-covid-19-hot-spots/).

²¹ Survey call by Staff, Select Subcommittee on the Coronavirus Crisis, to Mark Lauritsen, President, United Food and Commercial Workers (Sept. 2021); *Why Meatpacking Plants Have Become COVID-19 Hotspots*, Wired (May 7, 2020) (online at www.wired.com/story/why-meatpacking-plants-have-become-covid-19-hot-spots/).

²² Survey call by Staff, Select Subcommittee on the Coronavirus Crisis, to Mark Lauritsen, President, United Food and Commercial Workers (Sept. 2021); Survey call by Staff, Select Subcommittee on the Coronavirus Crisis, to Meatpacking Worker (Aug. 2021).

²³ *“We Are Not Disposable” – Food Workers Organizing on the COVID Frontlines*, Food Chain Workers Alliance (Feb. 2021) (online at <https://foodchainworkers.org/wp-content/uploads/2021/02/Food-Workers-Organizing-on-the-COVID-Frontlines-FINAL.pdf>); *Blood, Sweat, and Fear – Workers’ Rights in U.S. Meat and Poultry Plants*, Human Rights Watch (Jan. 2005) (online at www.hrw.org/reports/2005/usa0105/usa0105.pdf); *“When We’re Dead and Buried, Our Bones Will Keep Hurting” – Workers’ Rights Under Threat in US Meat and Poultry Plants*, Human Rights Watch (Sept. 2019) (online at www.hrw.org/report/2019/09/04/when-were-dead-and-buried-our-bones-will-keep-hurting/workers-rights-under-threat).

²⁴ Survey call by Staff, Select Subcommittee on the Coronavirus Crisis, to Mark Lauritsen, President, United Food and Commercial Workers (Sept. 2021).

²⁵ *The Prioritization of Critical Infrastructure for a Pandemic Outbreak in the United States Working Group, Final Report and Recommendations By The Council*, National Infrastructure Advisory Council (Jan. 16, 2007) (online at <https://apps.dtic.mil/sti/pdfs/ADA487213.pdf>).

²⁶ White House Homeland Security Council, *The National Strategy for Pandemic Influenza – Implementation Plan* (May 2006) (online at www.cdc.gov/flu/pandemic-resources/pdf/pandemic-influenza-implementation.pdf?web=1&wdLOR=cD75C9C88-77BA-4B5D-A777-8A29B4A79286).

²⁷ *Draft Template for the Food Processing Industry: Pandemic Continuity of Operations Plan (COOP)*, The Meat Institute (online at www.meatinstitute.org/FoodSecurity/ICMemos/013007DraftCOOP.pdf).

²⁸ Department of Labor, Occupational Safety and Health Administration, *Guidance on Preparing Workplaces for an Influenza Pandemic, Release No. 3327-06R* (2009) (online at www.osha.gov/sites/default/files/publications/OSHA3327pandemic.pdf).

²⁹ *The Prioritization of Critical Infrastructure for a Pandemic Outbreak in the United States Working Group, Final Report and Recommendations by the Council*, National Infrastructure Advisory Council (Jan. 16, 2007) (online at <https://apps.dtic.mil/sti/pdfs/ADA487213.pdf>).

³⁰ *Meatpacking Companies Dismissed Years of Warnings but Now Say Nobody Could Have Prepared for COVID-19*, ProPublica (Aug. 20, 2020) (online at www.propublica.org/article/meatpacking-companies-dismissed-years-of-warnings-but-now-say-nobody-could-have-prepared-for-covid-19).

³¹ *As Meatpacking Plants Reopen, Data About Worker Illness Remains Elusive*, New York Times (May 25, 2020) (online at www.nytimes.com/2020/05/25/business/coronavirus-meatpacking-plants-cases.html).

³² *Mapping Covid-19 Outbreaks in the Food System*, Food and Environment Reporting Network (Sept. 8, 2021) (online at <https://thefern.org/2020/04/mapping-covid-19-in-meat-and-food-processing-plants/>).

³³ Survey call by Staff, Select Subcommittee on the Coronavirus Crisis, to Merced County Public Health Department (Aug. 2021); *As Meatpacking Plants Reopen, Data About Worker Illness Remains Elusive*, New York Times (May 25, 2020) (online at www.nytimes.com/2020/05/25/business/coronavirus-meatpacking-plants-cases.html); *Covid-19 Cases Appear to Be Slowing at Meat Plants. but Companies Aren't Releasing Test Results*, Food and Environment Reporting Network (July 27, 2020) (online at https://thefern.org/ag_insider/covid-19-cases-appear-to-be-slowing-at-meat-plants-but-companies-arent-releasing-test-results/).

³⁴ Select Subcommittee on the Coronavirus Crisis, *Press Release: Select Subcommittee Launches Investigation into Widespread Coronavirus Infections and Deaths in Meatpacking Plants* (Feb. 1, 2021) (online at <https://coronavirus.house.gov/news/press-releases/select-subcommittee-launches-investigation-widespread-coronavirus-infections-and>); Select Subcommittee on the Coronavirus Crisis, *Press Release: Select Subcommittee Expands Investigation into Coronavirus Outbreaks at Meatpacking Plants* (Sept. 15, 2021) (online at <https://coronavirus.house.gov/news/press-releases/select-subcommittee-expands-investigation-coronavirus-outbreaks-meatpacking>).

³⁵ The data supplied by these companies represents calculations of coronavirus infections based primarily on positive coronavirus tests administered at onsite facilities. While JBS and Cargill included positive coronavirus tests administered in offsite facilities and employee self-reports of coronavirus infections in these calculations, Tyson, National Beef, and Smithfield did not specify whether such data was included in total coronavirus infections. Accordingly, the actual count of coronavirus infections may be higher than that presented by the companies' data.

³⁶ Letter from Outside Counsel, JBS USA Food Company, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Sept. 10, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/JBS%202021.09.10%20WH%20Producton%20Letter%20to%20SSCC.pdf>); Letter from Outside Counsel, JBS USA Food Company, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (May 28, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/JBS%202021.05.28%20Production%20Letter.pdf>); Letter from Outside Counsel, Cargill Meat Solutions Corporation, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Sept. 29, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Cargill2021-09-29LettertoClyburn.pdf>); Letter from Outside Counsel, Cargill Meat Solutions Corporation, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Oct. 22, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Cargill%202021.10.22%20Response%20to%20Clyburn.pdf>); Letter from Outside Counsel, Tyson Foods, Inc., to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Apr. 30, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Tyson%202021.04.30%20Letter%20to%20House%20SSCC.PDF>); Letter from Outside Counsel, National Beef Packing Company, LLC, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Oct. 24, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/National%20Beef%202021.10.24.pdf>); HSSCV-Smith00000584, HSSCV-Smith 00000691 – HSSCV-Smith00000695, HSSCV-Smith00000703 (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/10.27.21%20Hearing%20-%20Smithfield.pdf>).

³⁷ *Mapping Covid-19 Outbreaks in the Food System*, Food and Environment Reporting Network (Sept. 8, 2021) (online at <https://thefern.org/2020/04/mapping-covid-19-in-meat-and-food-processing-plants/>).

³⁸ Letter from Outside Counsel, JBS USA Food Company, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Sept. 10, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/JBS%202021.09.10%20WH%20Producton%20Letter%20to%20SSCC.pdf>); *A Utah Meat Plant Is Staying Open Even After 287 Workers Got Coronavirus*, Vox (June 11, 2020) (online at www.vox.com/future-perfect/2020/6/11/21286840/meat-plant-covid-19-utah-coronavirus).

³⁹ Letter from Outside Counsel, National Beef Packing Company, LLC, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Oct. 22, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Cargill%202021.10.22%20Response%20to%20Clyburn.pdf>); Letter from Outside Counsel, National Beef Packing Company, LLC, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Oct. 24, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/National%20Beef%202021.10.24.pdf>).

⁴⁰ Letter from Outside Counsel, Tyson Foods, Inc., to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Apr. 30, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Tyson%202021.04.30%20Letter%20to%20House%20SSCC.PDF>).

⁴¹ Letter from Outside Counsel, Tyson Foods, Inc., to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Apr. 30, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Tyson%202021.04.30%20Letter%20to%20House%20SSCC.PDF>); Tyson Foods, Inc., *Press Release: Tyson Fresh Meats Temporarily Pausing Production at Dakota City, Neb, Beef Plant* (Apr. 29, 2020) (online at www.tysonfoods.com/news/news-releases/2020/4/tyson-fresh-meats-temporarily-pausing-production-dakota-city-neb-beef).

⁴² HSSCV-Smith-00000584; HSSCV-Smith-00000703 (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/10.27.21%20Hearing%20-%20Smithfield.pdf>).

⁴³ HSSCV-Smith00000584, HSSCV-Smith 00000691 – HSSCV-Smith00000695, HSSCV-Smith00000703 (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/10.27.21%20Hearing%20-%20Smithfield.pdf>).

⁴⁴ Letter from Outside Counsel, National Beef Packing Company, LLC, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Oct. 8, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/National%20Beef%202021.10.08.pdf>); Letter from Outside Counsel, National Beef Packing Company, LLC, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Oct. 24, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/National%20Beef%202021.10.24.pdf>). The Select Subcommittee did not receive plant-specific employee counts from Tyson or JBS, making it unable to calculate infection rates for plants without publicly-reported employee numbers.

⁴⁵ Letter from Outside Counsel, Tyson Foods, Inc., to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Apr. 30, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Tyson%202021.04.30%20Letter%20to%20House%20SSCC.PDF>); *Mapping Covid-19 Outbreaks in the Food System*, Food and Environment Reporting Network (Sept. 8, 2021) (online at <https://thefern.org/2020/04/mapping-covid-19-in-meat-and-food-processing-plants/>).

⁴⁶ HSSCV-Smith-00000592-704 (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/10.27.21%20Hearing%20-%20Smithfield.pdf>); *Mapping Covid-19 Outbreaks in the Food System*, Food and Environment Reporting Network (Sept. 8, 2021) (online at <https://thefern.org/2020/04/mapping-covid-19-in-meat-and-food-processing-plants/>).

⁴⁷ Letter from Outside Counsel, JBS USA Food Company, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (May 28, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/JBS%202021.05.28%20Production%20Letter.pdf>); Letter from Outside Counsel, JBS USA Food Company, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Sept. 10, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/JBS%202021.09.10%20WH%20Production%20Letter%20to%20SSCC.pdf>); *Mapping Covid-19 Outbreaks in the Food System*, Food and Environment Reporting Network (Sept. 8, 2021) (online at thefern.org/2020/04/mapping-covid-19-in-meat-and-food-processing-plants/).

⁴⁸ Letter from Outside Counsel, Cargill Meat Solutions Corporation, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Oct. 22, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Cargill%202021.10.22%20Response%20to%20Clyburn.pdf>); *Mapping Covid-19 Outbreaks in the Food System*, Food and Environment Reporting Network (Sept. 8, 2021) (online at <https://thefern.org/2020/04/mapping-covid-19-in-meat-and-food-processing-plants/>).

⁴⁹ Letter from Outside Counsel, National Beef Packing Company, LLC, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Oct. 24, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/National%20Beef%202021.10.24.pdf>); *Mapping Covid-19 Outbreaks in the Food System*, Food and Environment Reporting Network (Sept. 8, 2021) (online at <https://thefern.org/2020/04/mapping-covid-19-in-meat-and-food-processing-plants/>).

⁵⁰ *Meatpacking Workers Are a Diverse Group Who Need Better Protections*, Center for Economic and Policy Research (Apr. 2020) (online at <https://cepr.net/meatpacking-workers-are-a-diverse-group-who-need-better-protections/>).

⁵¹ Centers for Disease Control and Prevention, *Update: COVID-19 Among Workers in Meat and Poultry Processing Facilities — United States, April–May 2020* (online at www.cdc.gov/mmwr/volumes/69/wr/mm6927e2.htm?s_cid=mm6927e2_w).

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⁵⁸ *As They Rushed to Maintain U.S. Meat Supply, Big Processors Saw Plants Become Covid-19 Hot Spots, Worker Illnesses Spike*, Washington Post (Apr. 25, 2020) (online at www.washingtonpost.com/business/2020/04/25/meat-workers-safety-jbs-smithfield-tyson/).

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15, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021-09-15.Clyburn%20to%20Cargill%20re%20Meatpacking%20Investigation%20%28final%29.pdf>).

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⁶⁶ Email from Chief Executive Officer Ken Sullivan to Glenn Nunziata, Smithfield Foods (Apr. 21, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/HSSCV-Smith%2000000806-820_Redacted.pdf).

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