



**Written Testimony of Anthony Marc Perrone
United Food and Commercial Workers International Union
Before the Committee on the Judiciary
U.S. Senate**

**Regarding
Examining Liability During the COVID-19 Pandemic**

May 12, 2020

Thank you, Chairman Graham, Ranking Member Feinstein, and members of the committee for the opportunity to testify on this issue of importance to the safety of workers in grocery, health care, and meat processing.

My name is Marc Perrone and I am President of the United Food and Commercial Workers International Union (UFCW).

The UFCW is America's largest food and retail union representing 1.3 million hard-working men and women. Our members work in grocery stores, meatpacking, food processing, health care, chemical plants, retail, and senior care facilities. We have members that are Republican, Democrat, and Independent. They come from every state and congressional district.

Our members are incredibly hard-working men and women.

They are also on the frontlines of this pandemic.

UFCW supports measures to make workers safer and rejects calls for employer immunity, which would only exacerbate the current crisis. The best way to keep our essential businesses up and running, and to reopen additional businesses, is to ensure that workers have the protections they need.

All across this country, America's food workers are risking their health and safety to ensure that our nation's food supply is safe, grocery store shelves are stocked, and pharmacies are distributing medication.

Without these food workers doing their essential jobs it is fair to state the crisis we all are enduring would quickly devolve into social chaos and panic.

These food workers deserve not only our gratitude, but adequate protection and provision for their health, safety, and financial security.

I would like to begin with one story about how this crisis is impacting one worker who finds herself in a situation that was hard before and now is even more dangerous.

Ms. Achut Dang works at the Smithfield pork processing plant in South Dakota and is a proud member of UFCW Local 304A. Ms. Dang told us,

“The union gave us awareness of wash[ing] hands [and to] try to keep social distance, [but] it was too hard to do that because at my workplace people are working shoulder to shoulder. On the 28th of March that’s when I got sent home and then a couple of days later, I got the symptoms. Got tested on the 2nd of April. My test results came back two days later. Yes, I tested positive for COVID-19. It was very devastating and hard for me to deal with because I’m at home with three little ones. One of them got infected, of course he got it from me. It was a hard thing to deal with. I was scared and didn’t know what to do at that point. I am at home with them. It was hard for me. As far as the company goes, I would say the union did the best they can to bring the awareness back to the company... people. People are cleaning up everything that the people touch, microwaves, handles, the doors, and the bathroom doors and the offices so I was very pleased that that was taking place. I’m trying to stay positive right now. It’s very hard when you are at home sick and trying to take care of the little ones and try to keep distancing at the same time.”

Let me stress to you how real this issue is.

Our internal estimated have confirmed 35 worker deaths in meatpacking and at least 3,272 of our meatpacking workers have been directly impacted by the virus. We also estimate that 60 grocery store workers have died and at least 4,157 workers directly impacted.

Aaron Squeo is from Madison Heights, Michigan and works at Kroger and is a proud member of UFCW Local 876. Mr. Squeo said,

“I know grocery worker[s] who have tested positive for it and ... I know of one member in my area who’s died of the virus and I can’t believe the impact it has had on me and my coworkers. I’d ask shoppers to make sure you wear a mask.... and when you dispose of your gloves, please put them in the receptacle, because our people have to go out there and pick up this stuff and we don’t know what’s all over it and that’s dangerous... When I’m stocking the meat counter and people are crowding around trying to get at meat and stuff, that’s not social distancing. And if you can, limit who shops in the stores, send one person out. Don’t bring your whole family out..... the whole family is out like it’s an outing to go do whatever.”

Protecting these workers is not about dollars and cents, it is about life and death. It is about this simple fact – we can’t protect America’s food supply unless – and until – we protect America’s food workers.

With respect to our meatpacking and food processing workers, we are already witnessing the deadly consequence of when significant steps are not taken to protect these workers, and the dramatic impact it can have on our food supply. Unfortunately, the Occupational Safety and Health Administration (OSHA), the federal government agency in charge of ensuring that

employers provide safe conditions, has failed to issue enforceable requirement specific to COVID-19, to protect the safety and health of workers in the face of COVID-19.

In the best of times, food processing and meatpacking is already dangerous work.

These men and women work long hours under extremely difficult, stressful, and often hazardous conditions.

Meat and poultry slaughter and processing workers face many job risks that can lead to severe injury, illness, and even death.¹

Please consider these important facts that reflect the reality of these jobs before the COVID-19 outbreak.

Industry statistics show poultry workers are injured on the job twice as often and suffer illnesses seven times as often as workers in other industries.²

Research also shows that the fast pace in pork plants, coupled with the forceful and repetitive nature of most of the jobs, leads to high rates of musculoskeletal disorders and other serious injuries—such as lacerations. Meatpacking workers are injured on the job 2.4 times as often and suffer illnesses 17 times as often as workers in other industries.³

A 2017, a Government Accountability Office (GAO) report found that dangerous working conditions persist in the nation's meat industry—including serious amputation hazards, potential health effects from widespread use of toxic chemicals used to disinfect animal carcasses, and illnesses caused by the delay and denial of bathroom breaks for workers in the plants (due to the fast line speeds).⁴

To be clear, the reality facing America's meatpacking and food processing workers has not changed for the better because of COVID-19 outbreak; it has only gotten worse.

For the sake of all our families, this must change.

If these are essential workers, as every elected official from the President on down says they are, then they must be provided with essential protections and these protections must be enforceable.

The stories I hear from our members drive home the fact that an OSHA emergency temporary standard would help meat processing workers. Itzel Goytia works in the Cargill beef plant in Dodge City, Kansas and he said,

¹ <https://s27147.pcdn.co/wp-content/uploads/OSHA-Severe-Injury-Data-2015-2016.pdf>

² <https://www.bls.gov/iif/oshwc/osh/os/ostb4358.pdf> and <https://www.nelp.org/publication/osha-severe-injury-data-from-29-states/>

³ <https://www.bls.gov/iif/>

⁴ <https://www.gao.gov/products/GAO-18-12>

“Right now it is hard to focus on the future when everyday there are more and more positive cases including in our plant. Ten days ago, there was 19 cases in Dodge and as of today there is 288 [in the Ford County, Kansas plant]. When everything first started happening our union insured that we would be getting protection equipment and thankfully last week Cargill began giving us masks while at work. However, I believe the precautions came a bit late and is contributing to this rise in cases. Social distancing [is] almost impossible in some areas of the plant. We have hundreds of workers in and out everyday. That’s why everyone of us needs to have the right protection equipment like masks and gloves. I know that there are many meat packing workers who don’t have enough PPE, and this has to change. It just has to. Cargill is also giving us a bonus, but if we miss work, we lose that bonus. We won’t be getting that extra money. I’m hoping the federal government understands how important it is to keep us food workers safe. ... state and federal government and every company [need] to prioritize masks and gloves for all of us meat packing and food workers. We put our health and our families' health at risk everyday going into work. Help us stay safe so we can do our job helping to feed America.”

Regardless of the state, every food processing and meatpacking facility must be required to implement strategies to reduce the risk these workers face from this pandemic.

The safety measures which must be adopted and enforceable must be based in science, and they must be designed with one goal in mind – protect workers so they can protect our food supply.

Among the uniform safety measures that we are urging the federal government to adopt include:

- Procedures to ensure employees remain at least six feet apart at all times.
- Uniform mandatory protections, specifically ensuring appropriate and sufficient personal protective equipment (PPE) for food processing workers
- Mandatory testing to ensure sick workers do not enter a plant but can stay home and seek medical assistance.
- Slowing down line speeds to allow for social distancing and to minimize the risk of injury and exposure to COVID-19.
- Premium pay so that workers paid appropriately given the significant risks they now face.

In the absence of such uniform standards, the UFCW International and UFCW Local Unions have been negotiating with employers across the country to increase benefits and protections.

While we have secured temporary higher pay and benefits for 60,000 of our union members across the country in agreements with Cargill, Hormel, JBS, Pilgrim’s Pride, Conagra Foods, Seaboard, Olymel, Smuckers, National Beef, Pepsi, Kraft Heinz, Campbell’s Soup, Danone, and Maple Leaf Foods—thousands of union and non-union workers lack the necessary protections, wages, and benefits they need.

Unfortunately, not every essential food worker is unionized. And in non-union plants, workers have a real fear about speaking out about their conditions. While our union will continue to fight for these workers, union and non-union, we need your help.

While none of us could have envisioned such a devastating pandemic, it does not excuse the failure of our nation's largest food employers from doing what is responsible and right.

This virus does not care whether you are Republican or Democrat, and when it comes to such a national crisis, neither should we.

This is about doing what is right, not what is politically convenient.

Politically convenient is believing that one can do an already dangerous job, at a fast speed, working in close quarters with others, in the midst of a pandemic and change nothing.

How does it make sense, that the USDA, the leading federal agency responsible for protecting our food supply has all but ignored the dangerous conditions in these plants time and time again? How does it make sense that OSHA has failed to issue enforceable standards to assure workers in the plants that they can work six feet apart?

Before COVID-19, the USDA ignored the health and safety effects of increased line speeds – instead they supported the industry's position that ignored the impact on worker safety.

Since COVID-19, the USDA has ignored the health and safety effects of this killer virus that is, excuse the comparison, similar to a closed cruise ship, where thousands of people live and work shoulder to shoulder.

Under these conditions, without standardized and uniform protections, and without employers being compelled to do the right thing, I can promise you that these workers will continue to get sick and die.

They will get sick and die because it is easier to be irresponsible than responsible when no one at the federal level is watching.

Now some of these same companies come before you to lobby you for immunity from the possible injury they might have caused or will cause.

Members of the committee, this makes no sense. **It is not just wrong for workers; it will endanger the very food supply we must all strive to protect.**

Regardless of what party or state you represent, we must all share the same desire of protecting this nation and our people. To that end, our federal government, the USDA, and OSHA must require employers to comply with clear and enforceable safety standards.

If we want to reduce the risk of workers contracting COVID-19, OSHA must issue a standard which ensures social distancing. To achieve social distancing, companies will need to change

production standards and reduce line speeds. In addition, the USDA must immediately suspend higher-speed slaughter—a position that is consistent with guidelines for meat and poultry processing workers and employers issued by the CDC and OSHA on April 26, 2020.

In addition, it is imperative that Congress and this body not support any legislation that will increase the risk these workers face while also reducing the responsibility large corporations must face.

Simply put, no company should be shielded from responsibility for adopting irresponsible practices that foster the spread of COVID-19 through their facilities.

While no one can blame any company for the creation of this virus, we must hold those who ignore its deadly effects responsible when they willingly ignore the critical safety protections that any American deserves.

Rather than prioritizing exempting employers from liability, Congress should be prioritizing workers safety.

Again, the solutions that will help minimize the risk of this virus are within our grasp.

Today, this body can help:

- ensure priority testing and sufficient PPE for all food workers across our food supply;
- direct OSHA to issue an emergency temporary standard to protect front-line workers from infectious diseases;
- direct USDA to require food processing and slaughter businesses to slow down the slaughter and processing lines so they can implement social distancing;
- provide “essential worker” premium pay for food workers;
- pass comprehensive multi-employer pension reform that helps troubled funds without harming healthy funds, and;
- Expand access to SNAP with safeguards to support grocery store employees; and expand paid sick days and paid leave to ALL workers; and passing a stimulus package for non-food retail.

For the sake of the country I know we all love, I urge you to work together and do what is right for these brave workers.

Again, I thank you for your time and would be pleased to answer any questions that you may have.