Public Citizen v. Department of Labor (COVID-19)
Production source and Date
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OSHA Production
09/10/2020

From:	Downing, Michael R - OCIA
To:	Brady, Lillie - OSEC, Washington, DC
Subject:	Re: U.S. Department of Labor's OSHA and CDC Issue Interim Guidance To Protect Workers in Meatpacking and Processing Industries
Date:	Sunday, April 26, 2020 6:39:39 PM
Attachments:	image002.png

Thanks for sending it to your lists!

Get Outlook for iOS

From: Brady, Lillie - OSEC, Washington, DC (b) (6)(b) (6)(b) (6) >
Sent: Sunday, April 26, 2020 6:38:50 PM
To: Downing, Michael R - OCIA <Downing.Michael.R@DOL.gov>
Subject: Re: U.S. Department of Labor's OSHA and CDC Issue Interim Guidance To Protect Workers in Meatpacking and Processing Industries

Ok, I'll go ahead and sent it out. Thank you!

—
Lillie Brady
Cell: (b) (6)

Sent from my iPhone

From: Downing, Michael R - OCIA <Downing.Michael.R@DOL.gov>
Sent: Sunday, April 26, 2020 6:35:59 PM
To: Brady, Lillie - OSEC, Washington, DC (b) (6)(b) (6)(b) (6) >
Subject: Re: U.S. Department of Labor's OSHA and CDC Issue Interim Guidance To Protect Workers in Meatpacking and Processing Industries

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To: Downing, Michael R - OCIA <Downing.Michael.R@DOL.gov>
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To: Brady, Lillie - OSEC, Washington, DC (b) (6)(b) (6)(b) (6) >
Subject: FW: U.S. Department of Labor's OSHA and CDC Issue Interim Guidance To Protect Workers in Meatpacking and Processing Industries

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Thanks,
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Sent: Sunday, April 26, 2020 4:25 PM
Subject: U.S. Department of Labor's OSHA and CDC Issue Interim Guidance To Protect Workers in Meatpacking and Processing Industries

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Media Contact:

Emily Weeks, 202-693-4681, weeks.emily.c@dol.gov

Release Number: 20-729-NAT

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Lillie Brady
Cell: [redacted]

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To:	Brady, Lillie - OSEC, Washington, DC
Subject:	Re: U.S. Department of Labor's OSHA and CDC Issue Interim Guidance To Protect Workers in Meatpacking and Processing Industries
Date:	Sunday, April 26, 2020 6:36:00 PM
Attachments:	image002.png

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Date: Sunday, April 26, 2020 6:34:57 PM
Attachments: image002.png

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Subject: Re: U.S. Department of Labor's OSHA and CDC Issue Interim Guidance To Protect Workers in Meatpacking and Processing Industries
Date: Sunday, April 26, 2020 5:47:27 PM
Attachments: image003.png

Thanks so much! I'll share with NASDA members.

Best,
Lillie

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Lillie Brady
Cell: (b) (6)

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To: lillie.brady@usda.gov
Subject: FW: U.S. Department of Labor's OSHA and CDC Issue Interim Guidance To Protect Workers in Meatpacking and Processing Industries
Date: Sunday, April 26, 2020 4:51:00 PM
Attachments: image001.png
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From: Brady, Lillie - OSEC, Washington, DC
To: Downing, Michael R - OCIA
Subject: RE: Request from IL Red Cross on coordination with USDA
Date: Monday, April 27, 2020 2:30:09 PM

Thank you for checking!!

From: Downing, Michael R - OCIA <Downing.Michael.R@DOL.gov>
Sent: Monday, April 27, 2020 1:55 PM
To: Brady, Lillie - OSEC, Washington, DC <(b) (6)(b) (6)(b) (6)>
Subject: RE: Request from IL Red Cross on coordination with USDA

I will check around but do not think this is an issue we handle.

From: Brady, Lillie - OSEC, Washington, DC (b) (6)(b) (6)(b) (6)>
Sent: Monday, April 27, 2020 1:50 PM
To: Downing, Michael R - OCIA <Downing.Michael.R@DOL.gov>
Subject: Re: Request from IL Red Cross on coordination with USDA

I believe housing not compensation — alternative housing for workers, multi-lingual social distancing education, increased day care, etc.

—
Lillie Brady
Cell: (b) (6)

Sent from my iPhone

From: Downing, Michael R - OCIA <Downing.Michael.R@DOL.gov>
Sent: Monday, April 27, 2020 1:40 PM
To: Brady, Lillie - OSEC, Washington, DC
Subject: RE: Request from IL Red Cross on coordination with USDA

Hey Lillie,

Is the Red Cross approaching this from a housing standpoint? Or are they alluding to unemployment compensation?

I'm not entirely certain what information they are trying to obtain.

Thanks,
Mike

From: Brady, Lillie - OSEC, Washington, DC (b) (6)(b) (6)(b) (6)>
Sent: Monday, April 27, 2020 1:00 PM
To: Downing, Michael R - OCIA <Downing.Michael.R@DOL.gov>

Subject: Fw: Request from IL Red Cross on coordination with USDA

Hey, Mike. Please see the inquiry below from the Red Cross concerning displaced workers from the closing of meat packing facilities. Does this fall in DOL's lane? Or it might be HUD... Any guidance is helpful!

Best,
Lillie

From: Downing, Michael R - OCIA
To: Brady, Lillie - OSEC, Washington, DC
Subject: RE: Request from IL Red Cross on coordination with USDA
Date: Monday, April 27, 2020 1:55:00 PM

I will check around but do not think this is an issue we handle.

From: Brady, Lillie - OSEC, Washington, DC (b) (6)(b) (6)(b) (6)
Sent: Monday, April 27, 2020 1:50 PM
To: Downing, Michael R - OCIA <Downing.Michael.R@DOL.gov>
Subject: Re: Request from IL Red Cross on coordination with USDA

I believe housing not compensation — alternative housing for workers, multi-lingual social distancing education, increased day care, etc.

—
Lillie Brady
Cell: (b) (6)

Sent from my iPhone

From: Downing, Michael R - OCIA <Downing.Michael.R@DOL.gov>
Sent: Monday, April 27, 2020 1:40 PM
To: Brady, Lillie - OSEC, Washington, DC
Subject: RE: Request from IL Red Cross on coordination with USDA

Hey Lillie,

Is the Red Cross approaching this from a housing standpoint? Or are they alluding to unemployment compensation?

I'm not entirely certain what information they are trying to obtain.

Thanks,
Mike

From: Brady, Lillie - OSEC, Washington, DC (b) (6)(b) (6)(b) (6)
Sent: Monday, April 27, 2020 1:00 PM
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Best,

Lillie

From: Brady, Lillie - OSEC, Washington, DC
To: Downing, Michael R - OCIA
Subject: Re: Request from IL Red Cross on coordination with USDA
Date: Monday, April 27, 2020 1:50:01 PM

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—
Lillie Brady
Cell: (b) (6)

Sent from my iPhone

From: Downing, Michael R - OCIA <Downing.Michael.R@DOL.gov>
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Subject: RE: Request from IL Red Cross on coordination with USDA

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Lillie

From: Downing, Michael R - OCIA
To: Brady, Lillie - OSEC, Washington, DC
Subject: RE: Request from IL Red Cross on coordination with USDA
Date: Monday, April 27, 2020 1:40:00 PM
Attachments: image002.png
image003.png
image004.png
image005.png
image006.png
image007.png
image008.png

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Best,
Lillie

From: Brady, Lillie - OSEC, Washington, DC
To: Downing, Michael R - OCIA
Subject: Fw: Request from IL Red Cross on coordination with USDA
Date: Monday, April 27, 2020 12:59:57 PM
Attachments: image002.png
image003.png
image004.png
image005.png
image006.png
image007.png
image008.png

Hey, Mike. Please see the inquiry below from the Red Cross concerning displaced workers from the closing of meat packing facilities. Does this fall in DOL's lane? Or it might be HUD... Any guidance is helpful!

Best,
Lillie

From:	Downing, Michael R - OCIA
To:	Michael Formica
Subject:	FW: COVID-19: Updated DOL Guidance
Date:	Friday, March 27, 2020 11:06:00 AM

From: Downing, Michael R - OCIA <Downing.Michael.R@DOL.gov>
Sent: Friday, March 27, 2020 11:01 AM
To: Downing, Michael R - OCIA <Downing.Michael.R@DOL.gov>
Subject: COVID-19: Updated DOL Guidance

Dear State Workforce Director,

The U.S. Department of Labor (DOL) has posted additional Questions and Answers regarding implementation of certain provisions of the Families First Coronavirus Response Act (FFCRA). For your reference, the updated information begins with Question #15.

As a reminder, DOL previously issued the following implementation guidance pursuant to the FFCRA:

- ETA: Unemployment Insurance Program Letter 13-20
- WHD: Fact Sheet for Employees
- WHD: Fact Sheet for Employers
- WHD: Posters for Federal Employees and Other Employees
- WHD: Field Assistance Bulletin

The Department of Labor encourages you to forward this information to appropriate stakeholders, county governments and municipal governments in your state.

Please give me a call at (b) (6) with any questions.

Best,
Mike

Michael R. Downing
Deputy Assistant Secretary
Office of Congressional and Intergovernmental Affairs
U.S. Department of Labor
(b) (6)(b) (6)(b) (6)

From: Michael Formica
To: Downing, Michael R - OCIA
Subject: RE: COVID-19: Updated DOL Guidance
Date: Tuesday, March 31, 2020 12:10:22 PM

Thanks for sending this along Michael. Very much appreciate it. Unfortunately, we are starting to hear lots of concerns about what the FFCRA, especially when combined with the provisions in the CARES Act to provide an additional $600 per week unemployment benefit, will do to our already extremely tight essential critical infrastructure workforce.

Specifically thinking about employees in rural America making $35,000 - $40,000 a year who would be in a situation – since the school systems have closed now to earn significantly more if they were to take leave due to lack of child care than they would earn normally.

Since these are essential jobs on farms (or in pork packing plants) and many of our members have over 50 employees so they wouldn't qualify for the small business exemption in the FFCRA seems to be to define what an Emergency Responder under Sec. 3105 of the FFCRA is to include those employed as essential critical infrastructure workers. In our case, it would be necessary to have them continue working so we could continue to produce food.

This would be consistent, with for example, how livestock haulers have been classified in the state of Minnesota under Gov. Walz's Executive Order 20-24 which states: "Vehicles and drivers providing direct assistance for emergency relief efforts in response to COVID-19 are exempted from certain regulations as described in this Executive Order."

Not sure who the right person to contact at DOL might be. If you could direct me to them, it would be much appreciated. Thanks!

Michael C. Formica
Assistant Vice President & Legal Counsel, Domestic Policy
National Pork Producers Council
(b) (6)

From: Downing, Michael R - OCIA <Downing.Michael.R@DOL.gov>
Sent: Friday, March 27, 2020 11:07 AM
To: Michael Formica <(b) (6)(b) (6)(b) (6)
Subject: FW: COVID-19: Updated DOL Guidance

From: Downing, Michael R - OCIA <Downing.Michael.R@DOL.gov>
Sent: Friday, March 27, 2020 11:01 AM
To: Downing, Michael R - OCIA <Downing.Michael.R@DOL.gov>
Subject: COVID-19: Updated DOL Guidance

Dear State Workforce Director,

The U.S. Department of Labor (DOL) has posted additional Questions and Answers regarding implementation of certain provisions of the Families First Coronavirus Response Act (FFCRA). For your reference, the updated information begins with Question #15.

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Please give me a call at (b) (6) with any questions.

Best,
Mike

Michael R. Downing
Deputy Assistant Secretary
Office of Congressional and Intergovernmental Affairs
U.S. Department of Labor
(b) (6)(b) (6)(b) (6)

From: Michael Formica
To: Downing, Michael R - OCIA
Subject: Re: FYSA Updated USDOL FFCRA Guidance
Date: Friday, March 27, 2020 10:04:46 AM

Perfect. Thanks

Michael C. Formica
National Pork Producers Council
(b) (6)

Sent from my SwinePhone

On Mar 27, 2020, at 9:59 AM, Downing, Michael R - OCIA <Downing.Michael.R@dol.gov> wrote:

Hi Michael,

I expect to be on a call until a little after 11am. I will give you a call around that time.

Thanks,
Mike

From: Michael Formica (b) (6)(b) (6)(b) (6)
Sent: Friday, March 27, 2020 9:41 AM
To: Downing, Michael R - OCIA <Downing.Michael.R@DOL.gov>
Cc: Brady, Lillie - OSEC, Washington, DC (b) (6)(b) (6)(b) (6)
Subject: Re: FYSA Updated USDOL FFCRA Guidance

Thank you so much Lillie.

I am on a conference call with our board of directors right now and a couple of different members have raised this as an issue of concern.

Michael, would you have time later this morning to get on the phone and discuss this issue?

My cell phone is (b) (6)

Thank you

Michael C. Formica

National Pork Producers Council
(b) (6)

Sent from my SwinePhone

From: Downing, Michael R - OCIA
To: Michael Formica
Cc: Brady, Lillie - OSEC, Washington, DC
Subject: RE: FYSA Updated USDOL FFCRA Guidance
Date: Friday, March 27, 2020 9:59:00 AM

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My cell phone is (b) (6)

Thank you

Michael C. Formica
National Pork Producers Council
(b) (6)

Sent from my SwinePhone

From: Michael Formica
To: Downing, Michael R - OCIA
Cc: Brady, Lillie - OSEC, Washington, DC
Subject: Re: FYSA Updated USDOL FFCRA Guidance
Date: Friday, March 27, 2020 9:57:36 AM
Attachments: image001.png

Thank you so much Lillie.

I am on a conference call with our board of directors right now and a couple of different members have raised this as an issue of concern.

Michael, would you have time later this morning to get on the phone and discuss this issue?

My cell phone is (b) (6)

Thank you

Michael C. Formica
National Pork Producers Council
(b) (6)

Sent from my SwinePhone

From:	Brady, Lillie - OSEC, Washington, DC
To:	Downing, Michael R - OCIA
Subject:	RE: FYSA Updated USDOL FFCRA Guidance
Date:	Friday, March 27, 2020 9:12:51 AM
Attachments:	image001.png

Great. I really appreciate it! Let me know if he gets to in the weeds on other USDA matters…. Happy to be interjected back in the conversation at any point.

From: Downing, Michael R - OCIA <Downing.Michael.R@DOL.gov>
Sent: Friday, March 27, 2020 8:45 AM
To: Brady, Lillie - OSEC, Washington, DC (b) (6)(b) (6)(b) (6)
Subject: RE: FYSA Updated USDOL FFCRA Guidance

Hi Lillie,

Of course – please feel free to loop me into the conversation. I may need to touch base with our SMEs but happy to provide as much information as we can.

Thanks!
Mike

From: Brady, Lillie - OSEC, Washington, DC (b) (6)(b) (6)(b) (6)
Sent: Friday, March 27, 2020 8:42 AM
To: Downing, Michael R - OCIA <Downing.Michael.R@DOL.gov>
Subject: FW: FYSA Updated USDOL FFCRA Guidance

Hi, Michael! Please see the inquiry below from National Pork Producers Council regarding the FFCRA guidance. We think it might be best for you all to respond. If you agree, would it be ok if I looped you in with him?

Thanks much!

From: Brady, Lillie - OSEC, Washington, DC
To: formicam@nppc.org
Cc: Downing, Michael R - OCIA
Subject: RE: FYSA Updated USDOL FFCRA Guidance
Date: Friday, March 27, 2020 9:00:55 AM
Attachments: image001.png

Hi, Michael. We felt it might be best for you to chat with DOL about this.

By way of this email, I am looping you in with Michael Downing, Director of IGA at DOL. He is happy to chat.

Best,
Lillie

--
Lillie Brady
Director, EIA, USDA
Cell (b) (6)

From:	Downing, Michael R - OCIA
To:	Brady, Lillie - OSEC, Washington, DC
Subject:	RE: FYSA Updated USDOL FFCRA Guidance
Date:	Friday, March 27, 2020 8:45:00 AM
Attachments:	image001.png

Hi Lillie,

Of course – please feel free to loop me into the conversation. I may need to touch base with our SMEs but happy to provide as much information as we can.

Thanks!
Mike

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Sent: Friday, March 27, 2020 8:42 AM
To: Downing, Michael R - OCIA <Downing.Michael.R@DOL.gov>
Subject: FW: FYSA Updated USDOL FFCRA Guidance

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Thanks much!

From: Brady, Lillie - OSEC, Washington, DC
To: Downing, Michael R - OCIA
Subject: FW: FYSA Updated USDOL FFCRA Guidance
Date: Friday, March 27, 2020 8:42:30 AM
Attachments: image001.png

Hi, Michael! Please see the inquiry below from National Pork Producers Council regarding the FFCRA guidance. We think it might be best for you all to respond. If you agree, would it be ok if I looped you in with him?

Thanks much!

From: Skahill, Michael P.
To: Downing, Michael R - OCIA; Hoelscher, Douglas L. EOP/WHO; chris.delacy@hklaw.com
Subject: RE: Call
Date: Friday, April 3, 2020 4:39:50 PM
Attachments: ATT00001.png

Do you have a minute to chat now?

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Michael P. Skahill
Vice President, Government Affairs
p: [redacted] c: (b) (6)
e: (b) (6)(b) (6)(b) (6)
111 Commerce St.
Smithfield, VA 23430
smithfieldfoods.com

From: Downing, Michael R - OCIA <Downing.Michael.R@DOL.gov>
Sent: Friday, April 3, 2020 4:36 PM
To: Hoelscher, Douglas L. EOP/WHO <(b) (6)(b) (6)(b) (6)(b) (6)(b) (6)(b) (6)(b) (6)(b) (6)(b) (6)(b) (6)(b) (6)(b) (6)(b) (6)(b) (6)>
Subject: RE: Call

Hi Mike,

Please let me know how I can be helpful.

Mike

From: Hoelscher, Douglas L. EOP/WHO <(b) (6)(b) (6)(b) (6)(b) (6)(b) (6)(b) (6)(b) (6)>
Sent: Friday, April 3, 2020 4:31 PM
To: Michael P. Skahill (<(b) (6)(b) (6)(b) (6)(b) (6)(b) (6)(b) (6)(b) (6)(b) (6)(b) (6)m>
Cc: Downing, Michael R - OCIA <Downing.Michael.R@DOL.gov>
Subject: Call

Mike,

Looping in Mike Downing who might be able to help connect with a few key DOL leaders who can help with ag/food supply chain messaging and reminding individuals that if the quit they don't get unemployment, but if they are laid off they will.

With new folks on the street, perhaps there are hiring opportunities out there too.

-Doug

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From: Downing, Michael R - OCIA
To: Hoelscher, Douglas L. EOP/WHO; Michael P. Skahill (mskahill@smithfield.com)
Subject: RE: Call
Date: Friday, April 3, 2020 4:35:00 PM

Hi Mike,

Please let me know how I can be helpful.

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From: Hoelscher, Douglas L. EOP/WHO
To: Michael P. Skahill (mskahill@smithfield.com)
Cc: Downing, Michael R - OCIA
Subject: Call
Date: Friday, April 3, 2020 4:31:35 PM

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With new folks on the street, perhaps there are hiring opportunities out there too.

-Doug

OSHA Production
09/10/2020)

From: Levinson, Andrew - OSHA
To: Hank Bongers
Subject: Fed OSHA question
Date: Friday, March 27, 2020 11:30:00 AM
Attachments: image001.png

Hank,
Are folks in your industry experiencing shortages of PPE – if so what types of PPE?

Thanks,
Andy

Andrew Levinson, MPH
Deputy Director
OSHA Standards and Guidance



www.osha.gov/safeandsound
www.osha.gov/safeandsoundweek

From: Hank Bongers
To: Levinson, Andrew - OSHA
Subject: OSHA Guidance
Date: Wednesday, April 15, 2020 2:14:45 PM

Hi Andy,
I received a notice that Food Safety Inspection Service (FSIS) said there was new OSHA guidance for the Meat and Poultry industry. I looked on the OSHA website and only found Interim Enforcement Response Plan to Protect Workers during the Coronavirus Pandemic.
Did I miss anything?
Thanks,

Hank Bongers, CSP
Director Worker Safety
North American Meat Institute
hbongers@meatinstitute.org
(608) 208-5783

From: Levinson, Andrew - OSHA
To: Hank Bongers
Subject: RE: Fed OSHA question
Date: Monday, March 30, 2020 3:05:00 PM
Attachments: image001.png

Thanks Hank – folks definitely still interested in the info – we have some cross talk with the DHS CIS folks too.

From: Hank Bongers <HBongers@meatinstitute.org>
Sent: Monday, March 30, 2020 3:03 PM
To: Levinson, Andrew - OSHA <Levinson.Andrew@dol.gov>
Subject: RE: Fed OSHA question

Hi Andy,
We sent out the request Friday and one company has responded so far. I will wait for a few more responses before sending a preliminary list.

Hank Bongers, CSP
Director Worker Safety
North American Meat Institute
hbongers@meatinstitute.org
(608) 208-5783

From: Levinson, Andrew - OSHA [mailto:Levinson.Andrew@dol.gov]
Sent: Friday, March 27, 2020 10:44 AM
To: Hank Bongers <HBongers@meatinstitute.org>
Subject: RE: Fed OSHA question

Hank, maybe include your friends in egg. poultry, turkey etc. in the survey

---

From: Levinson, Andrew - OSHA
Sent: Friday, March 27, 2020 11:30 AM
To: Hank Bongers <HBongers@meatinstitute.org>
Subject: Fed OSHA question

Hank,
Are folks in your industry experiencing shortages of PPE – if so what types of PPE?

Thanks,
Andy

Andrew Levinson, MPH
Deputy Director
OSHA Standards and Guidance



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www.osha.gov/safeandsoundweek

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From:	Hank Bongers
To:	Levinson, Andrew - OSHA
Subject:	RE: Fed OSHA question
Date:	Friday, March 27, 2020 11:45:31 AM
Attachments:	image001.png

Will do, I'll contact Matthew Spencer. He's with USPoultry.

Hank Bongers, CSP
Director Worker Safety
North American Meat Institute
hbongers@meatinstitute.org
(608) 208-5783

From: Levinson, Andrew - OSHA [mailto:Levinson.Andrew@dol.gov]
Sent: Friday, March 27, 2020 10:44 AM
To: Hank Bongers <HBongers@meatinstitute.org>
Subject: RE: Fed OSHA question

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To: Hank Bongers <HBongers@meatinstitute.org>
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Andrew Levinson, MPH
Deputy Director
OSHA Standards and Guidance



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www.osha.gov/safeandsoundweek

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From: Hank Bongers
To: Levinson, Andrew - OSHA
Cc: Mark Dopp
Subject: RE: Fed OSHA question
Date: Tuesday, April 14, 2020 1:32:58 PM
Attachments: image001.png
01 PPE and sanitation needs - Master.xlsx

These are the responses I've received. I organized them on an excel spread sheet.
If any others arrive I will add them to the sheet and forward it to you.
Thank you for your assistance with helping the industry source supplies.

Hank Bongers, CSP
Director Worker Safety
North American Meat Institute
hbongers@meatinstitute.org
(608) 208-5783

From: Levinson, Andrew - OSHA [mailto:Levinson.Andrew@dol.gov]
Sent: Tuesday, April 14, 2020 12:29 PM
To: Hank Bongers <HBongers@meatinstitute.org>
Subject: RE: Fed OSHA question

Yes – any information you have would be helpful Hank. I think the closure of the Smithfield plant certainly elevated this issue.

From: Hank Bongers <HBongers@meatinstitute.org>
Sent: Tuesday, April 14, 2020 10:39 AM
To: Levinson, Andrew - OSHA <Levinson.Andrew@dol.gov>
Subject: RE: Fed OSHA question

Hi Andy,
I've received a total of four responses. Is the timing still relevant? Is the amount of information relevant? I think the majority of information was sent to the USDA since the form was distributed to membership with instructions to reply to NAMI or the government.
I can send this to you if you wish.
Regards,

Hank Bongers, CSP
Director Worker Safety
North American Meat Institute
hbongers@meatinstitute.org
(608) 208-5783

From: Hank Bongers
Sent: Tuesday, March 31, 2020 11:35 AM

To: 'Levinson, Andrew - OSHA' <Levinson.Andrew@dol.gov>
Subject: RE: Fed OSHA question

Hi Andy,
I still only have one response. There is a company working on their information. I sent out a reminder today that time is of the essence.
I will keep you updated.

Hank Bongers, CSP
Director Worker Safety
North American Meat Institute
hbongers@meatinstitute.org
(608) 208-5783

From: Hank Bongers
Sent: Monday, March 30, 2020 2:03 PM
To: 'Levinson, Andrew - OSHA' <Levinson.Andrew@dol.gov>
Subject: RE: Fed OSHA question

Hi Andy,
We sent out the request Friday and one company has responded so far. I will wait for a few more responses before sending a preliminary list.

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hbongers@meatinstitute.org
(608) 208-5783

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From: Mcfarlane, Brian
To: Levinson, Andrew - OSHA
Subject: RE: Treatment question
Date: Tuesday, April 21, 2020 6:47:59 PM
Attachments: image001.png

We haven't found anything on this being used in the US. I don't think there are any products approved for this type of people treatment. We are investigating to see if there is any viable product or system that could be used in conjunction with all the other systems we have put in place.

Thanks
Brian

From: Levinson, Andrew - OSHA <Levinson.Andrew@dol.gov>
Sent: Tuesday, April 21, 2020 4:33 PM
To: Mcfarlane, Brian <Brian.Mcfarlane@jbssa.com>
Subject: [Ext]- RE: Treatment question

Hi Brian,
Thanks for reaching out. My first thoughts on this are for potential impact of bleach on eyes, nose, mouth. Is this likely to ruin workers clothes? Also, I suspect the main problem is going to be asymptomatic/presymptomatic transmission of COVID that the workers have themselves and carry into the plant regardless of what's on their clothes. If a worker is infected, I suspect they are likely to re-contaminate their clothing over the course of the work day. A quick search of the internet from the countries using these systems has the following articles that say they are not based on science and may harm people.

https://www.financialexpress.com/lifestyle/health/anti-covid-19-disinfection-tunnels-may-harm-eyes-say-alkali-makers/1927289/
https://thefederal.com/states/south/tamil-nadu/covid-19-sodium-hypochlorite-tunnels-may-harm-humans-more-than-virus/

Are you aware of any US companies selling this equipment? Aware of any studies of efficacy?

I suspect that OSHA, FDA and USDA would be asked about the safety of this for both workers and food safety I think we would need a little more detail on what equipment you were planning to use and your procedures and any studies on efficacy.

Best,
Andy

From: Mcfarlane, Brian <Brian.Mcfarlane@jbssa.com>
Sent: Tuesday, April 21, 2020 5:34 PM
To: Levinson, Andrew - OSHA <Levinson.Andrew@dol.gov>
Subject: RE: Treatment question

Andrew – hope all is treating you well and you are staying healthy! We are looking for an application

to treat employees as they enter our production facilities. We will employ up to ~3,000 team members per facility and would like to treat clothes, footwear, and personal belongings and they enter our facilities. There are systems like this popping up all over the world, but not sure there is any products / disinfectants that are approved for a system like this in the US. It appears that most countries are using a sodium hypochlorite solution. Any chance this would fall under some approval in the US?

https://www.youtube.com/watch?v=WZjNtxofkXM

https://www.youtube.com/watch?v=b-Z31NHnKj0

http://lenta.inform.kz/en/disinfection-tunnel-installed-at-a-supermarket-in-aktobe-city_a3632231

Thank You
Brian McFarlane
Head of Fed Beef Technical Services
(b) (6)(b) (6)
970-304-7022 w
JBS USA Food Company
1770 Promontory Circle
Greeley, CO 80634
www.jbssa.com

From: Zimdahl, Nina <Nina.Zimdahl@fda.hhs.gov>
Sent: Tuesday, April 21, 2020 2:38 PM
To: Mcfarlane, Brian <Brian.Mcfarlane@jbssa.com>
Subject: [Ext]- RE: Treatment question

Hi Brian,

After consulting with a few FDRs, we've come to the conclusion that this is more likely an OSHA and/or EPA issue.

For OSHA, I recommend reaching out to:

Andrew Levinson, MPH
Deputy Director
OSHA Standards and Guidance
202-693-2048
Levinson.andrew@dol.gov

I don't have an EPA contact readily available but can try to ID one if helpful. Please let me know.

Thank you,
Nina

From: Mcfarlane, Brian <Brian.Mcfarlane@jbssa.com>
Sent: Tuesday, April 21, 2020 2:53 PM
To: Zimdahl, Nina <Nina.Zimdahl@fda.hhs.gov>
Subject: RE: Treatment question

Excellent and thank you!

Brian

From: Zimdahl, Nina <Nina.Zimdahl@fda.hhs.gov>
Sent: Tuesday, April 21, 2020 11:53 AM
To: Mcfarlane, Brian <Brian.Mcfarlane@jbssa.com>
Subject: [Ext]- RE: Treatment question

Hi Brian,

Thanks for contacting Frank Yiannas. I'm his Special Assistant. I'm looking into this issue and will get back to you as soon as possible.

Thanks,
Nina

Nina Zimdahl
Special Assistant to the Deputy Commissioner for Food Policy and Response
Office of Food Policy and Response
U.S. Food and Drug Administration
Tel: 301-796-8142 / (b) (6)(b) (6)
Nina.Zimdahl@fda.hhs.gov



From: Mcfarlane, Brian <Brian.Mcfarlane@jbssa.com>
Sent: Tuesday, April 21, 2020 12:41 PM
To: Yiannas, Frank <Frank.Yiannas@fda.hhs.gov>; Yiannas, Frank <Frank.Yiannas@fda.hhs.gov>
Subject: Treatment question

Mr. Yiannas - I got two different email addresses from Dr. Brashears and Al Almanza, so hoping one of these is correct! Hoping you can assist me. There is a process in Brazil that employees are treated with a mist of polyhexamethylene biguanide (BHMB) as they enter processing facilities. This treatment is for a variety of bacteria and viruses as they enter their work facility.

We are looking for a similar application at our domestic facilities. Are you aware of approved product or similar treatment / application that can or is used in the US? If not, who would be a good contact at FDA that may have some insight on an approved products or processes that we could consider for a similar application here in the US?

Feel free to contact me via email or call my cell any time.

Thank You
Brian McFarlane
Head of Fed Beef Technical Services
(b) (6)(b) (6)
970-304-7022 w
JBS USA Food Company
1770 Promontory Circle
Greeley, CO 80634
www.jbssa.com

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From:	KatieRose McCullough
To:	Trout, Douglas (CDC/NIOSH/DFSE/HETAB); Brown, Christopher K. - OSHA
Cc:	Mark Dopp
Subject:	NAMI Follow Up Questions
Date:	Wednesday, May 13, 2020 5:21:18 PM
Attachments:	image001.jpg NAMI Questions Sent to CDC and OSHA 13May20.docx

Hi Doug and Chris,

I hope you both are doing well. I have a few questions from our members as a follow up from our call on May 1. You answered these questions on the call but I want to send a report out to our members with written responses. I know you are both very busy so I drafted responses based on your feedback from the call and the CDC/OSHA guidance for the meat and poultry industry. Can you both review these responses and let me know if they are accurate? Please provide any clarification where needed.

Thank you again for all you are doing!

KR

KatieRose McCullough, PhD, MPH
Director of Scientific and Regulatory Affairs
North American Meat Institute
Office: 202.587-4249 / (b) (6)(b) (6)
Fax: 202.587-4300 / Email: kmccullough@meatinstitute.org
1150 Connecticut Ave., NW 12th Floor
Washington, D.C. 20036

NAMI-LOGO-pms187

From:	Matthew Spencer
To:	Matthew Spencer; apeterson@chickenusa.org; Lisa Wallenda Picard; Lindy Froebel (lfroebel@turkeyfed.org); Paul Bredwell; Paul Schlumper; Warren, Hilarie S; Jones, Tina - OSHA; Christian Richter - The Policy Group (crichter@thepolicygroup.com); Kalinowski, Doug - OSHA; Pagan, Americo - OSHA; Petermeyer, Kurt - OSHA; Jones, Tina - OSHA; Christian Richter; Paul Bredwell; apeterson@chickenusa.org; Lisa Wallenda Picard; Lindy Froebel (lfroebel@turkeyfed.org); Paul Schlumper; Warren, Hilarie S; Kalinowski, Doug - OSHA; Williams, Arlene - OSHA; Brown, Christopher K. - OSHA; Meilinger, Francis - OSHA; Scott, Gina - OSHA; dyt1@cdc.gov
Subject:	Questions for Webinar
Date:	Wednesday, April 29, 2020 2:29:08 PM
Attachments:	image001.png image002.png image005.png
Importance:	High

Please find below the questions provided by the industry for tomorrow's 2 PM EST webinar. If you have received any additional questions that you feel are pertinent for the webinar, please share it with the group.

- One question is, can we expect to see this interim guidance turn into regulation for enforcement purposes?
- An employee has symptoms and has a test with negative results. Symptoms continue, should the employee have the test repeated?
- Employees are trained in social distancing, and workplaces have been designed to keep employees separated. However, employees on breaks and after work do not follow the social distancing guidelines. Will the company be held accountable for an employee's actions?
- What regulations must be used for redesigning or removing Air Circulation to prevent the spread of airborne or aerosolized viruses?
- How will the USDA, under the Executive Order and the authority of the Defense Production Act, with meat processing to affirm they will operate under the CDC and OSHA guidance?
- How are the CDC and OSHA working with State Plan OSHA states for the use of the guidance?
- Do companies need to document there use of the hierarchy of controls for steps to try and eliminate processes that create exposure?
- How will the Federal government provide testing materials and protective gear for employees?
- Will anyone discuss in plant ventilation and makeup air units? Suggestions for achieving a balance between airflow requirements in the facilities and CDC recommendations.
- Correlation between HIPAA laws and steps employers can take to gain knowledge of 3rd party positive employee tests for the sole purpose of managing employee exposure events.
- How do we overcome cultural socializing traditions that are putting employees at risk (Cinco de Mayo)?
- Some religious denominations believe that God will protect people/employees from harm, and therefore, there is resistance to wearing extra PPE based on religious objections. How do we enforce extra safety precautions when some employees feel it violates their religious freedoms?

Please contact me if you have any questions.

Regards,



Matt Spencer, CSP, SHRM-CP
Director HR & Safety Programs
U.S. Poultry & Egg Association
1530 Cooledge Road
Tucker, GA 30084
(Phone) 678-514-1982
(b) (6)(b) (6)(b) (6)
mspencer@uspoultry.org
www.uspoultry.org





From: Brown, Christopher K. - OSHA
To: Carmen Rottenberg
Cc: KatieRose McCullough
Subject: RE: Call with the meat and poultry industry
Date: Friday, May 1, 2020 9:12:00 AM

And sorry for the typo below. The call does start at 2 p.m. ET, with the pre-conference at 1:45. My mistake.

From: Carmen Rottenberg <carmen.rottenberg@groundswellstrat.com>
Sent: Friday, May 1, 2020 9:00 AM
To: Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov>
Cc: KatieRose McCullough <KMcCullough@meatinstitute.org>
Subject: Re: Call with the meat and poultry industry

This is great. Thank you!

Carmen M. Rottenberg
Managing Director
Groundswell Strategy
202-679-2483

On Fri, May 1, 2020 at 8:53 AM Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov> wrote:

> Hi Carmen and KatieRose,
>
> (b) (6) from OSHA's Office of Communications will be facilitation today's call, and I wanted to share the agenda below so you know how things will progress. I included the remarks you mentioned wanting to give at the start of the call (third bullet). When we get to the pre-submitted questions, we'd like you two to "ask" those questions on the line so it's not just us droning through a list. Given the number of questions, you might pick the most significant ones so we have time for live Q&A within the hour, but I'll leave that up to you.
>
> **Agenda**
>
> - Pre-conference, 1:45 p.m. ET (all speakers/facilitator) / Call starts at 1:00 p.m. ET
> - Welcome – Facilitator
> - Meat stakeholders' remarks – KatieRose McCullough / Carmen Rottenberg
> - Introduce speakers – Facilitator
> - Overview of COVID-19 – Doug Trout, CDC/NIOSH
> - Overview of joint guidance – Chris Brown, OSHA

- Additional information on worker screening, testing recommendations – Doug Trout, CDC/NIOSH
- Q&A from pre-submitted questions - KatieRose McCullough / Carmen Rottenberg
- Q&A from participants – Facilitator + Operator
- Conclusion – Facilitator

Thanks, and let me know if you have any concerns before the call.

Chris

From: Carmen Rottenberg <carmen.rottenberg@groundswellstrat.com>
Sent: Thursday, April 30, 2020 5:16 PM
To: Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov>
Cc: KatieRose McCullough <KMcCullough@meatinstitute.org>
Subject: Re: Call with the meat and poultry industry

Thanks for your patience, Dr. Brown.

Dr. McCullough and I will be on the speaker line tomorrow. After opening comments from OSHA/CDC, she will take a minute to thank both Agencies, on behalf of the industry, before the presentation begins.

Talk to you tomorrow!

Carmen

Sent from my iPhone

> On Apr 30, 2020, at 5:06 PM, Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov> wrote:
>
> Thanks very much! Confirming receipt.
>
> ---
>
> **From:** KatieRose McCullough <KMcCullough@meatinstitute.org>
> **Sent:** Thursday, April 30, 2020 4:33 PM
> **To:** Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov>; Carmen Rottenberg <carmen.rottenberg@groundswellstrat.com>
> **Subject:** Re: Call with the meat and poultry industry
>
> Hi Chris,
>
> The list of questions for tomorrow are attached. We placed the categories in order of priority. Additionally, questions in green are low priority and we prefer you save those to the end in case we run low on time. Thank you!

KR

From: KatieRose McCullough <KMcCullough@meatinstitute.org>
Date: Thursday, April 30, 2020 at 4:18 PM
To: "Brown, Christopher K. - OSHA" <Brown.Christopher.K@dol.gov>, Carmen Rottenberg <carmen.rottenberg@groundswellstrat.com>
Subject: Re: Call with the meat and poultry industry

Hi Chris,

I am finalizing the questions now. I apologize for the delay. Carmen and I will have them to you within the hour. Thank you for hosting a call with us! We are looking forward to it.

KR

KatieRose McCullough PhD, MPH
Director of Scientific and Regulatory Affairs
North American Meat Institute
Office: 202.587-4249 / (b) (6)(b) (6)
Fax: 202.587-4300 / Email: kmccullough@meatinstitute.org
1150 Connecticut Ave., NW 12th Floor
Washington, D.C. 20036

<image001.jpg>

From: "Brown, Christopher K. - OSHA" <Brown.Christopher.K@dol.gov>
Date: Thursday, April 30, 2020 at 4:16 PM
To: Carmen Rottenberg <carmen.rottenberg@groundswellstrat.com>
Cc: KatieRose McCullough <KMcCullough@meatinstitute.org>
Subject: RE: Call with the meat and poultry industry

Hi Carmen,

Just circling back on our conversation from this morning. Have you been able to finish combing through the questions? It might be most helpful for us to have things where they stand so we have time to read through them ahead of the call.

Chris

From: Brown, Christopher K. - OSHA
Sent: Wednesday, April 29, 2020 10:59 AM
To: Carmen Rottenberg <carmen.rottenberg@groundswellstrat.com>
Cc: (b) (6) (CDC/NIOSH/DSR) (b) (6) @cdc.gov>; (b) (6) (CDC/NIOSH/OD) (b) (6) @cdc.gov>; Trout, Douglas (CDC/NIOSH/DFSE/HETAB)

(b) (6)(b) (6) ; Mobley, Amy (CDC/NIOSH/DFSE/HIB) <(b) (6)(b) (6) >; Meilinger, Francis - OSHA <Meilinger.Francis2@dol.gov>; KatieRose McCullough <KMcCullough@meatinstitute.org>
Subject: RE: Call with the meat and poultry industry

Thanks. Let us coordinate internally on the time slot and we'll be in touch soon.

From: Carmen Rottenberg <carmen.rottenberg@groundswellstrat.com>
Sent: Wednesday, April 29, 2020 9:46 AM
To: Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov>
Cc: (b) (6) (CDC/NIOSH/DSR) <(b) (6) @cdc.gov>; (b) (6) (CDC/NIOSH/OD) <(b) (6) @cdc.gov>; Trout, Douglas (CDC/NIOSH/DFSE/HETAB) (b) (6)(b) (6) ; Mobley, Amy (CDC/NIOSH/DFSE/HIB) (b) (6)(b) (6) >; Meilinger, Francis - OSHA <Meilinger.Francis2@dol.gov>; KatieRose McCullough <KMcCullough@meatinstitute.org>
Subject: Re: Call with the meat and poultry industry

Good morning! We anticipate that there will be 200-300 people on the call. We're open to almost anytime Thursday or Friday (4/30 or 5/1). The only time that does NOT work for the meat industry is 11:00a.m-12:00pm on Friday. We've asked members to get their questions in by COB today. We'll consolidate that list and aim to get it to you by this evening.

As soon as you identify a time and call-in info, please let me know so that I can disseminate it.

Thanks again!!

Carmen

Carmen M. Rottenberg
Managing Director
Groundswell Strategy
202-679-2483

On Tue, Apr 28, 2020 at 5:12 PM Carmen Rottenberg <carmen.rottenberg@groundswellstrat.com> wrote:

> Dr. Brown,
>
> Thanks for getting back to me so quickly!
>
> We'd prefer that you host the meeting and provide the call-in number. We are working on the estimated number of people who are likely to join, as well as polling members for additional questions.
>
> I'd like to aim for Thursday or Friday for the call. Are you available to

connect for a few minutes tomorrow morning to further discuss?

Thanks again!

Carmen

Carmen M. Rottenberg
Managing Director
Groundswell Strategy
202-679-2483

On Tue, Apr 28, 2020 at 3:59 PM Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov> wrote:

> Good afternoon, Ms. Rottenberg:
>
> Thank you for contacting OSHA and NIOSH about the meat and poultry guidance. Our agencies are working to identify the right staff to speak with the NAMI group. In the meantime, a few logistical items we hope you can help with:
>
> - Would you like to set-up a call line or would you prefer us to do this? We can do either; just let us know what works best.
> - Do you have an idea of the number of participants who will join the planned call?
> - Could you give us some proposed times tomorrow, Thursday, and Friday?
> - I see you initially suggested the four questions at the bottom of this message. Would it be possible for you to come up with a more complete list of questions you'll want to ask and have answered during the call? This will help make sure we have the right subject matter experts to talk with your group.
>
> Thanks very much,
> Chris
>
> --
> **Christopher K. Brown, PhD, MPH, CPH**
> *Special Assistant*
> Office of the Assistant Secretary
> Occupational Safety & Health Administration (OSHA)
> U.S. Department of Labor
> Direct: 202-693-2368
> brown.christopher.k@dol.gov
>
> **From:** Carmen Rottenberg <carmen.rottenberg@groundswellstrat.com>
> **Sent:** Tuesday, April 28, 2020 2:21 PM

To: Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov>; (b) (6) (CDC/NIOSH/DSR) <(b) (6)@cdc.gov>; (b) (6) (CDC/NIOSH/OD) (b) (6)@cdc.gov>
Subject: Call with the meat and poultry industry

Good afternoon! I've recently been retained by the North American Meat Institute to assist the meat industry in navigating some of the many challenges resulting from the COVID-19 pandemic. Up until last month, I was the Administrator of USDA's Food Safety Inspection Service. I left government mid-March to start up a new consulting firm, and as you can imagine, it's been a very hectic time for the meat industry over the past several weeks.

Having worked with many state and local public health partners as a federal government employee, I know how committed they are to ensuring the health of their communities. I'm appreciative that CDC and DOL worked together on the meatpacker specific interim guidance that was published on Sunday, and as you can see in the email string, I'm hoping that CDC-NIOSH and DOL-OSHA will host a joint call for the producer groups and their members (the meat and poultry packers) to attend. I'd be happy to assemble questions ahead of the meeting and get them to you.

Please let me know what you need from me to get this set up. Thank you!

Carmen

Carmen M. Rottenberg
Managing Director
Groundswell Strategy
202-679-2483

From: Carmen Rottenberg <carmen.rottenberg@groundswellstrat.com>
Sent: Tuesday, April 28, 2020 1:31 PM
To: Delaney, Lisa (CDC/NIOSH/OD) <(b) (6)(b) (6)
Cc: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>; (b) (6) (CDC/NIOSH/DSR) <(b) (6)@cdc.gov>; (b) (6) (CDC/NIOSH/OD) (b) (6)@cdc.gov>
Subject: Re: Request for tele-com meeting

Thanks Lisa! I'll reach out to them.

Loren, is there someone from your comms team that I include in my follow-up, as well?

Thanks again!
Carmen

Sent from my iPhone

> On Apr 28, 2020, at 1:25 PM, Delaney, Lisa (CDC/NIOSH/OD) (b) (6)(b) (6) wrote:
>
> Hi Carmen,

NIOSH would also be available to present. I am looping in my communications folks ([redacted]) as your initial point of contact to assist with this request.

Best,
Lisa

From: Carmen Rottenberg <carmen.rottenberg@groundswellstrat.com>
Sent: Tuesday, April 28, 2020 9:19 AM
To: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Cc: Delaney, Lisa (CDC/NIOSH/OD) [redacted]
Subject: Re: Request for tele-com meeting

Loren, the following questions were developed internally by NAMI. I'm sure other producer groups may have questions as well, but here are some initial questions folks had.

1. Given that there is community spread occurring across the country, if the CDC/DOL guidance is followed by the meat and poultry industry, should plants be safe to operate?

2. CDC has recognized that meat and poultry establishments are a part of critical infrastructure. How important is the DOL/CDC guidance for the state and local public health authorities to utilize to keep establishments open and operating safely?

3. In many establishments, it is very difficult or impossible for employees to maintain a distance of 6 feet apart at all times. Does the use of PPE and physical barriers reduce the risk of spread and therefore should allow for continued operation?

4. CDC has referenced its plan to publish decision trees to assist industries with reopening plans. When will these decision trees be released and what industries will they target?

Carmen

Carmen M. Rottenberg
Managing Director
Groundswell Strategy
202-679-2483

On Tue, Apr 28, 2020 at 8:26 AM Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov> wrote:

> OSHA is open to doing this, but we're wondering if you could share your questions. That way we can determine the best format for this request. Thanks.
>
> ---
>
> **From:** Carmen Rottenberg <carmen.rottenberg@groundswellstrat.com>
> **Sent:** Tuesday, April 28, 2020 7:58 AM

To: (b) (6)(b) (6) Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Subject: Request for tele-com meeting

Good morning, Lisa and Loren! I'm doing some work for the Meat Institute as they navigate through the COVID-19 pandemic.

We've reviewed the joint CDC and OSHA interim guidance for meat and poultry packing industry, and would like to schedule a follow up call with CDC and OSHA to allow producers the opportunity to ask clarifying questions.

Would you be willing to host a call this week specifically for the meat and poultry industry? It would be great to have you walk through the document and then take questions, which could be submitted in advance.

Thanks!
Carmen

Carmen M. Rottenberg
Managing Director
Groundswell Strategy
202-679-2483

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From: Carmen Rottenberg
To: Brown, Christopher K. - OSHA
Cc: KatieRose McCullough
Subject: Re: Call with the meat and poultry industry
Date: Friday, May 1, 2020 12:30:46 PM

OK, thanks!

Sent from my iPhone

> On May 1, 2020, at 12:29 PM, Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov> wrote:
>
> We were told the line was sufficient for 300, so I don't think that will be a problem. We do not have a recording function on the line, though.
>
> ---
>
> **From:** Carmen Rottenberg <carmen.rottenberg@groundswellstrat.com>
> **Sent:** Friday, May 1, 2020 12:28 PM
> **To:** Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov>
> **Cc:** KatieRose McCullough <KMcCullough@meatinstitute.org>
> **Subject:** Re: Call with the meat and poultry industry
>
> Chris, is it possible to record today's call? We have some members who might not be able to make it, but would listen at a later time.
>
> Also, will the call be able to accommodate up to 300 people? There's been a ton of interest in the call.
>
> Thanks again!
> Carmen
>
> Sent from my iPhone
>
> > On May 1, 2020, at 8:53 AM, Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov> wrote:
> >
> > Hi Carmen and KatieRose,
> >
> > (b) (6) from OSHA's Office of Communications will be facilitation today's call, and I wanted to share the agenda below so you know how things will progress. I included the remarks you mentioned wanting to give at the start of the call (third bullet). When we get to the pre-submitted questions, we'd like you two to "ask" those questions on the line so it's not just us droning through a list. Given the number of questions, you might pick the most significant ones so we have time for live Q&A within the hour, but I'll leave that up to you.
> >
> > **Agenda**
> >
> > <!--[if !supportLists]-->• <!--[endif]-->Pre-conference, 1:45 p.m. ET (all speakers/facilitator) / Call starts at 1:00 p.m. ET
> > <!--[if !supportLists]-->• <!--[endif]-->Welcome – Facilitator
> > <!--[if !supportLists]-->• <!--[endif]-->Meat stakeholders' remarks – KatieRose

McCullough / Carmen Rottenberg

<!--[if !supportLists]-->• <!--[endif]-->Introduce speakers – Facilitator

<!--[if !supportLists]-->• <!--[endif]-->Overview of COVID-19 – Doug Trout, CDC/NIOSH

<!--[if !supportLists]-->• <!--[endif]-->Overview of joint guidance – Chris Brown, OSHA

<!--[if !supportLists]-->• <!--[endif]-->Additional information on worker screening, testing recommendations – Doug Trout, CDC/NIOSH

<!--[if !supportLists]-->• <!--[endif]-->Q&A from pre-submitted questions - KatieRose McCullough / Carmen Rottenberg

<!--[if !supportLists]-->• <!--[endif]-->Q&A from participants – Facilitator + Operator

<!--[if !supportLists]-->• <!--[endif]-->Conclusion – Facilitator

Thanks, and let me know if you have any concerns before the call.

Chris

From: Carmen Rottenberg <carmen.rottenberg@groundswellstrat.com>
Sent: Thursday, April 30, 2020 5:16 PM
To: Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov>
Cc: KatieRose McCullough <KMcCullough@meatinstitute.org>
Subject: Re: Call with the meat and poultry industry

Thanks for your patience, Dr. Brown.

Dr. McCullough and I will be on the speaker line tomorrow. After opening comments from OSHA/CDC, she will take a minute to thank both Agencies, on behalf of the industry, before the presentation begins.

Talk to you tomorrow!

Carmen

Sent from my iPhone

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1150 Connecticut Ave., NW 12th Floor
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From: Brown, Christopher K. - OSHA
To: Carmen Rottenberg
Cc: KatieRose McCullough
Subject: RE: Call with the meat and poultry industry
Date: Friday, May 1, 2020 8:52:00 AM

Hi Carmen and KatieRose,

(b) (6) from OSHA's Office of Communications will be facilitation today's call, and I wanted to share the agenda below so you know how things will progress. I included the remarks you mentioned wanting to give at the start of the call (third bullet). When we get to the pre-submitted questions, we'd like you two to "ask" those questions on the line so it's not just us droning through a list. Given the number of questions, you might pick the most significant ones so we have time for live Q&A within the hour, but I'll leave that up to you.

Agenda

- Pre-conference, 1:45 p.m. ET (all speakers/facilitator) / Call starts at 1:00 p.m. ET
- Welcome – Facilitator
- Meat stakeholders' remarks – KatieRose McCullough / Carmen Rottenberg
- Introduce speakers – Facilitator
- Overview of COVID-19 – Doug Trout, CDC/NIOSH
- Overview of joint guidance – Chris Brown, OSHA
- Additional information on worker screening, testing recommendations – Doug Trout, CDC/NIOSH
- Q&A from pre-submitted questions - KatieRose McCullough / Carmen Rottenberg
- Q&A from participants – Facilitator + Operator
- Conclusion – Facilitator

Thanks, and let me know if you have any concerns before the call.

Chris

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Thanks for your patience, Dr. Brown.

Dr. McCullough and I will be on the speaker line tomorrow. After opening comments from OSHA/CDC, she will take a minute to thank both Agencies, on behalf of the industry, before the presentation begins.

Talk to you tomorrow!

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From: Carmen Rottenberg
To: Brown, Christopher K. - OSHA
Cc: KatieRose McCullough
Subject: Re: Call with the meat and poultry industry
Date: Friday, May 1, 2020 12:28:08 PM

Chris, is it possible to record today's call? We have some members who might not be able to make it, but would listen at a later time.

Also, will the call be able to accommodate up to 300 people? There's been a ton of interest in the call.

Thanks again!
Carmen

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From: Carmen Rottenberg <carmen.rottenberg@groundswellstrat.com>
Sent: Wednesday, April 29, 2020 9:46 AM
To: Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov>
Cc: (b) (6) (CDC/NIOSH/DSR) (b) (6) @cdc.gov>; (b) (6) (CDC/NIOSH/OD) (b) (6) @cdc.gov>; Trout, Douglas (CDC/NIOSH/DFSE/HETAB) (b) (6)(b) (6) ; Mobley, Amy (CDC/NIOSH/DFSE/HIB) (b) (6)(b) (6) ; Meilinger, Francis - OSHA <Meilinger.Francis2@dol.gov>; KatieRose McCullough <KMcCullough@meatinstitute.org>
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Thanks again!!

Carmen

Carmen M. Rottenberg

Managing Director

Groundswell Strategy

202-679-2483

On Tue, Apr 28, 2020 at 5:12 PM Carmen Rottenberg <carmen.rottenberg@groundswellstrat.com> wrote:

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Thanks very much,

Chris

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Christopher K. Brown, PhD, MPH, CPH
Special Assistant

Office of the Assistant Secretary
Occupational Safety & Health Administration (OSHA)

U.S. Department of Labor
Direct: 202-693-2368
brown.christopher.k@dol.gov

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Sent: Tuesday, April 28, 2020 1:31 PM
To: Delaney, Lisa (CDC/NIOSH/OD) <lkd2@cdc.gov>
Cc: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>; (b) (6) (CDC/NIOSH/DSR) (b) (6) @cdc.gov>; (b) (6) (CDC/NIOSH/OD) (b) (6) @cdc.gov>
Subject: Re: Request for tele-com meeting

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Loren, is there someone from your comms team that I include in my follow-up, as well?

Thanks again!

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Hi Carmen,

NIOSH would also be available to present. I am looping in my communications folks ([redacted]) as your initial point of contact to assist with this request.

Best,

Lisa

From: Carmen Rottenberg <carmen.rottenberg@groundswellstrat.com>
Sent: Tuesday, April 28, 2020 9:19 AM
To: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Cc: Delaney, Lisa (CDC/NIOSH/OD) [redacted]
Subject: Re: Request for tele-com meeting

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> **Sent:** Tuesday, April 28, 2020 7:58 AM
> **To:** ldelaney1@cdc.gov; Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
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From: Carmen Rottenberg
To: Brown, Christopher K. - OSHA
Cc: KatieRose McCullough
Subject: Re: Call with the meat and poultry industry
Date: Thursday, April 30, 2020 5:16:43 PM

Thanks for your patience, Dr. Brown.

Dr. McCullough and I will be on the speaker line tomorrow. After opening comments from OSHA/CDC, she will take a minute to thank both Agencies, on behalf of the industry, before the presentation begins.

Talk to you tomorrow!

Carmen

Sent from my iPhone

> On Apr 30, 2020, at 5:06 PM, Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov> wrote:
>
> Thanks very much! Confirming receipt.
>
> ---
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> **From:** KatieRose McCullough <KMcCullough@meatinstitute.org>
> **Sent:** Thursday, April 30, 2020 4:33 PM
> **To:** Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov>; Carmen Rottenberg <carmen.rottenberg@groundswellstrat.com>
> **Subject:** Re: Call with the meat and poultry industry
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> **Date:** Thursday, April 30, 2020 at 4:18 PM
> **To:** "Brown, Christopher K. - OSHA" <Brown.Christopher.K@dol.gov>, Carmen Rottenberg <carmen.rottenberg@groundswellstrat.com>
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KatieRose McCullough PhD, MPH
Director of Scientific and Regulatory Affairs
North American Meat Institute
Office: 202.587-4249 / (b) (6)(b) (6)
Fax: 202.587-4300 / Email: kmccullough@meatinstitute.org
1150 Connecticut Ave., NW 12th Floor
Washington, D.C. 20036

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> --
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To: Brown, Christopher K. - OSHA; Carmen Rottenberg
Subject: Re: Call with the meat and poultry industry
Date: Thursday, April 30, 2020 4:34:01 PM
Attachments: image001.jpg
Questions CDCOSHA.docx

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NAMI-LOGO-pms187

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Sent: Tuesday, April 28, 2020 1:31 PM

To: Delaney, Lisa (CDC/NIOSH/OD) (b) (6)(b) (6)
Cc: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>; (b) (6) (CDC/NIOSH/DSR) (b) (6)@cdc.gov>; (b) (6) (CDC/NIOSH/OD) <(b) (6)@cdc.gov>
Subject: Re: Request for tele-com meeting

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Loren, is there someone from your comms team that I include in my follow-up, as well?

Thanks again!
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Managing Director
Groundswell Strategy
202-679-2483

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From: KatieRose McCullough
To: Brown, Christopher K. - OSHA; Carmen Rottenberg
Subject: Re: Call with the meat and poultry industry
Date: Thursday, April 30, 2020 4:19:07 PM
Attachments: image001.jpg

Hi Chris,

I am finalizing the questions now. I apologize for the delay. Carmen and I will have them to you within the hour. Thank you for hosting a call with us! We are looking forward to it.

KR

KatieRose McCullough PhD, MPH
Director of Scientific and Regulatory Affairs
North American Meat Institute
Office: 202.587-4249 / (b) (6)(b) (6)
Fax: 202.587-4300 / Email: kmccullough@meatinstitute.org
1150 Connecticut Ave., NW 12th Floor
Washington, D.C. 20036

NAMI-LOGO-pms187

From: "Brown, Christopher K. - OSHA" <Brown.Christopher.K@dol.gov>
Date: Thursday, April 30, 2020 at 4:16 PM
To: Carmen Rottenberg <carmen.rottenberg@groundswellstrat.com>
Cc: KatieRose McCullough <KMcCullough@meatinstitute.org>
Subject: RE: Call with the meat and poultry industry

Hi Carmen,

Just circling back on our conversation from this morning. Have you been able to finish combing through the questions? It might be most helpful for us to have things where they stand so we have time to read through them ahead of the call.

Chris

From: Brown, Christopher K. - OSHA
Sent: Wednesday, April 29, 2020 10:59 AM
To: Carmen Rottenberg <carmen.rottenberg@groundswellstrat.com>
Cc: (b) (6) (CDC/NIOSH/DSR) (b) (6)@cdc.gov>; (b) (6) (CDC/NIOSH/OD)

(b) (6)(b) (6) ; Trout, Douglas (CDC/NIOSH/DFSE/HETAB) (b) (6)(b) (6) >; Mobley, Amy (CDC/NIOSH/DFSE/HIB) (b) (6)(b) (6) ; Meilinger, Francis - OSHA <Meilinger.Francis2@dol.gov>; KatieRose McCullough <KMcCullough@meatinstitute.org>
Subject: RE: Call with the meat and poultry industry

Thanks. Let us coordinate internally on the time slot and we'll be in touch soon.

From: Carmen Rottenberg <carmen.rottenberg@groundswellstrat.com>
Sent: Wednesday, April 29, 2020 9:46 AM
To: Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov>
Cc: (b) (6) (CDC/NIOSH/DSR) <(b) (6)@cdc.gov>; (b) (6) (CDC/NIOSH/OD) <(b) (6)@cdc.gov>; Trout, Douglas (CDC/NIOSH/DFSE/HETAB) (b) (6)(b) (6) >; Mobley, Amy (CDC/NIOSH/DFSE/HIB) <frj4@cdc.gov>; Meilinger, Francis - OSHA <Meilinger.Francis2@dol.gov>; KatieRose McCullough <KMcCullough@meatinstitute.org>
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> OSHA is open to doing this, but we're wondering if you could share your questions. That way we can determine the best format for this request. Thanks.
>
> ---
>
> **From:** Carmen Rottenberg <carmen.rottenberg@groundswellstrat.com>
> **Sent:** Tuesday, April 28, 2020 7:58 AM
> **To:** (b) (6)(b) (6)(b) (6) Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
> **Subject:** Request for tele-com meeting
>
> Good morning, Lisa and Loren! I'm doing some work for the Meat Institute as they navigate through the COVID-19 pandemic.
>
> We've reviewed the joint CDC and OSHA interim guidance for meat and poultry packing industry, and would like to schedule a follow up call with CDC and OSHA to allow producers the opportunity to ask clarifying questions.
>
> Would you be willing to host a call this week specifically for the meat and poultry industry? It would be great to have you walk through the document and then take questions, which could be submitted in advance.
>
> Thanks!
> Carmen

Carmen M. Rottenberg

Managing Director

Groundswell Strategy

202-679-2483

From:	KatieRose McCullough
To:	Trout, Douglas (CDC/NIOSH/DFSE/HETAB); Brown, Christopher K. - OSHA
Cc:	Mark Dopp; Carmen Rottenberg
Subject:	RE: NAMI Follow Up Questions
Date:	Thursday, May 14, 2020 8:33:45 AM
Attachments:	image001.jpg

Excellent. Thank you both. I will send you a final copy of the memo we send out to our member with this information as an FYI.

From: Trout, Douglas (CDC/NIOSH/DFSE/HETAB) (b) (6)(b) (6)
Sent: Thursday, May 14, 2020 8:20 AM
To: Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov>; KatieRose McCullough <KMcCullough@meatinstitute.org>
Cc: Mark Dopp <mdopp@meatinstitute.org>; Carmen Rottenberg <carmen.rottenberg@groundswellstrat.com>
Subject: RE: NAMI Follow Up Questions

OK with me as well, thanks

Doug
(b) (6)

From: Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov>
Sent: Thursday, May 14, 2020 8:18 AM
To: KatieRose McCullough <KMcCullough@meatinstitute.org>
Cc: Mark Dopp <mdopp@meatinstitute.org>; Trout, Douglas (CDC/NIOSH/DFSE/HETAB) (b) (6)(b) (6) >; Carmen Rottenberg <carmen.rottenberg@groundswellstrat.com>
Subject: RE: NAMI Follow Up Questions

That change is fine with me.

From: KatieRose McCullough <KMcCullough@meatinstitute.org>
Sent: Wednesday, May 13, 2020 9:23 PM
To: Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov>
Cc: Mark Dopp <mdopp@meatinstitute.org>; Trout, Douglas (CDC/NIOSH/DFSE/HETAB) (b) (6)(b) (6) ; Carmen Rottenberg <carmen.rottenberg@groundswellstrat.com>
Subject: RE: NAMI Follow Up Questions

Thank you both! These responses are great! Thanks for getting back to me so quickly.

If you develop an FAQ, *which we think would be VERY beneficial*, please use these questions and responses. We want our communications to the industry to match what you say.

There is only one bit of follow up I think will be helpful. We have a lot establishments concerned about community spread (in addition to anything inside the establishment) that is outside of their

control (especially as things start to open up) and want to know how this effects them. Are you comfortable with the addition below in red? Let me know if it aligns with NIOSH/OSHA thinking.

1. **Question: Should employees feel safe coming to work and confident in the control of potential COVID-19 spread in establishments that implement the CDC/OSHA guidance?**
   Answer: The CDC/OSHA guidance for the meat and poultry industry is written to assist establishments in completing a COVID-19 assessment and control plan. The establishment specific COVID-19 assessment and control plan is designed to reduce the potential introduction and control the potential spread of COVID-19. Establishments that have implemented the CDC/OSHA guidance should feel confident that they doing their part to keep their employees safe while continuing their critical operations. Employers should continue to monitor their workers for signs/symptoms of illness. In workplaces that have implemented the CDC/OSHA guidance, continued spread of the disease may mean that the employer's COVID-19 plan is not fully effective or it may mean that greater community-wide mitigation activities are necessary. Control measures may need to be adjusted and workers may need to be re-trained. Knowledge about COVID-19 is continually evolving. All plans to address COVID-19 among workers and in the community may need updating and revision as more is learned.

KR

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Sent: Wednesday, May 13, 2020 7:58 PM
To: KatieRose McCullough <KMcCullough@meatinstitute.org>
Cc: Mark Dopp <mdopp@meatinstitute.org>; Trout, Douglas (CDC/NIOSH/DFSE/HETAB) <(b) (6)(b) (6)
Subject: RE: NAMI Follow Up Questions

Hi KatieRose,

See attached, and thanks for letting OSHA and CDC/NIOSH take a look at these before you finalized. We offer some suggested edits, including to clarify a few things readers might not have found as clear as you and we would probably hope.

We don't have anything in the works yet, but if we were to try to develop FAQs at some point, would you mind if we borrowed from what is already started here?

Chris

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Sent: Wednesday, May 13, 2020 5:21 PM
To: Trout, Douglas (CDC/NIOSH/DFSE/HETAB) (b) (6)(b) (6) ; Brown, Christopher K. - OSHA

<Brown.Christopher.K@dol.gov>
Cc: Mark Dopp <mdopp@meatinstitute.org>
Subject: NAMI Follow Up Questions

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Thank you again for all you are doing!

KR

KatieRose McCullough, PhD, MPH
Director of Scientific and Regulatory Affairs
North American Meat Institute
Office: 202.587-4249 / (b) (6)(b) (6)
Fax: 202.587-4300 / Email: kmccullough@meatinstitute.org
1150 Connecticut Ave., NW 12th Floor
Washington, D.C. 20036

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From: Trout, Douglas (CDC/NIOSH/DFSE/HETAB)
To: Brown, Christopher K. - OSHA; KatieRose McCullough
Cc: Mark Dopp; Carmen Rottenberg
Subject: RE: NAMI Follow Up Questions
Date: Thursday, May 14, 2020 8:20:31 AM
Attachments: image001.jpg

OK with me as well, thanks

Doug
(b) (6)

From: Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov>
Sent: Thursday, May 14, 2020 8:18 AM
To: KatieRose McCullough <KMcCullough@meatinstitute.org>
Cc: Mark Dopp <mdopp@meatinstitute.org>; Trout, Douglas (CDC/NIOSH/DFSE/HETAB) (b) (6)(b) (6) >; Carmen Rottenberg <carmen.rottenberg@groundswellstrat.com>
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Cc: Mark Dopp <mdopp@meatinstitute.org>; Trout, Douglas (CDC/NIOSH/DFSE/HETAB) (b) (6)(b) (6) >
Subject: RE: NAMI Follow Up Questions

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From: KatieRose McCullough
To: Brown, Christopher K. - OSHA
Cc: Mark Dopp; Trout, Douglas (CDC/NIOSH/DFSE/HETAB); Carmen Rottenberg
Subject: RE: NAMI Follow Up Questions
Date: Wednesday, May 13, 2020 9:23:04 PM
Attachments: image001.jpg

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From:	Houlroyd, Jenny L
To:	Matthew Spencer; Jones, Tina - OSHA; Christian Richter; Paul Bredwell; apeterson@chickenusa.org; Lisa Wallenda Picard; lfroebel@turkeyfed.org; Paul Schlumper; Warren, Hilarie S; Kalinowski, Doug - OSHA; Williams, Arlene - OSHA; Brown, Christopher K. - OSHA; Meilinger, Francis - OSHA; Scott, Gina - OSHA; dyt1@cdc.gov
Subject:	RE: Webinar Follow-Up Discussion
Date:	Tuesday, May 5, 2020 12:00:15 PM
Attachments:	image001.png image002.png image003.png Resources for Poultry Companies_formatted.docx

Also,
Here is the poultry resource list as a word document.

Thanks,
Jenny

-----Original Appointment-----
From: Matthew Spencer [mailto:mspencer@uspoultry.org]
Sent: Tuesday, May 5, 2020 11:08 AM
To: Houlroyd, Jenny L; Jones.Tina@dol.gov; Christian Richter; Paul Bredwell; apeterson@chickenusa.org; Lisa Wallenda Picard; lfroebel@turkeyfed.org; Schlumper, Paul A; Warren, Hilarie S; Cc: Kalinowski, Doug - OSHA; Williams, Arlene - OSHA; Brown, Christopher K. - OSHA; Meilinger, Francis - OSHA; Scott, Gina - OSHA; dyt1@cdc.gov
Subject: Canceled: Webinar Follow-Up Discussion
When: Tuesday, May 5, 2020 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Conference Call
Importance: High

Click here to join

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VoIP:	voip://+(b) (6) #
iOS Devices:	+(b) (6) and press #
Other Devices:	+(b) (6) #

Follow-up discussion of Webinar documents prior to distribution to all attendees.

Thank you,

Matt Spencer, CSP, SHRM-CP
Director HR & Safety Programs
U.S. Poultry & Egg Association
1530 Cooledge Road
Tucker, GA 30084
(Phone) 678-514-1982
(b) (6)(b) (6)(b) (6)
mspencer@uspoultry.org
www.uspoultry.org



From: Houlroyd, Jenny L
To: Matthew Spencer; Jones, Tina - OSHA; Christian Richter; Paul Bredwell; apeterson@chickenusa.org; Lisa Wallenda Picard; lfroebel@turkeyfed.org; Paul Schlumper; Warren, Hilarie S; Kalinowski, Doug - OSHA; Williams, Arlene - OSHA; Brown, Christopher K. - OSHA; Meilinger, Francis - OSHA; Scott, Gina - OSHA; dyt1@cdc.gov
Subject: RE: Webinar Follow-Up Discussion
Date: Tuesday, May 5, 2020 11:19:59 AM
Attachments: image001.png
image002.png
image003.png
Resources for Poultry Companies_formatted.docx

Hi all,

This is the link to the training: Interim Guidance from CDC and the Occupational Safety and Health Administration (OSHA)- For the Meatpacking Indu-20200430 1806-1
Poultry
https://gatech.webex.com/recordingservice/sites/gatech/recording/playback(b) (6)
The password is(b) (6)

I have it password protected for now, but if we get approval to share with a broader audience, we can download, edit, and upload to our program YouTube channel.

Thanks,
Jenny

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From: Matthew Spencer [mailto:mspencer@uspoultry.org]
Sent: Tuesday, May 5, 2020 11:08 AM
To: Houlroyd, Jenny L; Jones.Tina@dol.gov; Christian Richter; Paul Bredwell; apeterson@chickenusa.org; Lisa Wallenda Picard; lfroebel@turkeyfed.org; Schlumper, Paul A; Warren, Hilarie S; Cc: Kalinowski, Doug - OSHA; Williams, Arlene - OSHA; Brown, Christopher K. - OSHA; Meilinger, Francis - OSHA; Scott, Gina - OSHA; dyt1@cdc.gov
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Importance: High

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Extension: (b) (6)
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Mobile AutoDial:
VoIP: voip://+(b) (6)#
iOS Devices: +(b) (6) and press #
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Subject:	RE: Webinar Follow-Up Discussion
Date:	Tuesday, May 5, 2020 11:17:08 AM
Attachments:	image001.png image002.png image003.png Poultry Questions and answers-final.docx

---

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Sent: Tuesday, May 5, 2020 11:08 AM
To: Houlroyd, Jenny L; Jones.Tina@dol.gov; Christian Richter; Paul Bredwell; apeterson@chickenusa.org; Lisa Wallenda Picard; lfroebel@turkeyfed.org; Schlumper, Paul A; Warren, Hilarie S; Cc: Kalinowski, Doug - OSHA; Williams, Arlene - OSHA; Brown, Christopher K. - OSHA; Meilinger, Francis - OSHA; Scott, Gina - OSHA; dyt1@cdc.gov
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Dial-in Info:	(b) (6)
Extension:	(b) (6)
Participant Code:	(b) (6)
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Tucker, GA 30084
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(b) (6)(b) (6)(b) (6)
mspencer@uspoultry.org
www.uspoultry.org



From:	Kalinowski, Doug - OSHA
To:	Brad.Bothun@JBSSA.com; Todd.Callahan@tyson.com; mike.eckman@nationalbeef.com; steve_edmonds@cargill.com; hector.gonzales@Tyson.com; schaynes@hormel.com; Matthew.Lovell@JBSSA.com; Chris.McCune@JBSSA.com; mnemitz@ufcw.org; tanya_teeter@cargill.com
Cc:	Sweatt, Loren E. - OSHA; Edens, Mandy - OSHA; Pearce, Krisann - OSHA; Kerr, Cheryl J. - OSHA; Ingram, Kandyce - OSHA CTR; Williams, Arlene - OSHA; Williamson, SR - OSHA; (b) (6) ; Al-Mohamed, Day - OSHA; Petermeyer, Kurt - OSHA; Kizer, Billie - OSHA; Adams, Chris R - OSHA; Harbin, Eric - OSHA; Hughes, Dorinda - OSHA; Boyd, Stephen - OSHA; Stille, Kim - OSHA; Winingham, Bonita - OSHA; Kalinowski, Doug - OSHA; Memon, Shahida J. - OSHA CTR; Meilinger, Francis - OSHA; Scott, Gina - OSHA; Sloane, Walter - OSHA CTR
Subject:	Discussion With Loren Sweatt, Principal Deputy Assistant Secretary of Labor for OSHA
Date:	Monday, April 20, 2020 1:59:48 PM

Good Afternoon,

I know that all of you are extremely busy addressing COVID-19 issues. Loren Sweatt would like to have a conversation with you and/or your key staff covering your primary challenges and efforts in this area. Ms. Sweatt is available this Friday, April 24th between 10 and 11am or between 1 and 4pm for a 60 minute call.

The purpose of this email to determine if you are available any of these times. Please let me know as soon as you can so that we can firm up the time frame based on the majority of availability.

Please let me know if you have any questions.

Thank you very much,

Doug Kalinowski
Directorate of Cooperative and State Programs

From:	Lovell, Matthew
To:	Bothun, Brad; Callahan, Todd; mike.eckman@nationalbeef.com; steve_edmonds@cargill.com; hector.gonzales@tyson.com; schaynes@hormel.com; Mccune, Chris; Mark Nemitz (mnemitz@ufcw.org); tanya_teeter@cargill.com; Kalinowski, Doug - OSHA
Cc:	Sweatt, Loren E. - OSHA; Edens, Mandy - OSHA; Pearce, Krisann - OSHA; Kerr, Cheryl J. - OSHA; Ingram, Kandyce - OSHA CTR; Williams, Arlene - OSHA; Williamson, SR - OSHA; (b) (6) ; Al-Mohamed, Day - OSHA; Petermeyer, Kurt - OSHA; Kizer, Billie - OSHA; Adams, Chris R - OSHA; Harbin, Eric - OSHA; Hughes, Dorinda - OSHA; Boyd, Stephen - OSHA; Stille, Kim - OSHA; Winingham, Bonita - OSHA; Kalinowski, Doug - OSHA; Memon, Shahida J. - OSHA CTR; Meilinger, Francis - OSHA; Scott, Gina - OSHA; Sloane, Walter - OSHA CTR
Subject:	Re: Discussion With Loren Sweatt, Principal Deputy Assistant Secretary of Labor for OSHA
Date:	Monday, April 20, 2020 2:04:59 PM

I will make anytime work

Sent from Outlook Mobile

From: Kalinowski, Doug - OSHA <Kalinowski.Doug@dol.gov>
Sent: Monday, April 20, 2020 11:59:46 AM
To: Brad.Bothun@JBSSA.com <Brad.Bothun@JBSSA.com>; Todd.Callahan@tyson.com <Todd.Callahan@tyson.com>; mike.eckman@nationalbeef.com <mike.eckman@nationalbeef.com>; steve_edmonds@cargill.com <steve_edmonds@cargill.com>; hector.gonzales@Tyson.com <hector.gonzales@Tyson.com>; schaynes@hormel.com <schaynes@hormel.com>; Matthew.Lovell@JBSSA.com <Matthew.Lovell@JBSSA.com>; Chris.McCune@JBSSA.com <Chris.McCune@JBSSA.com>; mnemitz@ufcw.org <mnemitz@ufcw.org>; tanya_teeter@cargill.com <tanya_teeter@cargill.com>
Cc: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>; Edens, Mandy - OSHA <Edens.Mandy@dol.gov>; Pearce, Krisann - OSHA <Pearce.Krisann@dol.gov>; Kerr, Cheryl J. - OSHA <Kerr.Cheryl.J@DOL.GOV>; Ingram, Kandyce - OSHA CTR <Ingram.Kandyce@dol.gov>; Williams, Arlene - OSHA <Williams.Arlene@dol.gov>; Williamson, SR - OSHA <Williamson.SR@dol.gov>; (b) (6) (b) (6) >; Al-Mohamed, Day - OSHA <al.mohamed.day@dol.gov>; Petermeyer, Kurt - OSHA <Petermeyer.Kurt@dol.gov>; Kizer, Billie - OSHA <Kizer.Billie@dol.gov>; Adams, Chris R - OSHA <adams.chris.r@dol.gov>; Harbin, Eric - OSHA <Harbin.Eric@dol.gov>; Hughes, Dorinda - OSHA <Hughes.Dorinda@dol.gov>; Boyd, Stephen - OSHA <Boyd.Stephen@dol.gov>; Stille, Kim - OSHA <Stille.Kim@dol.gov>; Winingham, Bonita - OSHA <Winingham.Bonita@dol.gov>; Kalinowski, Doug - OSHA <Kalinowski.Doug@dol.gov>; Memon, Shahida J. - OSHA CTR <Memon.Shahida.J@dol.gov>; Meilinger, Francis - OSHA <Meilinger.Francis2@dol.gov>; Scott, Gina - OSHA <Scott.Gina@dol.gov>; Sloane, Walter - OSHA CTR <Sloane.Walter@dol.gov>
Subject: [Ext]- Discussion With Loren Sweatt, Principal Deputy Assistant Secretary of Labor for OSHA

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Good Afternoon,

I know that all of you are extremely busy addressing COVID-19 issues. Loren Sweatt would like to have a conversation with you and/or your key staff covering your primary challenges and efforts in this area. Ms. Sweatt is available this Friday, April 24th between 10 and 11am or between 1 and 4pm

for a 60 minute call.

The purpose of this email to determine if you are available any of these times. Please let me know as soon as you can so that we can firm up the time frame based on the majority of availability.

Please let me know if you have any questions.

Thank you very much,

Doug Kalinowski
Directorate of Cooperative and State Programs

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From:	Steve Edmonds
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Cc:	Sweatt, Loren E. - OSHA; Edens, Mandy - OSHA; Pearce, Krisann - OSHA; Kerr, Cheryl J. - OSHA; Ingram, Kandyce - OSHA CTR; Williams, Arlene - OSHA; Williamson, SR - OSHA; (b) (6) ; Al-Mohamed, Day - OSHA; Petermeyer, Kurt - OSHA; Kizer, Billie - OSHA; Adams, Chris R - OSHA; Harbin, Eric - OSHA; Hughes, Dorinda - OSHA; Boyd, Stephen - OSHA; Stille, Kim - OSHA; Winingham, Bonita - OSHA; Memon, Shahida J. - OSHA CTR; Meilinger, Francis - OSHA; Scott, Gina - OSHA; Sloane, Walter - OSHA CTR
Subject:	RE: Discussion With Loren Sweatt, Principal Deputy Assistant Secretary of Labor for OSHA
Date:	Monday, April 20, 2020 2:06:46 PM

Either is fine for me Doug.

Steve

From: Kalinowski, Doug - OSHA <Kalinowski.Doug@dol.gov>
Sent: Monday, April 20, 2020 1:00 PM
To: Brad.Bothun@JBSSA.com; Todd.Callahan@tyson.com; mike.eckman@nationalbeef.com; Steve Edmonds <Steve_Edmonds@cargill.com>; hector.gonzales@Tyson.com; schaynes@hormel.com; Matthew.Lovell@JBSSA.com; Chris.McCune@JBSSA.com; mnemitz@ufcw.org; Tanya Teeter <Tanya_Teeter@cargill.com>
Cc: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>; Edens, Mandy - OSHA <Edens.Mandy@dol.gov>; Pearce, Krisann - OSHA <Pearce.Krisann@dol.gov>; Kerr, Cheryl J. - OSHA <Kerr.Cheryl.J@DOL.GOV>; Ingram, Kandyce - OSHA CTR <Ingram.Kandyce@dol.gov>; Williams, Arlene - OSHA <Williams.Arlene@dol.gov>; Williamson, SR - OSHA <Williamson.SR@dol.gov>; (b) (6) (b) (6) >; Al-Mohamed, Day - OSHA <al.mohamed.day@dol.gov>; Petermeyer, Kurt - OSHA <Petermeyer.Kurt@dol.gov>; Kizer, Billie - OSHA <Kizer.Billie@dol.gov>; Adams, Chris R - OSHA <adams.chris.r@dol.gov>; Harbin, Eric - OSHA <Harbin.Eric@dol.gov>; Hughes, Dorinda - OSHA <Hughes.Dorinda@dol.gov>; Boyd, Stephen - OSHA <Boyd.Stephen@dol.gov>; Stille, Kim - OSHA <Stille.Kim@dol.gov>; Winingham, Bonita - OSHA <Winingham.Bonita@dol.gov>; Kalinowski, Doug - OSHA <Kalinowski.Doug@dol.gov>; Memon, Shahida J. - OSHA CTR <Memon.Shahida.J@dol.gov>; Meilinger, Francis - OSHA <Meilinger.Francis2@dol.gov>; Scott, Gina - OSHA <Scott.Gina@dol.gov>; Sloane, Walter - OSHA CTR <Sloane.Walter@dol.gov>
Subject: Discussion With Loren Sweatt, Principal Deputy Assistant Secretary of Labor for OSHA

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Thank you very much,

Doug Kalinowski
Directorate of Cooperative and State Programs

From: Kalinowski, Doug - OSHA

To: rreindel@aflcio.org; Jason.ragogna@delta.com; Chard, Joshua - Altec; Hale, Kristy - Altec; Hinnergardt, Darin - Altec; phil.doud@altec.com; Stygar III, Edward J. - ABSA; scott@abma.com; sahar_osman-sypher@americanchemistry.com; Alexandra_peck@americanchemistry.com; Lee_Salamone@americanchemistry.com; RMoskowitz@afpm.org; KDenbow@aga.org; Walters, Jeff - American Heart Association; Mames@aiha.org; dave@ladders.com; ryan@ladders.com; BurrA@api.org; karagainer@apta.org; rjoakley@sunlandconstruction.com; jheckman@americanpyro.com; David.markenson@redcross.org; TFisher@assp.org; STrebswether@assp.org; JWeiss@assp.org; LClements@assp.org; sdwyer@americanstaffing.net; bsakata@americanstaffing.net; franktrujillo@millerandlong.com; mdrury@shapiroandduncan.com; livingston@abc.org; Sizemore, Greg; wiltshire@abc.org; arfebbraro@yahoo.com; ntindall@AEM.org; bjhurst@lghealth.org; a.wiest@kamo-ms.com; EricaPoff@bcsp.org; tiera.robinson@bcsp.org; fraser@bcacs.ca; Larry.Teverbaugh@K2Share.com; lisa.london@careersafeonline.com; jbaty@cfawalls.org; erin@csda.org; MAntonucci@csatf.org; Nluther@csatf.org; cmoulton@csatf.org; Ayers, Charlie - CCAR; kah@ccar-greenlink.org; ebetit@cpwr.com; jpaxton@mhi.org; rhaire@mhi.org; cmbecker@gwbcrane.com; hesscm@harringtonhoists.com; brireh@gorbel.com; M_Kent_Anderson@att.net; richard@aradc.org; kyle@aradc.org; gary.smith@ammonia-safety.com; lhanan@gbca.com; jim@reta.com; khudson@LineageLogistics.com; jamesmarrella@msn.com; Randel, Lowell - GCCA; dave_rule@iiar.org; gary.white@bellcold.com; rcrosson@IECI.org; lmgibson@ieci.org; davidhittinger@gmail.com; brian.feehan@indtrk.org; Cross, Gary - ITA; Chris.merther@indtrk.org; rctasovac@gmail.com; gguilford@ihmm.org; RobinWiener@isri.org; swiggins@isri.org; etorabian@isri.org; steve.keppler@intermodal.org; dave.crowley@hphood.com; cfrye@idfa.org; DQuist@idfa.org; lbaugh@safetyequipment.org; cfargo@safetyequipment.org; dglucksman@safetyequipment.org; sdbright@optionline.net; bphelps@lamar.com; Wigger, Chuck - Lamar Industries; Anibarro, Gus - LIA; jeffb@masoncontractors.org; jmoore@mcgriff.com; Karen@midamericaosha.org; Thibodeaux, Mike; Donn Cahill.; Alicia_Leahy@mpaa.org; Matuga, Rob; Cheryl@landscapeprofessionals.org; amy@landscapeprofessionals.org; Dtaddei@nari.org; jimauh2o@aol.com; todd@natehome.com; KarenBrioso@millerandlong.com; rominabyrd@millerandlong.com; kdobson@alberici.com; bworsham@nccer.org; rwilder@nccer.org; lmottet@transequality.org; hjtobin@transequality.org; jlambert@demolitionassociation.com; kmckenney@demolitionassociation.com; kgrundahl@qualtim.com; Jason.eardley@adm.com; KFrye@growmark.com; GHuddleston@afia.org; Catrylatt@gmail.com; Barb.Grove@cvacoop.com; jmccluer@ngfa.org; greg.rowe@perdue.com; jseibert@ngfa.org; Kristin@GEAPS.com; Steve@GEAPS.com; john@regionalhca.org; jgiometti@nheo.org; msilva@nheo.org; Earnest, G. 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Cc: zzOSHA-DCSP-Managers; zzOSHA-DCSP-OOSA

Subject: For Your Information: DOL Twitter Chat on Families First Coronavirus Response Act (FFCRA)

Date: Wednesday, March 25, 2020 10:57:13 AM

Importance: High

Good Morning,

We wanted to make you aware that the U.S. Department of Labor will be hosting a national

online dialogue to provide employers and employees with an innovative opportunity to offer their perspective as the Department develops compliance assistance materials and outreach strategies related to the implementation of the Families First Coronavirus Response Act (FFCRA). The ideas and comments gathered from this dialogue will inform compliance assistance guidance, resources, and tools, as well as outreach approaches, that assist employers and employees in understanding their responsibilities and rights under the FFCRA. Input is needed by March 29, 2020. Anybody who is interested can participate online at >>https://ffcra.ideascale.com<< from March 23 through March 29, 2020 or can join a Twitter chat hosted by @ePolicyWorks on March 25, 2020 at 2 p.m. using the hashtag #EPWChat.

Please share this with your members and stakeholders, as appropriate.

Doug Kalinowski
Directorate of Cooperative and State Programs

From: Kalinowski, Doug - OSHA

To: Rebecca Reindel; Jason.ragogna@delta.com; Chard, Joshua - Altec; Hale, Kristy - Altec; Hinnergardt, Darin - Altec; phil.doud@altec.com; Stygar III, Edward J. - ABSA; scott@abma.com; sahar_osman-sypher@americanchemistry.com; Alexandra_peck@americanchemistry.com; Lee_Salamone@americanchemistry.com; RMoskowitz@afpm.org; KDenbow@aga.org; Walters, Jeff - American Heart Association; Mames@aiha.org; dave@ladders.com; ryan@ladders.com; BurrA@api.org; karagainer@apta.org; "rjoakley@sunlandconstruction.com"; jheckman@americanpyro.com; David.markenson@redcross.org; Tim Fisher; STrebswether@assp.org; JWeiss@assp.org; LClements@assp.org; Stephen Dwyer; Brittany Sakata; Trujillo, Frank; mdrury@shapiroandduncan.com; livingston@abc.org; Sizemore, Greg; Steve Wiltshire; arfebbraro@yahoo.com; ntindall@AEM.org; bjhurst@lghealth.org; a.wiest@kamo-ms.com; Erica Poff (EricaPoff@bcsp.org); tiera.robinson@bcsp.org; fraser@bcacs.ca; Larry.Teverbaugh@K2Share.com; Lisa London; jbaty@cfawalls.org; erin@csda.org; MAntonucci@csatf.org; Nluther@csatf.org; cmoulton@csatf.org; Ayers, Charlie - CCAR; kah@ccar-greenlink.org; Eileen Betit; jpaxton@mhi.org; rhaire@mhi.org; cmbecker@gwbcrane.com; hesscm@harringtonhoists.com; brireh@gorbel.com; M_Kent_Anderson@att.net; richard@aradc.org; kyle@aradc.org; gary.smith@ammonia-safety.com; Lauren Hanan; jim@reta.com; khudson@LineageLogistics.com; jamesmarrella@msn.com; Randel, Lowell - GCCA; dave_rule@iiar.org; gary.white@bellcold.com; rcrosson@IECI.org; lmgibson@ieci.org; davidhittinger@gmail.com; brian.feehan@indtrk.org; Cross, Gary - ITA; Chris.merther@indtrk.org; rctasovac@gmail.com; gguilford@ihmm.org; RobinWiener@isri.org; swiggins@isri.org; etorabian@isri.org; steve.keppler@intermodal.org; dave.crowley@hphood.com; Cary Frye; Danielle Quist; Lydia Baugh; cfargo@safetyequipment.org; Dan Glucksman; sdbright@optionline.net; bphelps@lamar.com; Wigger, Chuck - Lamar Industries; Anibarro, Gus - LIA; jeffb@masoncontractors.org; jmoore@mcgriff.com; Karen@midamericaosha.org; Thibodeaux, Mike; Donn Cahill.; Alicia_Leahy@mpaa.org; Matuga, Rob; Cheryl@landscapeprofessionals.org; amy@landscapeprofessionals.org; GAC@nari.org; Jim Goldwater (JimAuH2O@aol.com); Todd Schlekeway (todd@natehome.com); KarenBrioso@millerandlong.com; rominabyrd@millerandlong.com; kdobson@alberici.com; bworsham@nccer.org; rwilder@nccer.org; lmottet@transequality.org; hjtobin@transequality.org; Lambert, Jeff; kmckenney@demolitionassociation.com; kgrundahl@qualtim.com; Jason.eardley@adm.com; KFrye@growmark.com; GHuddleston@afia.org; Catrylatt@gmail.com; Barb.Grove@cvacoop.com; Jess McCluer; greg.rowe@perdue.com; jseibert@ngfa.org; Kristin@GEAPS.com; Steve@GEAPS.com; john@regionalhca.org; jgiometti@nheo.org; msilva@nheo.org; Earnest, G. 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Cc: Sweatt, Loren E. - OSHA; Edens, Mandy - OSHA; Pearce, Krisann - OSHA; zzOSHA-DCSP-OOSA; zzOSHA-DCSP-Managers

Subject: For Your Information: Further Guidance On Enforcement For Use Of Respiratory Protection Equipment

Date: Monday, April 6, 2020 9:45:04 AM

Good Morning,

The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) has issued new Enforcement Guidance for Use of Respiratory Protection Equipment Certified under Standards of Other Countries or Jurisdictions During the Coronavirus Disease 2019

(COVID-19) Pandemic. This memorandum provides additional interim guidance to Compliance Safety and Health Officers (CSHOs) for enforcing the Respiratory Protection standard, 29 CFR § 1910.134, and certain other health standards, with regard to supply shortages of disposable N95 filtering facepiece respirators (FFRs). This guidance applies in all industries and outlines enforcement discretion to permit the use of FFRs and air-purifying elastomeric respirators that are either:

- Certified under certain standards of other countries or jurisdictions, as specified below; or
- When equipment certified under standards of other countries or jurisdictions is not available, previously certified under the standards of other countries or jurisdictions but are beyond their manufacturer's recommended shelf life (i.e., expired).

For more information about COVID -19 please visit OSHA's COVID-19 webpage and CDC's COVID-19 webpage.

Doug Kalinowski
Directorate of Cooperative and State Programs

From: Kalinowski, Doug - OSHA

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Subject: For Your Information: Summary of Available OSHA and CDC COVID-19 Resources

Date: Monday, April 6, 2020 4:36:35 PM

Good Afternoon,

We understand that you are receiving emails from everywhere on COVID-19 and are sharing the information with your members and stakeholders as quickly as you are receiving them. Below, we have tried to digest the information that we have shared over the last several

weeks about the resources on OSHA's webpage, and encourage you to share this information as broadly as possible. In addition, as you receive questions and requests from your members that identify gaps in the information available for protecting their essential workers, we encourage you to share them with us as well, so that we are able to target resources to areas of need.

OSHA's primary resource is the OSHA COVID-19 Official Webpage. This page is being updated routinely and we encourage you to review it frequently. Recent guidance released and housed on this page includes:

- Guidance on Preparing Workplaces for COVID-19 (Spanish)
- Prevent Worker Exposure to Coronavirus (Spanish)
- Worker Exposure Risk to COVID-19 (Spanish)
- Temporary Guidance on the enforcement of OSHA's Respiratory Protection standard:
  - March 14 Memo: on Healthcare Respiratory Protection Annual Fit-Testing for N95 Filtering Facepieces During the COVID-19 Outbreak
  - April 3 Memo: on Respiratory Protection Equipment Certified Under Standards of Other Countries or Jurisdictions During the COVID-19 Pandemic
  - April 3 Memo: on Respiratory Protection and the N95 Shortage Due to the Coronavirus Disease 2019 (COVID-19) Pandemic
- **NEW** Short video: Higher Risk Jobs Need Extra Protections to Keep Workers Safe
- **NEW** Poster: Steps All Workplaces Can Take to Reduce the Risk of Exposure to Coronavirus (Spanish)
- Visit OSHA's Publications webpage for other useful workplace safety information.

The Wage and Hour Division's (WHD) primary resource is the WHD COVID-19 Official Webpage

- Departmental national dialogue on the implementation of the Families First Coronavirus Response Act (FFCRA) The ideas and comments gathered from this dialogue will inform compliance assistance guidance, resources, and tools, as well as outreach approaches, that assist employers and employees in understanding their responsibilities and rights under the FFCRA. The dialogue will remain open until the close of business on April 10.

CDC's primary resource is the CDC COVID-19 Official Web Page. This page is being updated routinely and we encourage you to review it frequently. Recent guidance released and housed on this page includes:

- CDC COVID-19 Guidance Documents
- Strategies to Optimize PPE and Equipment (Healthcare)
  - Decontamination and Reuse of Filtering Facepiece Respirators using Contingency and Crisis Capacity Strategies (Healthcare)

    - Strategies for Optimizing of N95 Respirators (Healthcare)
- Resources for Businesses and Employers
    - Interim Guidance for Businesses and Employers
    - Cleaning and Disinfecting Building Facility
- Cases in U.S.

The World Health Organization's (WHO) primary resource is the WHO COVID-19 Webpage.

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Subject: For Your Information: U.S. Department of Labor Issues Temporary Enforcement Guidance for Respirator Fit-Testing in Healthcare during COVID-19 Outbreak

Date: Monday, March 16, 2020 9:53:30 AM

Good Morning,

As you may be aware, the Occupational Safety and Health Administration (OSHA) has issued

new temporary guidance regarding the enforcement of OSHA's Respiratory Protection standard. This guidance is aimed at ensuring healthcare workers have full access to needed N95 respiratory protection in light of anticipated shortages. The temporary enforcement guidance is in effect beginning March 14, 2020, and will remain in effect until further notice.

For further information about COVID-19, please visit the U.S. Department of Health and Human Services' Centers for Disease Control and Prevention.

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From: Kalinowski, Doug - OSHA

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Scott; Kevin@dealer.org; jonathan@dealer.org; mharrell@precast.org; rkrolewski@precast.org; mcaldarera@npga.org; Shannahan, Thomas R. - NRCA; amy.harper; kim.shambrook@nsc.org; Tom.Supinka@nsc.org; Jane.Terry@nsc.org; Brian.Callahan@nsc.org; ake3@cdc.gov; jerry.jacobs@patenergy.com; Mcgee, Marianne - OSHA; jryel@fortisenergyservices.com; dowens@legacy-safety.com; william_brown@xtoenergy.com; gkennedy@nycap.rr.com; ksander@wasterecycling.org; dsmith@wasterecycling.org; dbiderman@swana.org; jmaxwell@swana.org; patagi@palletcentral.com; bgething@palletcentral.com; brent@palletcentral.com; stephanieclaus99008@gmail.com; bryan.deal@cna.com; mbambach@dpnicoli.com; wendellwood@ntsafety.com; Cannon, Kevin R.; Jones, Walter; jessica.scheyder@atssa.com; Fosbroke, David - Roadway; hmarks@asphaltpavement.org; Parsons, Travis - Roadway; Sant, Brad; dnc0@cdc.gov; cfranklin@robotics.org; bfl4@cdc.gov; lspangl@sandia.gov; jackie@saiaonline.org; Deanna@saiaonline.org; nicole@cranemartin.com; jeffrey@erservicesinc.com; rpilla@valcourt.net; davis.gaddy@arlaw.com; WCrow@virginiashiprepair.org; jimt5@cox.net; jon.bittner@aksbdc.org; lcfine@ualr.edu; mark.petrilli@illinois.gov; tphelps@iedc.IN.gov; pnye@lbcc.edu; bparker@lsbdc.org; brophyke@gvsu.edu; Bruce.Strong@state.mn.us; m.langford@dcccd.edu; Kristin.Johnson@humboldt.edu; judy.wilhelm@ttusbdc.org; mcampbell@se.edu; midaniel@fullerton.edu; gregorym@lanecc.edu; mjackson2@swccd.edu; albert.salgado@utsa.edu; casbdc@ucmerced.edu; duane.fladland@wsbdc.org; bon.wikenheiser@uwex.edu; jdiebol@gmail.com; jennifer.mahoney@cgi.com; tarique.m.mangrio@boeing.com; lucs@kmkregservices.com; Sullivan, Michele - SCHC; EErickson@smrp.org; abrilj@socma.com; dettingerj@socma.com; nomae@socma.com; rothsteinj@socma.com; EButler@seia.org; JCain@SEIA.org; tomunderhill@seaa.net; stefanec@steelnet.org; stuart@steelnet.org; rbrooks@cl2.com; Richard@aradc.org; aohare@tfi.org; Andrea@aradc.org; bbraun@jointcommission.org; Hinckley, Cathy - JC/JCR; CSchierhorn@jcrinc.com; pgerstenberger@TCIA.org; bguerrero@ur.com; mspencer@uspoultry.org; crichter@thepolicygroup.com; apeterson@chickenusa.org; lpicard@turkeyfed.org; joe.aldridge@unlv.edu; dglowacki@kentuckyperformingarts.org; Grindle, David - USITT; Jorgensen, Kent - IATSE; Rowe, Alan - IATSE; White, Pat - USITT; jferris@worldmillworkalliance.com; ballardsafetyllc@hotmail.com; mzalle@goYellowBird.com; scott@asplundh.com; lnorthern@dhec.com; Donovan, William - OSHA; asalvadore@henkels.com; david_mullen@ibew.org; jerry_westerholm@ibew.org; joconnor@intecweb.com; jarrett.quoyle@mastec.com; jose.mas@mastec.com; jeff.thiede@mdu.com; Richard, Frank; pmichels@michels.us; rmiller@michels.us; SCavanaugh@myrgroup.com; Koertner, William; Pike, J.Eric; mcrowson@powerlinesinc.com; mcompher@quantaservices.com; joneil@quantaservices.com; wyancey@quantaservices.com; mmarquart@sachsco.com; cspencer@eei.org; Jensen, Wayne; Jervis, Susan; Moore, Bob; White, Susan; Lewis, Cindy; Rodriguez Jr, Jose - Raytheon; staylor@vpppa.org

Cc: zzOSHA-DCSP-OOSA; zzOSHA-DCSP-Managers

Subject: For Your Information: U.S. Department of Labor Issues COVID-19 Guidance for Respirator Shortage

Date: Friday, April 3, 2020 1:23:27 PM

Good Afternoon,

The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) has issued new Enforcement Guidance for Respiratory Protection and the N95 Shortage Due to the

Coronavirus Disease 2019 (COVID19) Pandemic. This memorandum provides interim guidance to Compliance Safety and Health Officers (CSHOs) for enforcing the Respiratory Protection standard, 29 CFR § 1910.134, and certain other health standards, with regard to supply shortages of disposable N95 filtering facepiece respirators. Specifically, it outlines enforcement discretion to permit the extended use and reuse of respirators, as well as the use of respirators that are beyond their manufacturer's recommended shelf life (sometimes referred to as "expired"). This guidance applies in all industries and will also be highlighted on the OSHA COVID-19 webpage shortly.
For further information about COVID-19, please visit the U.S. Department of Health and Human Services' Centers for Disease Control and Prevention.

Doug Kalinowski
Directorate of Cooperative and State Programs

From:	Kalinowski, Doug - OSHA
To:	Brad.Bothun@JBSSA.com; Todd.Callahan@tyson.com; mike.eckman@nationalbeef.com; steve_edmonds@cargill.com; hector.gonzales@Tyson.com; schaynes@hormel.com; Matthew.Lovell@JBSSA.com; Chris.McCune@JBSSA.com; mnemitz@ufcw.org; tanya_teeter@cargill.com
Cc:	Sweatt, Loren E. - OSHA; Edens, Mandy - OSHA; Pearce, Krisann - OSHA; Kerr, Cheryl J. - OSHA; Ingram, Kandyce - OSHA CTR; Williams, Arlene - OSHA; Williamson, SR - OSHA; (b) (6) ; Al-Mohamed, Day - OSHA; Petermeyer, Kurt - OSHA; Kizer, Billie - OSHA; Adams, Chris R - OSHA; Harbin, Eric - OSHA; Hughes, Dorinda - OSHA; Boyd, Stephen - OSHA; Stille, Kim - OSHA; Winingham, Bonita - OSHA; Kalinowski, Doug - OSHA; Memon, Shahida J. - OSHA CTR; Meilinger, Francis - OSHA; Scott, Gina - OSHA; Sloane, Walter - OSHA CTR
Subject:	Discussion With Loren Sweatt, Principal Deputy Assistant Secretary of Labor for OSHA
Date:	Monday, April 20, 2020 1:59:48 PM

Good Afternoon,

I know that all of you are extremely busy addressing COVID-19 issues. Loren Sweatt would like to have a conversation with you and/or your key staff covering your primary challenges and efforts in this area. Ms. Sweatt is available this Friday, April 24th between 10 and 11am or between 1 and 4pm for a 60 minute call.

The purpose of this email to determine if you are available any of these times. Please let me know as soon as you can so that we can firm up the time frame based on the majority of availability.

Please let me know if you have any questions.

Thank you very much,

Doug Kalinowski
Directorate of Cooperative and State Programs

From:	Matthew Spencer
To:	Houlroyd, Jenny L; apeterson@chickenusa.org; Lisa Wallenda Picard; Lindy Froebel (lfroebel@turkeyfed.org); Paul Bredwell; Paul Schlumper; Warren, Hilarie S; Jones, Tina - OSHA; Christian Richter - The Policy Group (crichter@thepolicygroup.com); Kalinowski, Doug - OSHA; Pagan, Americo - OSHA; Petermeyer, Kurt - OSHA; Jones, Tina - OSHA; Christian Richter; Paul Bredwell; apeterson@chickenusa.org; Lisa Wallenda Picard; Lindy Froebel (lfroebel@turkeyfed.org); Paul Schlumper; Houlroyd, Jenny L; Warren, Hilarie S; Kalinowski, Doug - OSHA; Williams, Arlene - OSHA; Brown, Christopher K. - OSHA; Meilinger, Francis - OSHA; Scott, Gina - OSHA; dyt1@cdc.gov
Subject:	FW: Webex meeting invitation: Interim Guidance from CDC and the Occupational Safety and Health Administration (OSHA)- For the Meatpacking Industry
Date:	Tuesday, April 28, 2020 4:55:31 PM
Attachments:	image001.png image002.png image003.png Webex meeting invitation (b) (6) (b) (6)
Importance:	High

Thank you for the call this afternoon. Attached is the calendar invite for Thursday's webinar. Below is Jenny Houlroyd's email if you would like to send your presentations to her.

jenny.houlroyd@innovate.gatech.edu

Again we will circulate questions to you all early tomorrow.

Regards,

USPOULTRY
Matt Spencer, CSP, SHRM-CP
Director HR & Safety Programs
U.S. Poultry & Egg Association
1530 Cooledge Road
Tucker, GA 30084
(Phone) 678-514-1982
(b) (6)(b) (6)(b) (6)
mspencer@uspoultry.org
www.uspoultry.org

From:	Matthew Spencer
To:	Matthew Spencer; apeterson@chickenusa.org; Lisa Wallenda Picard; Lindy Froebel (lfroebel@turkeyfed.org); Paul Bredwell; Paul Schlumper; Warren, Hilarie S; Jones, Tina - OSHA; Christian Richter - The Policy Group (crichter@thepolicygroup.com); Kalinowski, Doug - OSHA; Pagan, Americo - OSHA; Petermeyer, Kurt - OSHA; Jones, Tina - OSHA; Christian Richter; Paul Bredwell; apeterson@chickenusa.org; Lisa Wallenda Picard; Lindy Froebel (lfroebel@turkeyfed.org); Paul Schlumper; Warren, Hilarie S; Kalinowski, Doug - OSHA; Williams, Arlene - OSHA; Brown, Christopher K. - OSHA; Meilinger, Francis - OSHA; Scott, Gina - OSHA; dyt1@cdc.gov
Subject:	Questions for Webinar
Date:	Wednesday, April 29, 2020 2:29:08 PM
Attachments:	image001.png image002.png image005.png
Importance:	High

Please find below the questions provided by the industry for tomorrow's 2 PM EST webinar. If you have received any additional questions that you feel are pertinent for the webinar, please share it with the group.

- One question is, can we expect to see this interim guidance turn into regulation for enforcement purposes?
- An employee has symptoms and has a test with negative results. Symptoms continue, should the employee have the test repeated?
- Employees are trained in social distancing, and workplaces have been designed to keep employees separated. However, employees on breaks and after work do not follow the social distancing guidelines. Will the company be held accountable for an employee's actions?
- What regulations must be used for redesigning or removing Air Circulation to prevent the spread of airborne or aerosolized viruses?
- How will the USDA, under the Executive Order and the authority of the Defense Production Act, with meat processing to affirm they will operate under the CDC and OSHA guidance?
- How are the CDC and OSHA working with State Plan OSHA states for the use of the guidance?
- Do companies need to document there use of the hierarchy of controls for steps to try and eliminate processes that create exposure?
- How will the Federal government provide testing materials and protective gear for employees?
- Will anyone discuss in plant ventilation and makeup air units? Suggestions for achieving a balance between airflow requirements in the facilities and CDC recommendations.
- Correlation between HIPAA laws and steps employers can take to gain knowledge of 3rd party positive employee tests for the sole purpose of managing employee exposure events.
- How do we overcome cultural socializing traditions that are putting employees at risk (Cinco de Mayo)?
- Some religious denominations believe that God will protect people/employees from harm, and therefore, there is resistance to wearing extra PPE based on religious objections. How do we enforce extra safety precautions when some employees feel it violates their religious freedoms?

Please contact me if you have any questions.

Regards,

Matt Spencer, CSP, SHRM-CP
Director HR & Safety Programs
U.S. Poultry & Egg Association
1530 Cooledge Road
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(Phone) 678-514-1982
(b) (6)(b) (6)(b) (6)
mspencer@uspoultry.org
www.uspoultry.org

From:	Carmen Rottenberg
To:	Brown, Christopher K. - OSHA
Cc:	Webb, Sydney (CDC/NIOSH/DSR); Stevens, Stephanie (CDC/NIOSH/OD); Trout, Douglas (CDC/NIOSH/DFSE/HETAB); Mobley, Amy (CDC/NIOSH/DFSE/HIB); Meilinger, Francis - OSHA; KatieRose McCullough
Subject:	Re: Call with the meat and poultry industry
Date:	Wednesday, April 29, 2020 9:47:07 AM

Good morning! We anticipate that there will be 200-300 people on the call. We're open to almost anytime Thursday or Friday (4/30 or 5/1). The only time that does NOT work for the meat industry is 11:00a.m-12:00pm on Friday. We've asked members to get their questions in by COB today. We'll consolidate that list and aim to get it to you by this evening.

As soon as you identify a time and call-in info, please let me know so that I can disseminate it.

Thanks again!!

Carmen

Carmen M. Rottenberg
Managing Director
Groundswell Strategy
202-679-2483

On Tue, Apr 28, 2020 at 5:12 PM Carmen Rottenberg <carmen.rottenberg@groundswellstrat.com> wrote:

> Dr. Brown,
>
> Thanks for getting back to me so quickly!
>
> We'd prefer that you host the meeting and provide the call-in number. We are working on the estimated number of people who are likely to join, as well as polling members for additional questions.
>
> I'd like to aim for Thursday or Friday for the call. Are you available to connect for a few minutes tomorrow morning to further discuss?
>
> Thanks again!
>
> Carmen
>
> Carmen M. Rottenberg
> Managing Director
> Groundswell Strategy
> 202-679-2483

On Tue, Apr 28, 2020 at 3:59 PM Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov> wrote:

> Good afternoon, Ms. Rottenberg:
>
> Thank you for contacting OSHA and NIOSH about the meat and poultry guidance. Our agencies are working to identify the right staff to speak with the NAMI group. In the meantime, a few logistical items we hope you can help with:
>
> - Would you like to set-up a call line or would you prefer us to do this? We can do either; just let us know what works best.
> - Do you have an idea of the number of participants who will join the planned call?
> - Could you give us some proposed times tomorrow, Thursday, and Friday?
> - I see you initially suggested the four questions at the bottom of this message. Would it be possible for you to come up with a more complete list of questions you'll want to ask and have answered during the call? This will help make sure we have the right subject matter experts to talk with your group.
>
> Thanks very much,
>
> Chris
>
> --
> **Christopher K. Brown, PhD, MPH, CPH**
> *Special Assistant*
>
> Office of the Assistant Secretary
> Occupational Safety & Health Administration (OSHA)
>
> U.S. Department of Labor
> Direct: 202-693-2368
> brown.christopher.k@dol.gov
>
> **From:** Carmen Rottenberg <carmen.rottenberg@groundswellstrat.com>

Sent: Tuesday, April 28, 2020 2:21 PM
To: Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov>; (b) (6) (CDC/NIOSH/DSR) (b) (6) @cdc.gov>; (b) (6) (CDC/NIOSH/OD) <(b) (6) @cdc.gov>
Subject: Call with the meat and poultry industry

Good afternoon! I've recently been retained by the North American Meat Institute to assist the meat industry in navigating some of the many challenges resulting from the COVID-19 pandemic. Up until last month, I was the Administrator of USDA's Food Safety Inspection Service. I left government mid-March to start up a new consulting firm, and as you can imagine, it's been a very hectic time for the meat industry over the past several weeks.

Having worked with many state and local public health partners as a federal government employee, I know how committed they are to ensuring the health of their communities. I'm appreciative that CDC and DOL worked together on the meatpacker specific interim guidance that was published on Sunday, and as you can see in the email string, I'm hoping that CDC-NIOSH and DOL-OSHA will host a joint call for the producer groups and their members (the meat and poultry packers) to attend. I'd be happy to assemble questions ahead of the meeting and get them to you.

Please let me know what you need from me to get this set up. Thank you!

Carmen

Carmen M. Rottenberg

Managing Director

Groundswell Strategy

202-679-2483

From: Carmen Rottenberg <carmen.rottenberg@groundswellstrat.com>

Sent: Tuesday, April 28, 2020 1:31 PM
To: Delaney, Lisa (CDC/NIOSH/OD) <lkd2@cdc.gov>
Cc: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>; (b) (6) (CDC/NIOSH/DSR) (b) (6)@cdc.gov>; (b) (6) (CDC/NIOSH/OD) <(b) (6)@cdc.gov>
Subject: Re: Request for tele-com meeting

Thanks Lisa! I'll reach out to them.

Loren, is there someone from your comms team that I include in my follow-up, as well?

Thanks again!

Carmen

Sent from my iPhone

> On Apr 28, 2020, at 1:25 PM, Delaney, Lisa (CDC/NIOSH/OD) (b) (6)(b) (6) wrote:
>
> Hi Carmen,
>
> NIOSH would also be available to present. I am looping in my communications folks (Sydney Webb and Stephanie Stevens) as your initial point of contact to assist with this request.
>
> Best,
>
> Lisa
>
> **From:** Carmen Rottenberg <carmen.rottenberg@groundswellstrat.com>
> **Sent:** Tuesday, April 28, 2020 9:19 AM
> **To:** Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
> **Cc:** Delaney, Lisa (CDC/NIOSH/OD) (b) (6)(b) (6)

Subject: Re: Request for tele-com meeting

Loren, the following questions were developed internally by NAMI. I'm sure other producer groups may have questions as well, but here are some initial questions folks had.

1. Given that there is community spread occurring across the country, if the CDC/DOL guidance is followed by the meat and poultry industry, should plants be safe to operate?

2. CDC has recognized that meat and poultry establishments are a part of critical infrastructure. How important is the DOL/CDC guidance for the state and local public health authorities to utilize to keep establishments open and operating safely?

3. In many establishments, it is very difficult or impossible for employees to maintain a distance of 6 feet apart at all times. Does the use of PPE and physical barriers reduce the risk of spread and therefore should allow for continued operation?

4. CDC has referenced its plan to publish decision trees to assist industries with reopening plans. When will these decision trees be released and what industries will they target?

Carmen

Carmen M. Rottenberg

Managing Director

Groundswell Strategy

202-679-2483

On Tue, Apr 28, 2020 at 8:26 AM Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov> wrote:

> OSHA is open to doing this, but we're wondering if you could share your questions.

That way we can determine the best format for this request. Thanks.

From: Carmen Rottenberg <carmen.rottenberg@groundswellstrat.com>
Sent: Tuesday, April 28, 2020 7:58 AM
To: (b) (6)(b) (6)(b) (6) Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Subject: Request for tele-com meeting

Good morning, Lisa and Loren! I'm doing some work for the Meat Institute as they navigate through the COVID-19 pandemic.

We've reviewed the joint CDC and OSHA interim guidance for meat and poultry packing industry, and would like to schedule a follow up call with CDC and OSHA to allow producers the opportunity to ask clarifying questions.

Would you be willing to host a call this week specifically for the meat and poultry industry? It would be great to have you walk through the document and then take questions, which could be submitted in advance.

Thanks!
Carmen

Carmen M. Rottenberg

Managing Director

Groundswell Strategy

202-679-2483

From:	(b) (6)
To:	Kalinowski, Doug - OSHA; Brad.Bothun@JBSSA.com; Todd.Callahan@tyson.com; mike.eckman@nationalbeef.com; steve_edmonds@cargill.com; hector.gonzales@Tyson.com; schaynes@hormel.com; Matthew.Lovell@JBSSA.com; Chris.McCune@JBSSA.com; mnemitz@ufcw.org; tanya_teeter@cargill.com
Cc:	Sweatt, Loren E. - OSHA; Edens, Mandy - OSHA; Pearce, Krisann - OSHA; Kerr, Cheryl J. - OSHA; Ingram, Kandyce - OSHA CTR; Williams, Arlene - OSHA; Williamson, SR - OSHA; Al-Mohamed, Day - OSHA; Petermeyer, Kurt - OSHA; Kizer, Billie - OSHA; Adams, Chris R - OSHA; Harbin, Eric - OSHA; Hughes, Dorinda - OSHA; Boyd, Stephen - OSHA; Stille, Kim - OSHA; Winingham, Bonita - OSHA; Memon, Shahida J. - OSHA CTR; Meilinger, Francis - OSHA; Scott, Gina - OSHA; Sloane, Walter - OSHA CTR
Subject:	RE: Discussion With Loren Sweatt, Principal Deputy Assistant Secretary of Labor for OSHA
Date:	Monday, April 20, 2020 2:02:34 PM

Hi Doug-

I am available for either time. Thanks…Jackie

From: Kalinowski, Doug - OSHA <Kalinowski.Doug@dol.gov>
Sent: Monday, April 20, 2020 2:00 PM
To: Brad.Bothun@JBSSA.com; Todd.Callahan@tyson.com; mike.eckman@nationalbeef.com; steve_edmonds@cargill.com; hector.gonzales@Tyson.com; schaynes@hormel.com; Matthew.Lovell@JBSSA.com; Chris.McCune@JBSSA.com; mnemitz@ufcw.org; tanya_teeter@cargill.com
Cc: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>; Edens, Mandy - OSHA <Edens.Mandy@dol.gov>; Pearce, Krisann - OSHA <Pearce.Krisann@dol.gov>; Kerr, Cheryl J. - OSHA <Kerr.Cheryl.J@DOL.GOV>; Ingram, Kandyce - OSHA CTR <Ingram.Kandyce@dol.gov>; Williams, Arlene - OSHA <Williams.Arlene@dol.gov>; Williamson, SR - OSHA <Williamson.SR@dol.gov>; (b) (6) (b) (6) >; Al-Mohamed, Day - OSHA <al.mohamed.day@dol.gov>; Petermeyer, Kurt - OSHA <Petermeyer.Kurt@dol.gov>; Kizer, Billie - OSHA <Kizer.Billie@dol.gov>; Adams, Chris R - OSHA <adams.chris.r@dol.gov>; Harbin, Eric - OSHA <Harbin.Eric@dol.gov>; Hughes, Dorinda - OSHA <Hughes.Dorinda@dol.gov>; Boyd, Stephen - OSHA <Boyd.Stephen@dol.gov>; Stille, Kim - OSHA <Stille.Kim@dol.gov>; Winingham, Bonita - OSHA <Winingham.Bonita@dol.gov>; Kalinowski, Doug - OSHA <Kalinowski.Doug@dol.gov>; Memon, Shahida J. - OSHA CTR <Memon.Shahida.J@dol.gov>; Meilinger, Francis - OSHA <Meilinger.Francis2@dol.gov>; Scott, Gina - OSHA <Scott.Gina@dol.gov>; Sloane, Walter - OSHA CTR <Sloane.Walter@dol.gov>
Subject: Discussion With Loren Sweatt, Principal Deputy Assistant Secretary of Labor for OSHA

Good Afternoon,

I know that all of you are extremely busy addressing COVID-19 issues. Loren Sweatt would like to have a conversation with you and/or your key staff covering your primary challenges and efforts in this area. Ms. Sweatt is available this Friday, April 24th between 10 and 11am or between 1 and 4pm for a 60 minute call.

The purpose of this email to determine if you are available any of these times. Please let me know as soon as you can so that we can firm up the time frame based on the majority of availability.

Please let me know if you have any questions.

Thank you very much,

Doug Kalinowski
Directorate of Cooperative and State Programs

From:	Lovell, Matthew
To:	Bothun, Brad; Callahan, Todd; mike.eckman@nationalbeef.com; steve_edmonds@cargill.com; hector.gonzales@tyson.com; schaynes@hormel.com; Mccune, Chris; Mark Nemitz (mnemitz@ufcw.org); tanya_teeter@cargill.com; Kalinowski, Doug - OSHA
Cc:	Sweatt, Loren E. - OSHA; Edens, Mandy - OSHA; Pearce, Krisann - OSHA; Kerr, Cheryl J. - OSHA; Ingram, Kandyce - OSHA CTR; Williams, Arlene - OSHA; Williamson, SR - OSHA (b) (6) ; Al-Mohamed, Day - OSHA; Petermeyer, Kurt - OSHA; Kizer, Billie - OSHA; Adams, Chris R - OSHA; Harbin, Eric - OSHA; Hughes, Dorinda - OSHA; Boyd, Stephen - OSHA; Stille, Kim - OSHA; Winingham, Bonita - OSHA; Kalinowski, Doug - OSHA; Memon, Shahida J. - OSHA CTR; Meilinger, Francis - OSHA; Scott, Gina - OSHA; Sloane, Walter - OSHA CTR
Subject:	Re: Discussion With Loren Sweatt, Principal Deputy Assistant Secretary of Labor for OSHA
Date:	Monday, April 20, 2020 2:04:17 PM

I will make anytime work

Sent from Outlook Mobile

From: Kalinowski, Doug - OSHA <Kalinowski.Doug@dol.gov>
Sent: Monday, April 20, 2020 11:59:46 AM
To: Brad.Bothun@JBSSA.com <Brad.Bothun@JBSSA.com>; Todd.Callahan@tyson.com <Todd.Callahan@tyson.com>; mike.eckman@nationalbeef.com <mike.eckman@nationalbeef.com>; steve_edmonds@cargill.com <steve_edmonds@cargill.com>; hector.gonzales@Tyson.com <hector.gonzales@Tyson.com>; schaynes@hormel.com <schaynes@hormel.com>; Matthew.Lovell@JBSSA.com <Matthew.Lovell@JBSSA.com>; Chris.McCune@JBSSA.com <Chris.McCune@JBSSA.com>; mnemitz@ufcw.org <mnemitz@ufcw.org>; tanya_teeter@cargill.com <tanya_teeter@cargill.com>
Cc: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>; Edens, Mandy - OSHA <Edens.Mandy@dol.gov>; Pearce, Krisann - OSHA <Pearce.Krisann@dol.gov>; Kerr, Cheryl J. - OSHA <Kerr.Cheryl.J@DOL.GOV>; Ingram, Kandyce - OSHA CTR <Ingram.Kandyce@dol.gov>; Williams, Arlene - OSHA <Williams.Arlene@dol.gov>; Williamson, SR - OSHA <Williamson.SR@dol.gov>; (b) (6) (b) (6) >; Al-Mohamed, Day - OSHA <al.mohamed.day@dol.gov>; Petermeyer, Kurt - OSHA <Petermeyer.Kurt@dol.gov>; Kizer, Billie - OSHA <Kizer.Billie@dol.gov>; Adams, Chris R - OSHA <adams.chris.r@dol.gov>; Harbin, Eric - OSHA <Harbin.Eric@dol.gov>; Hughes, Dorinda - OSHA <Hughes.Dorinda@dol.gov>; Boyd, Stephen - OSHA <Boyd.Stephen@dol.gov>; Stille, Kim - OSHA <Stille.Kim@dol.gov>; Winingham, Bonita - OSHA <Winingham.Bonita@dol.gov>; Kalinowski, Doug - OSHA <Kalinowski.Doug@dol.gov>; Memon, Shahida J. - OSHA CTR <Memon.Shahida.J@dol.gov>; Meilinger, Francis - OSHA <Meilinger.Francis2@dol.gov>; Scott, Gina - OSHA <Scott.Gina@dol.gov>; Sloane, Walter - OSHA CTR <Sloane.Walter@dol.gov>
Subject: [Ext]- Discussion With Loren Sweatt, Principal Deputy Assistant Secretary of Labor for OSHA

Use caution before opening attachments or links!

Good Afternoon,

I know that all of you are extremely busy addressing COVID-19 issues. Loren Sweatt would like to have a conversation with you and/or your key staff covering your primary challenges and efforts in this area. Ms. Sweatt is available this Friday, April 24th between 10 and 11am or between 1 and 4pm

for a 60 minute call.

The purpose of this email to determine if you are available any of these times. Please let me know as soon as you can so that we can firm up the time frame based on the majority of availability.

Please let me know if you have any questions.

Thank you very much,

Doug Kalinowski
Directorate of Cooperative and State Programs

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From:	Matthew Spencer
To:	Jones, Tina - OSHA; Christian Richter; Paul Bredwell; apeterson@chickenusa.org; Lisa Wallenda Picard; Lindy Froebel (lfroebel@turkeyfed.org); Paul Schlumper; Houlroyd, Jenny L; Warren, Hilarie S
Cc:	Kalinowski, Doug - OSHA; Williams, Arlene - OSHA; Brown, Christopher K. - OSHA; Meilinger, Francis - OSHA; Scott, Gina - OSHA; dyt1@cdc.gov
Subject:	RE: For Your Response: Poultry Industry Alliance COVID-19 Webinar
Date:	Monday, April 27, 2020 3:28:14 PM
Attachments:	image001.png image002.png image004.png image006.png
Importance:	High

Tina,

I will send a conference line for tomorrow afternoon. Will 3 PM EST work with your schedule?

Thank you,

USPOULTRY
Matt Spencer, CSP, SHRM-CP
Director HR & Safety Programs
U.S. Poultry & Egg Association
1530 Cooledge Road
Tucker, GA 30084
(Phone) 678-514-1982
(b) (6)(b) (6)(b) (6)
mspencer@uspoultry.org
www.uspoultry.org

From: Jones, Tina - OSHA <Jones.Tina@dol.gov>
Sent: Monday, April 27, 2020 3:19 PM
To: Matthew Spencer <mspencer@uspoultry.org>; Christian Richter <crichter@thepolicygroup.com>; Paul Bredwell <pbredwell@uspoultry.org>; apeterson@chickenusa.org; Lisa Wallenda Picard <lpicard@turkeyfed.org>; Lindy Froebel (lfroebel@turkeyfed.org) <lfroebel@turkeyfed.org>; Paul Schlumper <Paul.Schlumper@innovate.gatech.edu>; Houlroyd, Jenny L <jenny.houlroyd@innovate.gatech.edu>; Warren, Hilarie S <hilarie.warren@innovate.gatech.edu>
Cc: Kalinowski, Doug - OSHA <Kalinowski.Doug@dol.gov>; Williams, Arlene - OSHA <Williams.Arlene@dol.gov>; Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov>; Meilinger, Francis - OSHA <Meilinger.Francis2@dol.gov>; Scott, Gina - OSHA <Scott.Gina@dol.gov>; (b) (6)(b) (6)
Subject: RE: For Your Response: Poultry Industry Alliance COVID-19 Webinar

Hi Matt – thank you – yes, I think it would help to have a short call with GA Tech and OSHA/NIOSH speakers on Tuesday, if possible. Also, if there will be a registration site or invitation developed, then we would like to share it with the OSHA field staff, State Plans, and other Consultation staff. I can follow-up with you and Christian off-line on this if needed.

Tina

From: Matthew Spencer <mspencer@uspoultry.org>
Sent: Monday, April 27, 2020 3:07 PM
To: Jones, Tina - OSHA <Jones.Tina@dol.gov>; Christian Richter <crichter@thepolicygroup.com>; Paul Bredwell <pbredwell@uspoultry.org>; apeterson@chickenusa.org; Lisa Wallenda Picard <lpicard@turkeyfed.org>; Lindy Froebel (lfroebel@turkeyfed.org) <lfroebel@turkeyfed.org>; Paul Schlumper <Paul.Schlumper@innovate.gatech.edu>; Houlroyd, Jenny L <jenny.houlroyd@innovate.gatech.edu>; Warren, Hilarie S <hilarie.warren@innovate.gatech.edu>
Cc: Kalinowski, Doug - OSHA <Kalinowski.Doug@dol.gov>; Williams, Arlene - OSHA <Williams.Arlene@dol.gov>; Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov>; Meilinger, Francis - OSHA <Meilinger.Francis2@dol.gov>; Scott, Gina - OSHA <Scott.Gina@dol.gov>; (b) (6)(b) (6)
Subject: RE: For Your Response: Poultry Industry Alliance COVID-19 Webinar
Importance: High

Tina,

Thank you for the quick response, Thursday, April 30, 2 PM EST will work great. You are correct, Georgia Tech will facilitate the webinar, and I have added them to the email. We will be asking our industry members to submit questions before the webinar so that we can provide Q/A response. Georgia Tech is happy to provide an overview of the consultation program during this webinar, as well.

Please let me know if a call is needed either on Tuesday or Wednesday, leading up to the webinar.

Regards,

USPOULTRY
Matt Spencer, CSP, SHRM-CP
Director HR & Safety Programs
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From: Jones, Tina - OSHA <Jones.Tina@dol.gov>
Sent: Monday, April 27, 2020 2:52 PM
To: Christian Richter <crichter@thepolicygroup.com>; Matthew Spencer <mspencer@uspoultry.org>
Cc: Kalinowski, Doug - OSHA <Kalinowski.Doug@dol.gov>; Williams, Arlene - OSHA <Williams.Arlene@dol.gov>; Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov>; Meilinger, Francis - OSHA <Meilinger.Francis2@dol.gov>; Scott, Gina - OSHA <Scott.Gina@dol.gov>
Subject: For Your Response: Poultry Industry Alliance COVID-19 Webinar
Importance: High

Hi Christian/Matt,

Thursday, April 30, at 2:00 PM works for both the OSHA and NIOSH SMEs, who are:

- Chris Brown, who led the coordination of the guidelines for OSHA and is cc'd on this email
- Douglas Trout, who is with NIOSH and coordinated with Chris on the final joint guidelines. He is not included on the email, but, I can wrap him in if needed. His contact is (b) (6)(b) (6)

I've also included our Office of Communications leadership on the email, Frank Meilinger and Gina Scott, to keep them in the loop and in case we need their assistance.

I got the sense that GA Tech would be facilitating the webinar and could speak to how OSHA Consultation could be a resource to members. How would you like to proceed with the planning – I'm happy to coordinate a call among the main participants or industry/GA Tech could do that if you wish. I will follow-up by phone, but wanted to get the email train going and provide you with the SME contacts.

Tina

Webinar Proposal:

Target Audience: Members of the U.S. Poultry and Egg Association (US Poultry), the National Chicken Council (NCC), and the National Turkey Federation (NTF)

Target Date: As soon as possible after the release of OSHA's COVID-19 Guidelines for Meatpacking and Meat Processing Employers and Workers (currently in development, will be harmonized or jointly released with NIOSH)

Goal of Webinar: Provide US Poultry/NCC/NTF members with current guidance regarding the mitigation of COVID-19 in poultry processing, and any strategies/innovative ways to slow the spread

of COVID-19 in their facilities.

Webinar Topics:

- OSHA's COVID-19 Guidelines for Meatpacking and Meat Processing Employers and Workers (currently in development)
- OSHA's On-Site Consultation Program
- NIOSH's COVID-19 Guidelines for Meatpacking and Meat Processing Employers and Workers (currently in development) and practical ways to implement the guidelines in poultry processing plants/facilities.
- Industry practices for implementing guidelines; select members implementing innovative ways to mitigate the spread of COVID-19 in their facilities will share this information with the audience.

Webinar Presenters:

- OSHA: SME on COVID-19 Guidelines
- OSHA: SME on OSHA's On-Site Consultation
- NIOSH SME on COVID-19 Guidelines/Meatpacking Meat Processing
- 2 to 3 Members of Target Audience (selection made by Alliance partners)

The Alliance Partners (US Poultry/NCC/NTF) will facilitate the webinar. Our participation in the proposed webinar will allow OSHA to leverage the resources of its alliance participants to provide information and guidance on COVID-19 to the poultry alliance participants' members/poultry industry that will help them keep their workers safe during the current COVID-19 pandemic.

From:	Houlroyd, Jenny L
To:	Matthew Spencer; Jones, Tina - OSHA; Christian Richter; Paul Bredwell; apeterson@chickenusa.org; Lisa Wallenda Picard; lfroebel@turkeyfed.org; Paul Schlumper; Warren, Hilarie S; Kalinowski, Doug - OSHA; Williams, Arlene - OSHA; Brown, Christopher K. - OSHA; Meilinger, Francis - OSHA; Scott, Gina - OSHA; dyt1@cdc.gov
Subject:	RE: Webinar Follow-Up Discussion
Date:	Tuesday, May 5, 2020 12:00:15 PM
Attachments:	image001.png image002.png image003.png Resources for Poultry Companies_formatted.docx

Also,
Here is the poultry resource list as a word document.

Thanks,
Jenny

-----Original Appointment-----
From: Matthew Spencer [mailto:mspencer@uspoultry.org]
Sent: Tuesday, May 5, 2020 11:08 AM
To: Houlroyd, Jenny L; Jones.Tina@dol.gov; Christian Richter; Paul Bredwell; apeterson@chickenusa.org; Lisa Wallenda Picard; lfroebel@turkeyfed.org; Schlumper, Paul A; Warren, Hilarie S; Cc: Kalinowski, Doug - OSHA; Williams, Arlene - OSHA; Brown, Christopher K. - OSHA; Meilinger, Francis - OSHA; Scott, Gina - OSHA; (b) (6)(b) (6)
Subject: Canceled: Webinar Follow-Up Discussion
When: Tuesday, May 5, 2020 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Conference Call
Importance: High

Click here to join

(b) (6)

Dial-in Info:	(b) (6)
Extension:	(b) (6)
Participant Code:	(b) (6)
Mobile AutoDial:	
VoIP:	voip://+(b) (6) #
iOS Devices:	+(b) (6) and press #
Other Devices:	+(b) (6) #

Follow-up discussion of Webinar documents prior to distribution to all attendees.

Thank you,

USPOULTRY

Matt Spencer, CSP, SHRM-CP
Director HR & Safety Programs
U.S. Poultry & Egg Association
1530 Cooledge Road
Tucker, GA 30084
(Phone) 678-514-1982
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From: Matthew Spencer
To: Houlroyd, Jenny L; apeterson@chickenusa.org; Lisa Wallenda Picard; Lindy Froebel (lfroebel@turkeyfed.org); Paul Bredwell; Paul Schlumper; Warren, Hilarie S; Jones, Tina - OSHA; Christian Richter - The Policy Group (crichter@thepolicygroup.com); Kalinowski, Doug - OSHA; Pagan, Americo - OSHA; Petermeyer, Kurt - OSHA; Jones, Tina - OSHA; Christian Richter; Paul Bredwell; apeterson@chickenusa.org; Lisa Wallenda Picard; Lindy Froebel (lfroebel@turkeyfed.org); Paul Schlumper; Houlroyd, Jenny L; Warren, Hilarie S; Kalinowski, Doug - OSHA; Williams, Arlene - OSHA; Brown, Christopher K. - OSHA; Meilinger, Francis - OSHA; Scott, Gina - OSHA; dyt1@cdc.gov
Subject: FW: Webex meeting invitation: Interim Guidance from CDC and the Occupational Safety and Health Administration (OSHA)- For the Meatpacking Industry
Date: Tuesday, April 28, 2020 4:55:31 PM
Attachments: image001.png
image002.png
image003.png
Webex meeting invitation (b) (6) (b) (6) .ics
Importance: High

Thank you for the call this afternoon. Attached is the calendar invite for Thursday's webinar. Below is Jenny Houlroyd's email if you would like to send your presentations to her.

jenny.houlroyd@innovate.gatech.edu

Again we will circulate questions to you all early tomorrow.

Regards,

USPOULTRY
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From:	Matthew Spencer
To:	Matthew Spencer; apeterson@chickenusa.org; Lisa Wallenda Picard; Lindy Froebel (lfroebel@turkeyfed.org); Paul Bredwell; Paul Schlumper; Warren, Hilarie S; Jones, Tina - OSHA; Christian Richter - The Policy Group (crichter@thepolicygroup.com); Kalinowski, Doug - OSHA; Pagan, Americo - OSHA; Petermeyer, Kurt - OSHA; Jones, Tina - OSHA; Christian Richter; Paul Bredwell; apeterson@chickenusa.org; Lisa Wallenda Picard; Lindy Froebel (lfroebel@turkeyfed.org); Paul Schlumper; Warren, Hilarie S; Kalinowski, Doug - OSHA; Williams, Arlene - OSHA; Brown, Christopher K. - OSHA; Meilinger, Francis - OSHA; Scott, Gina - OSHA; (b) (6)
Subject:	Questions for Webinar
Date:	Wednesday, April 29, 2020 2:29:08 PM
Attachments:	image001.png image002.png image005.png
Importance:	High

Please find below the questions provided by the industry for tomorrow's 2 PM EST webinar. If you have received any additional questions that you feel are pertinent for the webinar, please share it with the group.

- One question is, can we expect to see this interim guidance turn into regulation for enforcement purposes?
- An employee has symptoms and has a test with negative results. Symptoms continue, should the employee have the test repeated?
- Employees are trained in social distancing, and workplaces have been designed to keep employees separated. However, employees on breaks and after work do not follow the social distancing guidelines. Will the company be held accountable for an employee's actions?
- What regulations must be used for redesigning or removing Air Circulation to prevent the spread of airborne or aerosolized viruses?
- How will the USDA, under the Executive Order and the authority of the Defense Production Act, with meat processing to affirm they will operate under the CDC and OSHA guidance?
- How are the CDC and OSHA working with State Plan OSHA states for the use of the guidance?
- Do companies need to document there use of the hierarchy of controls for steps to try and eliminate processes that create exposure?
- How will the Federal government provide testing materials and protective gear for employees?
- Will anyone discuss in plant ventilation and makeup air units? Suggestions for achieving a balance between airflow requirements in the facilities and CDC recommendations.
- Correlation between HIPAA laws and steps employers can take to gain knowledge of 3rd party positive employee tests for the sole purpose of managing employee exposure events.
- How do we overcome cultural socializing traditions that are putting employees at risk (Cinco de Mayo)?
- Some religious denominations believe that God will protect people/employees from harm, and therefore, there is resistance to wearing extra PPE based on religious objections. How do we enforce extra safety precautions when some employees feel it violates their religious freedoms?

Please contact me if you have any questions.

Regards,

Matt Spencer, CSP, SHRM-CP
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U.S. Poultry & Egg Association
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From:	(b) (6)
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Subject:	RE: Discussion With Loren Sweatt, Principal Deputy Assistant Secretary of Labor for OSHA
Date:	Monday, April 20, 2020 2:02:35 PM

Hi Doug-

I am available for either time. Thanks…Jackie

From: Kalinowski, Doug - OSHA <Kalinowski.Doug@dol.gov>
Sent: Monday, April 20, 2020 2:00 PM
To: Brad.Bothun@JBSSA.com; Todd.Callahan@tyson.com; mike.eckman@nationalbeef.com; steve_edmonds@cargill.com; hector.gonzales@Tyson.com; schaynes@hormel.com; Matthew.Lovell@JBSSA.com; Chris.McCune@JBSSA.com; mnemitz@ufcw.org; tanya_teeter@cargill.com
Cc: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>; Edens, Mandy - OSHA <Edens.Mandy@dol.gov>; Pearce, Krisann - OSHA <Pearce.Krisann@dol.gov>; Kerr, Cheryl J. - OSHA <Kerr.Cheryl.J@DOL.GOV>; Ingram, Kandyce - OSHA CTR <Ingram.Kandyce@dol.gov>; Williams, Arlene - OSHA <Williams.Arlene@dol.gov>; Williamson, SR - OSHA <Williamson.SR@dol.gov>; (b) (6) (b) (6) >; Al-Mohamed, Day - OSHA <al.mohamed.day@dol.gov>; Petermeyer, Kurt - OSHA <Petermeyer.Kurt@dol.gov>; Kizer, Billie - OSHA <Kizer.Billie@dol.gov>; Adams, Chris R - OSHA <adams.chris.r@dol.gov>; Harbin, Eric - OSHA <Harbin.Eric@dol.gov>; Hughes, Dorinda - OSHA <Hughes.Dorinda@dol.gov>; Boyd, Stephen - OSHA <Boyd.Stephen@dol.gov>; Stille, Kim - OSHA <Stille.Kim@dol.gov>; Winingham, Bonita - OSHA <Winingham.Bonita@dol.gov>; Kalinowski, Doug - OSHA <Kalinowski.Doug@dol.gov>; Memon, Shahida J. - OSHA CTR <Memon.Shahida.J@dol.gov>; Meilinger, Francis - OSHA <Meilinger.Francis2@dol.gov>; Scott, Gina - OSHA <Scott.Gina@dol.gov>; Sloane, Walter - OSHA CTR <Sloane.Walter@dol.gov>
Subject: Discussion With Loren Sweatt, Principal Deputy Assistant Secretary of Labor for OSHA

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Please let me know if you have any questions.

Thank you very much,

Doug Kalinowski
Directorate of Cooperative and State Programs

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Cc:	Sweatt, Loren E. - OSHA; Edens, Mandy - OSHA; Pearce, Krisann - OSHA; Kerr, Cheryl J. - OSHA; Ingram, Kandyce - OSHA CTR; Williams, Arlene - OSHA; Williamson, SR - OSHA; (b) (6) ; Al-Mohamed, Day - OSHA; Petermeyer, Kurt - OSHA; Kizer, Billie - OSHA; Adams, Chris R - OSHA; Harbin, Eric - OSHA; Hughes, Dorinda - OSHA; Boyd, Stephen - OSHA; Stille, Kim - OSHA; Winingham, Bonita - OSHA; Kalinowski, Doug - OSHA; Memon, Shahida J. - OSHA CTR; Meilinger, Francis - OSHA; Scott, Gina - OSHA; Sloane, Walter - OSHA CTR
Subject:	Re: Discussion With Loren Sweatt, Principal Deputy Assistant Secretary of Labor for OSHA
Date:	Monday, April 20, 2020 2:04:30 PM

I will make anytime work

Sent from Outlook Mobile

From: Kalinowski, Doug - OSHA <Kalinowski.Doug@dol.gov>
Sent: Monday, April 20, 2020 11:59:46 AM
To: Brad.Bothun@JBSSA.com <Brad.Bothun@JBSSA.com>; Todd.Callahan@tyson.com <Todd.Callahan@tyson.com>; mike.eckman@nationalbeef.com <mike.eckman@nationalbeef.com>; steve_edmonds@cargill.com <steve_edmonds@cargill.com>; hector.gonzales@Tyson.com <hector.gonzales@Tyson.com>; schaynes@hormel.com <schaynes@hormel.com>; Matthew.Lovell@JBSSA.com <Matthew.Lovell@JBSSA.com>; Chris.McCune@JBSSA.com <Chris.McCune@JBSSA.com>; mnemitz@ufcw.org <mnemitz@ufcw.org>; tanya_teeter@cargill.com <tanya_teeter@cargill.com>
Cc: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>; Edens, Mandy - OSHA <Edens.Mandy@dol.gov>; Pearce, Krisann - OSHA <Pearce.Krisann@dol.gov>; Kerr, Cheryl J. - OSHA <Kerr.Cheryl.J@DOL.GOV>; Ingram, Kandyce - OSHA CTR <Ingram.Kandyce@dol.gov>; Williams, Arlene - OSHA <Williams.Arlene@dol.gov>; Williamson, SR - OSHA <Williamson.SR@dol.gov>; (b) (6) (b) (6) Al-Mohamed, Day - OSHA <al.mohamed.day@dol.gov>; Petermeyer, Kurt - OSHA <Petermeyer.Kurt@dol.gov>; Kizer, Billie - OSHA <Kizer.Billie@dol.gov>; Adams, Chris R - OSHA <adams.chris.r@dol.gov>; Harbin, Eric - OSHA <Harbin.Eric@dol.gov>; Hughes, Dorinda - OSHA <Hughes.Dorinda@dol.gov>; Boyd, Stephen - OSHA <Boyd.Stephen@dol.gov>; Stille, Kim - OSHA <Stille.Kim@dol.gov>; Winingham, Bonita - OSHA <Winingham.Bonita@dol.gov>; Kalinowski, Doug - OSHA <Kalinowski.Doug@dol.gov>; Memon, Shahida J. - OSHA CTR <Memon.Shahida.J@dol.gov>; Meilinger, Francis - OSHA <Meilinger.Francis2@dol.gov>; Scott, Gina - OSHA <Scott.Gina@dol.gov>; Sloane, Walter - OSHA CTR <Sloane.Walter@dol.gov>
Subject: [Ext]- Discussion With Loren Sweatt, Principal Deputy Assistant Secretary of Labor for OSHA

Use caution before opening attachments or links!

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Please let me know if you have any questions.

Thank you very much,

Doug Kalinowski
Directorate of Cooperative and State Programs

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From:	Jones, Tina - OSHA
To:	hbongers@meatinstitute.org
Cc:	Stille, Kim - OSHA; Winingham, Bonita - OSHA; Cholmondeley, Jo Beth - OSHA; Kalinowski, Doug - OSHA; Williams, Arlene - OSHA; Morgan, Christina E. - OSHA
Subject:	For Your Response: Suggested Timeframes to Meet with OSHA on a Potential COVID-19 Focused Alliance
Date:	Friday, May 1, 2020 11:29:56 AM

Hi Mr. Bongers,

I'm following up on your request to Kim Stille below on scheduling a meeting on Monday, May 4, 2020 to discuss a potential COVID-19 focused Alliance between OSHA and NAMI. Below are suggested times for Monday, May 4th. Please let me know if any of these timeframes would work to have a 60-minute discussion.

- 9:00 AM - 11:00 AM Eastern
- 12:00 PM – 1:30 PM Eastern
- After 3:00 PM Eastern

Tina Jones
Director, Office of Outreach Services and Alliances
DOL/OSHA
202-693-1984 (Office)
(b) (6)(b) (6)(b) (6)(b) (6)(b) (6)(b) (6))

From: Hank Bongers <HBongers@meatinstitute.org>
Sent: Friday, May 1, 2020 9:31 AM
To: Stille, Kim - OSHA <Stille.Kim@dol.gov>
Subject: Alliance

Hi Kim,
Would you have someone send me a meeting request to move this forward so I can get it on Julie Anna's schedule?
Thank you,

Hank Bongers, CSP
Director Worker Safety
North American Meat Institute
hbongers@meatinstitute.org
(608) 208-5783

From: Hank Bongers
To: Stille, Kim - OSHA
Subject: RE: Focused Alliance Between the North American Meat Institute and OSHA
Date: Monday, April 27, 2020 4:05:21 PM

I am available all day. It will be raining (b) (6) .

Hank Bongers, CSP
Director Worker Safety
North American Meat Institute
hbongers@meatinstitute.org
(608) 208-5783

From: Stille, Kim - OSHA [mailto:Stille.Kim@dol.gov]
Sent: Monday, April 27, 2020 3:03 PM
To: Hank Bongers <HBongers@meatinstitute.org>
Subject: FW: Focused Alliance Between the North American Meat Institute and OSHA

What does your availability look like for tomorrow? I would like to complete our modification of the draft alliance and get it to you before we talk. I want to make sure you are comfortable with it before proceeding. Understanding the tremendous amount of communications and guidance you have already done (and continue to do) to assist your members, I want to make sure the alliance language notes how the agency can be of value in furthering those communications - even if it is simply educating us to the challenges faced by the industry so that those challenges may be considered in future guidance.

The pandemic is causing great stressors in your industry as well as across the Agency.

From: Hank Bongers <HBongers@meatinstitute.org>
Sent: Monday, April 27, 2020 2:16 PM
To: Stille, Kim - OSHA <Stille.Kim@dol.gov>
Subject: RE: Focused Alliance Between the North American Meat Institute and OSHA

Is the next step modifying this to reflect this alliance? We do much of it already with our members.

Hank Bongers, CSP
Director Worker Safety
North American Meat Institute
hbongers@meatinstitute.org
(608) 208-5783

From: Stille, Kim - OSHA [mailto:Stille.Kim@dol.gov]
Sent: Monday, April 27, 2020 1:58 PM
To: Hank Bongers <HBongers@meatinstitute.org>
Subject: Focused Alliance Between the North American Meat Institute and OSHA

Attached is the template developed and approved for use by OSHA's national office.

You may wish to review the template, but we will modify it to address specifically COVID 19 (the attached is a starting point if you will).

If we are successful (having a positive impact thru a collaboration), the alliance can be modified to embrace other safety and health topics

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From: Hank Bongers
To: Jones, Tina - OSHA
Cc: Stille, Kim - OSHA; Winingham, Bonita - OSHA; Cholmondeley, Jo Beth - OSHA; Kalinowski, Doug - OSHA; Williams, Arlene - OSHA; Morgan, Christina E. - OSHA
Subject: Re: For Your Response: Suggested Timeframes to Meet with OSHA on a Potential COVID-19 Focused Alliance
Date: Friday, May 1, 2020 3:36:57 PM

We're available 12-1:30 and anytime after 3.
Thank you,
Hank

Sent from my iPhone

> On May 1, 2020, at 10:29 AM, Jones, Tina - OSHA <Jones.Tina@dol.gov> wrote:
>
> Hi Mr. Bongers,
>
> I'm following up on your request to Kim Stille below on scheduling a meeting on Monday, May 4, 2020 to discuss a potential COVID-19 focused Alliance between OSHA and NAMI. Below are suggested times for Monday, May 4th. Please let me know if any of these timeframes would work to have a 60-minute discussion.
>
> - 9:00 AM - 11:00 AM Eastern
> - 12:00 PM – 1:30 PM Eastern
> - After 3:00 PM Eastern
>
> Tina Jones
> Director, Office of Outreach Services and Alliances
> DOL/OSHA
> 202-693-1984 (Office)
> (b) (6)(b) (6)(b) (6)(b) (6)(b) (6)(b) (6)
>
> ---
>
> **From:** Hank Bongers <HBongers@meatinstitute.org>
> **Sent:** Friday, May 1, 2020 9:31 AM
> **To:** Stille, Kim - OSHA <Stille.Kim@dol.gov>
> **Subject:** Alliance
>
> Hi Kim,
> Would you have someone send me a meeting request to move this forward so I can get it on Julie Anna's schedule?
> Thank you,
>
> Hank Bongers, CSP
> Director Worker Safety
> North American Meat Institute

hbongers@meatinstitute.org
(608) 208-5783

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person), you may not read it, copy it or deliver or forward it to anyone. If this message has
been received in error, you should destroy this message and notify us immediately.

From: Kalinowski, Doug - OSHA

To: Rebecca Reindel; Jason.ragogna@delta.com; Chard, Joshua - Altec; Hale, Kristy - Altec; Hinnergardt, Darin - Altec; phil.doud@altec.com; Stygar III, Edward J. - ABSA; scott@abma.com; sahar_osman-sypher@americanchemistry.com; Alexandra_peck@americanchemistry.com; Lee_Salamone@americanchemistry.com; RMoskowitz@afpm.org; KDenbow@aga.org; Walters, Jeff - American Heart Association; Mames@aiha.org; dave@ladders.com; ryan@ladders.com; BurrA@api.org; karagainer@apta.org; "rjoakley@sunlandconstruction.com"; jheckman@americanpyro.com; David.markenson@redcross.org; Tim Fisher; STrebswether@assp.org; JWeiss@assp.org; LClements@assp.org; Stephen Dwyer; Brittany Sakata; Trujillo, Frank; mdrury@shapiroandduncan.com; livingston@abc.org; Sizemore, Greg; Steve Wiltshire; arfebbraro@yahoo.com; ntindall@AEM.org; bjhurst@lghealth.org; a.wiest@kamo-ms.com; Erica Poff (EricaPoff@bcsp.org); tiera.robinson@bcsp.org; fraser@bcacs.ca; Larry.Teverbaugh@K2Share.com; Lisa London; jbaty@cfawalls.org; erin@csda.org; MAntonucci@csatf.org; Nluther@csatf.org; cmoulton@csatf.org; Ayers, Charlie - CCAR; kah@ccar-greenlink.org; Eileen Betit; jpaxton@mhi.org; rhaire@mhi.org; cmbecker@gwbcrane.com; hesscm@harringtonhoists.com; brireh@gorbel.com; M_Kent_Anderson@att.net; richard@aradc.org; kyle@aradc.org; gary.smith@ammonia-safety.com; Lauren Hanan; jim@reta.com; khudson@LineageLogistics.com; jamesmarrella@msn.com; Randel, Lowell - GCCA; dave_rule@iiar.org; gary.white@bellcold.com; rcrosson@IECI.org; lmgibson@ieci.org; davidhittinger@gmail.com; brian.feehan@indtrk.org; Cross, Gary - ITA; Chris.merther@indtrk.org; rctasovac@gmail.com; gguilford@ihmm.org; RobinWiener@isri.org; swiggins@isri.org; etorabian@isri.org; steve.keppler@intermodal.org; dave.crowley@hphood.com; Cary Frye; Danielle Quist; Lydia Baugh; cfargo@safetyequipment.org; Dan Glucksman; sdbright@optionline.net; bphelps@lamar.com; Wigger, Chuck - Lamar Industries; Anibarro, Gus - LIA; jeffb@masoncontractors.org; jmoore@mcgriff.com; Karen@midamericaosha.org; Thibodeaux, Mike; Donn Cahill.; Alicia_Leahy@mpaa.org; Matuga, Rob; Cheryl@landscapeprofessionals.org; amy@landscapeprofessionals.org; GAC@nari.org; Jim Goldwater (JimAuH2O@aol.com); Todd Schlekeway (todd@natehome.com); KarenBrioso@millerandlong.com; rominabyrd@millerandlong.com; kdobson@alberici.com; bworsham@nccer.org; rwilder@nccer.org; lmottet@transequality.org; hjtobin@transequality.org; Lambert, Jeff; kmckenney@demolitionassociation.com; kgrundahl@qualtim.com; Jason.eardley@adm.com; KFrye@growmark.com; GHuddleston@afia.org; Catrylatt@gmail.com; Barb.Grove@cvacoop.com; Jess McCluer; greg.rowe@perdue.com; jseibert@ngfa.org; Kristin@GEAPS.com; Steve@GEAPS.com; john@regionalhca.org; jgiometti@nheo.org; msilva@nheo.org; Earnest, G. Scott; Kevin@dealer.org; jonathan@dealer.org; mharrell@precast.org; rkrolewski@precast.org; mcaldarera@npga.org; amy.harper; kim.shambrook@nsc.org; Tom Supinka; Jane Terry; Brian.Callahan@nsc.org; ake3@cdc.gov; jerry.jacobs@patenergy.com; Mcgee, Marianne - OSHA; Joyce Ryel; dowens@legacy-safety.com; william_brown@xtoenergy.com; gkennedy@nycap.rr.com; Kirk Sander; dsmith@wasterecycling.org; David Biderman; jmaxwell@swana.org; Patrick Atagi; bgething@palletcentral.com; brent@palletcentral.com; stephanieclaus99008@gmail.com; bryan.deal@cna.com; mbambach@dpnicoli.com; wendellwood@ntsafety.com; Cannon, Kevin R.; Jones, Walter; Jessica Scheyder; Fosbroke, David - Roadway; hmarks@asphaltpavement.org; Parsons, Travis - Roadway; Sant, Brad; Castillo, Dawn N. (CDC/NIOSH/DSR); cfranklin@robotics.org; bfl4@cdc.gov; lspangl@sandia.gov; jackie@saiaonline.org; Deanna@saiaonline.org; nicole@cranemartin.com; jeffrey@erservicesinc.com; rpilla@valcourt.net; davis.gaddy@arlaw.com; WCrow@virginiashiprepair.org; jimt5@cox.net; jon.bittner@aksbdc.org; lcfine@ualr.edu; mark.petrilli@illinois.gov; tphelps@iedc.IN.gov; pnye@lbcc.edu; bparker@lsbdc.org; brophyke@gvsu.edu; Bruce.Strong@state.mn.us; m.langford@dcccd.edu; Kristin.Johnson@humboldt.edu; judy.wilhelm@ttusbdc.org; mcampbell@se.edu; midaniel@fullerton.edu; gregorym@lanecc.edu; mjackson2@swccd.edu; albert.salgado@utsa.edu; casbdc@ucmerced.edu; duane.fladland@wsbdc.org; bon.wikenheiser@uwex.edu; jdiebol@gmail.com; jennifer.mahoney@cgi.com; tarique.m.mangrio@boeing.com; lucs@kmkregservices.com; Sullivan, Michele - SCHC; EErickson@smrp.org; abrilj@socma.com; dettingerj@socma.com; nomae@socma.com; rothsteinj@socma.com; EButler@seia.org; JCain@SEIA.org; tomunderhill@seaa.net; Annie Stefanec; Eric Stuart; rbrooks@cl2.com; richard@aradc.org; aohare@tfi.org; Andrea@aradc.org; bbraun@jointcommission.org; Hinckley, Cathy - JC/JCR; CSchierhorn@jcrinc.com; pgerstenberger@TCIA.org; bguerrero@ur.com; Matthew Spencer; Christian Richter (crichter@thepolicygroup.com); apeterson@chickenusa.org; lpicard@turkeyfed.org; joe.aldridge@unlv.edu; dglowacki@kentuckyperformingarts.org; Grindle, David - USITT; Jorgensen, Kent - IATSE; Rowe, Alan - IATSE; White, Pat - USITT; jferris@worldmillworkalliance.com; ballardsafetyllc@hotmail.com; Michael Zalle; Matt.Milam@ESAweb.org; scott@asplundh.com; Linwood Northern; Donovan, William - OSHA; "Andrew Salvadore"; "David Mullen"; jerry_westerholm@ibew.org; "Joe O"Connor"; jarrett.quoyle@mastec.com; jose.mas@mastec.com; jeff.thiede@mdu.com; Richard, Frank; pmichels@michels.us; rmiller@michels.us; SCavanaugh@myrgroup.com; Koertner, William; Pike, J.Eric; mcrowson@powerlinesinc.com; mcompher@quantaservices.com; joneil@quantaservices.com; wyancey@quantaservices.com; mmarquart@sachsco.com; cspencer@eei.org; Jensen, Wayne; Jervis, Susan; Amanda.mason@mail.wvu.edu; White, Susan; Rodriguez Jr, Jose - Raytheon; staylor@vpppa.org

Cc: Sweatt, Loren E. - OSHA; Edens, Mandy - OSHA; Pearce, Krisann - OSHA; zzOSHA-DCSP-OOSA; zzOSHA-DCSP-Managers

Subject: For Your Information: Further Guidance On Enforcement For Use Of Respiratory Protection Equipment

Date: Monday, April 6, 2020 9:45:04 AM

Good Morning,

The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) has issued new Enforcement Guidance for Use of Respiratory Protection Equipment Certified under Standards of Other Countries or Jurisdictions During the Coronavirus Disease 2019

(COVID-19) Pandemic. This memorandum provides additional interim guidance to Compliance Safety and Health Officers (CSHOs) for enforcing the Respiratory Protection standard, 29 CFR § 1910.134, and certain other health standards, with regard to supply shortages of disposable N95 filtering facepiece respirators (FFRs). This guidance applies in all industries and outlines enforcement discretion to permit the use of FFRs and air-purifying elastomeric respirators that are either:

- Certified under certain standards of other countries or jurisdictions, as specified below; or
- When equipment certified under standards of other countries or jurisdictions is not available, previously certified under the standards of other countries or jurisdictions but are beyond their manufacturer's recommended shelf life (i.e., expired).

For more information about COVID -19 please visit OSHA's COVID-19 webpage and CDC's COVID-19 webpage.

Doug Kalinowski
Directorate of Cooperative and State Programs

From: Kalinowski, Doug - OSHA

To: rreindel@aflcio.org; Jason.ragogna@delta.com; Chard, Joshua - Altec; Hale, Kristy - Altec; Hinnergardt, Darin - Altec; phil.doud@altec.com; Stygar III, Edward J. - ABSA; scott@abma.com; sahar_osman-sypher@americanchemistry.com; Alexandra_peck@americanchemistry.com; Lee_Salamone@americanchemistry.com; RMoskowitz@afpm.org; KDenbow@aga.org; Walters, Jeff - American Heart Association; Mames@aiha.org; dave@ladders.com; ryan@ladders.com; BurrA@api.org; karagainer@apta.org; rjoakley@sunlandconstruction.com; jheckman@americanpyro.com; David.markenson@redcross.org; TFisher@assp.org; STrebswether@assp.org; JWeiss@assp.org; LClements@assp.org; sdwyer@americanstaffing.net; bsakata@americanstaffing.net; franktrujillo@millerandlong.com; mdrury@shapiroandduncan.com; livingston@abc.org; Sizemore, Greg; wiltshire@abc.org; arfebbraro@yahoo.com; ntindall@AEM.org; bjhurst@lghealth.org; a.wiest@kamo-ms.com; EricaPoff@bcsp.org; tiera.robinson@bcsp.org; fraser@bcacs.ca; Larry.Teverbaugh@K2Share.com; lisa.london@careersafeonline.com; jbaty@cfawalls.org; erin@csda.org; MAntonucci@csatf.org; Nluther@csatf.org; cmoulton@csatf.org; Ayers, Charlie - CCAR; kah@ccar-greenlink.org; ebetit@cpwr.com; jpaxton@mhi.org; rhaire@mhi.org; cmbecker@gwbcrane.com; hesscm@harringtonhoists.com; brireh@gorbel.com; M_Kent_Anderson@att.net; richard@aradc.org; kyle@aradc.org; gary.smith@ammonia-safety.com; lhanan@gbca.com; jim@reta.com; khudson@LineageLogistics.com; jamesmarrella@msn.com; Randel, Lowell - GCCA; dave_rule@iiar.org; gary.white@bellcold.com; rcrosson@IECI.org; lmgibson@ieci.org; davidhittinger@gmail.com; brian.feehan@indtrk.org; Cross, Gary - ITA; Chris.merther@indtrk.org; rctasovac@gmail.com; gguilford@ihmm.org; RobinWiener@isri.org; swiggins@isri.org; etorabian@isri.org; steve.keppler@intermodal.org; dave.crowley@hphood.com; cfrye@idfa.org; DQuist@idfa.org; lbaugh@safetyequipment.org; cfargo@safetyequipment.org; dglucksman@safetyequipment.org; sdbright@optionline.net; bphelps@lamar.com; Wigger, Chuck - Lamar Industries; Anibarro, Gus - LIA; jeffb@masoncontractors.org; jmoore@mcgriff.com; Karen@midamericaosha.org; Thibodeaux, Mike; Donn Cahill.; Alicia_Leahy@mpaa.org; Matuga, Rob; Cheryl@landscapeprofessionals.org; amy@landscapeprofessionals.org; Dtaddei@nari.org; jimauh2o@aol.com; todd@natehome.com; KarenBrioso@millerandlong.com; rominabyrd@millerandlong.com; kdobson@alberici.com; bworsham@nccer.org; rwilder@nccer.org; lmottet@transequality.org; hjtobin@transequality.org; jlambert@demolitionassociation.com; kmckenney@demolitionassociation.com; kgrundahl@qualtim.com; Jason.eardley@adm.com; KFrye@growmark.com; GHuddleston@afia.org; Catrylatt@gmail.com; Barb.Grove@cvacoop.com; jmccluer@ngfa.org; greg.rowe@perdue.com; jseibert@ngfa.org; Kristin@GEAPS.com; Steve@GEAPS.com; john@regionalhca.org; jgiometti@nheo.org; msilva@nheo.org; Earnest, G. Scott; Kevin@dealer.org; jonathan@dealer.org; mharrell@precast.org; rkrolewski@precast.org; mcaldarera@npga.org; Shannahan, Thomas R. - NRCA; amy.harper; kim.shambrook@nsc.org; Tom.Supinka@nsc.org; Jane.Terry@nsc.org; Brian.Callahan@nsc.org; ake3@cdc.gov; jerry.jacobs@patenergy.com; Mcgee, Marianne - OSHA; jryel@fortisenergyservices.com; dowens@legacy-safety.com; william_brown@xtoenergy.com; gkennedy@nycap.rr.com; ksander@wasterecycling.org; dsmith@wasterecycling.org; dbiderman@swana.org; jmaxwell@swana.org; patagi@palletcentral.com; bgething@palletcentral.com; brent@palletcentral.com; stephanieclaus99008@gmail.com; bryan.deal@cna.com; mbambach@dpnicoli.com; wendellwood@ntsafety.com; Cannon, Kevin R.; Jones, Walter; jessica.scheyder@atssa.com; Fosbroke, David - Roadway; hmarks@asphaltpavement.org; Parsons, Travis - Roadway; Sant, Brad; dnc0@cdc.gov; cfranklin@robotics.org; bfl4@cdc.gov; lspangl@sandia.gov; jackie@saiaonline.org; Deanna@saiaonline.org; nicole@cranemartin.com; jeffrey@erservicesinc.com; rpilla@valcourt.net; davis.gaddy@arlaw.com; WCrow@virginiashiprepair.org; jimt5@cox.net; jon.bittner@aksbdc.org; lcfine@ualr.edu; mark.petrilli@illinois.gov; tphelps@iedc.IN.gov; pnye@lbcc.edu; bparker@lsbdc.org; brophyke@gvsu.edu; Bruce.Strong@state.mn.us; m.langford@dcccd.edu; Kristin.Johnson@humboldt.edu; judy.wilhelm@ttusbdc.org; mcampbell@se.edu; midaniel@fullerton.edu; gregorym@lanecc.edu; mjackson2@swccd.edu; albert.salgado@utsa.edu; casbdc@ucmerced.edu; duane.fladland@wsbdc.org; bon.wikenheiser@uwex.edu; jdiebol@gmail.com; jennifer.mahoney@cgi.com; tarique.m.mangrio@boeing.com; lucs@kmkregservices.com; Sullivan, Michele - SCHC; EErickson@smrp.org; abrilj@socma.com; dettingerj@socma.com; nomae@socma.com; rothsteinj@socma.com; EButler@seia.org; JCain@SEIA.org; tomunderhill@seaa.net; stefanec@steelnet.org; stuart@steelnet.org; rbrooks@cl2.com; Richard@aradc.org; aohare@tfi.org; Andrea@aradc.org; bbraun@jointcommission.org; Hinckley, Cathy - JC/JCR; CSchierhorn@jcrinc.com; pgerstenberger@TCIA.org; bguerrero@ur.com; mspencer@uspoultry.org; crichter@thepolicygroup.com; apeterson@chickenusa.org; lpicard@turkeyfed.org; joe.aldridge@unlv.edu; dglowacki@kentuckyperformingarts.org; Grindle, David - USITT; Jorgensen, Kent - IATSE; Rowe, Alan - IATSE; White, Pat - USITT; jferris@worldmillworkalliance.com; ballardsafetyllc@hotmail.com; mzalle@goYellowBird.com; scott@asplundh.com; lnorthern@dhec.com; Donovan, William - OSHA; asalvadore@henkels.com; david_mullen@ibew.org; jerry_westerholm@ibew.org; joconnor@intecweb.com; jarrett.quoyle@mastec.com; jose.mas@mastec.com; jeff.thiede@mdu.com; Richard, Frank; pmichels@michels.us; rmiller@michels.us; SCavanaugh@myrgroup.com; Koertner, William; Pike, J.Eric; mcrowson@powerlinesinc.com; mcompher@quantaservices.com; joneil@quantaservices.com; wyancey@quantaservices.com; mmarquart@sachsco.com; cspencer@eei.org; Jensen, Wayne; Jervis, Susan; Moore, Bob; White, Susan; Lewis, Cindy; Rodriguez Jr, Jose - Raytheon; staylor@vpppa.org

Cc: Sweatt, Loren E. - OSHA; Edens, Mandy - OSHA; Pearce, Krisann - OSHA; Kerr, Cheryl J. - OSHA; zzOSHA-DCSP-Managers; zzOSHA-DCSP-OOSA

Subject: For Your Information: U.S. Department of Labor Issues Temporary Enforcement Guidance for Respirator Fit-Testing in Healthcare during COVID-19 Outbreak

Date: Monday, March 16, 2020 9:53:30 AM

Good Morning,

As you may be aware, the Occupational Safety and Health Administration (OSHA) has issued

new temporary guidance regarding the enforcement of OSHA's Respiratory Protection standard. This guidance is aimed at ensuring healthcare workers have full access to needed N95 respiratory protection in light of anticipated shortages. The temporary enforcement guidance is in effect beginning March 14, 2020, and will remain in effect until further notice.

For further information about COVID-19, please visit the U.S. Department of Health and Human Services' Centers for Disease Control and Prevention.

Doug Kalinowski

From: Stille, Kim - OSHA
To: Hank Bongers
Subject: COVID-19 focused Alliance with NAMI
Date: Tuesday, April 28, 2020 5:59:00 PM
Attachments: Draft National Alliance Agreement - NAMI.doc

Please find attached the updated draft OSHA/NAMI national Alliance agreement.

- We've made clear throughout that the Alliance is centered around COVID-19 prevention; note in particular that all 5 Alliance objectives specifically allude to this as a focus area.
- The mention of "us[ing] available injury, illness, and hazard exposure data" in the third paragraph refers to the use of publicly available data sources (e.g., OSHA inspection records and Serious Injury Reporting (SIRS) data, as well as data from the Bureau of Labor Statistics)
- The Alliance is for the standard 2-year initial term, but either OSHA or NAMI may withdraw from the agreement at any time with 30 days' written notice.

As mentioned during our talk earlier today, we have brainstormed several activities that could be tackled through an alliance and would be of great benefit to both organizations:

- Participation of OSHA representatives (i.e., a compliance assistance specialist) in one or more of NAMI's weekly safety calls, as appropriate, to:
    - Discuss and answer member questions regarding the OSHA-CDC Guidance for Meat and Poultry Processing Workers and Employers regarding the prevention of COVID-19 transmission in meatpacking and processing facilities, and clarify OSHA's expectations with regard to enforcement questions.
    - Share information regarding OSHA guidance, compliance assistance tools, and other resources for identifying and mitigating COVID-19 hazards, including the On-Site Consultation Program.
    - Provide NAMI members and other industry stakeholders the opportunity to (1) share information with the agency regarding the unique challenges faced by meatpacking and processing industry employers, including small to medium-sized businesses, in preventing COVID-19 transmission, and (2) provide suggestions regarding identified best practices.
- Work together to compile a list of guidance, tools, and training resources relevant to preventing the transmission of COVID-19 in meatpacking and processing operations, and make this information available to NAMI members and other industry stakeholders in a stand-alone portal on the NAMI website.
- Sponsor webinars or other outreach activities that spotlight best practices that small to medium-sized meatpacking and processing employers can employ to prevent COVID-19 transmission.
- Collaborate in developing toolbox talks that could be employed by front-line supervisors to elevate employees' understanding of, and adherence to, recommended best practices for preventing COVID-19 transmission at work, at home, and in the community.
- Hold an industry-wide "Stand-Up" event that encourages employers and workers in the meatpacking and processing industry to participate in COVID-19 prevention activities, such as safety training, hazard identification, and hazard correction.

Nationally OSHA entered into an alliance with the National Grain and Feed Association two years ago

for similar purposes – prevent fatalities in the grain industry primarily by addressing the engulfment hazards of grain bin entry. That alliance has been very successful for both the NGFA and OSHA. We are entering into a second iteration of the alliance this fall. The renewed alliance allows the Grain Elevator and Processing Society (GEAPS) and Grain Handling Safety Council (GHSC) to join NGFA and OSHA as signatories. The efforts of the signatories are culminated every year in an annual Stand Up for Grain Safety Week, which encourages employers and workers in the grain handling industry to participate in safety related activities such as training, hazard identification, and hazard correction. Several states across the US planned events for the 2020 Stand-Up (April 13-17, 2020). Although circumstances did not allow those events to be held live, webinars were held daily. The webinars were attended by approximately 1700 people and the Stand-Up website drew viewers from across the United States and nine other countries around the globe.

Kimberly Stille
Regional Administrator
USDOL - OSHA
Region VII, Kansas City
2300 Main Street, Suite 1010
Kansas City, MO 64108
(816) 502-9012



From: Stille, Kim - OSHA
To: Hank Bongers
Subject: Data Availability - if Interested
Date: Tuesday, April 28, 2020 9:44:00 AM
Attachments: Draft National Alliance Agreement - NAMI.doc

OSHA is now listing data specific to enforcement activities and complaints on our public website – we have been receiving a tremendous number of FOIA requests particularly involving OSHA activities during the pandemic. The enforcement and whistleblower data is updated daily, but does not list employers by name.

https://www.osha.gov/news
https://www.osha.gov/enforcement/covid-19-data
https://www.whistleblowers.gov/covid-19-data

However, specific information is available under the FOIA page data, such as Region (RID), Type of Activity (Act ID: C = Complaint, R = Referral, ..). The FOIA webpage is updated weekly

RID	Act ID	Primary/Site NAICS	Receipt Date	Receipt Type	Formality	Insp ID	Addl' Code

The FOIA page data will be updated once a week; here's the link
https://www.osha.gov/foia#covid-19

On another note – attached is the working draft for the alliance. I have a meeting with my National Office folks this afternoon regarding it, but my initial concerns revolve around the fact that it does not appear to be too focused. I need to hear from you with respect to length of participation (understanding that they are anticipating a resurgence in the fall AND the fact that anything the federal government does takes time, it would need to be in place at least a year), willingness to share / provide data in some form or fashion that would allow us (NAMI and OSHA) to adjust the alliance activities to meet the needs of your members, ….

There isn't anything that would prohibit us from modifying the alliance and extending it once COVID is "tackled" (if that is possible)

Let me know

Kimberly Stille
Regional Administrator
USDOL - OSHA
Region VII, Kansas City
2300 Main Street, Suite 1010

Kansas City, MO 64108
(816) 502-9012



From: Stille, Kim - OSHA
To: Hank Bongers
Subject: Enforcement guidance regarding respirator disinfection
Date: Monday, April 27, 2020 9:15:00 AM
Attachments: Guidance for COVID-19 Respirator Disinfection - 2020-04-24 final letterhead.pdf

---

In the event you have not seen this - attached enforcement guidance regarding the use of respiratory protection that has been decontaminated using certain methods.

Kimberly Stille
Regional Administrator
USDOL - OSHA
Region VII, Kansas City
2300 Main Street, Suite 1010
Kansas City, MO 64108
(816) 502-9012



F om Hank Bonge s
To S Ile Kim - OSHA
Subject W An employee's v ew What t's like ins de the Ho mel oods plant | KAA TV com
Date Iday Ap 1 24 2020 2 07 37 M

Click the l nk below for the news s ory. It s nice to see something posi i e once in a while.

Hank Bongers CSP
Director Worker Safety
Nor h American Meat Institute
hbongers@meatinstitute org
(608) 208-5783

-----Orig nal Message-----
From Hank Bongers
Sent Tuesday Apr l 21 2020 8 6 PM
To 'rdchristiansen@hormel.com' <rdchr s iansen@hormel com>
Sub ect FW An employee's iew What t's like inside the Hormel Foods plant | KAALTV.com

Hi Bob
This speaks olumes for the work you and your team s doing at Hormel. S ories like this are few and far be ween and I can't express how happy I am for Hormel.
Congratulations and keep up the outstanding work!

Hank Bongers CSP
Director Worker Safety
Nor h American Meat Institute
hbongers@meatinstitute org
(608) 208-5783

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From: Hank Bongers
To: Stille, Kim - OSHA
Subject: FW: Meat Industry Guidelines
Date: Friday, April 24, 2020 2:22:20 PM
Attachments: MN COVID_19_meatpacking_guidance.pdf

Hi Kim,
This is how I distribute the information. I use bcc to the membership to avoid the dreaded “reply all” response.
Have a good weekend!

Hank Bongers, CSP
Director Worker Safety
North American Meat Institute
hbongers@meatinstitute.org
(608) 208-5783

From: Hank Bongers
Sent: Friday, April 24, 2020 1:20 PM
Cc: Julie Anna Potts <japotts@meatinstitute.org>; Mark Dopp <mdopp@meatinstitute.org>; Ann Wells <awells@meatinstitute.org>; Nicole Vetsch <nvetsch@meatinstitute.org>; Megan McCullough <MMcCullough@meatinstitute.org>; 'Stille, Kim - OSHA' <Stille.Kim@dol.gov>
Subject: FW: Meat Industry Guidelines

Hi All,
You may have facilities in Minnesota, if so this is especially of interest to you. If you do not have facilities in Minnesota there may be practices that could be effective in your fight to keep employees safe.
Please let me know if you have questions or comments.

Hank Bongers, CSP
Director Worker Safety
North American Meat Institute
hbongers@meatinstitute.org
(608) 208-5783

To:	Hank Bongers
Subject:	FW: Potential Focused Alliance Between the North American Meat Institute and OSHA
Date:	Monday, April 27, 2020 2:53:03 PM
Attachments:	National Alliance Agreement - OMB 0274.doc

Attached is the template developed and approved for use by OSHA's national office.

You may wish to review the template, but we will modify it to address specifically COVID 19.

If we are successful (having a positive impact thru a collaboration), the alliance can be modified to embrace other safety and health topics

---

From: Jones, Tina - OSHA <Jones.Tina@dol.gov>
Sent: Monday, April 27, 2020 1:37 PM
To: Kalinowski, Doug - OSHA <Kalinowski.Doug@dol.gov>; Stille, Kim - OSHA <Stille.Kim@dol.gov>
Cc: Williams, Arlene - OSHA <Williams.Arlene@dol.gov>; Winingham, Bonita - OSHA <Winingham.Bonita@dol.gov>; Morgan, Christina E. - OSHA <Morgan.Christina.E@dol.gov>
Subject: RE: Potential Focused Alliance Between the North American Meat Institute and OSHA

Hi Kim – we'll start modifying the attached template so that it's focused on information dissemination, outreach, etc. related to COVID-19. If you would like someone involved in any of your conversations with Hank/Mark, let me know. If you think it would help with the discussion, you may want to share the attached National Alliance template with them.

From: Kalinowski, Doug - OSHA <Kalinowski.Doug@dol.gov>
Sent: Monday, April 27, 2020 2:15 PM
To: Stille, Kim - OSHA <Stille.Kim@dol.gov>
Cc: Williams, Arlene - OSHA <Williams.Arlene@dol.gov>; Jones, Tina - OSHA <Jones.Tina@dol.gov>; Winingham, Bonita - OSHA <Winingham.Bonita@dol.gov>
Subject: RE: Potential Focused Alliance Between the North American Meat Institute and OSHA

Tina is working on it.

From: Stille, Kim - OSHA <Stille.Kim@dol.gov>
Sent: Monday, April 27, 2020 2:10 PM
To: Kalinowski, Doug - OSHA <Kalinowski.Doug@dol.gov>
Cc: Williams, Arlene - OSHA <Williams.Arlene@dol.gov>; Jones, Tina - OSHA <Jones.Tina@dol.gov>; Winingham, Bonita - OSHA <Winingham.Bonita@dol.gov>
Subject: RE: Potential Focused Alliance Between the North American Meat Institute and OSHA

Of course.

Have you initiated a draft template for a focused alliance?

From: Kalinowski, Doug - OSHA <Kalinowski.Doug@dol.gov>

Sent: Monday, April 27, 2020 1:01 PM
To: Stille, Kim - OSHA <Stille.Kim@dol.gov>
Cc: Williams, Arlene - OSHA <Williams.Arlene@dol.gov>; Jones, Tina - OSHA <Jones.Tina@dol.gov>; Winingham, Bonita - OSHA <Winingham.Bonita@dol.gov>
Subject: RE: Potential Focused Alliance Between the North American Meat Institute and OSHA

Not at all but if it is going to be a national effort, obviously we should be involved. Thanks.

From: Stille, Kim - OSHA <Stille.Kim@dol.gov>
Sent: Monday, April 27, 2020 1:59 PM
To: Kalinowski, Doug - OSHA <Kalinowski.Doug@dol.gov>
Cc: Williams, Arlene - OSHA <Williams.Arlene@dol.gov>; Jones, Tina - OSHA <Jones.Tina@dol.gov>; Winingham, Bonita - OSHA <Winingham.Bonita@dol.gov>
Subject: FW: Potential Focused Alliance Between the North American Meat Institute and OSHA

It seems Ms. Potts is extremely busy, as you might expect, with NAMI's response to the surge in COVID cases across the industry. She has requested Hank Bongers, through Mark Dopp, NAMI's Senior Vice President Regulatory and Scientific Affairs and General Counsel, to reach out to us. In that I have an established relationship with Hank – do you have any issues with me carrying forward?

From: Hank Bongers <HBongers@meatinstitute.org>
Sent: Monday, April 27, 2020 11:31 AM
To: Stille, Kim - OSHA <Stille.Kim@dol.gov>
Subject: RE: Potential Focused Alliance Between the North American Meat Institute and OSHA

I was just instructed by Mark to go ahead and start the process with you.

Hank Bongers, CSP
Director Worker Safety
North American Meat Institute
hbongers@meatinstitute.org
(608) 208-5783

From: Stille, Kim - OSHA [mailto:Stille.Kim@dol.gov]
Sent: Monday, April 27, 2020 11:08 AM
To: Hank Bongers <HBongers@meatinstitute.org>
Subject: RE: Potential Focused Alliance Between the North American Meat Institute and OSHA

To gage her cooperation in a focused alliance

From: Hank Bongers <HBongers@meatinstitute.org>
Sent: Monday, April 27, 2020 11:04 AM
To: Stille, Kim - OSHA <Stille.Kim@dol.gov>
Subject: RE: Potential Focused Alliance Between the North American Meat Institute and OSHA

I just asked Mark Dopp the question of forging ahead on her behalf. What are the particulars for the call this afternoon?

Hank Bongers, CSP
Director Worker Safety
North American Meat Institute
hbongers@meatinstitute.org
(608) 208-5783

From: Stille, Kim - OSHA [mailto:Stille.Kim@dol.gov]
Sent: Monday, April 27, 2020 11:01 AM
To: Hank Bongers <HBongers@meatinstitute.org>
Subject: RE: Potential Focused Alliance Between the North American Meat Institute and OSHA

Perhaps she was asking you to participate on the call with Doug this afternoon.

I know you have to be working overtime – I know I am. The number of COVID confirmations in Nebraska have more than doubled in a two week period. I suspect that is the case in most states with a number of meatpacking facilities (Iowa, Kansas, Wisconsin, ..)

Let me know if there is anything I can do

From: Hank Bongers <HBongers@meatinstitute.org>
Sent: Monday, April 27, 2020 10:56 AM
To: Stille, Kim - OSHA <Stille.Kim@dol.gov>
Subject: RE: Potential Focused Alliance Between the North American Meat Institute and OSHA

Hi Kim,
I talked with Julie Anna during our staff call Friday and she asked if I was available for a conference call today. I have not gotten a follow up for the call. I'm ready to move this forward once she gives the go ahead. I would have thought the email was the best. I know this has had all of us doing extra duty trying to keep up with the situation.
I will follow up with my boss today.

Hank Bongers, CSP
Director Worker Safety
North American Meat Institute
hbongers@meatinstitute.org
(608) 208-5783

From: Stille, Kim - OSHA [mailto:Stille.Kim@dol.gov]
Sent: Monday, April 27, 2020 10:51 AM
To: Hank Bongers <HBongers@meatinstitute.org>
Subject: FW: Potential Focused Alliance Between the North American Meat Institute and OSHA

What is the best method to reach Ms. Potts?

Mr. Kalinowski is the Director for the Directorate of Cooperative and State Plan Programs in OSHA's National Office. He has reached out to her a couple times, with no response.

From: Kalinowski, Doug - OSHA <Kalinowski.Doug@dol.gov>
Sent: Friday, April 24, 2020 4:22 PM
To: japotts@meatinstitute.org
Cc: Stille, Kim - OSHA <Stille.Kim@dol.gov>; Winingham, Bonita - OSHA <Winingham.Bonita@dol.gov>; Williams, Arlene - OSHA <Williams.Arlene@dol.gov>; Jones, Tina - OSHA <Jones.Tina@dol.gov>; Memon, Shahida J. - OSHA CTR <Memon.Shahida.J@dol.gov>
Subject: Potential Focused Alliance Between the North American Meat Institute and OSHA

Ms. Potts,

I am writing to express OSHA's interest in exploring a focused alliance with NAMI that could address the current COVID crisis facing your members.

OSHA currently has 40 national and over 200 regional alliances with various associations and organizations. The primary purposes of these alliances are to strengthen relationships and share information in both directions. OSHA did have such an alliance with the AMI a little over 10 years ago.

I know that Hank Bongers has spoken with Kim Stille, Regional Administrator in Kansas City about this recently and has had a strong working relationship with him for a number of years. If you are interesting in further exploring such an alliance, we can arrange a call with the key OSHA staff and me to discuss what this entails and the potential benefits in more detail. We have availability Monday morning or after 3:30pm on April 27, or the afternoon of April 28th. If neither work for you, we can explore other dates/times.

Please let me know if you are interested in discussing further.

Thanks,

Doug Kalinowski, Director
Directorate of Cooperative and State Programs

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From: Stille, Kim - OSHA
To: Hank Bongers
Subject: Meat Industry Guidelines
Date: Friday, April 24, 2020 2:02:00 PM
Attachments: MN COVID_19_meatpacking_guidance.pdf

Getting Omaha Steaks permission to share their information (don't think it will be an issue just want to be positive)

Kimberly Stille
Regional Administrator
USDOL - OSHA
Region VII, Kansas City
2300 Main Street, Suite 1010
Kansas City, MO 64108
(816) 502-9012



From:	Kalinowski, Doug - OSHA
To:	japotts@meatinstitute.org
Cc:	Stille, Kim - OSHA; Winingham, Bonita - OSHA; Williams, Arlene - OSHA; Jones, Tina - OSHA; Memon, Shahida J. - OSHA CTR
Subject:	Potential Focused Alliance Between the North American Meat Institute and OSHA
Date:	Friday, April 24, 2020 5:22:05 PM

Ms. Potts,

I am writing to express OSHA's interest in exploring a focused alliance with NAMI that could address the current COVID crisis facing your members.

OSHA currently has 40 national and over 200 regional alliances with various associations and organizations. The primary purposes of these alliances are to strengthen relationships and share information in both directions. OSHA did have such an alliance with the AMI a little over 10 years ago.

I know that Hank Bongers has spoken with Kim Stille, Regional Administrator in Kansas City about this recently and has had a strong working relationship with him for a number of years. If you are interesting in further exploring such an alliance, we can arrange a call with the key OSHA staff and me to discuss what this entails and the potential benefits in more detail. We have availability Monday morning or after 3:30pm on April 27, or the afternoon of April 28th. If neither work for you, we can explore other dates/times.

Please let me know if you are interested in discussing further.

Thanks,

Doug Kalinowski, Director
Directorate of Cooperative and State Programs

From: Stille, Kim - OSHA
To: Hank Bongers
Subject: Re: Coronavirus (COVID-19) Update
Date: Monday, April 27, 2020 5:18:17 PM

Excellent- thank you

On Apr 27, 2020, at 4:00 PM, Hank Bongers <HBongers@meatinstitute org> wrote:

From: Julie Anna Potts [mailto americanmeat@meatinstitute ccsend com] **On Behalf Of** Julie Anna Potts
Sent: Monday, April 27, 2020 3:57 PM
To: Hank Bongers <HBongers@meatinstitute org>
Subject: Coronavirus (COVID-19) Update

April 27, 2020

To: **NAMI Members, Board of Directors, Scientific Affairs Committee, Labor and Employment Committee, Worker Safety Committee, International Affairs Committee, Food Safety and Inspection Affairs Committee, Washington Representatives**

From: **Julie Anna Potts, President and CEO**

Subject: **Coronavirus (COVID-19) Update**

This memorandum includes new documents and information pertaining to the coronavirus (COVID-19) pandemic, links to several government agencies, and law firms with COVID-19 websites with useful information.

Interim Guidance for Meat and Poultry Processing Workers and Employers

The Centers for Disease Control and Prevention (CDC) and the Occupational Safety and Health Administration (OSHA) (the agencies) yesterday issued Interim **Guidance** for Meat and Poultry Processing Workers and Employers. The guidance highlights how to conduct and create a COVID-19 assessment and control plan.

The Guidance provides suggestions plants may want to consider implementing if they have not already done so, *e.g.*, engineering controls such as modifying the alignment of workstations, including along processing lines, if feasible, erecting physical barriers, etc. The Guidance also discusses administrative controls such as encouraging single-file movement with a six-foot distance between each worker through the facility, where possible.

The Guidance also discusses the appropriate Personal Protective Equipment individuals should wear to control the spread of COVID-19 within establishments. Information on how to screen employees, manage ill employees, and allow people to return to work also is provided

Importantly, employers may permit workers exposed to COVID-19, but remain without symptoms, to continue to work, provided they adhere to additional safety precautions. The additional precautions are intended to protect them and the community. Although an objective of the Guidance was to help create a consistent approach by state and local facilities to COVID-19 issues in meat and poultry processing facilities, it remains to be seen whether that will be accomplished.

OSHA also discussed training regarding the virus and prevention. Although in-person training may be difficult due to social distancing restrictions, the Guidance provides a free poster link. The agencies recommend placing simple posters in languages common in the worker population encouraging employees to stay home when sick. The posters also include cough and sneeze etiquette and proper hand hygiene practices. These posters should be placed at the entrance to the workplace and in break areas, locker rooms, and other workplace areas where they are likely to be seen. The Guidance includes a link to the posters in multiple languages.

CDC has free, simple posters available to download and print, some of which are translated into different languages. The Stop the Spread of Germs poster is available in Amharic, Arabic, Burmese, Dari, Farsi, French, Haitian Creole, Kinyarwanda, Karen, Korean, Nepali, Pashto, Portuguese, Russian, Simplified Chinese, Somali, Spanish, Swahili, Tigryna, Ukrainian, and Vietnamese.

COVID-19 Testing Considerations and Operational Continuity Document

The ability to test employees is likely to become increasingly available. The Meat Institute created a document that provides information companies may consider if they are contemplating conducting testing. That document can be found here. Companies also need to take steps when employees test positive. This document includes questions to consider when that occurs. Finally, NAMI has developed "return to work" guidance for companies whose employees become ill from COVID-19 or test positive.

The Food and Drug Administration (FDA) recently posted several documents on its website that may be useful. "What to Do if You Have COVID-19 Confirmed Positive or Exposed Workers in Your Food Production, Storage, or Distribution Operations Regulated by FDA" can be found here. "Use of Respirators, Facemasks, and Cloth Face Coverings in the Food and Agriculture Sector During Coronavirus Disease (COVID-19) Pandemic" can be found here. And "Food Safety and the Coronavirus Disease 2019 (COVID-19)" can be found here.

Testing and Personal Protective Equipment Resources

The United States Department of Agriculture (USDA) and the Federal Emergency Management Agency (FEMA) compiled a list of companies that may supply personal protective equipment, disinfectants, and sanitation supply needs for the Food and Agriculture Sector. The USDA/FEMA information has been supplemented by NAMI with additional companies and that larger list can be found here.

The Meat Institute will provide other testing and personal protective equipment resources as they become available. If you have testing or PPE resources to share please send them to Mark Dopp, mdopp@meatinstitute.org.

Agricultural Marketing Service Product Solicitation

The USDA Agricultural Marketing Service (AMS) released a Request for Proposal for the USDA Farmers to Families Food Box Purchase Program on April 24. Under this program, AMS will procure an estimated $100 million per month in fresh fruits and vegetables, $100 million per month in a variety of dairy products, and $100 million per month in meat products.
Distributors will supply a pre-approved portfolio of fresh fruit and vegetables and dairy and meat products in a box to non-profit and governmental organizations with the capacity to distribute the boxes to individuals in need.

Proposals must include several elements including: technical information on how their role will support American agriculture; performance ability; past performance including written references; and pricing information including the pricing for a specific product, delivery information and constraints. Examples of meat (pork and chicken) that may be included are pre-cooked chicken nuggets, pre-cooked bacon, pre-cooked pork patties, pork or chicken taco filling. AMS will award contracts with regionally located distributors in seven U.S. regions with the goal of targeted coverage within the United States.

The Request for Proposal and other applicable attachments, including an informational webinar with technical details, can be found here. Proposals are due to AMS by 1 p.m. ET on May 1.

* * * * *

We will update this memorandum as needed. Please contact me or Mark Dopp at mdopp@meatinstitute.org with questions.

North Amer can Meat Inst tute,
1150 Connecticut Ave NW, 12th Floor, Washington, DC 20036

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From: Stille, Kim - OSHA
To: Hank Bongers
Subject: RE: Data Availability - if Interested
Date: Wednesday, April 29, 2020 4:40:00 PM

No – I know you have to be terribly busy. No apology needed

Meatpacking industry is now commanding the attention of everyone from the President to the media

---

From: Hank Bongers <HBongers@meatinstitute.org>
Sent: Wednesday, April 29, 2020 3:37 PM
To: Stille, Kim - OSHA <Stille.Kim@dol.gov>
Subject: RE: Data Availability - if Interested

No word, it is frustrating waiting on them. They are busy with handling all sorts of issues with the membership.
I do not know what the breakdown is for non-English speaking workers at the facilities.

Hank Bongers, CSP
Director Worker Safety
North American Meat Institute
hbongers@meatinstitute.org
(608) 208-5783

From: Stille, Kim - OSHA [mailto:Stille.Kim@dol.gov]
Sent: Wednesday, April 29, 2020 3:23 PM
To: Hank Bongers <HBongers@meatinstitute.org>
Subject: RE: Data Availability - if Interested

Any word??

Do you know generally the percentage of non-English speaking employees at meat packing facilities? Or, is that variable based on region / state?

From: Stille, Kim - OSHA
Sent: Tuesday, April 28, 2020 8:45 AM
To: 'Hank Bongers' <HBongers@meatinstitute.org>
Subject: Data Availability - if Interested

OSHA is now listing data specific to enforcement activities and complaints on our public website – we have been receiving a tremendous number of FOIA requests particularly involving OSHA activities during the pandemic. The enforcement and whistleblower data is updated daily, but does not list employers by name.

https://www.osha.gov/news
https://www.osha.gov/enforcement/covid-19-data
https://www.whistleblowers.gov/covid-19-data

However, specific information is available under the FOIA page data, such as Region (RID), Type of Activity (Act ID: C = Complaint, R = Referral, ..). The FOIA webpage is updated weekly

RID	Act ID	Primary/Site NAICS	Receipt Date	Receipt Type	Formality	Insp ID	Addl' Code

The FOIA page data will be updated once a week; here's the link
https://www.osha.gov/foia#covid-19

On another note – attached is the working draft for the alliance. I have a meeting with my National Office folks this afternoon regarding it, but my initial concerns revolve around the fact that it does not appear to be too focused. I need to hear from you with respect to length of participation (understanding that they are anticipating a resurgence in the fall AND the fact that anything the federal government does takes time, it would need to be in place at least a year), willingness to share / provide data in some form or fashion that would allow us (NAMI and OSHA) to adjust the alliance activities to meet the needs of your members, ….

There isn't anything that would prohibit us from modifying the alliance and extending it once COVID is "tackled" (if that is possible)

Let me know

Kimberly Stille
Regional Administrator
USDOL - OSHA
Region VII, Kansas City
2300 Main Street, Suite 1010
Kansas City, MO 64108
(816) 502-9012



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From:	Stille, Kim - OSHA
To:	Hank Bongers
Subject:	RE: Focused Alliance Between the North American Meat Institute and OSHA
Date:	Monday, April 27, 2020 3:44:00 PM

Yes. I know you do – the alliance will do nothing to undermine those, but rather "formalize" all of your efforts for your employees for the Agency and for the public. In addition, it will open up a channel for OSHA to hear directly from your members (through you) any issues/obstacles/challenges that we may aid in addressing. In addition, it will open up communications to CDC/NIOSH, as well as other federal agencies that may have an impact on the situation

From: Hank Bongers <HBongers@meatinstitute.org>
Sent: Monday, April 27, 2020 2:16 PM
To: Stille, Kim - OSHA <Stille.Kim@dol.gov>
Subject: RE: Focused Alliance Between the North American Meat Institute and OSHA

Is the next step modifying this to reflect this alliance? We do much of it already with our members.

Hank Bongers, CSP
Director Worker Safety
North American Meat Institute
hbongers@meatinstitute.org
(608) 208-5783

From: Stille, Kim - OSHA [mailto:Stille.Kim@dol.gov]
Sent: Monday, April 27, 2020 1:58 PM
To: Hank Bongers <HBongers@meatinstitute.org>
Subject: Focused Alliance Between the North American Meat Institute and OSHA

Attached is the template developed and approved for use by OSHA's national office.

You may wish to review the template, but we will modify it to address specifically COVID 19 (the attached is a starting point if you will).

If we are successful (having a positive impact thru a collaboration), the alliance can be modified to embrace other safety and health topics

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From:	Stille, Kim - OSHA
To:	Hank Bongers
Subject:	RE: Focused Alliance Between the North American Meat Institute and OSHA
Date:	Monday, April 27, 2020 3:22:00 PM

Very good

From: Hank Bongers <HBongers@meatinstitute.org>
Sent: Monday, April 27, 2020 2:06 PM
To: Stille, Kim - OSHA <Stille.Kim@dol.gov>
Subject: RE: Focused Alliance Between the North American Meat Institute and OSHA

Hi Kim,
We have members in all fifty states and Canada.

Hank Bongers, CSP
Director Worker Safety
North American Meat Institute
hbongers@meatinstitute.org
(608) 208-5783

From: Stille, Kim - OSHA [mailto:Stille.Kim@dol.gov]
Sent: Monday, April 27, 2020 2:00 PM
To: Hank Bongers <HBongers@meatinstitute.org>
Subject: RE: Focused Alliance Between the North American Meat Institute and OSHA

What is NAMI's reach? Do you have members for all 50 states?

From: Stille, Kim - OSHA
Sent: Monday, April 27, 2020 1:58 PM
To: Hank Bongers <HBongers@meatinstitute.org>
Subject: Focused Alliance Between the North American Meat Institute and OSHA

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From: Hank Bongers
To: Stille, Kim - OSHA
Subject: RE: Focused Alliance Between the North American Meat Institute and OSHA
Date: Monday, April 27, 2020 3:16:45 PM

Is the next step modifying this to reflect this alliance? We do much of it already with our members.

Hank Bongers, CSP
Director Worker Safety
North American Meat Institute
hbongers@meatinstitute.org
(608) 208-5783

From: Stille, Kim - OSHA [mailto:Stille.Kim@dol.gov]
Sent: Monday, April 27, 2020 1:58 PM
To: Hank Bongers <HBongers@meatinstitute.org>
Subject: Focused Alliance Between the North American Meat Institute and OSHA

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From:	Stille, Kim - OSHA
To:	Hank Bongers
Subject:	RE: Focused Alliance Between the North American Meat Institute and OSHA
Date:	Monday, April 27, 2020 4:05:00 PM

For once I am glad for the rain!!

From: Hank Bongers <HBongers@meatinstitute.org>
Sent: Monday, April 27, 2020 3:05 PM
To: Stille, Kim - OSHA <Stille.Kim@dol.gov>
Subject: RE: Focused Alliance Between the North American Meat Institute and OSHA

I am available all day. (b) (6) .

Hank Bongers, CSP
Director Worker Safety
North American Meat Institute
hbongers@meatinstitute.org
(608) 208-5783

From: Stille, Kim - OSHA [mailto:Stille.Kim@dol.gov]
Sent: Monday, April 27, 2020 3:03 PM
To: Hank Bongers <HBongers@meatinstitute.org>
Subject: FW: Focused Alliance Between the North American Meat Institute and OSHA

What does your availability look like for tomorrow? I would like to complete our modification of the draft alliance and get it to you before we talk. I want to make sure you are comfortable with it before proceeding. Understanding the tremendous amount of communications and guidance you have already done (and continue to do) to assist your members, I want to make sure the alliance language notes how the agency can be of value in furthering those communications - even if it is simply educating us to the challenges faced by the industry so that those challenges may be considered in future guidance.

The pandemic is causing great stressors in your industry as well as across the Agency.

From: Hank Bongers <HBongers@meatinstitute.org>
Sent: Monday, April 27, 2020 2:16 PM
To: Stille, Kim - OSHA <Stille.Kim@dol.gov>
Subject: RE: Focused Alliance Between the North American Meat Institute and OSHA

Is the next step modifying this to reflect this alliance? We do much of it already with our members.

Hank Bongers, CSP
Director Worker Safety
North American Meat Institute

hbongers@meatinstitute.org
(608) 208-5783

From: Stille, Kim - OSHA [mailto:Stille.Kim@dol.gov]
Sent: Monday, April 27, 2020 1:58 PM
To: Hank Bongers <HBongers@meatinstitute.org>
Subject: Focused Alliance Between the North American Meat Institute and OSHA

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You may wish to review the template, but we will modify it to address specifically COVID 19 (the attached is a starting point if you will).

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From:	Hank Bongers
To:	Stille, Kim - OSHA
Cc:	Julie Anna Potts; Mark Dopp; Ann Wells; Nicole Vetsch; Megan McCullough
Subject:	RE: Fogging Safety Glasses
Date:	Friday, April 24, 2020 2:05:07 PM
Attachments:	Safety glasses anti.docx

Hi Kim,
This is another example of the meat industry sharing information on employee safety.

Hank Bongers, CSP
Director Worker Safety
North American Meat Institute
hbongers@meatinstitute.org
(608) 208-5783

From: Hank Bongers
Sent: Thursday, April 23, 2020 1:55 PM
Cc: Julie Anna Potts <japotts@meatinstitute.org>; Mark Dopp <mdopp@meatinstitute.org>; Ann Wells <awells@meatinstitute.org>; Nicole Vetsch <nvetsch@meatinstitute.org>; Megan McCullough <MMcCullough@meatinstitute.org>
Subject: Fogging Safety Glasses

Thank you all for the great responses to the question of how to prevent safety glasses from fogging. I've compiled the responses on the attachment so all may review the suggestions. There may be something you have not tried.
Thanks again,

Hank Bongers, CSP
Director Worker Safety
North American Meat Institute
hbongers@meatinstitute.org
(608) 208-5783

From:	Stille, Kim - OSHA
To:	Hank Bongers
Subject:	RE: Potential Focused Alliance Between the North American Meat Institute and OSHA
Date:	Monday, April 27, 2020 2:25:00 PM

Thank you

From: Hank Bongers <HBongers@meatinstitute.org>
Sent: Monday, April 27, 2020 1:19 PM
To: Stille, Kim - OSHA <Stille.Kim@dol.gov>
Subject: RE: Potential Focused Alliance Between the North American Meat Institute and OSHA

We believe Tyson may have fish operations but are not aware of any other member in the business. Our members handle all animal protein except seafood and eggs.

Hank Bongers, CSP
Director Worker Safety
North American Meat Institute
hbongers@meatinstitute.org
(608) 208-5783

From: Stille, Kim - OSHA [mailto:Stille.Kim@dol.gov]
Sent: Monday, April 27, 2020 1:04 PM
To: Hank Bongers <HBongers@meatinstitute.org>
Subject: RE: Potential Focused Alliance Between the North American Meat Institute and OSHA

Does NAMI have members in the fish processing industry as well as beef, pork and poultry?

From: Hank Bongers <HBongers@meatinstitute.org>
Sent: Monday, April 27, 2020 12:35 PM
To: Stille, Kim - OSHA <Stille.Kim@dol.gov>
Subject: RE: Potential Focused Alliance Between the North American Meat Institute and OSHA

I haven't received any information on a call.
I'm available all afternoon.

Hank Bongers, CSP
Director Worker Safety
North American Meat Institute
hbongers@meatinstitute.org
(608) 208-5783

From: Stille, Kim - OSHA [mailto:Stille.Kim@dol.gov]
Sent: Monday, April 27, 2020 12:12 PM

To: Hank Bongers <HBongers@meatinstitute.org>
Subject: RE: Potential Focused Alliance Between the North American Meat Institute and OSHA

Very good. Thank you. I have a call at 12:30pm and one at 2pm. I will reach out to you yet today

No call to Doug this afternoon correct?

From: Hank Bongers <HBongers@meatinstitute.org>
Sent: Monday, April 27, 2020 11:54 AM
To: Stille, Kim - OSHA <Stille.Kim@dol.gov>
Subject: RE: Potential Focused Alliance Between the North American Meat Institute and OSHA

Mark is Senior Vice President Regulatory and Scientific Affairs and General Counsel. I report to him.

Hank Bongers, CSP
Director Worker Safety
North American Meat Institute
hbongers@meatinstitute.org
(608) 208-5783

From: Stille, Kim - OSHA [mailto:Stille.Kim@dol.gov]
Sent: Monday, April 27, 2020 11:33 AM
To: Hank Bongers <HBongers@meatinstitute.org>
Subject: RE: Potential Focused Alliance Between the North American Meat Institute and OSHA

Thanks. What is Mark's title/role?

I am assuming that means that mean Julie Anna will not be speaking with Doug this afternoon – too busy, correct?

From: Hank Bongers <HBongers@meatinstitute.org>
Sent: Monday, April 27, 2020 11:31 AM
To: Stille, Kim - OSHA <Stille.Kim@dol.gov>
Subject: RE: Potential Focused Alliance Between the North American Meat Institute and OSHA

I was just instructed by Mark to go ahead and start the process with you.

Hank Bongers, CSP
Director Worker Safety
North American Meat Institute
hbongers@meatinstitute.org
(608) 208-5783

From: Stille, Kim - OSHA [mailto:Stille.Kim@dol.gov]
Sent: Monday, April 27, 2020 11:08 AM

To: Hank Bongers <HBongers@meatinstitute.org>
Subject: RE: Potential Focused Alliance Between the North American Meat Institute and OSHA

Not sure, but will inquire. I suspect it is to gage her cooperation

---

From: Hank Bongers <HBongers@meatinstitute.org>
Sent: Monday, April 27, 2020 11:04 AM
To: Stille, Kim - OSHA <Stille.Kim@dol.gov>
Subject: RE: Potential Focused Alliance Between the North American Meat Institute and OSHA

I just asked Mark Dopp the question of forging ahead on her behalf. What are the particulars for the call this afternoon?

Hank Bongers, CSP
Director Worker Safety
North American Meat Institute
hbongers@meatinstitute.org
(608) 208-5783

From: Stille, Kim - OSHA [mailto:Stille.Kim@dol.gov]
Sent: Monday, April 27, 2020 11:01 AM
To: Hank Bongers <HBongers@meatinstitute.org>
Subject: RE: Potential Focused Alliance Between the North American Meat Institute and OSHA

Perhaps she was asking you to participate on the call with Doug this afternoon.

I know you have to be working overtime – I know I am. The number of COVID confirmations in Nebraska have more than doubled in a two week period. I suspect that is the case in most states with a number of meatpacking facilities (Iowa, Kansas, Wisconsin, ..)

Let me know if there is anything I can do

IF nationally my folks cannot seem to "get it together", would you or Ms. Potts have issues with you and I forging ahead? Time is of the essence

---

From: Hank Bongers <HBongers@meatinstitute.org>
Sent: Monday, April 27, 2020 10:56 AM
To: Stille, Kim - OSHA <Stille.Kim@dol.gov>
Subject: RE: Potential Focused Alliance Between the North American Meat Institute and OSHA

Hi Kim,
I talked with Julie Anna during our staff call Friday and she asked if I was available for a conference call today. I have not gotten a follow up for the call. I'm ready to move this forward once she gives the go ahead. I would have thought the email was the best. I know this has had all of us doing extra duty trying to keep up with the situation.

I will follow up with my boss today.

Hank Bongers, CSP
Director Worker Safety
North American Meat Institute
hbongers@meatinstitute.org
(608) 208-5783

From: Stille, Kim - OSHA [mailto:Stille.Kim@dol.gov]
Sent: Monday, April 27, 2020 10:51 AM
To: Hank Bongers <HBongers@meatinstitute.org>
Subject: FW: Potential Focused Alliance Between the North American Meat Institute and OSHA

What is the best method to reach Ms. Potts?

Mr. Kalinowski is the Director for the Directorate of Cooperative and State Plan Programs in OSHA's National Office. He has reached out to her a couple times, with no response.

From: Kalinowski, Doug - OSHA <Kalinowski.Doug@dol.gov>
Sent: Friday, April 24, 2020 4:22 PM
To: japotts@meatinstitute.org
Cc: Stille, Kim - OSHA <Stille.Kim@dol.gov>; Winingham, Bonita - OSHA <Winingham.Bonita@dol.gov>; Williams, Arlene - OSHA <Williams.Arlene@dol.gov>; Jones, Tina - OSHA <Jones.Tina@dol.gov>; Memon, Shahida J. - OSHA CTR <Memon.Shahida.J@dol.gov>
Subject: Potential Focused Alliance Between the North American Meat Institute and OSHA

Ms. Potts,

I am writing to express OSHA's interest in exploring a focused alliance with NAMI that could address the current COVID crisis facing your members.

OSHA currently has 40 national and over 200 regional alliances with various associations and organizations. The primary purposes of these alliances are to strengthen relationships and share information in both directions. OSHA did have such an alliance with the AMI a little over 10 years ago.

I know that Hank Bongers has spoken with Kim Stille, Regional Administrator in Kansas City about this recently and has had a strong working relationship with him for a number of years. If you are interesting in further exploring such an alliance, we can arrange a call with the key OSHA staff and me to discuss what this entails and the potential benefits in more detail. We have availability Monday morning or after 3:30pm on April 27, or the afternoon of April 28th. If neither work for you, we can explore other dates/times.

Please let me know if you are interested in discussing further.

Thanks,

Doug Kalinowski, Director
Directorate of Cooperative and State Programs

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From:	Hank Bongers
To:	Stille, Kim - OSHA
Subject:	RE: Statement of Enforcement Policy by Solicitor of Labor Kate O'Scannlain and Principal Deputy Assistant Secretary for OSHA Loren Sweatt regarding Meat and Poultry Processing Facilities
Date:	Wednesday, April 29, 2020 9:15:05 AM
Attachments:	image001.png

Thanks Kim. I sent this forward to our members.

Hank Bongers, CSP
Director Worker Safety
North American Meat Institute
hbongers@meatinstitute.org
(608) 208-5783

From: Stille, Kim - OSHA [mailto:Stille.Kim@dol.gov]
Sent: Wednesday, April 29, 2020 7:59 AM
To: Hank Bongers <HBongers@meatinstitute.org>
Subject: FW: Statement of Enforcement Policy by Solicitor of Labor Kate O'Scannlain and Principal Deputy Assistant Secretary for OSHA Loren Sweatt regarding Meat and Poultry Processing Facilities

News statement issued last night by the Agency

From: DOL Public Affairs <m-DOLPublicAffairs@dol.gov>
Date: April 28, 2020 at 9:05:08 PM EDT
Subject: Statement of Enforcement Policy by Solicitor of Labor Kate O'Scannlain and Principal Deputy Assistant Secretary for OSHA Loren Sweatt regarding Meat and Poultry Processing Facilities

News Statement

U.S. Department of Labor | April 28, 2020

Statement of Enforcement Policy by Solicitor of Labor Kate O'Scannlain and Principal Deputy Assistant Secretary for OSHA Loren Sweatt regarding Meat and Poultry Processing Facilities

WASHINGTON, DC – The U.S. Department of Labor issued the following statement from Solicitor of Labor Kate O'Scannlain and Principal Deputy Assistant Secretary for OSHA Loren Sweatt regarding Meat and Poultry Processing Facilities:

"The Occupational Safety and Health Administration (OSHA) and the Centers for Disease Control and Prevention (CDC) recently issued joint interim guidance for meat and poultry processing workers and employers (Joint Meat Processing Guidance) in light of multiple outbreaks of COVID-19 among meat, pork, and poultry processing facility workers. It is vitally important that employers in this critical industry adhere to the Joint Meat Processing Guidance to protect their workers from the risk of COVID-19 infection. Moreover, the security of America's food supply relies on meat, pork, and poultry processing facilities continuing to operate, which they cannot do without a healthy workforce. In light of President Trump's invocation of the Defense Production Act (DPA) with respect to meat and poultry processing, OSHA and the Solicitor of Labor issue this statement to clarify the effect of the Joint Meat Processing Guidance in this circumstance.

"OSHA has issued enforcement guidance indicating the agency will use enforcement discretion for employers adhering to appropriate guidance, including the Joint Meat Processing Guidance. As stated in the Joint Meat Processing Guidance, employers should conduct worksite assessments to identify COVID-19 risks and prevention strategies and then implement them. It is important that employers seek to adhere to this Guidance. To the extent employers determine that certain measures are not feasible in the context of specific plants and circumstances, they are encouraged to document why that is the case. In the event of an investigation, OSHA will take into account good faith attempts to follow the Joint Meat Processing Guidance. OSHA does not anticipate citing employers that adhere to the Joint Meat Processing Guidance. Additionally, because of the President's invocation of the DPA, no part of the Joint Meat Processing Guidance should be construed to indicate that state and local authorities may direct a meat and poultry processing facility to close, to remain closed, or to operate in accordance with procedures other than those provided for in this Guidance.

"In addition, courts often consider compliance with OSHA standards and guidance as evidence in an employer's favor in litigation. Where a meat, pork, or poultry processing employer operating pursuant to the President's invocation of the DPA has demonstrated good faith attempts to comply with the Joint Meat Processing Guidance and is sued for alleged workplace exposures, the Department of Labor will consider a request to participate in that litigation in support of the employer's compliance program. Likewise, the Department of Labor will consider similar requests by workers if their employer has not taken steps in good faith to follow the Joint Meat Processing Guidance.

"OSHA encourages employers to contact OSHA for compliance assistance or the OSHA On-Site Consultation Program for assistance in applying the joint guidance to their worksites. Employers also may contact CDC for assistance."

# # #

Media Contact:

Emily Weeks, 202-693-4681, Weeks.emily.c@dol.gov

Release Number: 20-791-NAT

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From: Hank Bongers
To: Stille, Kim - OSHA
Cc: Julie Anna Potts; Mark Dopp; KatieRose McCullough
Subject: RE: Worker Safety Efforts Against Covid-19
Date: Friday, April 24, 2020 2:02:25 PM

Hi Kim,
Here is one of the communications sent to the members of the North American Meat Institute to demonstrate efforts the industry is taking to protect employees from the corona virus. We are happy to share our industries initiatives in protecting employees from the virus with OSHA and look forward to working with you as a team.
Regards,

Hank Bongers, CSP
Director Worker Safety
North American Meat Institute
hbongers@meatinstitute.org
(608) 208-5783

From: Hank Bongers
Sent: Tuesday, April 21, 2020 9:48 AM
Cc: Julie Anna Potts <japotts@meatinstitute.org>; Mark Dopp <mdopp@meatinstitute.org>; Ann Wells <awells@meatinstitute.org>; Nicole Vetsch <nvetsch@meatinstitute.org>; Megan McCullough <MMcCullough@meatinstitute.org>; Sarah Little <SLittle@meatinstitute.org>
Subject: Worker Safety Efforts Against Covid-19

Hi All,
Here is a list of NAMI member worker safety efforts being conducted to prevent the spread of covid-19. It is not an all-inclusive list but it may give additional ideas for your employee safety efforts.
Stay safe,

Hank Bongers, CSP
Director Worker Safety
North American Meat Institute
hbongers@meatinstitute.org
(608) 208-5783

Meat and Poultry Industry Worker Safety Efforts Against COVID-19

1. Temperature testing prior to entering the facility, sometimes with hands free thermometers or thermal imaging.
2. Asking workers COVID-19 exposure assessment questions prior to entering the facility.
3. Sanitation of areas away from food production. (food production areas are required by law to be sanitized routinely). These additional areas could include breakrooms, lunch rooms, locker rooms etc.

4. Modify facilities with the addition of tents to provide more space to socially distance during breaks.
5. Slowing production lines requiring fewer employees on the line allowing them to socially distance.
6. Staggering shifts requiring less employees in the facility at any one time.
7. Staggering breaks and lunches.
8. Providing facemasks and face shields to all employees.
9. Erecting shields or barriers between employees on the production line and on cafeteria/break tables.
10. Educate employees on social distancing at home and in the community for example: no carpooling, no large gatherings.
11. Hiring dedicated staff to continuously clean facilities, including common areas beyond the production floor.
12. Removing vulnerable populations from facilities, offering full pay and benefits.
13. Requiring sick employees to stay home from work
14. Waiving short-term disability waiting periods.
15. Providing free 100% preventative care to all employees.
16. Offering free online health services that allow for virtual doctor visits at no cost.
17. Providing paid sick leave.
18. Restricting access to facilities and not allowing visitors.
19. Having CDC, OSHA, EPA, FSIS, FDA guidelines and policies on hand.
20. Ensuring detergents and sanitizers used are effective at killing the Coronavirus.
21. Adjusting traffic patterns in hallways and in workflows to aid in social distancing.
22. Conducting mid-shift temperature checks.

From: Sarah Little
Sent: Thursday, April 16, 2020 4:57 PM
To: KatieRose McCullough <KMcCullough@meatinstitute.org>; Samantha Beard <SBeard@meatinstitute.org>; Norm Robertson <NRobertson@meatinstitute.org>; Hank Bongers <HBongers@meatinstitute.org>
Subject: List for Julie Anna

Hello gang,
Julie Anna wants to have a comprehensive list of our members' efforts to protect

employees from the virus.
Samantha created a database of some of this information, but it was more toward what the companies were doing to support employees like bonuses etc.
Over the past several weeks I have assembled a list of basic efforts. I am hoping you all can help me add to it and flesh it out. This is meant to be a list of examples. I will put the ones that are most common at the top of the list, and then we can add more unique efforts as well. The list doesn't have to be detailed, just comprehensive.

Also important, if there are government requirements that are new that I am not aware of, please include.

Edit away! Thanks!

G:\COVID-19 Info & Communications\NAMI COVID19 Memos to Members\COVID Worker Safety.docx

Sarah Little
Vice President of Communications
North American Meat Institute
1150 Conn. Ave., NW, 12th Floor
Washington, DC 20036
Direct: (202) 587-4263
Fax: (202) 587-4300
slittle@meatinstitute.org
@meatinstitute.org

From: Stille, Kim - OSHA
To: Hank Bongers
Subject: Trump to invoke Defense Production Act to keep meat-processing plants open amid fears of supply shortage | Fox News
Date: Tuesday, April 28, 2020 3:33:00 PM

I will reach out to you after my 2:30pm call.

Though I fear you may be overwhelmed with activity. Based on my data and the recent news (see below) I suspect we need to move very quickly on any alliance

President Trump plans to sign an executive order to ensure meat processing plants stay open during the coronavirus pandemic.

https://fxn.ws/3aK3qPN

COVID confirmation increases experienced in Region 7 exclusively since yesterday.

- MO & KS – Approx. 300 case increase
- NE – Approx. 600 case increase
- IA – Approx. 800 case increase

Distilling the increases down to the county level, I believe the increases in NE and IA can be attributed to a great extent to meatpacking

Supply	Criticality
ITEM	Criticality I
Hairnets	
Hand Sanitizer	
Disposable aprons	
Thermometers	
Sanitizers	
Disinfectant Wipes	
N-95 Respirators	
Nitrile Gloves	
Alcohol	
CO2	

Notes
days. We are developing alternatives if condition persists
Item is become tight with all suppliers to us
We do have some supply but not able to re-order normal quantities. Could be critical in 20-30 days.
lead time We are temp checking employees coming back from call ins for sickness but would not be able to
nothing that affects proper cleaning. Not a critical issue for us at this time.
Unable to source disinfectant wipes at this time. Using alternative means
temps and interacting with employees. We would don't be able to outfit employees in correct PPE if 100% temp
Have some inventory but unable to reorder
Unable to find liquid alcohol to sanitize tools and quality testing equipment.
issue in a few days.

MINNESOTA

COVID-19 Health and Safety Guidelines for the Meatpacking Industry

In order to minimize the risk from COVID-19 in the workplace, take the following steps:

Employee and visitor screening

- Conduct screening each time employees or visitors enter the facility. Use the following verbal screening for all persons:
- Have you had any of the following symptoms since your last day at work or the last time you were here? Please answer "Yes" or "No" to each question:
    - A new fever (100 F or higher), or feeling feverish?
    - A new cough?
    - Shortness of breath?
    - A new sore throat?
    - New muscle aches?
- Conduct temperature screening if it can be done with proper social distancing and hygiene.
- If a worker answers "Yes" to **any** of the screening questions **or** has an oral or aural temperature **above 99.5°** confirmed with oral or aural thermometer, the worker should be further evaluated by a plant occupational health nurse, who can determine if the employee can go home to recover, or should report to healthcare. In addition, they can confirm that isolation is feasible in the home environment and can request assistance from the local public health department for housing and any needed services.

Cleaning and disinfection

- Fully clean and disinfect work area equipment and common areas at least daily, and at every shift change. Use Environmental Protection Agency (EPA) registered disinfectants to sanitize surfaces.
- Increase staffing for cleaning and disinfecting necessary to increase frequency of cleaning and disinfection throughout the facility including break areas, lunch rooms and bathrooms
- If a worker becomes ill at work, their work area must be cleaned and disinfected immediately before another worker may be assigned to their work area.
- Check that you are following label directions and observing contact times to ensure cleaning and disinfection is effective.
- Pay special attention to high touch areas such as stair railings, tools, guards, doorknobs, computers, etc.
- CDC has issued guidance: Cleaning and Disinfecting Your Facility, www.cdc.gov/coronavirus/2019-ncov/prepare/disinfecting-building-facility.html.
- Ensure the facility is adequately ventilated and use air filters in systems where this is feasible.

Distancing

- Implement distancing guidelines in the facility.
- Implement operational changes that allow for workers' physical distancing of 6 feet required by CDC guidelines and to effectively use personal protective equipment, including mask and face shields.
- Install partitions of plexiglass or stretched plastic on a frame of nonporous, smooth material to provide barrier protection between workers where physical distancing of 6 feet cannot be consistently maintained.
- Designate one-way entrances and exits in and out of the facility to support 6-foot physical distancing for workers.
- Designate an area for isolating workers who show symptoms of COVID-19 infection, such as a wellness area, isolated first aid station or other area where access can be restricted.
- Mark out 6-foot distances or circles for workers to stand in while they wait to punch in, to conduct health assessments, to perform handwashing, waiting for transportation and in other areas where workers would normally congregate.
- Mark out a 6-foot line in front of desks used by staff.
- Ensure 6-foot distances between chairs and people during meetings.
- Designated staff to monitor and instruct workers about compliance with distancing protocols and hygiene requirements.
- Routinely inspect, maintain, clean and disinfect separation barriers and other safeguards.

Production, work-shift schedules and work-break schedules

- Adjust line speeds so workers can maintain distancing.
- Stagger work-shift schedules to prevent congregating in changing rooms, entrance areas, transport areas, health screening areas, timeclock areas.
- Revise break times to prevent congregating in cafeterias and breakrooms.
- Designate additional areas for breaks and meals.

Personal protective equipment (PPE) and facial coverings

- Require that all workers routinely wear cotton face masks, face coverings or disposable masks along with the standard PPE that is needed.
- Limit the use of filtering facepiece respirators by following other COVID-19 exposure control strategies and use of other facial coverings.
- Required PPE, along with training, is to be provided and paid for by the employer.

Personal hygiene

- Require and allow workers sufficient time to wash their hands frequently, including arrival and departure from workplace, before and after using the restroom, before eating and drinking and after touching surfaces that may be contaminated.
- Have handwashing facilities easily available that can be accessed without workers congregating in groups.
- Maintain ample supplies of soap and hand towels for handwashing.

- Provide additional (portable) handwashing stations, where needed.
- Provide work areas with hand sanitizer and sanitizer wipes.
- Require cough and sneeze etiquette.

Communication

- Communicate with workers about actions being taken to prevent COVID-19 exposure through routine meetings, postings, including electronic postings, the company website and start-of-day reminders.
- Institute a process for workers to report COVID-19 symptoms and other hazards in the workplace.
- Remind workers not to come to work if they are having symptoms of COVID-19 and fully inform and allow workers to use sick leave and other benefits if they are ill.
- Provide information in languages understood by workers and prominently post instructions and reminders about illness symptoms, handwashing and hygiene etiquette and to report if they are feeling ill.

Orientation of COVID-19 Business Plan

- Provide an orientation for workers about the company's required COVID-19 Business Plan and the measures taken to minimize exposure to COVID-19, including changes to production, maintenance, human resources and worker safety.
- Include information about the COVID-19 virus, such as illness symptoms, methods of transmission, proper hand hygiene, respiratory etiquette and other safeguards to prevent exposure.
- Managers and supervisors will monitor the effectiveness of the COVID-19 Business Plan.

Business travel

- Restrict or suspend business travel.
- Use virtual platforms for meetings when possible.

Working remotely

- Allow workers to work remotely if they are able to perform their work.
- Limit workers in business offices to only those deemed critical to facility operations.

Visitor restrictions

- Screen visitors prior to their arrival on site and confirm they have had no travel to destinations with widespread COVID-19 transmission within the past 14 days.
- Follow CDC risk-assessment guidance. Limit visitors to those essential to business operations and restrict where visitors can go within the facility.

Employment and human resources items

Employment status

- Clarify employment status with workers during the COVID-19 pandemic, including alternative work shifts, working from home, not working and wage changes.
- Clarify that discrimination against workers for any reason will not be tolerated and must be reported.

Incentive programs

- Modify worker incentive programs to ensure workers stay home when they are sick to protect others working at the facility.
- Communicate clearly that workers will not face adverse consequences for staying home when they are sick.

Paid time off (PTO) and sick leave policies

- Allow flexibility on PTO accrual maximums. Allow workers to use PTO if they or someone in their household has symptoms of or tests positive for COVID-19.
- Relax attendance policies during the COVID-19 pandemic.
- If a doctor's note is required to be absent from work, don't require employees to have a doctor's note in advance of approving an absence.

Medical assistance

- Waive co-pays on medical appointments for COVID-19 related treatment.
- Provide access to medical professionals, including tele-medicine options, if an on-site nurse is not available.
- Waive the five-day waiting period for short-term disability benefits for workers who are sick with COVID-19.

Isolation

- Workers showing symptoms of the COVID-19 virus must be isolated from other workers.
- Human resources should help arrange for sick workers to return home.

Other support services

Offer worker assistance services to deal with added stresses and financial impacts associated with the COVID-19 pandemic.

The Packinghouse Workers Bill of Rights law, Minnesota Statutes 179.86, requires employers to provide workers a safe workplace and the equipment necessary to safely perform their work. Visible leadership that promotes a company culture of caring for workers and the community helps to reinforce a company's efforts to promote workplace safety and protect workers.

If you provide housing, ill persons must be separated from well persons

- Discuss grouping options available for the operation. Ideally, each ill person should have a private room and a dedicated bathroom. If this is not feasible and there is more than one ill worker, then ill workers may be grouped together, but separated from non-ill workers. For ill individuals, consider using a large, well-ventilated room. In areas where ill workers are staying, keep beds at least 6 feet apart, use temporary barriers between beds (such as curtains), and request that ill persons sleep head-to-toe.
- Separate ill workers with laboratory-confirmed COVID-19 infections from ill workers with suspect COVID-19.
- **Even if you don't normally provide housing, consider providing temporary housing to ill workers living in households in which self-quarantining is not possible.**
- Provide care to the worker while sick and recovering. Contact your local public health department for assistance with needed services.
- If the worker is at greater risk of developing severe illness (e.g., aged 65 years or older or with an underlying condition such as chronic lung disease, chronic heart disease, diabetes, cancer, or weakened immune system), call a healthcare provider.
- If the worker's symptoms are getting worse, call a healthcare provider.
- If the worker has trouble breathing, persistent pain or pressure in the chest, or other emergency signs, call 911.
- Follow CDC recommendations for cleaning and disinfection the home or facility.

What can you expect if a worker is laboratory-confirmed with COVID-19?

- For laboratory-confirmed COVID-19 cases, Minnesota Department of Health (MDH) will call the ill worker to interview them. They may make recommendations about high-risk contacts of the infected person to stay at home (self-quarantine) for 14 days.

When can an ill worker return to work?

- The ill person should stay at home and, if possible, have their own room and bathroom to reduce risk to other household members. They need to stay isolated at home until their symptoms have resolved and all three of these conditions are met:
  - Symptoms have improved (this can take up to 14 days) AND,
  - At least seven days have passed since symptoms first appeared AND,
  - At least three days have passed since fever has gone (without use of fever reducing medications).

What about co-workers of ill workers when there has not been a positive lab test?

- Co-workers (not part of an official MDH quarantine or a facility quarantine) can report to work as long as they are symptom-free. They will have to carefully follow the health and safety guidelines you have developed for the facility. See above discussion of health screening, temperature checks and use of masks.

AGREEMENT

ESTABLISHING AN ALLIANCE

BETWEEN

THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

U.S. DEPARTMENT OF LABOR

AND

THE NORTH AMERICAN MEAT INSTITUTE

The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) and the North American Meat Institute (NAMI) recognize the value of establishing a collaborative relationship to foster safety and health practices and programs to improve American workplaces. To that end, OSHA and NAMI hereby form an Alliance to provide NAMI's members and the public with information, guidance, and access to training resources that will help them protect workers by reducing and preventing exposure to Coronavirus 2019 (COVID-19), and understand the rights of workers and the responsibilities of employers under the Occupational Safety and Health Act.

This agreement provides a framework and objectives for the Alliance's activities. Alliance participants also agree to meet the requirements for program participation laid out in the "Fundamental Requirements for OSHA Alliance Program Participants" and the "Guidelines for OSHA's Alliance Program Participants: Alliance Products and Other Alliance Projects."

Through the Alliance, the organizations will use available injury, illness, and hazard exposure data, when appropriate, to help identify areas of emphasis for Alliance awareness, outreach, and communication activities. The Alliance will also explore and implement selected options, including but not limited to member surveys, to evaluate the Alliance and measure the impact on improving workplace safety and health. In developing this Alliance, OSHA and NAMI recognize that OSHA's State Plan and On-Site Consultation Program partners are an integral part of the OSHA national effort, and that information about the products and activities of the Alliance may be shared with these partners for the advancement of common goals.

<u>Raising Awareness: Outreach and Communication</u>

The Participants intend to work together to achieve the following objectives:

- Share information among OSHA personnel and industry safety and health professionals regarding potential exposure to COVID-19 and the challenges for exposure control in meat packing and processing facilities.

- Work together to develop and refine OSHA guidance and NAMI good practices for preventing COVID-19 transmission, and disseminate these resources (e.g., via

print and electronic media, electronic assistance tools, and OSHA and the NAMI websites) to employers and workers in the industry.

- Conduct outreach through joint forums, roundtable discussions, stakeholder meetings, webinars, or other formats on OSHA guidance and NAMI's good practices or effective approaches for preventing COVID-19 transmission in meat packing and processing facilities.

- Speak, exhibit, or appear at OSHA and NAMI conferences, local meetings, and other events.

- Encourage NAMI members and other industry stakeholders to build relationships with OSHA's Regional and Area Offices and State Plans, and to utilize OSHA's On-Site Consultation Program to improve health and safety and prevent COVID-19 transmission in meat industry workplaces.

- Share information on OSHA's National Initiatives (Emphasis Programs, Regulatory Agenda, Outreach), and opportunities to participate in initiatives and the rulemaking process.

- Share information on occupational safety and health laws and standards, including the rights and responsibilities of workers and employers.

OSHA's Alliances provide organizations an opportunity to participate in a voluntary cooperative relationship with OSHA for purposes such as raising awareness of OSHA's initiatives, outreach, communication, training, and education. These Alliances have proven to be valuable tools for both OSHA and Alliance participants. By entering into an Alliance with an organization, OSHA is not endorsing or promoting, nor does it intend to endorse or promote, any of that organization's products or services.

An implementation team made up of representatives of each organization will meet one to two times per year to discuss the responsibilities of the participants, to share information on activities, and to track results in achieving the goals of the Alliance. OSHA team members will include representatives of the Directorate of Cooperative and State Programs, the Directorate of Technical Support and Emergency Management, and any other appropriate offices. OSHA will encourage State Plan' and OSHA On-Site Consultation programs' participation on the team.

This agreement will remain in effect for two years. Either signatory may terminate it for any reason at any time, provided they give 30 days' written notice. This agreement may be modified at any time with the written concurrence of both signatories.

Signed this <date> day of <month>, 2020.

Loren Sweatt Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health	Julie Anna Potts President and CEO North American Meat Institute

U.S. Department of Labor

Occupational Safety and Health Administration
Washington, D.C. 20210

April 24, 2020

MEMORANDUM FOR: REGIONAL ADMINISTRATORS
STATE PLAN DESIGNEES

THROUGH: AMANDA EDENS
Deputy Assistant Secretary

FROM: PATRICK J. KAPUST, Acting Director
Directorate of Enforcement Programs

SUBJECT: Enforcement Guidance on Decontamination of Filtering Facepiece Respirators in Healthcare During the Coronavirus Disease 2019 (COVID-19) Pandemic

This memorandum provides interim guidance to Compliance Safety and Health Officers (CSHOs) for enforcing the Respiratory Protection standard, 29 CFR § 1910.134, with regard to the reuse of filtering facepiece respirators (FFRs) that have been decontaminated through certain methods.[1]

This guidance applies in workplaces in which workers need respirators to protect against exposure to infectious agents that could be inhaled into the respiratory system, including during care of patients with suspected or confirmed coronavirus disease 2019 (COVID-19) and other activities that could result in respiratory exposure to SARS-CoV-2 (the virus that causes COVID-19). The guidance describes decontamination methods for FFRs contaminated with pathogens, and is not intended to facilitate re-use of FFRs laden with other contaminants (e.g., FFRs overloaded with silica dust).

This memorandum further expands flexibilities outlined in OSHA's previous COVID-19 enforcement memoranda posted at www.osha.gov/enforcementmemos.[2] In light of the essential need for adequate

[1] For the purposes of this memorandum, *filtering facepiece respirators (FFRs)* means disposable filtering facepiece respirators designated as N95, N99, N100, R95, R99, R100, or P95, P99, and P100.

[2] "OSHA's previous COVID-19 enforcement memoranda" refers to: *Healthcare Respiratory Protection Annual Fit-Testing for N95 Filtering Facepieces During the COVID-19 Outbreak*; *Enforcement Guidance for Respiratory Protection and the N95 Shortage Due to the Coronavirus Disease 2019 (COVID-19) Pandemic*; *Enforcement Guidance for Use of Respiratory Protection Equipment Certified under Standards of Other Countries or Jurisdictions During the Coronavirus Disease 2019 (COVID-19) Pandemic;* and *Expanded Temporary Enforcement Guidance on Respiratory Protection Fit-Testing for N95 Filtering Facepieces in All Industries During the Coronavirus Disease 2019 (COVID-19) Pandemic*. *See* www.osha.gov/enforcementmemos.

supplies of respirators, this memorandum will take effect immediately and remain in effect until further notice. This guidance is intended to be time-limited to the current public health crisis. Please frequently check OSHA's webpage at www.osha.gov/coronavirus for updates.

Background

On January 31, 2020, the Secretary of Health and Human Services (HHS) declared the COVID-19 outbreak a public health emergency.[3] The President also declared a national emergency due to COVID-19.[4]

The response to the pandemic has created an increased demand for FFRs, limiting their availability for use in protecting workers in healthcare and emergency response from exposure to the virus. As a result, the President directed the Secretary of Labor to "*consider all appropriate and necessary steps to increase the availability of respirators.*"[5]

Although the Secretary, through OSHA, has allowed for enforcement flexibility around respirators—including with regard to fit-testing, the use of respirators that are beyond their manufacturer's recommended shelf life, extended use and reuse of respirators, and the use of alternative equipment certified by the National Institute for Occupational Safety and Health (NIOSH) or in accordance with standards of certain other countries and jurisdictions—the availability of FFRs remains a concern throughout the country.

In some circumstances, employers may find it necessary to decontaminate FFRs to facilitate their reuse. However, because of the potential for decontamination methods to affect respirator fit and/or performance, there are no NIOSH-approved methods for such processes. That is, decontamination voids the NIOSH certification for the respirator. Still, during periods of shortages of FFRs when other preferred alternative respirators (as described in *Enforcement Guidance for Respiratory Protection and the N95 Shortage Due to the 2019 Novel Coronavirus Disease (COVID-19) Pandemic* and *Enforcement Guidance for Use of Respiratory Protection Equipment Certified under Standards of Other Countries or Jurisdictions During the Coronavirus Disease 2019 (COVID-19) Pandemic*) are not available, filtering facepiece respirator decontamination and reuse may need to be considered as a crisis capacity strategy to ensure continued availability of respiratory protection equipment.[6]

Enforcement Guidance

All employers whose employees are required to use or are permitted voluntary use of respiratory protection must continue to manage their respiratory protection programs (RPPs) in accordance with the

[3] The Secretary of Health and Human Services (HHS) declared on January 31, 2020 that the COVID-19 pandemic was a public health emergency. HHS, *Determination of Public Health Emergency*, 85 FR 7316 (February 7, 2020).
[4] Proclamation 9994 of March 13, 2020, 85 FR 15337 (March 18, 2020).
[5] Presidential Memorandum, *Memorandum on Making General Use Respirators Available*, March 11, 2020, www.whitehouse.gov/presidential-actions/memorandum-making-general-use-respirators-available/.
[6] According to guidance on decontamination and reuse of FFRs, the Centers for Disease Control and Prevention (CDC) and NIOSH do not recommend that FFRs be decontaminated and then reused as standard care. This practice would be inconsistent with their approved use, but, in times of crisis, this option may need to be considered when FFR shortages exist. *See* www.cdc.gov/coronavirus/2019-ncov/hcp/ppe-strategy/decontamination-reuse-respirators.html.

OSHA respirator standard, and should pay close attention to shortages of FFRs during the COVID-19 pandemic.[7] Paragraph (d)(1)(iii) in section 1910.134 requires employers to identify and evaluate respiratory hazards in the workplace, and paragraph (c)(1) requires employers to develop and implement written RPPs with worksite-specific procedures and to update their written programs as necessary to reflect changes in workplace conditions that affect respirator use. CSHOs should generally refer to CPL 02-00-158, *Inspection Procedures for the Respiratory Protection Standard*, 6/26/2014, for further guidance.[8]

Due to the impact on workplace conditions caused by limited supplies of FFRs, employers should reassess their engineering controls, work practices, and administrative controls to identify any changes they can make to decrease the need for respirators.

If respiratory protection must be used, and acceptable alternatives are not available for use in accordance with OSHA's previous COVID-19 enforcement memoranda, NIOSH has identified limited available research that suggests the following methods offer the most promise for decontaminating FFRs:

- Vaporous hydrogen peroxide;[9]
- Ultraviolet germicidal irradiation; and/or
- Moist heat (e.g., using water heated in an oven).

If such methods are not available, the above-referenced NIOSH-evaluated research showed the following methods could also be suitable decontamination options:

- Microwave-generated steam; and/or
- Liquid hydrogen peroxide.

Based on the above-referenced NIOSH-evaluated research, employers should not use the following methods unless objective data that sufficiently demonstrate the safety and effectiveness of such methods become available:

- Autoclaving;
- Dry heat;
- Isopropyl alcohol;
- Soap;
- Dry microwave irradiation;
- Chlorine bleach; and/or
- Disinfectant wipes, regardless of impregnation (i.e., chemical saturation); and/or
- Ethylene oxide (EtO).[10]

[7] *See also*, OSHA letter of interpretation to John Boren, *Voluntary Use of Surgical Masks*, Dec. 20, 2017, at: www.osha.gov/laws-regs/standardinterpretations/2017-12-20.
[8] www.osha.gov/enforcement/directives/cpl-02-00-158.
[9] As of the date of issuance of this memorandum, the U.S. Food and Drug Administration had issued Emergency Use Authorizations for several decontamination systems that rely on vaporous hydrogen peroxide.
[10] The recommendation against EtO in this category is based on OSHA's concern about worker (particularly those wearing decontaminated respirators) exposure to levels of EtO, including above the action level (0.5 ppm as an eight-hour time weighted average) in the OSHA standard (29 CFR § 1910.1047) for this substance—a known human carcinogen and teratogen. While EtO has been demonstrated to effectively deactivate viral pathogens on FFRs, additional information is

The NIOSH-evaluated research provides justification for each method evaluated.

Note that, according to NIOSH, only respirator manufacturers can reliably provide guidance on how to decontaminate their specific models of FFRs. In the absence of manufacturers' recommendations, third parties (e.g., respiratory protection or other industrial hygiene consultants) may also provide guidance or procedures on how to decontaminate respirators without impacting respirator performance.

Further, the effectiveness of using any of the methods mentioned in this guidance should be explored with specific filtering facepiece respirator models and with manufacturer, and, if needed, third party expert, input and support to better understand the impact on respirator performance, including filtration and fit, and structural integrity (including integrity of head straps and other parts). Employers should be able to demonstrate effectiveness of any decontamination method(s) used against the likely contaminant(s) (i.e., pathogens) of concern. Employers should also ensure that any decontamination method(s) used do not produce additional safety hazards (e.g., electrical arcs resulting from placing FFRs with metal parts into microwaves), or that workers are adequately protected from those hazards through appropriate engineering and administrative controls, safe work practices, and personal protective equipment.

OSHA will continue to consider methods for decontamination of FFRs on a case-by-case basis as objective data demonstrating the safety and effectiveness of such methods become available, and the agency will provide updated guidance, as appropriate.

The following specific enforcement guidance is provided for CSHOs inspecting workplaces where workers are using decontaminated FFRs.

All employers should:

- Make a good-faith effort to provide and ensure workers use the most appropriate respiratory protection available for the hazards against which workers need to be protected. Efforts should be consistent with flexibilities outlined in OSHA's previous COVID-19 enforcement memoranda.
- When respirators must be decontaminated to facilitate their reuse in ways consistent with OSHA's previous COVID-19 enforcement memoranda and the U.S. Centers for Disease Control and Prevention (CDC) *Strategies for Optimizing the Supply of N95 Respirators*, ensure that decontamination is accomplished according to the methods described above and detailed in CDC's *Decontamination and Reuse of Filtering Facepiece Respirators using Contingency and Crisis Capacity Strategies*.

needed about worker exposure to EtO associated with use of particular decontamination systems, including while conducting decontamination operations and while wearing particular FFRs that have been decontaminated using such methods.

- Ensure users perform a user seal check each time they don a respirator. Employers should not permit use of a respirator on which the user cannot perform a successful user seal check. *See* 29 CFR § 1910.134, Appendix B-1, *User Seal Check Procedures*.[11]
- Train employees to follow appropriate precautionary measures prior to using a decontaminated filtering facepiece respirator (FFR). *See* www.cdc.gov/coronavirus/2019-ncov/hcp/ppe-strategy/decontamination-reuse-respirators.html.
- Train employees using decontaminated respirators to understand that if the structural and functional integrity of any part of the respirator is compromised, it should not be used by that individual as respiratory protection. The inability to achieve a successful user seal check could be an indicator that the integrity of the respirator is compromised.
- Visually inspect, or ensure that workers visually inspect, the FFRs to determine if the structural and functional integrity of the respirator has been compromised. Over time or as a result of the decontamination process, components such as the straps, nose bridge, and nose foam material may degrade, which can affect the quality of the fit and seal.
- Train employees on the procedures for the sequence of donning/doffing to prevent self-contamination. *See* www.cdc.gov/niosh/npptl/pdfs/PPE-Sequence-508.pdf.
- If no manufacturer or third-party guidance or procedures are available to support the specific decontamination method(s) employed, avoid the use of decontaminated FFRs when healthcare personnel perform surgical procedures on patients infected with, or potentially infected with, SARS-CoV-2 or perform or are present for procedures expected to generate aerosols or procedures where respiratory secretions are likely to be poorly controlled (e.g., cardiopulmonary resuscitation, intubation, extubation, bronchoscopy, nebulizer therapy, sputum induction). If decontamination methods degrade FFR performance, including filtration and fit, or otherwise affect structural integrity, the decontaminated FFR may not provide the level of protection needed or expected during aerosol-generating procedures.

Citation guidance:

OSHA will, on a case-by-case basis, exercise enforcement discretion related to the reuse of FFRs that have been decontaminated using the methods recommended above when considering issuing citations under 29 CFR § 1910.134(d) and/or the equivalent respiratory protection provisions of other health standards in cases where:

- Other feasible measures, such as using partitions, restricting access, cohorting patients, or using other engineering controls, work practices, or administrative controls that reduce the need for respiratory protection, were implemented to protect employees;
- The employer has made a good faith effort to obtain other alternative FFRs, reusable elastomeric respirators, or PAPRs, including NIOSH-certified equipment or equipment that was previously NIOSH-certified but that has surpassed its manufacturer's recommended shelf life (in accordance with OSHA's April 3, 2020 memo), that is appropriate to protect workers;

[11] *User Seal Check Procedures*, at: www.osha.gov/laws-regs/ regulations/standardnumber/1910/1910.134AppB1. OSHA tutorial videos are available at: www.youtube.com/watch?v=Tzpz5fko-fg (English); www.youtube.com/watch?v=jgRKuRcTGeE (Spanish).

- The employer has monitored its supply of FFRs, prioritized their use according to CDC guidance (www.cdc.gov/coronavirus/2019-ncov/release-stockpiled-N95.html; www.cdc.gov/coronavirus/2019-ncov/hcp/respirators-strategy/index.html), and controlled the number of times a respirator is decontaminated before issuing a new one given supply level and burn rate considerations; and
- Surgical masks and eye protection (e.g., face shields, goggles) were provided as an interim measure to protect against splashes and large droplets (note: surgical masks are not respirators and do not provide protection during aerosol-generating procedures).

Where the above efforts are absent and respiratory protection use is required, or voluntary use is permitted, and an employer fails to comply with fit testing, maintenance, care, and training requirements, cite the applicable provision(s) of 29 CFR § 1910.134 as serious violations. If you have any questions regarding this policy, please contact the Directorate of Enforcement Programs at (202) 693-2190.

cc: DCSP
DTSEM
DSG

General

1. **Question: Should employees feel safe coming to work and confident in the control of potential COVID-19 spread in establishments that implement the CDC/OSHA guidance?**
   Answer: The CDC/OSHA guidance for the meat and poultry industry is written to assist establishments in completing a COVID-19 assessment and control plan. The establishment specific COVID-19 assessment and control plan is designed to reduce the potential introduction and control the potential spread of COVID-19. Establishments that have implemented the CDC/OSHA guidance should feel confident that they doing their part to keep their employees safe while continuing their critical operations. Establishments following CDC and OSHA guidance are doing all they can to keep employees safe.

Contact Tracing

1. **Question: Contact tracing is an important tool for COVID-19 investigations. In an establishment that is implementing controls like partitions, face shields, and face coverings, what can establishments expect in terms of contact tracing by local health authorities?**
   Answer: Contact tracing is a key strategy for preventing further spread of COVID-19. During the investigation, the establishment's COVID-19 assessment and control plan should be considered in determining if tracing of in-plant co-worker contacts should be conducted. If the establishment has put into place CDC and OSHA recommended controls, the risk of exposure to other establishment employees is low, potentially alleviating the need for tracing of in-plant contacts. It is likely that tracing contacts of COVID-19 positive employees will be focused on those individuals who had prolonged close contact with the employee, and have therefore had a high-risk exposure.

Testing

1. **Question: What role does testing play in meat and poultry establishments? Should establishments test a large proportion or all of their employees? Does CDC/OSHA anticipate issuing additional guidance on the topic of asymptomatic or symptomatic testing of employees?**
   Answer: CDC has released testing recommendations.[1] However, based on the severity and circumstance in specific areas of the country, establishments should be aware and in consultation with the local and state health authorities for additional recommendations. Currently, CDC does not recommend establishment-wide testing because the results are a snapshot in time and can give employees a false sense of security. Even if an employee tests negative, he or she still must follow CDC guidance to prevent future exposure to COVID-19. CDC and OSHA are constantly updating guidance on COVID-19 and there will be additional guidance provide when appropriate.

Face Coverings

1. **Question: Will there be any proposed recommendation on the construction specifications for face covers, masks? Are single layer fabric face coverings acceptable?**
   Answer: The CDC provides guidance on the fit and construction of face coverings.[2] Cloth face coverings should fit snugly but comfortably against the side of the face, be secured with ties or ear loops, include multiple layers of fabric, allow for breathing without restriction, and be able to be laundered and machine dried without damage or change to shape.

[1] https://www.cdc.gov/coronavirus/2019-ncov/hcp/clinical-criteria.html
[2] https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html

2. **<u>Question</u>: Regarding N-95 respirator masks for employees conducting the screening of personnel, does this fall under the normal OSHA standards and require a fit test? Is this OSHA standard applicable in this circumstance?**
   <u>Answer</u>: OSHA has released N-95 enforcement discretion, where appropriate. At this time annual fit tests may be delayed. However, initial fit test are still required and establishment should encouragement allow voluntary use which does not require any special training.

Social Distancing

1. **<u>Question</u>: In many establishments, it is very difficult or impossible for employees to maintain a distance of 6 feet apart at all times. Does the use of PPE, face coverings, and physical barriers reduce the risk of spread and therefore should allow for safe operation? If it is impossible to maintain 6 feet on a line or install barriers, is the face mask and personal face shield an acceptable alternative?**
   <u>Answer</u>: Physical barriers do not replace social distancing recommendations, when feasible. When not possible to maintain 6 feet of separation between employees, the CDC and OSHA guidance is clear that other controls can and should be employed to allow safe operation. The establishment specific COVID-19 assessment and control plan should address the controls an establishment will utilize (physical barriers, face coverings, PPE, etc.). These controls should align with the CDC and OSHA guidance.

National Alliance Agreement Template

PAPERWORK REDUCTION ACT STATEMENT

OSHA's Alliance Program provides the following agreement template to assist organizations preparing an initial, national Alliance agreement. Under the Paperwork Reduction Act, a Federal agency generally cannot conduct or sponsor, and the public is generally not required to respond to, an information collection, unless it is approved by OMB and displays a valid OMB Control Number. Use of this template is voluntary. The template ensures that Alliance participants provide required information about potential Alliance activities to OSHA. OSHA estimates employer burden for the completion of this collection of information ranges from 6 to 10 hours, with an average of 8 hours. This estimate includes the time for reviewing instructions, determining goals, and developing objectives for the agreement. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to OSHAPRA@dol.gov or to OSHA's Directorate of Cooperative and State Programs, Office of Outreach Services and Alliances, Department of Labor, Room N-3662, 200 Constitution Ave., NW, Washington, DC 20210; Attn: Paperwork Reduction Act Comment. 1218-0274 (This address is for comments regarding this form only; **DO NOT SEND ANY COMPLETED TEMPLATES TO THIS OFFICE IN THIS MANNER**.)

OMB Approval # 1218-0274; Expires 02-28-2023

AGREEMENT

ESTABLISHING AN ALLIANCE

BETWEEN

THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

U.S. DEPARTMENT OF LABOR

AND

<ORGANIZATION NAME(S)>

[The opening paragraph and overall goals may be modified to reflect the specifics of the Alliance but in general should fit this model.]

The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) and <Organization Name(s)> recognize the value of establishing a collaborative relationship to foster safety and health practices and programs to improve American workplaces. To that end, OSHA and <Organization Name (s)> hereby form an Alliance to provide <Organization(s)> members and the public with information, guidance, and access to training resources that will help them protect workers by reducing and preventing exposure to <specify> hazards <and/or> addressing <specify> issues, and understand the rights of workers and the responsibilities of employers under the Occupational Safety and Health Act (OSH Act).

This agreement provides a framework and objectives for the Alliance's activities. Alliance participants also agree to meet the requirements for program participation laid out in the "Fundamental Requirements for OSHA Alliance Program Participants" and the "Guidelines for OSHA's Alliance Program Participants: Alliance Products and Other Alliance Projects."

Through the Alliance, the organizations will use available injury, illness, and hazard exposure data, when appropriate, to help identify areas of emphasis for Alliance awareness, outreach, and communication activities. The Alliance will also explore and implement selected options, including but not limited to member surveys, to evaluate the Alliance and measure the impact on improving workplace safety and health. In developing this Alliance, OSHA and <Organization Name(s)> recognize that OSHA's State Plan and On-Site Consultation Program partners are an integral part of the OSHA national effort, and that information about the products and activities of the Alliance may be shared with these partners for the advancement of common goals.

[The goals and objectives listed below are broken out by standard goal types (Raising Awareness: Outreach and Communication, and Training and Education). The goals and objectives should be customized to reflect anticipated the projects or to otherwise fit the circumstances. Delete any that do not apply.]

Raising Awareness: Outreach and Communication

The Participants intend to work together to achieve the following objective<s>:

[Following are sample objectives for this goal. Delete any that do not apply and add additional objectives consistent with anticipated activities. To the extent possible, make any applicable objectives listed below more specific by, for example, naming specific conferences to attend or the audience(s) to be reached.]

- Share information on OSHA's National Initiatives (Emphasis Programs, Regulatory Agenda, Outreach), and opportunities to participate in initiatives and the rulemaking process.

- Share information on occupational safety and health laws and standards, including the rights and responsibilities of workers and employers.

- Develop information on the recognition and prevention of workplace hazards, and communicate such information (e.g., print and electronic media, electronic assistance tools, and OSHA and the <Organization(s)> websites) to employers and workers in the industry.

- Speak, exhibit, or appear at OSHA and <Organization(s)> conferences, local meetings, or other <specify> events.

- Convene or participate in forums, roundtable discussions, or stakeholder meetings on <specify topic/hazard> to help forge innovative solutions in the workplace or to provide input on safety and health issues.

- Share information among OSHA personnel and industry safety and health professionals regarding <specify Organization(s)> good practices or effective approaches through training programs, workshops, seminars, and lectures (or any other applicable forum).

- Encourage worker participation in workplace safety and health by <specify efforts to be undertaken>.

- Collaborate with other Alliance participants on specific issues and projects on <specify issue, industry, or audience> .

- Develop and disseminate case studies on <Insert topic/hazard> and publicize their results.

- Encourage <Organization(s) chapters/worksites> to build relationships with OSHA's Regional and Area Offices to address health and safety issues, including <specify>.

Training and Education

The Participants intend to work together to achieve the following objective<s>:

[Following are sample objectives for this goal. Delete any that do not apply and add additional objectives consistent with anticipated activities. To the extent possible, make any applicable objectives listed below more specific by, for example, naming the type of course to be developed or the course content or updating the language to reflect specific projects.]

- Develop effective training and education programs for <specify audience> regarding <specify hazard(s) or issue area(s)>, and to communicate such information to constituent employers and workers.

- Deliver or arrange for the delivery of <specify> courses.

- Develop effective training and education programs for <specify audience> to promote understanding of workers' rights, including the use of the OSHA complaint process, and the responsibilities of employers and to communicate such information to workers and employers.

OSHA's Alliances provide organizations an opportunity to participate in a voluntary cooperative relationship with OSHA for purposes such as raising awareness of OSHA's initiatives, outreach, communication, training, and education. These Alliances have proven to be valuable tools for both OSHA and Alliance participants. By entering into an Alliance with an organization, OSHA is not endorsing or promoting, nor does it intend to endorse or promote, any of that organization's products or services.

An implementation team made up of representatives of each organization will meet one to two times per year to discuss the responsibilities of the participants, to share information on activities, and to track results in achieving the goals of the Alliance. OSHA team members will include representatives of the Directorate of Cooperative and State Programs [<other National Office Directorate>, (*if applicable*)] and any other appropriate offices. OSHA will encourage State Plan' and OSHA On-Site Consultation programs' participation on the team.

This agreement will remain in effect for <specify: two years/other period not to exceed two years>. <specify: Either/Any> signatory may terminate it for any reason at any time, provided they give 30 days' written notice. This agreement may be modified at any time with the written concurrence of <specify: both/all> signatories.

Signed this <date> day of <month>, <year>.

_____

<Name>
Assistant Secretary of Labor for
Occupational Safety and Health

_____

<Name>
<Title>
<Organization Name>

Question	Answer
Control Strategies Questions	
Will acknowledging the Hierarchy of Control sufficiently serve as a Risk Assessment for CV19?	No, there is more to the Risk Assessment. All positions within the plant need to be considered within the Risk Assessment. Consult CDC's Meat and Poultry Processing Workers and Employers guidance: www.cdc.gov/coronavirus/2019-ncov/community/organizations/meat-poultry-processing-workers-employers.html
In the CDC/OSHA Interim Guidance, it refers to physical control statements such as "ensure adequate ventilation" "place handwashing... in multiple locations," "add additional clock-in stations" and "have employees walk in single file." Is there a plan to provide guidance or standards a company can use to evaluate their current situation, e.g. what is adequate, how many per employee or sq. ft. etc.	Ventilation: ASHRAE Position Document on Infectious Aerosols www.ashrae.org/file library/about/position documents/pd_infectiousaerosols_2020.pdf Distancing Measures: The goal is to prevent crowding and to maintain a distance of 6' where possible. To achieve this, companies are encouraged to evaluate where bottlenecks are prone to occur – handwashing stations and time-clocks, for example – and plan to control distance between employees with options that work for their situation. This could mean going to a touchless clock-in/clock-out (via phone app, or proximity sensor), or creating and enforcing work practice controls such as how far apart employees line up (use tape on wall or floor as guide). Additionally, as it will likely take additional time for employees to complete the necessary steps, this should be considered as decisions are made regarding number of entry or hand-washing points. These guidance statements represent the examples and suggestions of current and best practice control strategies for this industry. They are not an OSHA standard, but it should be stated that OSHA expects employers to follow the hierarchy of controls when it comes to controlling hazards, and that effort should be made to document the strategies considered or attempted.
If physical barriers such Plexiglas/vinyl curtains are sufficient as separation devices for workers who are working within 6' of each other, does a face mask AND face shield count the same as a physical barrier in terms of contact tracing should someone present as COVID-19 positive?	There is a free online training for how to conduct contact tracing: https://learn.astho.org/ This is an "it depends" situation. You will have to evaluate if there is uniform compliance with the use of masks and face shields. During the webinar, there was discussion regarding ad hoc conversations between various state officials that if masks are mandatory and screens/dividers or face shields are in place, that is the same as 6' distancing so "close contact" definition does not apply to workers. This was overall agreed with (in

	principle). It's not explicitly stated, but is likely accurate in interpretation. However, if these employees have close contact on their way to and from the workstations or at other points during the day, it would be need to be reevaluated. (Such as the commute to and from work, during break times, etc.)
Are all employers "required" to use CDC guidelines?	Please refer to the following press release: https://www.dol.gov/newsroom/releases/osha/osha20200428-1 Also these are the existing standards that apply to the current pandemic situation: https://www.osha.gov/SLTC/covid-19/standards.html
Does this new guidance supersede the "Interim Guidance for Implementing Safety Practices for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19" or is it meant to be used in tandem? If we can still use this guidance in tandem, can you define the criteria for "suspected" COVID-19 for the purposes of following the steps outlined in the above mentioned guidance.	They are meant to be used in tandem. Please refer to: https://www.cdc.gov/coronavirus/2019-ncov/community/critical-workers/implementing-safety-practices.html for the "Interim Guidance for Implementing Safety Practices for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19". CDC advises that critical infrastructure workers may be permitted to continue work following potential exposure to COVID-19, provided they remain asymptomatic and additional precautions are implemented to protect them and the community. A potential exposure means being a household contact or having close contact within 6 feet of an individual with confirmed or suspected COVID-19 [aka co-worker]. The timeframe for having contact with an individual includes the period of time of 48 hours before the individual became symptomatic.
Transmission and PPE Questions	
The spread of Covid-19 is through large mass droplets and through the action of droplet spread. The masks that are suggested are to stop this mass droplet spread by collecting on the [inside of the] mask from the wearer. Can you elaborate on this once again? The methods that are currently believed to cause disease transmission.	From CDC's FAQ on COVID-19: www.cdc.gov/coronavirus/2019-ncov/faq.html#How-COVID-19-Spreads The virus that causes COVID-19 is thought to spread mainly from person to person, mainly through respiratory droplets produced when an infected person coughs or sneezes. These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs. Spread is more likely when people are in close contact with one another (within about 6 feet).

	COVID-19 seems to be spreading easily and sustainably in the community ("community spread") in many affected geographic areas. Community spread means people have been infected with the virus in an area, including some who are not sure how or where they became infected. Additionally, there is evidence of viral material surviving on surfaces (and for varying durations of time) – although transmissibility/infectiousness is still under investigation. This is why best practice is to clean/disinfect all routinely touched surfaces with regularity in order to reduce the possibility of contact transmission.
Should we (poultry/meat-packing industry) require the use of face mask and face shield?	First, be clear on the difference between a face covering (such as a cloth face covering), a surgical face mask, and a respirator https://www.cdc.gov/niosh/npptl/pdfs/UnderstandDifferenceInfographic-508.pdf. Currently (5/4/2020), the CDC recommends wearing cloth face coverings as a protective measure in addition to social distancing (i.e., staying at least 6 feet away from others). Cloth face coverings may be especially important when social distancing is not possible or feasible based on working conditions. A cloth face covering may reduce the amount of large respiratory droplets that a person spreads when talking, sneezing, or coughing. Cloth face coverings may prevent people who do not know they have the virus that causes COVID-19 from spreading it to others. Cloth face coverings are intended to protect other people from the wearer's aerosolized droplets (sneezes, coughs, speech). Cloth face coverings are not traditional PPE, nor are they appropriate substitutes for PPE such as respirators (like N95 respirators) or medical facemasks (like surgical masks) in workplaces where respirators or facemasks are recommended or required to protect the wearer. A faceshield can be used to prevent the contamination of the face covering, disposable facemask, or disposable respirator during work on the line or when closer than 6' to another employee. While wearing cloth face coverings is a public health measure intended to reduce the spread of COVID-19 in communities, it may not be practical for workers to wear a single cloth face covering for the full duration of a work shift (e.g., eight or more hours) in a meat or poultry processing facility if they

	become wet, soiled, or otherwise visibly contaminated during the work shift. If cloth face coverings are worn in these facilities, employers should provide readily available clean cloth face coverings (or disposable facemask options) for workers to use when the coverings become wet, soiled, or otherwise visibly contaminated. Employers who determine that cloth face coverings should be worn in the workplace, including to comply with state or local requirements for their use, should ensure the cloth face coverings: • fit over the nose and mouth and fit snugly but comfortably against the side of the face; • are secured with ties or ear loops; • include multiple layers of fabric; • allow for breathing without restriction; • can be laundered using the warmest appropriate water setting and machine dried daily after the shift, without damage or change to shape (a clean cloth face covering should be used each day); • are not used if they become wet or contaminated; • are replaced with clean replacements, provided by employer, as needed. • are handled as little as possible to prevent transferring infectious materials to the cloth; and • are not worn with or instead of respiratory protection when respirators are needed.
If facial coverings are not PPE, is the employer responsible for providing it to the employees at no cost?	At this point you need to determine what it is you are asking employees to do, how burdensome it is, how work activity/performance is affected, and what you want in regards to compliance. Best practice would be to provide adequate face coverings (and replacements) for all affected employees if you are unable to achieve the recommended compliance via engineering controls per the Hierarchy of Controls. As part of their hazard assessments, employers must always consider whether PPE is necessary to protect workers.
What recommendations do you have for employers if the face mask presents a direct threat due to the health of that employee or an entanglement hazard?	Use the hierarchy of controls to provide a higher level or protection to the employee if the use of a facemask creates a greater risk. For certain employees, if wearing the facemask provides a health risk (i.e. the employee is claustrophobic, or if the employee is working in a hot environment), then the employer must find a suitable protective alternative. Additionally, the Interim Guidance for Meat-packing and

	Poultry discusses the need to ensure that any face mask/face covering fits snugly to the face and uses ties/earloops to secure it. If the employer determines that this face mask presents a direct threat, then the employer must find a different way for the job to be completed that keeps the employee safe from these hazards.
Under the PPE section near the end of the guidance there is a list of items under "Employers should" that includes the last bullet "PPE worn at the facility should not be taken home or shared." As the surgical masks are not PPE, does this mean that it's not an issue to allow the employees to wear employer provided face coverings home? If they are clean, why can the employees not wear them home (surgical masks) if they are carpooling?	Surgical masks and cloth face coverings are not considered PPE because they do not protect the *wearer* – they are worn to protect *others* from the wearer. Typically, OSHA standards prohibit employees taking home PPE because there is a contamination risk – if there is contamination in the workplace and it gets on PPE, and the employee takes that PPE home then others may have an exposure. In this current situation, due to the recommendation that individuals who are unable to maintain a 6' distance in ANY setting (work, home, carpooling, etc.) are encouraged to use a face covering, AND that some companies have begun requiring employees to use face coverings on this basis, this could be considered attire required for the workplace. Employers need to determine what approach will work best for their employee population – whether it is providing disposable surgical masks daily, providing clean reusable face coverings daily on-site, or allowing employees to take them home for individual laundering. The challenge is that handling of a used (aka "contaminated") face covering is also a potential hazard. If employees had clean face coverings to wear home (or during carpooling), that would in this instance be considered best practice.
Has anyone tested the masks (tight) for protection against COVID-19 when comparing droplet or airborne?	Assuming the question is asking if N95's – or tight-fitting respirators – are known/tested to ensure they actually provide protection, the following applies: tight-fitting masks (aka "respirators") and their filtration materials are tested via rigorous protocols, https://www.cdc.gov/niosh/npptl/stps/respirator_testing.html, and then provided the employee passes a "fit-test" [via OSHA 1910.134(f)], then the wearer would have documented protection against COVID-19. This is why healthcare workers are deemed most in need of tight-fitting masks ("respirators) because their risk is highest. A study of data from New York by Arizona State University researchers suggests that immediate "broad adoption," by 80% of New Yorkers, in using "moderately" effective face masks could have a significant impact on the spread of disease, along with other social distancing methods.

	According to the researchers, the data suggests that the use of masks could reduce the number of deaths due to the virus by between 17 percent and 45 percent in the next two months. The full study is here: https://arxiv.org/pdf/2004.03251.pdf
HR/Recordkeeping Questions	
Can you give guidance on Covid-19 whether to record or not record on the OSHA 300 log?	https://www.osha.gov/memos/2020-04-10/enforcement-guidance-recording-cases-coronavirus-disease-2019-covid-19
What do you do for vendors or contractors that may need to enter the site?	Best practice to hold them to the same standards: aka temperature/symptom screening, social distance requirements, etc.
If an employer were checking employees for fever when entering the workplace, is there any concern about legal privacy issues?	See EEOC guidance: https://www.eeoc.gov/eeoc/newsroom/wysk/wysk_ada_rehabilitaion_act_coronavirus.cfm https://www.fisherphillips.com/faqs From Fisherphillips FAQs: It is important to remember that you must maintain all information about employee illness as a confidential medical record in compliance with the ADA. Note: If your company does business in the State of California (e.g., if you have one or more locations, employees, customers, suppliers, etc. in the state), and your business is subject to the California Consumer Privacy Act (CCPA), then you must provide employees a CCPA-compliant notice prior to or at the same time as your collection of this information. For advice on CCPA compliance, please reach out to any member of our Data Security and Workplace Privacy Practice Group at any of California offices. Additionally: Employers should evaluate the burdens and benefits of recording workers' temperatures or asking them to complete written questionnaires. These types of written products become records that must be retained for the duration of the workers' employment plus 30 years. See OSHA's Access to Employee Exposure and Medical Records standard: 29 CFR 1910.1020)

General

1. Given community spread occurring across the country, if the CDC/OSHA guidance is followed by the meat and poultry industry, should plants be safe to operate?
2. Should employees feel safe coming to work and confident in the control of potential COVID-19 spread in establishments that implement the CDC/OSHA guidance?

Contact Tracing

1. Contact tracing is an important tool for COVID-19 investigations. Is CDC considering amending guidance for conducting contact tracing specifically in meat and poultry plants that are implementing the guidance? In an establishment that is implementing controls like plexiglass partitions, vinyl curtains, face shields and face coverings, some potential exposure events should be considered low-risk while others present a high-risk of transmission exposure. Can CDC/OSHA strengthen the language around cloth/disposable/surgical masks used with face shields and other engineering controls as adequate exposure controls or barriers while conducting contact tracing for a positive case in the context of risk of spread?

Testing

1. What role does testing play in meat and poultry establishments? Should establishments, urged by the state and local health departments, test a large proportion or all of their employees?
2. Does CDC/OSHA anticipate issuing additional guidance on the topic of asymptomatic or symptomatic testing of employees?
3. Because COVID-19 is a recordable illness, and notwithstanding circumstances involving multiple positives at a single plant location, will OSHA enforce 29 CFR §1904 if the employer has reason to believe that community spread is at least a factor in explaining a positive test for COVID-19 by an employee?
4. Whole Plant – What is the threshold/criteria/best practice for whole plant testing? What tests should be used for this? PCR and/or antibody? What is required for follow up and frequency?

Return to Work

1. Regarding critical infrastructure workers who have had an exposure but remain asymptomatic; when they return to work, can you please explain the “regular monitoring” practice further? It says the employee should self-monitor under the supervision of their employer’s occupational health program. Should the supervision come from a physician, and if so when/how often (initially and then again 14 days later)?

Face Coverings

1. Will there be any proposed recommendation on the construction specifications for face covers, masks? Are single layer fabric face coverings acceptable? It would be helpful to simply have a minimum specification that the industry can procure.
2. Regarding N-95 respirator masks for employees conducting the screening of personnel, does this fall under the normal OSHA standards and require a fit test? Some plants typically send people to a medical clinic for this testing. However, under the pandemic, this would seem to put an unnecessary additional burden on the healthcare system and even increase employees’ potential exposure to COVID-19. Is this OSHA standard applicable in this circumstance? Is OSHA considering any temporary waivers for this? Is there any additional training or support from OSHA or CDC to assist with fit testing compliance? At some point should N-95 masks become more widely available and we issue to all employees, would fit tests be required for all employees?

3. There is a lot of information available about face coverings (disposable masks, homemade mask, etc.) We are having fogging issues with safety glasses while wearing face coverings. Are face shields an approved alternative as another form of face coverings? Can we use face shields rather than mask?
4. Because of Covid-19 and Covid-19 only – if a food manufacturer requires employees to wear cloth face coverings as PPE, is the company required to comply with OSHA's Respiratory Protection standard (29 CFR 1910.134)? Which in turn results in workers being medically evaluated by a physician or other licensed health care professional using OSHA's mandatory medical questionnaire before an employee can wear company provided PPE? Companies are subject to large fines if they don't comply
5. If a food manufacturer requires employees to wear cloth face covering as PPE and the company runs out of masks due to supply chain interruptions, does the facility need to shut down until cloth face coverings are available? Would homemade masks be an acceptable alternative?
6. Will the guidance be revised to include specific requirements for the types of face masks to be worn? What actions will be taken to facilitate getting PPE to industry? Are there recommendations for face masks for specific jobs like sanitation, where chemicals are handled and the mask could increase risk of other injury?

Social distancing

1. In many establishments, it is very difficult or impossible for employees to maintain a distance of 6 feet apart at all times. Does the use of PPE, face coverings, and physical barriers reduce the risk of spread and therefore should allow for safe operation?
2. If it is impossible to maintain 6 feet on a line or install barriers, is the face mask and personal face shield an acceptable alternative for safe operation?
3. Has a determination been made that dividers are best practice and preferred over mandatory face shields and face masks in all positions? Sometimes partitions can create issue and may contradict guidance for air flow, etc. Define the risk assessment rational of installing barriers when feasible in how or who can make that determination? Can properly worn face mask, safety grasses and a face shield be used in place of physical barriers between employees?
4. Can employee be working on a line back to back and not be six feet apart or have a face shield over their face? They are wearing a bonnet that covers their face and a face mask. The only area open is around their eyes.

Misc.

1. OSHA guidelines require us to consider "workers' individual risk factors (e.g. older age; presence of chronic medical conditions, including immunocompromising conditions, pregnancy) — how are we to implement this with existing ADA, HIPAA and other EEOC/DOL non-discrimination regulations?
2. Is there a number of sinks and sanitizer stations that should be followed?

Resources for Poultry Companies

Start with These Websites

- CDC/NIOSH/OSHA Joint Interim Guidance on Meat and Poultry Processing Workers and Employers
- OSHA COVID-19 Webpage
- CDC COVID-19 Webpage
- CDC COVID-19 Webpage with Resources for Businesses and Workplaces
- If you perform contact tracing, there is a free training on the CDC recommended practice: https://learn.astho.org/p/ContactTracer

Involving the Workforce

- Listen to what employees are saying (This was recorded on 4/30/2020):
  - https://americasvoice.org/press_releases/rural-faith-leaders-join-workers-calling-for-protection-and-relief-from-covid-19-outbreaks/
- How to engage as a Public Health Communicator
  - https://www.cdc.gov/coronavirus/2019-ncov/php/public-health-communicators-get-your-community-ready.html
- The COMUNICATION FOR BEHAVIOURAL IMPACT (COMBI) Model
  - https://www.who.int/emergencies/risk-communications
- Look for Global Health Communication Strategies Specific to COVID-19 that are Country of Origin Specific
  - https://www.who.int/emergencies/diseases/novel-coronavirus-2019/technical-guidance/risk-communication-and-community-engagement
- Infographic for cultural competency: https://www.qualityinteractions.com/blog/cultural-competency-and-covid-19
- Consider hiring a public health communicator or coordinating with the community.

Request Consultation

- Georgia Tech OSHA Consultation: www.oshainfo.gatech.edu
- OSHA Consultation Directory: https://www.osha.gov/consultation

Risk Communication in a Time of Crisis

- **The Research**
  - https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4504362/table/tbl3/?report=objectonly
- **The Practice**
  - https://www.paho.org/disasters/index.php?option=com_docman&view=download&category_slug=tools&alias=540-pandinflu-leadershipduring-tool-13&Itemid=1179&lang=en
- **The Training**
  - https://www.who.int/risk-communication/training/Module-B3.pdf

Seek Out Additional Resources

- Georgia Tech OSHA Consultation Program COVID-19 Resource Page
    - https://oshainfo.gatech.edu/shes-covid-19-resource-page/
- Department News Release Statement of Enforcement Policy by Solicitor of Labor Kate O'Scannlain and Principal Deputy Assistant Secretary for OSHA Loren Sweatt Regarding Meat And Poultry Processing Facilities
    - https://www.dol.gov/newsroom/releases/osha/osha20200428-1
- OSHA Standards Potentially Applicable to Novel Coronavirus
  This Web page highlights OSHA standards and directives (instructions for compliance officers) and other related information that may apply to worker exposure to the novel coronavirus, SARS-CoV-2, that causes Coronavirus Disease 2019 (COVID-19).
    - https://www.osha.gov/SLTC/covid-19/standards.html
- CDC Recommendation Regarding the Use of Cloth Face Coverings
    - https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover.html
- Enforcement Guidance for Recording Cases of Coronavirus Disease 2019 (COVID-19)
    - https://www.osha.gov/memos/2020-04-10/enforcement-guidance-recording-cases-coronavirus-disease-2019-covid-19
- World Health Organization (WHO) Coronavirus disease (COVID-19) technical guidance: Risk communication and community engagement online training
    - https://www.who.int/emergencies/diseases/novel-coronavirus-2019/technical-guidance/risk-communication-and-community-engagement
- Refer to the "Position Document on Infectious Aerosols" from the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE) for specifications on ventilation.

Safety glasses anti-fogging recommendations from members:

- We have been using medical paper tape to tape the mask to the bridge of the nose and top of cheekbones. It's not perfect, but we've had some success.
  https://www.nytimes.com/article/glasses-fog-wearing-mask-coronavirus.html
  https://www.newsweek.com/how-keep-glasses-fogging-wearing-face-mask-coronavirus-covid-19-1498933

- Wipe lenses with hand soap, rinse under running water and then air dry. Leaves a slight soap film which helps Fogging.
  Also look at dive shops for anti-fogging wipes and solutions in scuba masks

- 3M S11012GAF Clear Scotchgard Anti-fog safety glasses. We've deployed several hundred of them here and the plant and they work very well. They're a little pricey, but worth the investment.

- We discussed fogging of safety glasses due to face masks in our weekly safety manager webinar on Tuesday and again this morning. For non-impact jobs, we are running a pilot program using a 9" W x 13" L clear face shield that fits underneath the hard hat instead of using safety glasses. The interior side of the face shield has an anti-fog coating and the clear plastic shield provides a barrier for the eyes. The face shield will be used in conjunction with a face mask and will allow the employee to wear the face mask properly.

  https://www.scmp.com/lifestyle/fashion-beauty/article/3080804/how-stop-face-mask-fogging-your-glasses

- Also with the cloth masks, take one of the ear loops and turn it 1/2 rotation before putting it over the ear

- On my prescription safety glasses, I have used RainEx Anti-fog for about 30 years with great success on my 3rd shift tours and we all know the challenges on 3rd shift.

- If there is not an anti-fog or other coating already on the safety glasses, it works well there also. However, if the safety glasses already have any coating on them what so ever, it will ruin (cracked eggshell) the safety glasses. On those without any coating, it works great!

- We have gone to face shields and allowed them to be used rather than safety glasses…..it's of course based on risk and there are exceptions.

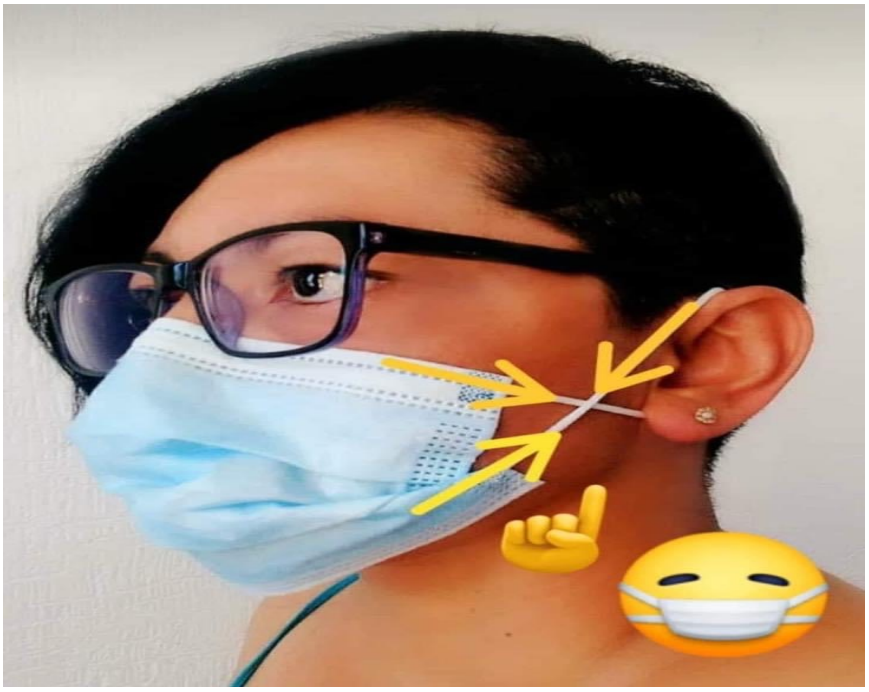
- There are numerous anti-fog lens cleaners out there as well. One of my favorites is "cat crap"….yes that's the name.

- We are ordering Iron Wear anti fogging glasses
- One thing that works decent is to apply dawn dish soap. It is not a cure but does help.

- Untested here, however am hearing that “shaving cream” applied then wiped off- prevents fogging. We are currently using the lens cleaning towelettes that have anti-fog ingredients- MCR Safety manufacturer. www.mcrsafety.com

- We use Iron-Fog 3085-B-C/A safety glasses.

- We found that if the user follows the instructions on the back of the box “Wash with mild soap and warm water. Rinse clean and remove excess water with soft tissue or cloth. Do not use ammonia, alkaline cleaners, solvents or abrasive compounds.”, and doesn’t use the lens cleaning wipes or solutions, there is minimal fogging.



You must put your face mask crosswise, this will prevent fogging in glasses
Coloca tu mascarilla de forma cruzada ara evitar que se empañe los lentes

OSHA Production
01/29/2021

From: Newsome, Shawna - OSEC, Washington, DC
To: Sweatt, Loren E. - OSHA; Pearce, Krisann - OSHA
Subject: Ag Approps language
Date: Wednesday, July 8, 2020 11:46:55 AM

SEC. 751. (a) The Secretary of Agriculture, acting through the Administrator of the Food Safety and Inspection Service, shall—
(1) revoke any line speed waivers issued to a processor subject to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) during the period beginning on or after the first day of the COVID-19 emergency period and ending on the date of the enactment of this Act; and
(2) subject to subsection (b), not issue any such waivers on or after such date of enactment, for the duration of the COVID-19 emergency period.
(b) Notwithstanding subsection (a), the Secretary may issue a line speed waiver to a processor referred to in such subsection, if such processor—
(1) agrees to an inspection for such purpose conducted by the Assistant Secretary of Labor for Occupational Safety and Health; and
(2) the Assistant Secretary certifies to the Secretary of Agriculture that any increases in line speed at such processor's facilities would not have an adverse impact on worker safety.
(c) For purposes of this section, the term ''COVID-19 emergency period'' has the meaning given the term ''emergency period'' in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)).

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EstNumber	Company	Street	City	State	Zip	Phone	GrantDate	Activities	DBAs
M46712+P46712	121 In-Flight Catering LLC	45 Rason Road	Inwood	NY	11096	(718) 663-4612	2/14/2017	Meat Processing; Poultry Processing	
M13561+P13561	165368 C. Corporation	5617 Hoover Street, Suite A	Houston	TX	77092	(713) 263-1944	6/30/2014	Meat Processing	Long Phung Food Products
M7067+P7067	1st Original Texas Chili Company, Inc.	3313 N. Jones Street	Fort Worth	TX	76106	(817) 626-0983	11/28/2003	Meat Processing	T.C. Foods, Texas Chili
M48294+P48294	210 Foods LLC	53 Kinder Dr.	San Antonio	TX	78212	(210) 277-0732	11/16/2017	Meat Processing; Poultry Processing	210 Foods
M46996+P46996	305 Pizza @ MIA LLC	3514 NW 36th Street	Miami	FL	33142	(305) 635-1777	2/20/2020	Meat Processing; Poultry Processing	
M46970	307 Meat Company	3745 Cherrywood East Loop	Laramie	WY	82070	(307) 760-0566	8/21/2019	Meat Processing; Meat Slaughter	
M45790	3282 Beaver Meadow Road LLC	3282 Beaver Meadow Road	Sharon	VT	05065	(617) 694-3685	2/21/2019	Meat Processing; Meat Slaughter	Royalton Meats, Sharon Beef
M8844A	3282 Beaver Meadow Road LLC	3282 Beaver Meadow Road	Sharon	VT	05065	(802) 649-1866	2/21/2019	Meat Processing	Smokin Bones Smokehouse
M19035+P19035	3-A Enterprises	P.O. Box 592	Carroll	IA	51401	(712) 792-5909	6/15/1994	Meat Processing; Poultry Processing	Party Time Fundraising
M45377+P45377+V45377	3D Meats, LLC	14740 E. Lincoln Way	Dalton	OH	44618	(330) 985-0311	12/1/2017	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	

V17530A	3 Little Pigs	625 New Commerce Boulevard	Wi kes-Barre	PA	18706	(570) 823-9778	8/17/2016	Certification - Export; Identification - Meat; Identification - Poultry	
M17530+P17530	3 Little Pigs LLC	625 South Main Street	Wi kes Barre	PA	18701	(570) 823-9778	3/23/2016	Meat Processing; Poultry Processing	House of Bricks
M6561+P6561	412 Meat Processing Inc.	19690 Highway 412 East	Lexington	TN	38351	(731) 967-1411	12/6/2017	Meat Processing; Meat Slaughter	Simpson's Meats, Southern Natural Foods
M634	41 Market, LLC	W 5725 Birch Creek Road No 6	Menominee	MI	49858	(906) 863-3498	8/16/2019	Meat Processing	
M34517+P34517	4 & 20 Pasty Company	5638 Swift Road	Sarasota	FL	34231	(941) 927-1421	1/23/2019	Meat Processing; Poultry Processing	4 & 20 Pasty Company
M17077+P17077	458 1/2 South Broadway Meat Inc	458 1/2 South Broadway	Yonkers	NY	10705	(914) 968-2209	1/9/1993	Meat Processing; Poultry Processing	European Meat Center
M22017+P22017+V22017	4 Frendz Meat Market	1342 Bridge St.	Clarkston	WA	99403	(509) 751-9888	8/19/2010	Animal Foods Inspection; Meat Processing; Poultry Processing; Voluntary Processing - Meat	Southfork Sausage
M7147+P7147+V7147	4G Meat Processing LLC	2501 Guinotte Avenue	Kansas City	MO	64120	(816) 241-4707	6/9/2014	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M19789+P19789	4-L Processing	5428 FM 69	Como	TX	75431	(903) 629-3856	7/25/2016	Meat Processing; Meat Slaughter	
M17395+P17395	50th State Poultry	98-715 Kuahao Place	Pearl City	HI	96782	(808) 845-5902	3/8/2017	Meat Processing; Poultry Processing	
V45922	58 Place Seafood Inc.	58-51 Maspeth Avenue	Maspeth	NY	11378	(718) 366-6600	7/22/2016	Certification - Export	
M34814+P34814	701 Foods, Inc.	1515 Hwy 20 South	Devils Lake	ND	58301	(701) 662-2309	7/25/2012	Meat Processing; Poultry Processing	Flatlander Foods

M21725B+P21725B+V21725B	888 Food Company	4343 Temple City Blvd.	Temple City	CA	91780	(818) 296-7235	12/20/2019	Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	
M21725+P21725	888 Food Company	2111 Chico Avenue	South El Monte	CA	91733	(626) 443-9888	6/2/2003	Meat Processing	
M46622	920 Fries Frozen Foods, LLC	846 S. Gray Street	Millen	GA	30442	(478) 982-5715	5/28/2019	Meat Processing; Meat Slaughter	
M34095+P34095+V34095	A-1 Meat Inc.	3219 Durfee Avenue	El Monte	CA	91732	(626) 579-2299	1/28/2015	Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	
M34524+P34524	A & A Finest	5342 98th Street	Corona	NY	11368	(718) 271-8228	5/16/2013	Meat Processing; Poultry Processing	A & A Gourmet
M20913+P20913	A & A Halal Distr butors	5165 Forsyth Commerce Rd.	Orlando	FL	32807	(407) 282-3200	3/9/2007	Meat Processing; Poultry Processing	
M12425+P12425	Aala Meat Market, Inc.	751 Wa kamilo Road	Honolulu	HI	96817	(808) 832-6650	5/27/2010	Meat Processing; Poultry Processing	
M9516+P9516	A. Altieri & Sons	318 East Airy Street	Norristown	PA	19401	(610) 275-3437	8/12/2008	Meat Processing; Poultry Processing	
M44904+P44904	AA Meat Products Inc.	6544 Flotilla Street	Commerce	CA	90040	(323) 888-9955	4/16/2020	Meat Processing; Poultry Processing	
M45525+P45525+V45525	AA Poultry Processing, LLC	514 Cty AA	Ridgeland	WI	54763	(715) 928-1555	1/2/2019	Poultry Processing; Poultry Slaughter; Voluntary Processing - Poultry; Voluntary Slaughter - Poultry	

M47018+P47018	Aaron Thomas Company	7421 Chapman Avenue	Garden Grove	CA	92841	(714) 894-4468	3/11/2020	Meat Processing; Poultry Processing	
M4653+P4653	A.A. Rubashkin & Sons	4310 14th Ave	Brooklyn	NY	11219	(718) 436-6328	1/11/1993	Meat Processing; Poultry Processing	
V21789	Abanto Forwarding, Inc.	907 Produce Park Lane	Hidalgo	TX	78557	(956) 843-9884	7/25/2002	Certification - Export; Identification - Meat; Identification - Poultry	
M44910+P44910+V44910	Abattoir Associates Inc.	119 Cooper Street	Spring Mills	PA	16875	(814) 359-6845	9/26/2012	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Rising Spring Meat Company
M10215+P10215	Abbott's Meat, Inc.	3623 Blackington Avenue	Flint	MI	48532	(810) 232-7128	5/28/2004	Meat Processing; Poultry Processing	
M1633B+P17764B	ABBYLAND FOODS	918 SPRUCE STREET	ABBOTSFORD	WI	54405	(715) 223-6386	4/24/2020	Meat Processing; Poultry Processing	
M1633A+P17764A	Abbyland Foods, Inc.	323 Plaza Drive	Curtiss	WI	54422	(715) 223-6386	12/8/2017	Meat Processing; Poultry Processing	
M1633+P17764+V1633	Abbyland Foods, Inc.	508 E. Linden Street	Abbotsford	WI	54405	(715) 223-6386	11/6/2003	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat	Abbyland, Abbyland Foods, Abbyland, Inc.
M15896+P15896	Abbyland Pork Pack, Inc.	539 North Meridian Street	Curtiss	WI	54422	(715) 223-4676	11/6/2017	Meat Processing; Meat Slaughter; Poultry Processing	
M34250+P34250	Abeles & Heymann, LLC	739 Ramsey Avenue	Hillside	NJ	07205	(908) 206-8886	9/4/2012	Meat Processing; Poultry Processing	
G47106	AbE Manufacturing	700 Commercial Avenue	Waterloo	WI	53594	(608) 852-4872	1/13/2020	Egg Product	

M48144	Abe's Kosher Meats LLC	1906 W. Main St.	Burley	ID	83318	(208) 678-9965	2/24/2017	Meat Processing; Meat Slaughter	
M40009+P40009	A & B Famous Gefilte Fish Inc.	209 McLean Blvd	Paterson	NJ	07504	(973) 278-4509	3/14/2016	Meat Processing; Poultry Processing	First Choice Meat
M19478	ABF Packing, Inc.	8758 S. US HWY 377	Dublin	TX	76446	(254) 968-4919	7/18/2006	Meat Processing; Meat Slaughter	
M45191	Abner Snack Foods, Inc.	27926 School Street	Bell City	MO	63735	(573) 309-2120	3/22/2013	Meat Processing	PaPa's Jerky
M45927	Abner Snack Foods, Inc.	25157 Walnut St.	Bell City	MO	63735	(573) 309-2120	7/28/2016	Meat Processing	Papa's Jerky
M27494	Abuelito Meat Inc.	84 Market Street	Passaic	NJ	07055	(973) 345-3503	11/24/2009	Meat Processing	Passaic Meat I, Inc.
M45140+P45140	Abundant Foods	6701 Stapleton Drive North	Denver	CO	80216	(303) 388-8080	2/6/2013	Meat Processing	
M48285+P48285	A Butchery Shoppe	S422 McKay Avenue	Spring Valley	WI	54767	(651) 357-7203	10/23/2017	Meat Processing; Poultry Processing	A Butchery Shoppe, Black Sheep Deli, Our Hand Crafted
M34635	A.B. Vannoy Hams	205 Buck Mountain Rd.	West Jefferson	NC	28694	(336) 246-3319	3/19/2008	Meat Processing	
M2559+P2559	Academy Packing Co Inc	2881 Wyoming Street	Dearborn	MI	48120	(313) 841-4900	2/12/2002	Meat Processing; Poultry Processing	
M46723+P46723	A Casa Enterprises LLC	4007 West Chester Pike	Newtown Square	PA	19073	(610) 356-4099	11/24/2015	Meat Processing; Poultry Processing	A Casa Pizza
M40031+P40031	ACC Central Kitchen LLC	280 Jessup Road	Thorofare	NJ	08086	(856) 848-8877	9/29/2010	Meat Processing; Poultry Processing	
V21842	Accu-Ray Inspection Services	211 Spangler Ave	Elmhurst	IL	60126	(708) 334-2454	2/7/2013	Food Inspection	
M45366+P45366	Achatz Farm to Kettle Soup	6105 King Rd.	Marine City	MI	48039	(586) 713-1158	10/31/2018	Meat Processing; Poultry Processing	Achatz Soup from Skratzch
M39950+P39950	Achatz Handmade Pie Company LLC	30301 Commerce Blvd	Chesterfield	MI	48051	(586) 749-2882	3/31/2010	Meat Processing; Poultry Processing	
V45865	Acme Delivery Service	18101 E. Colfax Ave.	Aurora	CO	80011	(303) 340-2100	7/6/2016	Identification - Meat; Identification - Poultry	Acme Distribution Centers and Howard Logistics
M19891	ACME Jerky, LLC	5710 Lord Street	Scottsmoor	FL	32754	(321) 987-1238	2/27/2015	Meat Processing	

M6714+P6714	A. Concepcion Hnos	105 Aguila Street	Mayaguez	PR	00680	(809) 832-4145	2/9/1993	Meat Processing; Poultry Processing	
M19904+P19904	Acre Station Meat Farm	17076 Hwy 32 N	Pinetown	NC	27865	(252) 927-3700	10/3/2002	Meat Processing; Meat Slaughter; Poultry Processing	
M40320+P40320	Acre Station Meat Farm	17076 Hwy 32 N	Pinetown	NC	27865	(252) 927-3489	7/27/2010	Meat Processing	
M48238	AC's Yummy Jerky LLC	3425 Taylorsville Hwy	Statesville	NC	28625	(704) 871-1771	3/25/2019	Meat Processing	
M5497+V5497	Adams Farm Slaughterhouse LLC	854 Bearsden Rd	Athol	MA	01331	(978) 249-9441	1/5/2009	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
P51228	Adams Turkey Farm	1192 Old Stage Road	Westford	VT	05494	(802) 878-4726	1/22/2018	Poultry Processing; Poultry Slaughter	Adams Farm
M10031+P10031	Ada Valley Gourmet Foods	6210 E. Fulton	Ada	MI	49301	(616) 676-0767	4/5/2016	Meat Processing; Poultry Processing	Classic Foods
M44198+P44198	Addielee's Inc.	2705 Bonds Ave.	North Charleston	SC	29405	(843) 566-7833	1/18/2013	Meat Processing; Poultry Processing	
M580+V580	A. Decoite Packing House, Inc.	3101 Kailiili Road	Haiku	HI	96708	(808) 572-0101	11/2/2006	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Old Town Products
M44127+P44127	Adesa International LLC	1440 S. Vineyard Avenue	Ontario	CA	91761	(909) 241-3679	4/27/2016	Meat Processing; Poultry Processing	
M34651+P34651	Adolf's Meat Products	35 New Britain Ave	Hartford	CT	06106	(860) 522-1588	6/22/2010	Meat Processing	
M19504+P19504	Advance Pierre Foods, Inc	1585 West Forest Grove Road	Vineland	NJ	08360	(580) 548-7226	8/25/2017	Meat Processing; Poultry Processing	Advance Brands LLC, Advance Food Company, Inc., Allied Specialty Foods, Allied Steaks, Barber Foods, Chef's Pantry, Cloverdale Farms Inc., Zartic, LLC

M276+P276	Advance Pierre Foods, Inc.	70 Saint John Street	Portland	ME	04102	(207) 541-2800	9/20/2017	Meat Processing; Poultry Processing	Chef's Pantry, LLC, Cloverdale Farms, LLC
V19692A	AdvancePierre Foods Inc.	206 East Pine	Enid	OK	73701	(580) 747-2867	3/5/2020	Identification - Meat; Identification - Poultry; Off-Premise Freezing - Poultry	
M276A+P276A+V276A	AdvancePierre Foods, Inc	56 Mill ken Street	Portland	ME	04103	(207) 772-1934	2/11/2013	Certification - Export	Advance Brands LLC, Advance Food Company Inc., Advance Pierre Foods Inc., Barber Foods, Butcher Made, Chef's Pantry Inc., Clovervale Farms Inc., Standard Fair, Sugar Ridge Farms, Zartic LLC
M48120+P48120+V48120	AdvancePierre Foods, Inc	12 Tucker Dr.	Caseyville	IL	62232	(618) 688-7203	9/7/2017	AMS RTE Canada EV Program; Certification - Export; Food Inspection; Meat Processing; Poultry Processing	Barber Foods, LLC, Chef's Pantry, LLC, Cloverdale Farms, LLC
M19692+P19692	AdvancePierre Foods, Inc.	4929 East Willow	Enid	OK	73701	(580) 237-6656	9/14/2017	Meat Processing; Poultry Processing	Advance Food Company, Inc., Barber Foods, Chef's Pantry, Clovervale Farms, Inc.
M1980+P6869+V1980	AdvancePierre Foods, Inc.	1833 Foster Cooper Park Rd.	Amherst	OH	44001	(440) 444-3161	9/5/2017	AMS RTE Canada EV Program; Certification - Export; Meat Processing; Poultry Processing	Advance Food Company, LLC, Barber Foods, Chef's Pantry, LLC, Cloverdale Farms LLC
M2132+P2132+V2132	AdvancePierre Foods, Inc.	9990 Princeton Glendale Rd	Cincinnati	OH	45246	(513) 682-1600	9/18/2019	Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	Advance Brands, LLC, Advance Food Company, Inc., AdvancePierre Foods, Inc., Barber Foods, Chef's Pantry, Inc., Clovervale Farms, Inc., Zartec, LLC

M2260E+P2260E+V2260E	AdvancePierre Foods, Inc.	5110 Enterprise Blvd	Enid	OK	73701	(580) 237-6656	9/14/2017	Certification - Export; Meat Processing; Poultry Processing	Advance Food Company, Inc., Barber Foods, Chef's Pantry, Inc., Clovervale Farms, Inc.
M2260Y+P2260Y+V2260Y	AdvancePierre Foods, Inc.	201 S. Raleigh Road	Enid	OK	73701	(580) 237-6656	9/29/2017	Certification - Export; Meat Processing; Poultry Processing	Advance Food Company, LLC, Barber Foods, LLC, Butcher Made, Chef's Pantry, LLC, Cloverdale Farms, Inc., Standard Fair, Sugar Ridge Farms
M3532+P3532+V3532	AdvancePierre Foods, Inc.	3437 East Main Street	Claremont	NC	28610	(828) 459-7626	10/1/2018	AMS RTE Canada EV Program; Certification - Export; Food Inspection; Meat Processing; Poultry Processing	Advance Food Company, Inc., AdvancePierre Foods, Barber Foods, LLC, Chef's Pantry, LLC, Clovervale Farms
M40193+P40193+V40193	AdvancePierre Foods, Inc.	5109 E. Willow	Enid	OK	73701	(580) 616-4618	2/23/2011	Certification - Export; Identification - Meat; Identification - Poultry	
V31878	Advertising Resources, Inc	11601 S. Central	Alsip	IL	60803	(708) 293-1926	9/21/2004	Identification - Meat; Identification - Poultry	
M46554+P46554	AEE Inc. DBA Emory's Processing	3006 State Hwy FF	Jackson	MO	63755	(573) 243-3107	4/9/2020	Meat Processing	
M8205+P8205	Affiliated Fresh Cuts, LLC	1324 North Mirror Street	Amarillo	TX	79107	(806) 381-8494	1/31/2018	Meat Processing; Poultry Processing	La Cocinera, Morales, Radney's Quality Meats, Retail Ready Foods Inc.
M48225+P48225	Afia Foods	111 Town Center Blvd.	Jarrell	TX	78737	(512) 963-8963	6/25/2018	Meat Processing	

M5934+P5934+V5934	A.F.I. Food Service L.L.C.	1 Ikea Drive CN 6070	Elizabeth	NJ	07207	(908) 629-1800	2/20/2007	Certification - Export; Identification - Meat; Identification - Poultry; Identification - Siluriformes; Meat Processing; Poultry Processing	Alliance Foodservice, Performance Food Group, PFG-A.F.I Foodservice
M15825+P15825	AFS Classico, LLC	507 34th Ave.	Rock Island	IL	61201	(309) 786-8833	1/17/2013	Meat Processing; Poultry Processing	Mama Bosso Pizza
M40282+P40282	A Full Measure Catering	1995 Hwy 801 South	Advance	NC	27006	(336) 998-2364	6/22/2010	Meat Processing; Poultry Processing	
M21888+P21888	A. F. Wendling, Inc.	100 Wendling Plaza	Buckhannon	WV	26201	(304) 472-5500	5/19/2008	Meat Processing; Poultry Processing	
M40161+P40161	Afya Brands International, Inc.	2781 US Route 5 North	Windsor	VT	05089	(603) 676-8591	1/28/2016	Meat Processing; Poultry Processing	Global Village Cuisine
M45230	Against The Grain Gourmet	22 Browne Court Unit #119	Brattleboro	VT	05301	(802) 258-3838	10/15/2014	Meat Processing	
V18803	AGA Investments Inc.	8640 Siempre Viva Road	San Diego	CA	92154	(619) 710-1863	10/12/2011	Certification - Export; Identification - Meat; Identification - Poultry	Columbia Export Group
M10102	A. Gemmen & Sons, Inc.	11404 68th Avenue	Allendale	MI	49401	(616) 895-4333	2/4/2004	Meat Processing	
M18342+P18342	AG Food Products Corp.	35 Marcus Boulevard	Hauppauge	NY	11788	(631) 778-6130	10/15/2018	Meat Processing; Poultry Processing	
M46867+P46867	A & G Food Service LLC	68 Oceanport Avenue	Little Silver	NJ	07739	(732) 558-1400	12/20/2018	Meat Processing; Poultry Processing	
M17074+P17074	A. Gimenez Trading LLC	5 Wegmann Way	Oak Ridge	NJ	07438	(973) 697-2240	11/30/2006	Meat Processing; Poultry Processing	

M4653A+P4653A+V 4653A	Agri Star Meat and Poultry, LLC	220 West Street	Postville	IA	52162	(563) 864-7811	2/23/2011	Certification - Export; Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	Aaron's Beef, Agriprocessors, Iowa Best Beef, Shor Harbor
V45391	Agro Merchant Group Inc.	1125 Newton Way	Summerville	SC	29483	(404) 395-6889	3/4/2016	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Egg Products; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
I5	Agro Merchants Group Charleston LLC	1125 Newton Way	Summerville	SC	29483	(843) 486-1126	6/27/2016	Imported Product	Agro Merchant 's Group, Inc.
I415	Agro Merchants Oakland	860 81st Avenue	Oakland	CA	94614	(510) 878-7055	4/22/2016	Imported Product	AGRO MERCHANTS
M19190+P19190+V 19190	AGRO Merchants Oakland LLC	860 81st Avenue	Oakland	CA	94621	(510) 878-7055	6/25/2008	Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing	
M44102+P44102+V 44102	AGRO Merchants Oakland LLC	940 81st Sreet	Oakland	CA	94621	(510) 878-7055	12/3/2014	Certification - Export; Identification - Meat; Identification - Poultry	Dean's Services
I540	AGRO Merchants Oakland, LLC	940 81st Street	Oakland	CA	94621	(510) 878-7055	5/11/2016	Imported Product	
M1184+P214	A G Specialty Foods	2600 SE Mailwell Dr.	Milwaukie	OR	97222	(503) 657-4339	11/27/2015	Meat Processing; Poultry Processing	

M4828+P4828	A. I. Foods	1700 North Soto St.	Los Angeles	CA	90033	(323) 222-0827	4/23/2003	Meat Processing; Poultry Processing	Al Kitchen Specialties, Rizal Brand
V46840A	Airfrigo USA Inc/Seafrigo Coldstorage Fairmont	900 Fairmont Avenue	Elizabeth	NJ	07201	(201) 770-1143	3/22/2017	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Egg Products; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M18356+P18356	Ajinomoto Foods North America	7124 N Marine Drive	Portland	OR	97203	(503) 286-6548	8/14/2018	Meat Processing; Poultry Processing	Ajinomoto Foods North America, Inc., Ajinomoto Frozen Foods, Ajinomoto Windsor
M21225+P21225	Ajinomoto Foods North America	5200 Gold Spike Dr.	Fort Worth	TX	76106	(817) 740-4250	9/18/2018	Meat Processing; Poultry Processing	Ajinomoto North America, Inc., Windsor Inc.
M34708+P34708+V34708	Ajinomoto Foods North America	10646 Highway 51 P O Box 179	Oakland	MS	38948	(662) 712-3030	1/10/2012	Certification - Export; Meat Processing; Poultry Processing	Ajinomoto North America, Amoy North American, Discovery Foods, Golden Tiger, Windsor Foods
M5590+P5590	Ajinomoto Foods North America	601 East 3rd Street	Lampasas	TX	76550	(512) 528-7500	9/18/2018	Meat Processing; Poultry Processing	Ajinomoto Foods, Ajinomoto Windsor, Windsor Foods, Windsor Foods
M5688+P5688+V5688	Ajinomoto Foods North America	301 W. 3rd St.	Toluca	IL	61369	(815) 452-2361	6/4/2010	Certification - Export; Meat Processing; Poultry Processing	Ajinomoto Foods, Ajinomoto Windsor, Windsor Foods
M17417+P17417	Ajinomoto Foods North America, Inc,	8411 Siempre Viva Road	San Diego	CA	92154	(619) 671-3959	4/23/2018	Meat Processing; Poultry Processing	Circle Foods
M1623A+P5811+V1623A	Ajinomoto Foods North America, Inc.	5695 S. Davinci Lane	Carthage	MO	64836	(417) 358-8104	5/29/2013	Certification - Export; Meat Processing; Poultry Processing	Ajinomoto North America, Amoy North American, Discovery Foods, Golden Tiger, Windsor Foods

M20069A+P20069A	Ajinomoto Foods North America, Inc.	2188 Alpine Way	Hayward	CA	94545	(510) 293-1838	10/9/2018	Meat Processing; Poultry Processing	
M20069+P20069	Ajinomoto Foods North America, Inc.	2395 American Avenue	Hayward	CA	94545	(510) 293-1838	10/9/2018	Meat Processing; Poultry Processing	Ajinomoto Foods, Ajinomoto Windsor, Discovery Foods, Windsor Foods
M18356B+P18356B	Ajinomoto Toyo Frozen Noodle, Inc.	6500 North Marine Drive	Portland	OR	97203	(503) 956-5813	8/4/2016	Meat Processing; Poultry Processing	
V18356A	Ajinomoto Windsor Inc.	4901 SE 24th	Portland	OR	97202	(503) 847-2227	8/6/2015	Certification - Export; Identification - Meat; Identification - Poultry	
M27467+P27467+V27467	A.J.'s Lena Maid Meats, Inc.	500 W. Main St.	Lena	IL	61048	(815) 369-4522	8/15/2003	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat	
M6136+P334	A.J. Sons, Inc.	2975 Laguna Canyon Road	Laguna Beach	CA	92751	(714) 497-1741	1/10/1991	Meat Processing; Poultry Processing	
M45766+P45766	Ajuua	14150 E. Iliff Ave.	Aurora	CO	80014	(720) 747-0764	12/24/2015	Meat Processing; Poultry Processing	Ajuua Mexican Restaurants, LG RG & SG Inc.
M51210	Alabama Catfish LLC	1260 Washington Street	Uniontown	AL	36786	(334) 628-3474	1/15/2016	Meat Processing	Harvest Select Catfish
M13375+P13375	A La Carte Foods Properties, LLC	278 Ideal Street	Belle Rose	LA	70341	(985) 369-2677	4/1/2019	Meat Processing; Poultry Processing	
M39894+P39894+V39894	Al Anam Farms LLC	1081 E Birch Road	Cochise	AZ	85606	(480) 882-8079	12/28/2009	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	

M20898+P20898	Alaska Commercial Co.	355 E. 76th Avenue Suite 106	Anchorage	AK	99518	(907) 562-9595	7/22/1999	Meat Processing	Anchorage Processing Center, North Star Quality Meats
M40463+V40463	Alaska Interior Meats, LLC	1561 Levee Way	North Pole	AK	99705	(907) 488-0124	2/15/2011	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M19556+V19556	Alaska Natural Meats, Ltd.	Fort Glen	Umnak Island	AK	99685	(403) 931-3583	1/29/1997	Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M17866+P17866	Alaska Sausage Company, Inc.	2914 Arctic Blvd.	Anchorage	AK	99503	(907) 562-3636	11/6/1990	Meat Processing	Alaska Sausage & Seafood
P32174	Alatrade Foods	200 Tyson Drive	Albertville	AL	35950	(256) 593-3152	5/23/2005	Poultry Processing	
P34453	Alatrade Foods	6 Downings Drive	Phenix City	AL	36869	(334) 664-0448	11/14/2007	Poultry Processing	
P20699A	Alatrade Foods LLC	695 W. Henderson Road	Boaz	AL	35957	(256) 593-3152	12/21/2011	Poultry Processing	
V45311	Alba Cold Storage	1705 E. Mills Avenue	El Paso	TX	79901	(915) 351-0991	11/7/2013	Certification - Export; Identification - Meat; Identification - Poultry	
M47022+P47022	Alba Foods LLC	5618 Yale Street	Houston	TX	77076	(347) 821-1824	3/9/2020	Meat Processing; Poultry Processing	
M44182+P44182	Albaghdadi Food Inc.	11474 East Nine Mile Rd	Warren	MI	48089	(586) 510-6401	7/5/2019	Meat Processing; Poultry Processing	
M6639+P6639	A.L. Beck & Sons, Inc.	505 Jones Rd.	Winston-Salem	NC	27107	(336) 788-9008	3/14/2002	Meat Processing; Poultry Processing	
M687+P687A+V687	Albert Lea Select Foods Inc.	2410 Y.H. Hanson Ave.	Albert Lea	MN	56007	(507) 379-9265	5/1/1997	Certification - Export; Meat Processing; Poultry Processing	
M18821	Alberto's Meat Shop	2595 Commerce Way	Vista	CA	92081	(760) 439-1663	7/5/2013	Meat Processing	

V46472	Albert's Organics Inc.	6284 McIntosh Rd.	Sarasota	FL	34238	(800) 996-0004	9/21/2018	Certification - Export; Identification - Meat; Identification - Poultry; Identification - Siluriformes	
M10100+P10100	Albie's Food Products, LLC	1534 O'Rourke Blvd	Gaylord	MI	49735	(989) 732-2800	11/16/2018	Meat Processing; Poultry Processing	C.A. Curtze - Grand Duchess, Claire's Gourmet, Krista's Gourmet Favorites, Mickeys Brand - Mickeys, National Food Group, Vollwerth - Copper Harbor
M5622+P5622+V5622	Albion Locker	129 W. Church Street	Albion	NE	68620	(402) 395-2619	8/2/2005	Meat Processing; Meat Slaughter; Voluntary Processing - Meat	
M44941+P44941	Alcor Foods, Inc.	Ave. Hostos WF-8 Santa Juanita	Bayamon	PR	00956	(787) 718-9449	3/27/2020	Meat Processing; Poultry Processing	
M1330+P1330	Alderfer, LLC	382 Main Street	Harleysville	PA	19438	(215) 723-4606	8/31/2016	Meat Processing; Poultry Processing	ALL Holding Company, LLC
M8429+P8429	Aldon Food Corporation	4461 Township Line Road	Schwenksville	PA	19473	(484) 991-1000	1/19/2006	Meat Processing; Poultry Processing	Don's Food Products, Don's Salads
M45093+P45093	AleCon Enterprises Inc.	31 Pulpit Rock Road Unit B	Pelham	NH	03076	(603) 635-0819	5/12/2016	Meat Processing; Poultry Processing	
M21174+P21174	Alef Sausage	1026 Campus Rd.	Mundelein	IL	60060	(847) 566-0008	9/9/2005	Meat Processing; Poultry Processing	
M21701+P21701	Alena Foods	120 Fulton Street	Fresno	CA	93721	(559) 322-1760	1/31/2002	Meat Processing; Poultry Processing	

M5766+P5766+V5766	Alewel's Country Meats	911 North Simpson	Warrensburg	MO	64093	(660) 747-8261	6/19/1995	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	Alewel's Country Meats, Alewels Country Meats, Grandpa A's Country Meats, Grandpa Alewel's Country Meats
M10125+P10125+V10125	Alexander & Hornung	20643 Stephens Street	St Clair Shores	MI	48080	(586) 771-9880	4/15/2011	Certification - Export; Meat Processing; Poultry Processing	Alexander & Hornung, Brookside Foods, Butcher Boy Meats
M6593	Alexander's Ham Co.	Hwy 152 West P.O. Box 57	Landis	NC	28088	(704) 857-9222	11/6/1991	Meat Processing	
M31541+P31541	Alexandra Foods	3304 N. Central Ave.	Chicago	IL	60634	(773) 282-3820	5/15/2006	Meat Processing; Poultry Processing	
M9369+P9369	Alex Froehlich Packing Company	77 D Street Ext.	Johnstown	PA	15906	(814) 535-7694	2/19/2020	Meat Processing; Meat Slaughter	
M4553+P4553	Alex & George Wholesale Meats, Inc.	2 Rockwood Street Suite 100	Rochester	NY	14610	(585) 323-2020	3/30/2011	Meat Processing; Poultry Processing	A & G
M45547+P45547	Alexis Wholesale Distr bution	1527 W. Roscrans Avenue	Gardena	CA	90249	(310) 352-6403	5/1/2019	Meat Processing; Poultry Processing	
M46576+P46576	Alexis Wholesale Distr bution	1521 W. Roscrans Avenu	Gardena	CA	90249	(310) 352-6403	4/18/2019	Meat Processing; Poultry Processing	
M47087+P47087	Alexis Wholesale Distr bution Inc.	14233 W. Halldale Avenue	Gardena	CA	90249	(310) 352-6403	2/11/2020	Meat Processing; Poultry Processing	
M44823+P44823	Alexis Wholesale Inc.	1529 W. Rosecrans Avenue	Gardena	CA	90249	(310) 538-5020	9/3/2015	Meat Processing; Poultry Processing	
M34826+P34826	Alex's Deli	4951W. Diversey Ave	Chicago	IL	60639	(773) 237-2919	10/24/2016	Meat Processing; Poultry Processing	

M19566+P19566	Alex's Meat & Provisions Inc.	5600 1st Avenue Unit B-16	Brooklyn	NY	11220	(718) 238-8800	1/17/2019	Meat Processing; Poultry Processing	
M8804+P8804	ALFREDO AIELLO ITALIAN FOODS, INC.	122 WATER STREET	QUINCY	MA	02169	(617) 479-6360	4/27/1989	Meat Processing; Poultry Processing	ALFREDO AIELLO ITALIAN FOOD MGF. CO.
M21743+P21743	Alfresco Pasta, LLC	1138th 4th Avenue South	Nashville	TN	37210	(615) 356-7077	3/24/2014	Meat Processing; Poultry Processing	Alresco Pasta
M11113	Ali International Inc.	1616 S Dean Rd	Orlando	FL	32825	(407) 277-9483	3/27/2012	Meat Processing; Meat Slaughter	Ali Meat Industries
M46915	Ali's Meats, LLC	4334 Fulton Industrial Blvd.	Atlanta	GA	30336	(478) 320-8078	8/2/2019	Meat Processing	
M5906+P5906	Al & John Inc.	147 Clinton Road	West Caldwell	NJ	07006	(973) 521-7928	11/14/2018	Meat Processing	Freda, Glen Rock, Kohler
V45603	All American Cold Storage	259 30th Street Suite 100	Greeley	CO	80631	(855) 392-6578	4/13/2015	Certification - Export; Off-Premise Freezing Meat; Off-Premise Freezing - Poultry	
M20420	All American Meats, Inc.	All American Meats, Inc. 4501 S. 36th Street	Omaha	NE	68107	(402) 734-6901	7/11/2000	Meat Processing	
M1079+V1079	Allen Brothers, Inc	3737 S. Halsted St	Chicago	IL	60609	(773) 890-5100	12/26/2013	Meat Processing; Voluntary Processing - Meat	
P46338	Allen Harim Foods, LLC	29984 Pinnacle Way	Millsboro	DE	19966	(302) 684-5310	3/23/2018	Poultry Processing	
P935	Allen Harim Foods, LLC.	18752 Harbeson Road	Harbeson	DE	19951	(302) 684-1640	3/1/2016	Poultry Processing; Poultry Slaughter	
M21574+P21574+V21574	Allentown Refrigerated Terminals Inc.	125 Seneca Trail	Boyertown	PA	19512	(610) 367-2174	4/4/2001	Identification - Meat; Identification - Poultry; Off-Premise Freezing - Egg Products; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	

M44122+P44122	Alle-Pia	8396 El Camino Real	Atascadero	CA	93422	(805) 704-1185	11/16/2012	Meat Processing; Poultry Processing	
V45669	Allied Caribbean Distr bution	10992 NW 92 Terrace	Miami	FL	33178	(305) 463-0038	7/28/2015	Certification - Export	
M9050+P9050	Allied Poultry Sales Co., Inc.	333 Clay St.	Oakland	CA	94607	(510) 763-6200	1/12/1999	Meat Processing; Poultry Processing	Allied Pringle Food Sales Co.
M9046+P9046	Al Lunardi & Son's Meat Co Inc	570 Williams St.	San Leandro	CA	94577	(510) 483-3273	10/17/2011	Meat Processing; Poultry Processing	
V807	Alma Cold Storage, Inc.	226 Pineview Rd.	Alma	GA	31510	(912) 632-7964	7/20/2011	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M7000+P7000	Alma Foods, LLC	110 East 1st Street	Alma	KS	66401	(785) 765-3396	10/19/2004	Meat Processing; Poultry Processing	Hormel Foods Corporation
M9672+P9672	Al-Marwa L. L. C.	670 East Cherry Road	Quakertown	PA	18951	(215) 536-6050	4/15/2008	Meat Processing; Meat Slaughter	
M21929+P21929	ALMI Group, Inc.	5419 N. Mascher Street	Philadelphia	PA	19120	(215) 987-5768	9/9/2019	Meat Processing; Poultry Processing	Mama Ada's
M46109	Aloha Edibles, Inc	94-334 Ukee Street #101	Waipahu	HI	96797	(808) 732-2292	4/21/2017	Meat Processing	Paniolo Gourmet
M654+P654	Alpha Foods Co.	19802 G.H. Circle	Waller	TX	77484	(936) 372-5858	5/21/2012	Meat Processing; Poultry Processing	
M21136+P21136	Alpha Omega Distr butors, LTD	417 Atlas Avenue	Madison	WI	53714	(608) 224-1481	7/8/2016	Meat Processing; Poultry Processing	
M412+P412	Alpine Meats Inc.	9900 Lower Sacramento Road	Stockton	CA	95210	(209) 477-2691	8/2/2011	Meat Processing; Poultry Processing	Alpine Meats, Martin Pure Foods Corp.Ponoma Ca 91766
M6224	Alpine Sausage Company	1272 West Alaska Place	Denver	CO	80223	(303) 778-0886	2/19/1999	Meat Processing	

M19160+P19160	Al Shabrawy Inc.	45 Ferry Street	South River	NJ	08882	(732) 238-0428	12/12/2012	Meat Processing; Poultry Processing	
M10760	Al's Hickory House BBQ	1952 Wartrace Pike	Shelbyville	TN	37160	(615) 684-4191	11/2/2011	Meat Processing	
M2522+P2522	Alsleben Meats, LLC.	820 12th Street East	Glencoe	MN	55336	(320) 510-2264	3/5/2020	Meat Processing; Meat Slaughter	Alsleben Brothers Packing (ABP)
M4911+P4911A	Al's Wholesale Meats, Inc.	1915 N. Broadway	Los Angeles	CA	90031	(323) 223-3855	7/29/2005	Meat Processing; Poultry Processing	
V20663	Alto Valle Foods, Inc.	301 Raynolds Avenue	El Paso	TX	79905	(915) 534-2586	2/11/2003	Certification - Export; Identification - Meat; Identification - Poultry	
M27379+P27379	Altura LLC	4240 Old Seward Highway, #20	Anchorage	AK	99503	(907) 223-5288	1/8/2019	Meat Processing; Poultry Processing	
M33948+P33948	Alwan & Sons Meats, Inc.	703 E. War Memorial Dr.	Peoria Heights	IL	61616	(309) 688-8711	4/21/2006	Meat Processing; Poultry Processing	
M2357+P2357	Amana Meat Shop & Smokehouse	4513 F Street	Amana	IA	52203	(319) 622-7580	2/19/2008	Meat Processing; Poultry Processing	
M11169+P11169	Amaro Foods Enterprise Inc	2180 NW 19th Ave.	Miami	FL	33142	(305) 324-7471	2/26/2012	Meat Processing; Poultry Processing	
M5072+P5072	Amazon Foods, Inc.	168 Center Street	Chicopee	MA	01013	(877) 312-9545	1/24/2017	Meat Processing; Poultry Processing	Amazon Foods
M11204+P11204	Amba Ham Company Inc.	6863 NE 3rd Ave.	Miami	FL	33138	(305) 754-0001	8/28/2009	Meat Processing	
M45761+P45761	AmBar Foods	12434 N. 28th Drive	Phoenix	AZ	85029	(406) 591-0471		Meat Processing; Poultry Processing	
M19433+P19433	Ambassador Meat Dist. Inc.	2856 Guinotte	Kansas City	MO	64120	(816) 483-6350	6/9/2015	Meat Processing; Poultry Processing	Epicurean's Choice Foods, Heartland Fresh Foods

V34045	A & M Cold Storage	6000 South 35th Street	McAllen	TX	78503	(956) 686-3846	4/27/2006	Certification - Export; Identification - Meat; Identification - Poultry	
V46451	AMC Warehouse	1212 Antler Drive	Mansfield	TX	76063	(817) 779-5777	12/11/2019	Certification - Export; Identification - Meat; Identification - Poultry	
V48309	Ameri-Asian Trading Development, Inc.	4707 Lima St.	Denver	CO	80239	(720) 348-0868	3/6/2018	Certification - Export; Identification - Meat; Identification - Poultry	
M34741	American Beef Packers, Inc.	13677 Yorba Avenue	Chino	CA	91710	(909) 628-4888	8/18/2014	Meat Processing; Meat Slaughter	
M40232+P40232	American Butchers, Inc.	Diana Street Lot #5 Amelia Industrial Park	Guaynabo	PR	00968	(787) 774-8802	5/11/2011	Meat Processing; Poultry Processing	
M20172+P20172+V20172	American Butchers, LLC	809 O street	Beaver City	NE	68926	(308) 268-2110	5/31/2011	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	
V39953	American Consolidation & Logistics	12085 NW 42 Ave	Opa-Locka	FL	33054	(305) 769-2112	9/28/2009	Certification - Export; Identification - Meat; Identification - Poultry	
P46696	American Country Foods, LLC	360 Gendron Road #7	Plainfield	CT	06374	(508) 272-7923	10/7/2019	Poultry Processing	

M44189+P44189+V44189	American Custom Meats LLC	4276 N. Tracy Blvd.	Tracy	CA	95304	(209) 839-8800	9/16/2011	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
G1105	American Egg Products, LLC	375 Pierce Industrial Blvd.	Blackshear	GA	31516	(912) 449-5700	2/24/1992	Egg Product	
M40200+P40200	America New York Ri Wang Food Group	58-85 58th Avenue	Maspeth	NY	11378	(718) 628-8999	2/12/2018	Meat Processing; Poultry Processing	
M40200A+P40200A+V40200A	America New York Ri Wang Food Group Co., Ltd.	30 Inez Drive	Bay Shore	NY	11706	(718) 628-8999	5/31/2017	Certification - Export; Meat Processing; Poultry Processing	Food Basket USA Co. LTD.
V31683/P	American Food Export Service	1100 Milik Street	Carteret	NJ	07008	(908) 754-1300	9/3/2008	Certification - Export; Identification - Meat; Identification - Poultry	
M34107A+P34107A	American Food Service	210 Praley St. NW	Valdese	NC	28690	(828) 522-1177	7/15/2019	Meat Processing; Poultry Processing	
M34107+P34107	American Food Services, LLC	1053 Summers Road	Morganton	NC	28655	(828) 221-3599	7/24/2012	Meat Processing	Cathead Foods, LLC, Johnson Foods, LLC
M8452+P8452	American Food Systems, Inc.	30 B Street	Burlington	MA	01803	(617) 273-3230	9/6/2018	Meat Processing; Poultry Processing	
M48226	American Halal Meat	4342 Hwy E	New Haven	MO	63068	(573) 237-9773	9/19/2011	Meat Processing; Meat Slaughter	
M20403	American Halal Meat Inc.	270 Raymond Blvd	Newark	NJ	07105	(973) 817-8444	10/15/2013	Meat Processing; Meat Slaughter	Newark Halal Meat
M17439+P17439	American Kitchen Delights Inc.	15320 S. Cooper Ave.	Harvey	IL	60426	(708) 210-3200	4/18/2006	Meat Processing; Poultry Processing	
M5805A	American Laboratories, LLC	5036 South 33rd Street	Omaha	NE	68107	(402) 858-2612	6/6/2018	Meat Processing	
V22043	American Laboratories, LLC	5036 South 33rd Street	Omaha	NE	68107	(402) 858-2612	12/28/2015	Certification - Export; Identification - Meat	

M1913+P18057	American Meat Company	5201 Industry Ave.	Pico Rivera	CA	90660	(562) 801-4100	11/7/2016	Meat Processing; Poultry Processing	American Beef Company, American Cold Storage, American Companies, American Meat Company, Merit-Day Food Service
M2999	American Meat Processing Co., Inc.	1845-A E. Turner St.	Springfield	MO	65803	(417) 881-2892	5/16/2017	Meat Processing	American Meat Processing Co., Packers Brand, S.G.C. Foodservice
M4933+P4933+G4933	American Outdoor Products, Inc	6350 Gunpark Drive	Bouder	CO	80301	(303) 447-3383	11/13/1997	Egg Product; Meat Processing; Poultry Processing	Astronaut Foods, Backpacker's Pantry, Inc., Colorado Spice
M32004+P32004+G32004	American Pasteurization Company	2880 N. 112th St Bldg E	Milwaukee	WI	53222	(414) 982-2375	12/6/2019	Egg Product; Meat Processing; Poultry Processing	
M45015+P45015+V45015	American Pasteurization Company	2335 Del Monte Street	West Sacramento	CA	95691	(414) 453-7522	6/7/2017	Certification - Export; Meat Processing; Poultry Processing	
M48288+P48288	American Pasteurization Company CoManufacturing	2880 N. 112th Street Building E	Milwaukee	WI	53222	(262) 323-6450	4/1/2019	Meat Processing; Poultry Processing	
I252	American Samoa Government	American Somaoa Government	Pago Pago	AS	96799	(684) 633-4520	7/6/2016	Imported Product	
M5903+P5903	American Skin Food Group LLC	140 Industril Dr.	Burgaw	NC	28425	(910) 259-2232	4/26/2004	Meat Processing; Poultry Processing	
M926	American Soy Products, Inc.	1474 North Woodland Drive	Saline	MI	48176	(734) 429-2310	8/16/2018	Meat Processing	
M31605	America's Best Steak	410 10th Street	Bogue	KS	67625	(785) 421-2011	10/3/2004	Meat Processing	
M45768	America's Catch Inc	46623 County Road 523	Itta Bena	MS	38941	(662) 254-7200	1/11/2016	Meat Processing; Meat Slaughter	Boja's Foods Inc., Gordon Food Services , IMA (Hidden Bay), Merchants Food Service, Reinhart Food Service, Shamrock Food Co., U S Foods Inc.

V45452	America's Custom Brokers, Inc.	2150 NW 70th Avenue	Miami	FL	33122	(305) 591-9600	9/12/2014	Certification - Export; Identification - Meat	
I7	Americold	19840 Rancho Way	Compton	CA	90220	(310) 632-6265	5/11/2016	Imported Product	
V17534	Americold	1680 Candler Road	Gainesville	GA	30507	(770) 531-9800	12/13/2011	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Poultry	
V17534B	Americold	215 Industrial Park Rd	Cartersville	GA	30121	(770) 382-5115	3/28/2011	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V19464	Americold	2006 Industrial Blvd	Douglas	GA	31533	(912) 384-7272	2/11/2013	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V19558	Americold	2130 Old Georgia Hwy	Gaffney	SC	29340	(864) 488-0880	3/5/2012	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	

V21231	Americold	302 N. Frontage Road	Plant City	FL	33565	(813) 754-9341	3/15/2012	Certification - Export; Identification - Meat; Identification - Poultry	
V21899	Americold	1610 East Sepulveda Blvd	Carson	CA	90745	(310) 632-6265	7/12/2012	Certification - Export; Identification - Meat; Identification - Poultry	
V3923	Americold	11850 Center Road	San Antonio	TX	78223	(210) 633-5000	9/16/2011	Certification - Cysticercus; Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V45018	Americold	200 Sara Lee Road	Tarboro	NC	27886	(252) 641-1191	1/15/2013	Certification - Export; Identification - Poultry	
V45988	Americold	41 Orchard Lane	Leesport	PA	19533	(610) 916-1037	2/16/2017	Certification - Export	
V46161	Americold	60 Steamboat Boulevard	Manchester	PA	17345	(717) 268-1700	7/8/2019	Certification - Export; Identification - Meat; Identification - Poultry	

V7435	Americold	1619 Antioch Church Road	Piedmont	SC	29673	(864) 277-7680	9/16/2011	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M3150+V3150	Americold Corporation	4475 E. 50th Avenue	Denver	CO	80216	(303) 295-0333	5/20/2011	Certification - Cysticercus; Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V19996	Americold Corporation	P.O. Box 489 2641 Stephenson Drive	Murfreesboro	TN	37130	(615) 896-4640	8/26/1997	Certification - Export; Identification - Meat; Identification - Poultry	
V44194	Americold, LLC	1301 26th Ave. E	Tacoma	WA	98424	(253) 620-7250	6/29/2011	Certification - Export	
I16	Americold Logistics	1610 Sepulveda Boulevard	Carson	CA	90745	(310) 632-6265	3/28/2019	Imported Product	
M17604+P17604	Americold Logistics	4550 Newcomb Avenue	Montgomery	AL	36108	(334) 284-6900	2/15/2001		
M19338+P19338+V19338	Americold Logistics	203 Industrial Blvd.	Russellville	AR	72801	(479) 967-2900	11/16/2012	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	

M3318+P3318+V3318	Americold Logistics	2300 E Rice St.	Sioux Falls	SD	57103	(605) 339-4258	5/1/1997	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Meat Processing; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry; Poultry Processing	VC Omaha Holdings, LLC
M3478+V3478	Americold Logistics	300 S. El Mira Avenue	Russellville	AR	72802	(479) 968-5322	11/6/2002	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V17787	Americold Logistics	19840 Rancho Way	Compton	CA	90220	(310) 632-6265	11/20/2012	Certification - Export; Identification - Meat; Identification - Poultry	
V18695	Americold Logistics	3609 Genoa Road	Texarkana	AR	71854	(870) 772-0007	5/3/2001	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	

V18918	Americold Logistics	1355 Railroad Avenue	Albertville	AL	35951	(256) 891-4433	12/19/2006	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V19129	Americold Logistics	5210 Catron Drive	Dallas	TX	75227	(214) 381-2653	4/8/2013	Certification - Export; Identification - Meat; Off-Premise Freezing Meat; Off-Premise Freezing - Poultry	
V20344	Americold Logistics	301 S. Walnut	Burlington	WA	98233	(360) 755-0651	4/14/1998	Identification - Meat; Identification - Poultry	
V21507	Americold Logistics	4095 Portland NE	Salem	OR	97301	(503) 363-1645	2/14/2002	Identification - Meat; Identification - Poultry	
V3154	Americold Logistics	3543 Maple Drive	Fort Dodge	IA	50501	(515) 955-3505	4/12/2004	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V32087	Americold Logistics	6500 Tradewater Parkway	Atlanta	GA	30336	(404) 460-4700	3/24/2007	Certification - Export; Identification - Meat; Identification - Poultry	

V3425	Americold Logistics	1200 Old Missouri Rd	Springdale	AR	72764	(479) 756-2044	5/30/2018	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V3464	Americold Logistics	651 Mill Road P.O. Box 340	Fogelsville	PA	18051	(610) 398-1382	11/22/2011	Certification - Export; Identification - Meat; Identification - Poultry	
V3774	Americold Logistics	2524 Exchange Ave	Oklahoma City	OK	73108	(405) 235-4444	10/3/2001	Identification - Meat; Identification - Poultry	
V40281	Americold Logistics	755 East 1700 South Street	Clearfield	UT	84016	(801) 773-6886	8/4/2010	Identification - Meat; Identification - Poultry	
V46014	Americold Logistics	1646 S. 4490 W.	Salt Lake City	UT	84104	(801) 401-8503	3/13/2019	Certification - Export; Identification - Meat; Identification - Poultry	
M20373+P20373+V20373	AmeriCold Logistics	1541 US Highway 41 North	Sebree	KY	42455	(270) 835-9776	4/19/2004		
M31351+V31351	AmeriCold Logistics	5005 C Street S.W.	Cedar Rapids	IA	52406	(319) 362-9633	7/28/2003	Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	

V19758	AmeriCold Logistics	10300 SE 3rd Avenue	Amarillo	TX	79118	(806) 335-1661	10/26/2018	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	VC Omaha Holdings
V20989	AmeriCold Logistics	200 Railhead Road	Fort Worth	TX	76106	(817) 624-3982	4/2/2001	Certification - Export; Identification - Meat; Identification - Poultry	
V27324A	AmeriCold Logistics	4676 Erie St.	Navarre	OH	44662	(330) 879-5917	12/11/2007	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V3216	AmeriCold Logistics	2007 W. Mary PO Box 1967	Garden City	KS	67846	(316) 276-2304	7/15/1998	Certification - Cysticercus; Certification - Export; Food Inspection; Identification - Meat; Off-Premise Freezing Meat	
V3334	AmeriCold Logistics	1331 Civil War Rd.	Carthage	MO	64836	(417) 358-9027	7/2/2011	Certification - Export; Food Inspection; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	

M18290+P18290+V18290	Americold Logistics Inc	600 West 25th Avenue	Birmingham	AL	35204	(205) 323-7708	2/1/2002	Certification - Export; Identification - Meat; Identification - Poultry	
V20982	Americold Logistics Inc	1845 Westgate Parkway	Atlanta	GA	30336	(404) 629-2430	9/10/1999	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
P19489+V19489	Americold Logistics, Inc.	2339 Shop Road	Columbia	SC	29201	(803) 799-6520	7/24/1998	Certification - Export; Identification - Poultry	
V18198	Americold Logistics, Inc.	215 East Air Depot Road	Gadsden	AL	35905	(256) 492-1400	12/14/2004	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V18441	Americold Logistics, Inc.	1634 Midland Blvd	Fort Smith	AR	72901	(479) 782-0318	2/4/2015	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	

V19080	AmeriCold Logistics, Inc.	533 Laney Walker Blvd. Ext.	Augusta	GA	30901	(706) 722-0259	7/16/2010	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
I686	Americold Logistics LLC	1229 Fleetway Drive	Chesapeake	VA	23323	(757) 487-7847	8/7/2019	Imported Product	
M17202A+P17202A	Americold Logistics LLC	2900 Murray Street	Sioux City	IA	51111	(712) 279-0918	4/1/2020	Meat Processing; Poultry Processing	Americold Farmers
M17202S+P17202S	Americold Logistics LLC	111 Imperial Drive	Sanford	NC	27330	(919) 775-4474	3/27/2020	Meat Processing; Poultry Processing	Americold Farmers
M18034+V18034	Americold Logistics LLC	1229 Fleetway Drive	Chesapeake	VA	23323	(757) 487-7847	7/28/2010	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M21621+P21621+V21621	Americold Logistics LLC	444 Gilbert Road	Benson	NC	27504	(919) 207-4420	6/24/2010	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	

M3136+V3136	Americold Logistics LLC	1400 E. 8th St.	Fairmont	MN	56031	(507) 238-4211	1/1/1998	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Egg Products; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M3190+V3190	Americold Logistics LLC	950 South Schneider St.	Fremont	NE	68025	(402) 721-7882	10/15/2002	Certification - Export; Certification - Trichinae; Food Inspection; Identification - Meat; Identification - Poultry	Americold Logistics
M3245+P3245+V3245	Americold Logistics LLC	3465 W. Arrow	Marshall	MO	65340	(660) 886-6984	4/27/2006	Certification - Export; Identification - Meat; Identification - Poultry	
P19551ID+V19551P	Americold Logistics LLC	3800 Hempland Road	Mountville	PA	17554	(717) 285-4444	6/7/2012		
V17534A	Americold Logistics LLC	86 Jackson Concourse	Pendergrass	GA	30567	(706) 693-4100	3/2/2012	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	

V17756	Americold Logistics LLC	2640 Murray St.	Sioux City	IA	51111	(712) 279-8022	7/16/2019	Certification - Cysticercus; Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Egg Products; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V18376	Americold Logistics LLC	1609 18th St. S.W.	Le Mars	IA	51031	(712) 546-6121	7/16/2019	Certification - Cysticercus; Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Egg Products; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V18778	Americold Logistics LLC	1740 B Westgate Parkway	Atlanta	GA	30336	(404) 349-4704	5/1/2003	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	

V19246	Americold Logistics LLC	2900 Murray Street	Sioux City	IA	51111	(712) 279-0918	7/16/2019	Certification - Cysticercus; Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Egg Products; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V19723	Americold Logistics LLC	111 Imperial Drive	Sanford	NC	27330	(919) 775-4474	7/12/2019	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V3161	Americold Logistics LLC	3320 South Arlington Avenue	Indianapolis	IN	46203	(317) 352-1211	3/10/1998	Certification - Export; Identification - Meat; Identification - Poultry	

V31740	Americold Logistics LLC	21755 Cedar Avenue	Lakeville	MN	55044	(952) 469-1221	7/16/2019	Certification - Cysticercus; Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Egg Products; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V3431	Americold Logistics LLC	1313 Samuels Avenue	Fort Worth	TX	76102	(817) 338-9671	4/21/2014	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V3898	Americold Logistics LLC	1530 South 2nd Street	Cherokee	IA	51012	(712) 225-5151	7/16/2019	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Egg Products; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	

V46504	Americold Logistics LLC	2864 Eagandale Blvd.	Eagan	MN	55121	(651) 454-5180	7/16/2019	Certification - Cysticercus; Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Egg Products; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M17202B+P17202B	Americold Logistics, LLC	1165 Independence Drive	Napoleon	OH	43545	(419) 599-5015	4/10/2020	Meat Processing; Poultry Processing	Americold Farmers
M18707+P18707+V18707	Americold Logistics, LLC	515 N. Bloomington	Lowell	AR	72745	(479) 659-3000	7/15/2019	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Egg Products; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M18802+P18802+V18802	Americold Logistics, LLC	500 SR 324 South	Russellville	AR	72802	(479) 967-3898	7/15/2019	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	

M19458+P19458+V19458	Americold Logistics, LLC	1900 Corporate Way	Sumter	SC	29154	(803) 481-4745	6/28/2019	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M21059+P21059+V21059	Americold Logistics, LLC	500 Corporate Dr.	Chillicothe	MO	64601	(660) 646-6939	8/1/2019	Certification - Cysticercus; Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Meat Processing; Off-Premise Freezing - Egg Products; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry; Poultry Processing	Americold Farmers
M3056+V3056	Americold Logistics, LLC	14060 Dodd Road	Wallula	WA	99363	(509) 547-1747	3/5/2008	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat	
M3326+P3326+V3326	Americold Logistics, LLC	230 Collins Road	Jefferson	WI	53549	(920) 674-3035	4/16/2018	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry	

M34140+P34140+V34140	Americold Logistics, LLC	W8876 County Road X	Darien	WI	53114	(262) 724-3295	9/7/2006	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry	Geneva Lakes Cold Storage
M40187+P40187	Americold Logistics, LLC	3801 Cornelia Highway	Lula	GA	30554	(770) 869-7100	8/15/2019	Meat Processing; Poultry Processing	
V18161	Americold Logistics, LLC	6403 S. Ball Street	Johnson	AR	72741	(479) 521-1400	7/15/2019	Certification - Export; Identification - Meat; Identification - Poultry	
V18699	Americold Logistics, LLC	18531 U.S. Route 20 W	East Dubuque	IL	61025	(815) 747-2424	6/16/2000	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry	
V18986	Americold Logistics, LLC	502 North Broadway	LaPorte	TX	77571	(281) 867-2613	2/24/2017	Certification - Cysticercus; Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	

V19564	Americold Logistics, LLC	3110 Homeward Way	Fairfield	OH	45014	(513) 860-5992	7/30/2019	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V20886	Americold Logistics, LLC	545 Radio Station Rd.	Strasburg	VA	22657	(540) 465-9111	5/11/2016	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V21598	Americold Logistics, LLC	3801 Cornelia Highway	Lula	GA	30554	(770) 869-7100	8/5/2019	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V3215	Americold Logistics, LLC	1165 Independence Drive	Napoleon	OH	43545	(419) 599-5015	7/25/2019	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	

V33830	Americold Logistics, LLC	350 Meacham Boulevard	Fort Worth	TX	76106	(817) 806-3400	10/12/2006	Certification - Export; Identification - Meat; Identification - Poultry	
V3475	Americold Logistics, LLC	1710 Morrow St.	Green Bay	WI	54302	(920) 468-8314	10/23/2017	Certification - Cysticercus; Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry	
V34812	Americold Logistics, LLC	2350 New World Drive	Columbus	OH	43207	(614) 491-3890	7/25/2019	Animal Foods Inspection; Certification - Cysticercus; Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Egg Products; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V3504	Americold Logistics, LLC	8425 Hwy 45 South	Fort Smith	AR	72916	(479) 646-7757	7/15/2019	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	

V45395	Americold Logistics, LLC	1161 Candler Highway	Gainesville	GA	30507	(770) 869-7100	8/5/2019	Certification - Export; Identification - Meat; Identification - Poultry; Identification - Siluriformes; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V48118	Americold Logistics, LLC	1 Cloverleaf Dr.	Monmouth	IL	61462	(309) 457-1400	7/30/2019	Certification - Cysticercus; Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V48313	Americold Logistics, LLC	1400 Gregory Street	North Little Rock	AR	72114	(501) 435-3900	7/15/2019	Certification - Export	
V51296	Americold Logistics, LLC	1239 Oakleigh Dr.	East Point	GA	30344	(470) 447-6708	2/27/2017	Certification - Export; Identification - Meat; Identification - Poultry	
M3768+V3768	Americold Logistics, LLC.	2707 N Mead Street	Wichita	KS	67219	(316) 838-9317	3/16/2020	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry	Mrw Inc

V27324	AmeriCold Logistics, LLC	2140 17th St. SW	Massillon	OH	44647	(330) 834-1742	11/21/2002	Certification - Export; Identification - Meat; Identification - Poultry	
V34694	AmeriCold Logistics, LLC	1010 AmeriCold Dr.	Rochelle	IL	61068	(815) 562-8420	2/13/2012	Certification - Export; Identification - Meat; Identification - Poultry	
V45586	Americold - Ontario, Oregon	589 NE 1st Street	Ontario	OR	97914	(541) 889-6423	3/30/2015	Certification - Export	
M45407+P45407	Ameripack Foods LLC	601 FM 161 South	Hughes Springs	TX	75656	(903) 639-4007	1/30/2017	Meat Processing; Poultry Processing	
M15893+P15893+V15893	AmeriQual Group, LLC	18200 Highway 41 North	Evansville	IN	47725	(812) 867-1444	1/23/2006	Certification - Export; Meat Processing; Poultry Processing	AmeriQual Foods
M15893A+P15893A+V15893A	AmeriQual Packaging	225 West Morgan Avenue	Evansville	IN	47710	(812) 421-4876	6/10/2008	Identification - Meat; Identification - Poultry	
M546A+P11038A	Ameristar Meats, Inc	1024 Andover Park East	Tukwila	WA	98188	(509) 535-2049	4/21/2008	Meat Processing; Poultry Processing	Stock Yards, US Foods
M546+P11038	Ameristar Meats, Inc.	210 S. McKinnon Road	City of Spokane Valley	WA	99212	(509) 535-2044	4/18/2011	Meat Processing; Poultry Processing	Stock Yard, Us Foods
P7987	Amick Farms, LLC	2079 Batesburg Hwy.	Batesburg	SC	29006	(803) 532-1400	2/22/2007	Poultry Processing; Poultry Slaughter	Amick Farms
P7927	AMICK FARMS, LLC	274 NEALSON STREET	HURLOCK	MD	21643	(410) 943-3989	6/10/2010	Poultry Processing; Poultry Slaughter	
M13083+P13083	Amigo's Mexican Foods	1202 EAST POPLAR	DEMING	NM	88030	(505) 546-6841	3/8/1984	Meat Processing; Poultry Processing	
M44921	Aminchi Foods International, Inc.	13940 Bammel N. Houston Rd, Suite 110	Houston	TX	77066	(713) 591-2565	7/30/2012	Meat Processing	

M46648+P46648	Amish Country Bakehouse	457 E. North Street	Carlisle	PA	17013	(717) 906-3111	4/21/2020	Meat Processing; Poultry Processing	
M6916+P6916+V6916	Amity Packing Co. Inc.	4220 S. Kildare Ave.	Chicago	IL	60632	(312) 942-0270	1/25/2017	Certification - Export; Meat Processing; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Processing - Rabbit	
M12437+P12437	Amor Nino Foods, Inc.	1928 Homerule Street	Honolulu	HI	96819	(808) 845-1711	2/15/2011	Meat Processing	
M5911	A&M Packing LLC	368 Newton Swartswood Road	Newton	NJ	07860	(873) 383-4291	3/17/2011	Meat Processing; Meat Slaughter	
M19393+P19393+V19393	AMPC, Inc.	1347 Highway 44	Harlan	IA	51537	(712) 755-2370	3/26/2015	Certification - Export; Meat Processing; Poultry Processing	Essentia, Essentia Protein Solutions, Proliant Inc.
M6899+P6899+V6899	AMPC, Inc.	Highway 20 & Main Street	Lytton	IA	50561	(712) 466-2256	5/7/2001	Meat Processing; Poultry Processing; Voluntary Processing - Meat	Essentia, Essentia Protein Solutions, Proliant, Inc.
M13174A+P13174A+V13174A	Amy Food Inc.	3324 S. Richey Street	Houston	TX	77017	(713) 910-5860	7/1/2004	Certification - Export; Meat Processing; Poultry Processing	
M8993+P8993+V8993	Amylu Foods, LLC	1400 W 44th Street	Chicago	IL	60609	(312) 829-2250	3/29/2018	Identification - Meat; Meat Processing; Poultry Processing; Voluntary Processing - Meat	Amylu Foods, Leon's Sausage, Sausages by Amylu, Slotkowski
M45060+P45060	Amzart, Inc.	6130 S. Avalon Blvd. Space #108	Los Angeles	CA	90003	(323) 404-9372	6/14/2019	Meat Processing; Poultry Processing	Margeauz & Linda's Vegan Kitchen, Straight Up Keto, What Is Food

P38555	Anco Poultry Processing	24161 NW Kentucky Rd	Garnett	KS	66032	(785) 448-2239	6/26/2009	Poultry Processing; Poultry Slaughter	
I271	A. N. Deringer, Inc.	178 West Service Road	Champlain	NY	12919	(518) 298-7465	1/24/2019	Imported Product	
I47	A. N. Deringer, Inc.	438 Griffith Ave.	Sweetgrass	MT	59484	(406) 335-2342	12/22/2017	Imported Product	
V18337	A.N. Deringer Inc.	178 West Service Road	Champlain	NY	12919	(518) 298-8281	8/17/2016	Certification - Export; Identification - Meat; Identification - Poultry	
M19476+P19476+V19476	A.N. Deringer, Inc.	438 Griffith Ave.	Sweetgrass	MT	59484	(406) 335-2342	9/19/2014	Certification - Export; Identification - Meat; Identification - Poultry	A.N. Deringer, Inc.
M8174+P8174	Anderson Produce	2296 Terminal Road	Roseville	MN	55113	(651) 636-2711	10/17/2019	Meat Processing; Poultry Processing	
M47036	Andoro LLC	92 Produce Row	St. Louis	MO	63102	(314) 422-7600	10/22/2019	Meat Processing	Andoro & Sons
M12426+V12426	Andrade Slaughterhouse	2-2880 E. Kamualii Hwy.	Lawai Kauai	HI	96765	(808) 333-9571	12/14/1995	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Kauai Meat Company
M18227+P18227	Andy's Deli & Mikolajczk	4021 W Kinzie St.	Chicago	IL	60624	(773) 486-8870	7/8/2004	Meat Processing; Poultry Processing	
M18227A+P18227A	Andy's Deli & Mikolajczyk Sausage Shop Inc.	4235 W. Kinzie St.	Chicago	IL	60624	(773) 722-1000	7/16/2019	Meat Processing; Poultry Processing	Andy's Deli
M45629+V45629	Andy's Meats Inc.	N1651 County Road Cx	Endeavor	WI	53930	(608) 587-2500	8/1/2016	Certification - Export; Meat Processing; Meat Slaughter	
M2809	Angelina Foods	1621 1/2 E. Fremont St.	Stockton	CA	95205	(209) 948-6609	2/11/2005	Meat Processing	

V46459	Angulo & Aguilar Forwarding, LLC	216 Pinto Valle	Laredo	TX	78045	(956) 740-9414	8/23/2018	Certification - Export; Identification - Meat; Identification - Poultry	
M6444+P6444+V6444	Angus Meats, Inc.	2810 N. Hogan	Spokane	WA	99207	(509) 482-7033	3/29/1985	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M1277+P4029	Angy's Landolfi Food Group LLC	77 Servistar Industrial Way	Westfield	MA	01085	(413) 572-1010	2/18/2015	Meat Processing; Poultry Processing	Angy's Food Products
M34732	Anichini Bros Inc	545 N. Wells St.,	Chicago	IL	60654	(312) 644-8004	1/22/2009	Meat Processing	
M31681+P31681+V31681	Ankeny Cold Storage, LLC	1430 SE Cortina Drive	Ankeny	IA	50021	(515) 964-2354	3/14/2014	Certification - Export; Meat Processing; Poultry Processing	Ankeny Processing Services, Midwest Premier Foods, LLC, Midwest Quality Meats
M34152+P34152	Anmar Foods	2150 W. Carroll Ave.	Chicago	IL	60612	(312) 421-6500	1/29/2006	Meat Processing; Poultry Processing	Anmar Foods
M48196+P48196	Anna's Kitchen, Inc.	30 Torrice Drive	Woburn	MA	01801	(781) 281-1939	5/2/2017	Meat Processing; Poultry Processing	
M33911+P33911	Ansaldos Sausage Corp.	5285 Kazuko Court Suite H	Moopark	CA	93025	(805) 584-9715	3/12/2009	Meat Processing; Poultry Processing	
M46353	Antonio Mozzarella Factory	631 Frelinghuysen Ave	Newark	NJ	07114	(973) 353-9411	3/28/2018	Meat Processing	
V1237	Antonio Pena Distr butors	124 West 24th Street	Hialeah	FL	33010	(305) 885-9785	12/30/2011	Certification - Export; Identification - Meat; Identification - Poultry	
M34119+P34119	Apache Foods LLC	7073-C Doniphan Drive	Canutillo	TX	79835	(915) 740-5256	9/26/2007	Meat Processing; Poultry Processing	
M19451+P19451+V19451	Apex Cold Storage	8220 S. 212th St.	Kent	WA	98032	(253) 872-3200	1/4/1996		Apex Cold Storage

M19451A+P19451A+V19451A	Apex Cold Storage Co.	3400 Industry Drive East Suite A	Fife	WA	98424	(253) 926-1050	5/14/2008	Identification - Meat; Identification - Poultry	
M40131+P40131+V40131	Apollo Export Warehouse Inc.	6950 NW 77th Court	Miami	FL	33166	(305) 592-8790	9/9/2010	Certification - Export; Identification - Meat; Identification - Poultry	
M21594+P21594	Apostolic Christian HarvestCall	10155 East Pleasant Home Rd.	Sterling	OH	44276	(330) 925-3740	9/25/2019	Meat Processing; Poultry Processing	
M40207+P40207+V40207	Appalachian Ag, LLC	169 W. Old Middle Creek Rd.	Prestonsburg	KY	41653	(606) 886-6003	4/24/2019	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat; Voluntary Slaughter - Rabbit	
M45499	Appalachian Meats LLC	194 Rocky Branch Road marlin@appalachianmeats.com	West Liberty	KY	41472	(606) 522-3142	2/26/2018	Meat Processing; Meat Slaughter	
M44792+P44792	Appalachian Smoked Meats	2805 Chamber Drive	Monroe	NC	28110	(704) 776-9650	6/21/2012	Meat Processing	
M4894+P4894+V4894	Apple Valley Farms Inc.	1828 E. Hedges Avenue	Fresno	CA	93703	(559) 498-7115	4/10/2013	Animal Foods Inspection; Meat Processing; Poultry Processing	Cencal Foods LLC
M7335	Ara Food Corp.	8025 NW 60th St.	Miami	FL	33166	(305) 592-5558	3/4/1985	Meat Processing	National Food Corp

M17658+P17658+V17658	Arch Foods Inc DBA: Deep Indian Kitchen	1090 Springfield Road	Union	NJ	07083	(908) 810-7500	8/28/2017	Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing; Voluntary Processing - Poultry	Deep Foods, Inc., Tandoor Chef
M45103+P45103	Archie's Foods, Inc.	4409 Oakton St.	Skokie	IL	60076	(847) 834-4383	6/19/2015	Meat Processing; Poultry Processing	Archies Foods
M5578+P5578	Arck Foods, Inc.	6240 McCormick Drive	Lincoln	NE	68507	(402) 474-4626	12/7/2004	Meat Processing; Poultry Processing	Cedar Hollow Foods
M3367+P3367+V3367	Arctic Cold Storage	4139 Roosevelt Road	St Cloud	MN	56301	(320) 253-9979	8/30/2000	Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing; Off-Premise Freezing - Poultry; Poultry Processing	
M4686+P4686+V4686	Arctic Foods USA, LLC	251 E Washington Avenue	Washington	NJ	07882	(908) 689-0590	5/5/2007	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Rabbit	
V34201	Arctic Frozen Foods LLC	4981 Commercial Drive	Yorkville	NY	13495	(315) 736-3026	11/13/2006	Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	

I90	Arctic Logistics LLC	Arctic Logistics LLC 4360 S. Haggerty Rd	Canton	MI	48188	(734) 397-9880	2/15/2018	Imported Product	
V45580	Arctic Logistics LLC	4360 s Haggerty Rd	Canton	MI	48188	(734) 397-9880	5/1/2015	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry	
M11150+P11150	Argus Food Processing Corporation	9202 N.W. 106 Street	Medley	FL	33178	(305) 863-7887	3/27/2012	Meat Processing; Poultry Processing	Chorizo Pampero, Don Domingo
M17669+P17669	Ariake USA, Inc.	1711 North Liberty Street	Harrisonburg	VA	22802	(540) 432-6550	6/25/2019	Meat Processing; Poultry Processing	Gourmet Royal
M6037+P6037	Aries Prepared Beef Co.	17 W. Magnolia Blvd.	Burbank	CA	91502	(213) 849-1155	12/16/1996	Meat Processing; Poultry Processing	
V48295	ARI-Packaging/Menasha (Minooka Plant)	456 International Parkway	Minooka	IL	60447	(888) 311-3246	1/4/2018	Identification - Meat; Identification - Poultry	
M10624	Arkansas Department of Corrections	Hwy 388 and 65 South Cummins Unit USDA Cold Storage	Grady	AR	71644	(870) 850-8751	1/20/2011	Meat Processing; Meat Slaughter	
P46390	Arkansas Food Bank	4301 West 65th Street	Little Rock	AR	72209	(501) 565-8121	6/26/2018	Poultry Processing	
V18801	Arkansas Refrigerated Services	11 North "B" Street	Fort Smith	AR	72902	(479) 783-1006	8/24/2012	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	

V19713	Arkansas Refrigerated Services	24/25 North D Street	Fort Smith	AR	72901	(479) 783-1006	3/24/2011	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M20766+P20766	Arko Veal Company, Inc.	406 Main Street	Forest Park	GA	30297	(404) 534-9337	7/15/2004	Meat Processing; Poultry Processing	
M939+P939	Arlindo Catering Inc.	410 Adams Street	Newark	NJ	07114	(973) 578-4400	9/26/2017	Meat Processing; Poultry Processing	
V21407	Armada	3707 North Commerce Drive	East Point	GA	30344	(770) 732-1556	7/20/2017	Certification - Export; Identification - Meat; Identification - Poultry	
M5921+P5921	Arm National Foods	539 Chestnut Street	Trenton	NJ	08611	(609) 695-6776	5/5/2009	Meat Processing; Poultry Processing	Trenton Steak Company
M4075+P4075	Arnold's & Eddies Foods Inc.	307 Grattan Street	Chicopee	MA	01020	(413) 593-5505	4/8/1992	Meat Processing; Poultry Processing	Arnold's Meats
M46904+P46904	ARO Foods	15715 Bammel Village Dr.	Houston	TX	77090	(281) 786-7273	10/29/2019	Meat Processing; Poultry Processing	
M10203+P10203	A & R Packing Co., Inc.	34165 Autry	Livonia	MI	48150	(313) 871-1830	10/6/2009	Meat Processing; Poultry Processing	A & R Packing LLC
M27409+P27409	Artisan Bread Co., LLC	25000 Guenther Road	Warren	MI	48091	(586) 275-1209	4/25/2016	Meat Processing; Poultry Processing	Artisan Bread Co., Bosco's Pizza Co.
M46527+P46527	Artisan Kitchens, LLC	2060 Alexander Street	Newberry	SC	29108	(803) 321-1933	4/20/2020	Meat Processing; Poultry Processing	
M2611+P2611	Arveybell Farm Co.	W. Aylesbury Ave.	Middlesboro	KY	40965	(606) 248-2891	4/10/1998	Meat Processing	

V2539D	Aryzta LLC	1020 W. Airport Road	Romeoville	IL	60446	(815) 836-2747	10/3/2016	Certification - Export; Identification - Meat; Identification - Poultry	
M2539B+P2539B	Aryzta, LLC	300 Innovation Dr.	Romeoville	IL	60446	(815) 588-6825	1/29/2019	Meat Processing; Poultry Processing	
M18301+P18301	Asahi Foods Inc.	3348 E. 14th Street	Los Angeles	CA	90023	(323) 780-9750	10/9/2014	Meat Processing; Poultry Processing	Sunrise Food
M45208+V45208	ASC Lockers, LLC	415 Plaza Dr	West Point	NE	68788	(402) 372-6956	4/9/2013	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M31780+P31780	A & S Distributors	4921 Clautier Avenue	Salida	CA	95368	(209) 406-7888	5/10/2004	Meat Processing	Kamal Imports
M12602+P12602	Asheville Packing Co.	980 Upward Rd.	Flat Rock	NC	28731	(828) 697-2700	7/24/2012	Meat Processing	Pisgah Farm, Tarheel Brand
I208	Ashland Cold Storage	1556 W 43rd Street	Chicago	IL	60609	(773) 847-2700	2/23/2018	Imported Product	
M3535+P17813	Ashland Cold Storage	1556 W. 43rd Street	Chicago	IL	60609	(773) 847-2700	2/22/2018	Meat Processing; Poultry Processing	
M21549+P21549	Ashland Sausage Company	280 Westgate Drive	Carol Stream	IL	60188	(630) 690-2600	4/15/2009	Meat Processing; Poultry Processing	
M48181+V48181	Ashton Farms Custom Meats	1350 East 1550 North	Fillmore	UT	84631	(435) 743-5404	3/28/2016	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
V40027	Asiago Foods-USA, Inc.	1 Daniele Dr	Mapleville	RI	02839	(401) 568-1692	9/15/2009	Identification - Meat	
M21648+P21648	Asianic Inc.	208 W. Madison St.	Oak Park	IL	60302	(708) 445-1500	3/17/2004	Meat Processing; Poultry Processing	Customcraft Foodservice
M17582+P17582	A. S. K. Foods Inc.	77 N. Hetrick Avenue	Palmyra	PA	17078	(717) 838-6356	10/23/2012	Meat Processing; Poultry Processing	

M9551+P8410	A.S.K. Foods Inc.	140 N. Locust Street	Palmyra	PA	17078	(717) 838-6357	10/23/2012	Meat Processing; Poultry Processing	
M54247	A Small Good, LLC	461 Commercial Street	Rockport	ME	04856	(413) 207-4745	7/2/2019	Meat Processing	
M45606	Aspen Hollow Sheep Station Mobile Harvest Unit	16725 140th Ave. NE	Woodinville	WA	98072	(425) 502-5262	4/16/2015	Meat Processing; Meat Slaughter	Novelthy Hill Lamb, Snoqulamie Valley Lamb
M5889+P5889	A & S Produce Inc.	2939 Sunol	Vernon	CA	90023	(323) 260-5100	5/7/2019	Meat Processing; Poultry Processing	Greenland Foods Co.
M45719M+P45719M+V45719M	Assemblers Inc.	8601 W 47th St.	McCook	IL	60525	(708) 854-2145	9/24/2018	Certification - Export; Meat Processing; Poultry Processing	
V46657	Assemblers Inc.	5139 W. 73rd Street	Bedford Park	IL	60638	(773) 378-3000	5/31/2019	Identification - Meat; Identification - Poultry	
V39935	Associated Grocers of FL	1141 SW 12th Ave.	Pompano Beach	FL	33069	(954) 876-3000	6/23/2009	Certification - Export; Identification - Meat; Identification - Poultry	
M7885+P7885	A&S & Son	12 Church Street	Keansburg	NJ	07734	(732) 787-7798	11/19/2010	Meat Processing; Poultry Processing	Liovalle LLC
M9591+P9591	Astra Foods Inc.	6430 Market Street	Upper Darby	PA	19082	(610) 352-4400	5/12/2015	Meat Processing; Poultry Processing	
M9591A+P9591A	Astra Foods, Inc.	1 McDonald Boulevard	Aston	PA	19104	(484) 431-4030	8/19/2019	Meat Processing; Poultry Processing	
M32085+P32085	ASU Food Safety and Product Development Lab	7945 Grape Creek Road	San Angelo	TX	76901	(352) 942-2515	3/8/2016	Meat Processing; Meat Slaughter	
M34577+P34577	A.T.A. Meat Company, Inc.	3698 1/2 NW 16th Street Bay G	Lauderhill	FL	33311	(561) 715-6874	1/29/2001	Meat Processing; Poultry Processing	
P9002	A. Tarantino & Sons	2275 Jennings Street	San Francisco	CA	94124	(415) 822-3366	11/21/2016	Poultry Processing	

V39958	ATG Transportation LLC	3205 SE 19th Avenue	Port Everglades	FL	33316	(800) 323-3324	7/16/2009	Certification - Export; Identification - Meat; Identification - Poultry	
M10315+P10315	Athena Foods	23100 Telegraph Road	Southfield	MI	48034	(248) 827-7733	4/25/2013	Meat Processing; Poultry Processing	Athena Foods
M34306+P34306	Athens Foods, Inc.	13600 Snow Rd.	Cleveland	OH	44142	(216) 676-8500	8/31/2010	Meat Processing; Poultry Processing	
M20581+P20581+V20581	Atkins Sheep Ranch Inc.	40880 Encyclopedia Cir.	Fremont	CA	94538	(510) 440-8700	3/16/2006	Meat Processing; Voluntary Processing - Meat	Hastings Ranch
I138	Atkins Sheep Ranch, Inc.	40880 Encyclopedia Circle	Fremont	CA	94538	(510) 440-8700	5/29/2012	Imported Product	
M34117+P34117	Atlanta Meat Company, Inc.	5405 Buford Hwy., Ste. 350	Norcross	GA	30071	(770) 300-9339	3/28/2012	Meat Processing; Poultry Processing	
I10	Atlantic Coast Freezers LLC	2192 NW Blvd	Vineland	NJ	08360	(856) 696-1770	2/10/2015	Imported Product	
M19690+P19690+V19690	Atlantic Coast Freezers, LLC	2192 NW Blvd.	Vineland	NJ	08360	(856) 696-1779	4/10/2013	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Meat Processing; Meat Slaughter; Poultry Processing	
M1509A+P1509A	Atlantic Veal & Lamb Inc	275 Morgan Ave.	Brooklyn	NY	11211	(718) 599-6400	6/30/2009	Meat Processing; Poultry Processing	Berliner & Marx, Inc.
M102+P102	Atlantic Veal & Lamb LLC	218 Hull Avenue	Olyphant	PA	18447	(718) 599-6400	6/16/2009	Meat Processing; Poultry Processing	
M40306	Atlas Meat Company	4020 John Deere Dr.	Fort Collins	CO	80524	(970) 224-9210	8/10/2010	Meat Processing; Meat Slaughter	

M18387+P18387+V 18387	At Last! Gourmet Foods	2101 E. 24th Street	Minneapolis	MN	55404	(612) 724-1634	5/1/1997	Meat Processing; Poultry Processing; Voluntary Processing - Meat	At Last! Gourmet Foods
M27510+P27510	ATM International USA, Inc.	3420 Kashiwa	Torrance	CA	90505	(310) 325-1710	9/11/2014	Meat Processing; Poultry Processing	
M1689+P5607	A to Z Portion Control Meats, Inc.	201 N. Main St.	Bluffton	OH	45817	(419) 358-2926	1/29/2016	Meat Processing; Poultry Processing	
M46656	Attala Frozen Foods	515 West Jefferson Street	Kosciusko	MS	39090	(662) 289-2561	4/3/2019	Meat Processing; Meat Slaughter	
M8603+P8603	Attilio Esposito Inc.	1001 South 9th Street	Philadelphia	PA	19147	(215) 922-2659	7/25/2012	Meat Processing; Poultry Processing	A. Esposito Inc., Esposito Meats
P31944	Au Bon Canard Foie Gras, Inc.	7824 County Road 14	Caledonia	MN	55921	(507) 724-1042	10/25/2005	Poultry Processing; Poultry Slaughter	
M44814+P44814	Aufschnitt Meats LLC	7E Gywnns Mills Court	Owings Mills	MD	21117	(443) 990-6007	3/27/2020	Meat Processing; Poultry Processing	Aufschnitt Meats, LLC.
M45109	Augustine's Italian Village Inc.	427 Commerce Avenue	New Castle	PA	16101	(724) 652-5504	6/2/2015	Meat Processing	Augustine's Pizza
M19999+P19999	AU, LAU and Associates, Inc.	1871 North Powerline Road	Pompano Beach	FL	33069	(954) 934-0505	2/4/2009	Meat Processing; Poultry Processing	
M87+P864	Aunt Kitty's Foods Inc	270 North Mill Road	Vineland	NJ	08360	(856) 691-2100	4/25/2008	Meat Processing; Poultry Processing	
M6923	Aurelio's Quality Products	8901 W. 192nd Street Unit F	Mokena	IL	60448	(708) 906-6833	7/27/2018	Meat Processing	Aurelio's Quality Products
M788	Aurora Packing Company, Inc.	125 S. Grant St.	North Aurora	IL	60542	(630) 897-0551	12/24/2015	Meat Processing; Meat Slaughter	
M46189+P46189	Authentasty	5121 Commerce Dr.	Baldwin Park	CA	91706	(626) 814-1085		Meat Processing; Poultry Processing	Authentasty, Trader Joe's, Whole Foods
M45362+P45362	Authentic Brands of Chicago	6410 W. 74th Street Unit C	Bedford Park	IL	60638	(708) 749-2333	7/16/2014	Meat Processing; Poultry Processing	
M1325+P38532	Avanti Foods	109 Depot Street P.O. Box 457	Walnut	IL	61376	(815) 379-2155	5/26/2009	Meat Processing; Poultry Processing	

M17990A+P17990A	AVA Pork Products, Inc.	383 West John Street	Hicksville	NY	11802	(516) 750-1500	10/17/2006	Meat Processing; Poultry Processing	
P17179	Avenal State Prison	Prison Industry Authority # 1 Kings Way	Avenal	CA	93204	(916) 445-4204	6/19/1996	Poultry Processing	
M5696+P5696	AVF Holding LLC	205 Ascot Valley Pkwy	Cuyahoga Falls	OH	44223	(330) 376-9411	12/21/2018	Meat Processing; Poultry Processing	
M45833	Avril Bleh Meats	33 East Court Street	Cincinnati	OH	45202	(513) 241-2433	8/16/2017	Meat Processing	
M10801+P10801	A&W Country Meats, Inc.	Rear 12 Middle Street	Taneytown	MD	21787	(410) 756-2420	4/6/2020	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
M20414+P20414	Azar and Company	719 E. Union St.	Jacksonville	FL	32206	(904) 358-2354	4/7/2009	Meat Processing; Poultry Processing	
M34542+P34542	AZ Gourmet Foods Inc.	176 W. Wingohocking Street	Philadelphia	PA	19140	(215) 329-5888	10/23/2017	Meat Processing; Poultry Processing	Finger Food Emporium, Little Bites
M46006	AZ Grass Fed Beef	1333 S. Road 1 West	Chino Valley	AZ	86323	(928) 899-8717	12/17/2015	Meat Processing; Meat Slaughter	
M51226	Az Grass Raised Bone Broth	212 Finnie Flat Rd.	Camp Verde	AZ	86322	(928) 899-8717	6/20/2019	Meat Processing	
M34627	Aztec Imperio	971 Intervale Ave	Bronx	NY	10459	(631) 796-1339	2/25/2008	Meat Processing	
M21433+P21433	Babybeef USA Corp.	6939 NW 82nd Avenue	Miami	FL	33166	(786) 444-6015	11/6/2015	Meat Processing; Poultry Processing	Latin American Meats and Foods USA, Corp.
M21800+P21800	Bachetti Bros. Market	4723 Kirkwood Highway Midway Shopping Center	Wilmington	DE	19808	(302) 994-4467	5/3/2002	Meat Processing; Poultry Processing	
M46060	Back 40 Butchery	2316 Dixie Center	Hodges	SC	29653	(864) 374-3574	2/24/2020	Meat Processing; Meat Slaughter	
M9007+P9007	Badalamente Sausage Co.	374 Willow St.	San Jose	CA	95110	(408) 294-7115	12/7/1990	Meat Processing; Poultry Processing	
M2448	Badger Boiled Ham Co., Inc.	3521 W. Lincoln Ave.	Milwaukee	WI	53215	(414) 645-1756	3/5/2020	Meat Processing	Badger Ham

M51555	Badlands Jerky LLC	2740 Northern Blvd. NE, STE 103	Rio Rancho	NM	87124	(505) 288-1311	1/28/2019	Meat Processing	
P9378+V9378	Baffoni's Poultry Farm Inc.	324 Greenville Avenue	Johnston	RI	02919	(401) 231-6315	10/13/2015	Poultry Processing; Poultry Slaughter; Voluntary Processing - Poultry; Voluntary Slaughter - Poultry	
M20747+P20747	Baffo's Enterprises	18556 Fort Street	Riverview	MI	48192	(734) 281-6753	10/16/2003	Meat Processing; Poultry Processing	
M31787+P31787	BAFS, Inc.	61 Florida Ave	Bangor	ME	04401	(207) 942-5227	4/4/2012	Meat Processing; Poultry Processing	Jeanie Marshal Foods, Inc.
M6566+P6566	Bagel Bites	5521 Division Drive	Ft Myers	FL	33905	(239) 693-4460	1/8/2016	Meat Processing; Poultry Processing	Kraft Heinz Food Company
M54251+P54251	Bagelinos	311 West Main Street Bldg 2, Bay 5	Rockaway	NJ	07866	(862) 432-9055	11/21/2017	Meat Processing; Poultry Processing	
M51327+P51327	B&A Gourment Food LLC	3740 W 104th Street Building 1 #12	Hialeah	FL	30018	(786) 355-5015	2/13/2020	Meat Processing; Poultry Processing	Abuela's Gourmet Kitchen, Bocatti Empanadas PREMIUM, Charlie Steak House, La Toca Blanca, Mambo , Menu Art, Natura Foods, Nature's Cut
M51290+P51290	Bahar, LLC	152 Getty Avenue	Clifton	NJ	07011	(973) 928-3290	9/26/2019	Meat Processing; Poultry Processing	Bahar, LLC, Berkman Limousine, LLC, Dolu, LLC, Manti Online, LLC
M46188	Baily International Foods	2805 Smith Drive	Waycross	GA	31503	(912) 381-1620	7/27/2017	Meat Processing	
M45330+P45330	Baily International Inc.	2501 West 20th St.	Granite City	IL	62040	(618) 271-1122	3/16/2016	Meat Processing; Poultry Processing	
M48156+P48156	Baily Meat LLC	4325 W. Patrick Ln. #115	Las Vegas	NV	89118	(702) 248-3838	7/29/2019	Meat Processing; Poultry Processing	
M1132+P5605	Baja Foods, LLC	636 West Root Street	Chicago	IL	60609	(773) 376-9030	11/9/2006	Meat Processing; Poultry Processing	

M2458+P2458	Bakalars Sausage Co., Inc.	2760 Hemstock Street	La Crosse	WI	54603	(608) 784-0384	8/30/2013	Meat Processing; Poultry Processing	
M45487+P45487	Bakemex	2600 McCree Rd. Suite 99	Garland	TX	75041	(972) 244-1730	1/28/2019	Meat Processing; Poultry Processing	
M46847	Baker, Inc.	1341 Conicville Road	Mt. Jackson	VA	22842	(540) 477-3550	6/9/2014	Meat Processing	
M32148+P32148	Bak Foods	4000 Wendell Drive	Atlanta	GA	30336	(404) 505-9950	9/15/2010	Meat Processing; Poultry Processing	
M19198+P19198	Bakkavor Foods USA, Inc	2700 Westinghouse Blvd	Charlotte	NC	28273	(704) 522-1977	1/8/2015	Meat Processing; Poultry Processing	
M45335+P45335	Bakkavor Foods USA, Inc.	18201 Central Avenue	Carson	CA	90746	(310) 436-1600	1/6/2016	Meat Processing; Poultry Processing	Bakkavor Foods USA, Inc., Two Chefs On A Roll, Inc.
M46937+P46937+V46937	Bakkavor Foods, USA Inc.	46 Alberigi Drive	Jessup	PA	18434	(570) 483-3003	4/15/2016	Certification - Export; Meat Processing; Poultry Processing	Two Chefs On A Roll Inc.
M46445+P46445	Bakkavor Foods USA, Inc. - Texas	4702 Goldfield	San Antonio	TX	78218	(210) 267-5264	9/4/2018	Meat Processing; Poultry Processing	Bakkavor Foods USA, Inc., Two Chefs On A Roll, Inc.
M18442+P18442	Ba Le Meat Processing	2405 W. Ardmore Ave.	Chicago	IL	60659	(773) 506-2400	12/27/2007	Meat Processing; Poultry Processing	
M10312	Ba kan Meat Market Inc.	19625 Van Dyke	Detroit	MI	48234	(313) 368-9888	10/23/1981	Meat Processing	
G783	Ballas Egg Products Corporation	40 N. second St.	Zanesville	OH	43702	(740) 453-0386	9/7/1994	Egg Product	B.E. Products, Inc, Ballas Egg Products Corp
I630	Ballester Hermanos Inc.	#696 Street, #9	Dorado	PR	00646	(787) 788-4110	7/13/2016	Imported Product	
I319	Ballester Hermanos, Inc.	Ballester Hermanos, Inc. Westgate Industrial Park Carr. 869 #3 Street Barrio Palmas	Catano	PR	00962	(787) 788-4110	3/21/2019	Imported Product	

V46649	Ballester Hermanos, Inc.	869 St. 3 Westgate Industrial Park Bo. Palmas	Catano	PR	00962	(787) 788-4110	3/27/2019	Certification - Export; Identification - Meat; Identification - Poultry; Identification - Siluriformes	
M19909+P19909	Bally United Produce, LTD	429 Forest Gate Drive	Garland	TX	75042	(972) 487-7788	4/21/2015	Meat Processing; Poultry Processing	
M11126+P11126	Balter Meat Co.	12390 S W 128th Street	Miami	FL	33186	(305) 255-7230	9/5/2008	Meat Processing; Poultry Processing	
M46655+P46655	Bama Companies, Inc.	2745 E 11th Street	Tulsa	OK	74104	(818) 732-2000	7/29/2019	Meat Processing; Poultry Processing	
M45809	Bama Sea Products	756 28th Street	St. Petersburg	FL	33712	(727) 327-3474	3/9/2016	Meat Processing	
M6072	Bangkok Meatball Co.	10501 Long Beach Blvd.	Lynwood	CA	90262	(323) 567-6094	10/2/2002	Meat Processing	
M18432+P18432	Bangkok Meatball Corp. #2	10423 Long Beach Blvd.	Lynwood	CA	90262	(323) 567-9212	10/2/2002	Meat Processing	
M5536+P5536	Banner Creek, LLC	619 East 4th St.	Holton	KS	66436	(785) 364-3126	9/29/2011	Meat Processing; Meat Slaughter	Cynthiana Farms, Johnsonville, Oldham's LLC, Oldhams, Oldhams Farm Sausage, Webber Farms, Webber Oldhams Sausage Co
M45692+P45692	Barakah Kabab Inc.	17620 W. Warren Avenue	Detroit	MI	48228	(313) 721-1842	4/22/2016	Meat Processing; Poultry Processing	
M8489+P8489	Baretta Provision Inc.	172 Commerce Street	East Berlin	CT	06023	(860) 828-0802	1/8/2018	Meat Processing; Poultry Processing	
M9706	Baringer Bros. Meats	560 Richlandtown Pike	Richlandtown	PA	18955	(215) 536-4337	2/13/2019	Meat Processing; Meat Slaughter	
M47113	Barnet Mountain Meats	1550 U.S. RT. 5 South	Barnet	VT	05821	(802) 633-2502	2/25/2020	Meat Processing	
M46521+P46521	Barrett's Smokehouse	9942 Oakland Dr.	Portage	MI	49024	(269) 323-3700	9/18/2019	Meat Processing; Poultry Processing	

M21738	Barron's Creek Beef Jerky	1367 Green Road	Rock Island	TN	38581	(931) 934-5759	8/14/2007	Meat Processing	
M20434+P20434	Barry's Barbeque	85 County Road 527	Fyffe	AL	35971	(205) 623-2102	8/21/2019	Meat Processing; Poultry Processing	
M34447+P34447+V34447	Bar-S Foods	701 East Goodhope Road	Seminole	OK	74868	(405) 218-9500	9/11/2018	Certification - Export; Meat Processing; Poultry Processing	Sigma Processed Meats
M471+P471+V471	Bar-S Foods Co.	200 Locust	Clinton	OK	73601	(580) 323-2468	2/15/2011	Certification - Export; Meat Processing; Poultry Processing	
M81E+P81E+V81E	Bar-S Foods Co.	100 Bar-S Drive	Elk City	OK	73644	(580) 821-5700	2/15/2011	Certification - Export	
M81A+P81A+V81A	Bar-S Foods Company	500 South Bar-S Foods Boulevard	Altus	OK	73521	(580) 481-3800	4/13/2010	Certification - Export; Meat Processing; Poultry Processing	
M81L+P81L	Bar-S Foods Company	802 S.W. Goodyear Blvd.	Lawton	OK	73505	(580) 510-3300	2/25/2011	Meat Processing; Poultry Processing	
P46065	Base Camp Operations	18965 Base Camp Road A4	Monument	CO	80132	(719) 487-2858	2/28/2017	Poultry Processing	
M45080+P45080	Bas Foods Inc.	30240 Santucci Court	Hayward	CA	94544	(510) 557-7013	8/26/2013	Meat Processing; Poultry Processing	
M17749+P17749	Bastan Corporation	2260 Main Street Suite 17	Chula Vista	CA	91911	(619) 424-3416	11/26/2003	Meat Processing; Poultry Processing	
M45096+P45096	Bateman Community Living, LLC	849 "F" Street	West Sacramento	CA	95605	(916) 371-7340	10/2/2018	Meat Processing; Poultry Processing	Compass Group USA, Inc. By and Through its Bateman Division
V18998	Batesville Cold, Inc.	3054 E. Main Street	Batesville	AR	72503	(501) 698-2288	4/21/1994	Certification - Export; Identification - Meat; Identification - Poultry	
M6867	Battaglia Distributing Co Inc	2545 S. Ashland Ave.	Chicago	IL	60608	(312) 738-1111	1/10/1985	Meat Processing	

M2706+P2706	Battistoni Italian Specialty Meats, LLC	81 Dingens Street	Buffalo	NY	14206	(716) 826-2700	10/16/2017	Meat Processing; Poultry Processing	
M51184+P51184	Bauman's Butcher Block	2417 Haskell Rd	Ottawa	KS	66067	(785) 242-2254	2/2/2015	Meat Processing; Meat Slaughter; Poultry Processing	Bauman's Butcher Block
M7652+P7652	Bavaria Sausage Kitchen, Inc.	6317 Nesbitt Road	Madison	WI	53719	(608) 271-1295	2/6/2004	Meat Processing; Poultry Processing	
M46145	Baya Halal Meats LLC	21071 Back Road	Doylesburg	PA	17219	(814) 327-4386	11/14/2018	Meat Processing; Meat Slaughter	
V46574	Bay Island, LLC	1131 K-Tel Drive	Minnetonka	MN	55343	(952) 767-2850	11/5/2019	Identification - Meat	
M5687+P5687	Bay View Packing Company	1906 W. St. Paul Avenue	Milwaukee	WI	53233	(414) 344-3050	12/4/2019	Meat Processing; Poultry Processing	
M6576	B&B Food Products	257 Mary Blue Road	Kuttawa	KY	42055	(270) 388-0609	2/26/2008	Meat Processing	Broadbent B&B Products, Broadbent's B&B Foods
P794	B&B Poultry Co., Inc.	110 Almond Road	Norma	NJ	08347	(856) 692-8893	8/7/2007	Poultry Processing; Poultry Slaughter	
M46093	B & C Seafood, Inc.	160 Rue St. Martin	Vacherie	LA	70090	(225) 265-3160	6/5/2017	Meat Processing	
M27228+P27228	BD & K Foods, Inc.	600 Andrews Road Suite 1	Columbus	GA	31906	(706) 507-7191	4/24/2019	Meat Processing; Poultry Processing	
M27228A+P27228A	BD & K Foods, LLC (Warehouse)	1333 Cusetta Rd.	Columbus	GA	31917	(706) 507-7191	4/30/2019	Meat Processing	
M7226+P7226	Bear Creek Smokehouse	10857 State Hwy 154	Marshall	TX	75670	(903) 935-5217	12/19/2017	Meat Processing; Poultry Processing	
V46128	Beaver Dam Cold Storage LLC	121 Tower Drive	Beaver Dam	WI	53916	(920) 386-2236	5/17/2017	Certification - Export	
M6715+P6715	Beaver Street Fisheries Inc	711 Robinson Ave.	Jacksonville	FL	32209	(904) 354-8533	5/30/2019	Meat Processing	Beaver Street Foods
M47048	Beck's Sinclair's Fresh Fish & Seafood Market	5960 Lake US Hwy 79 North	Paris	TN	38242	(731) 644-9720	11/6/2019	Meat Processing; Meat Slaughter	
M48317	Bednar Meats Inc. (DBA-Custom Foods)	4230 S. Emerald Ave.	Chicago	IL	60609	(630) 281-0024	2/6/2020	Meat Processing	Custom Foods

M323A+P68A	Beech-Nut Nutrition Corporation	1 Nutritious Place	Amsterdam	NY	12010	(518) 839-0300	11/5/2018	Meat Processing; Poultry Processing	
M5402	Beef Burger Corp.	7013 Madison Street	Guttenberg	NJ	07093	(201) 869-5909	11/18/1993	Meat Processing	Montana Beef
M402+P402	Beef International Inc.	7010 Central Highway	Pennsauken	NJ	08109	(856) 663-6763	7/15/2010	Meat Processing; Poultry Processing	
M45435+P45435	Beef Jerky Unlimited	10552 Evans Dr.	Luna Pier	MI	48157	(734) 848-9905	3/17/2015	Meat Processing; Poultry Processing	
M21258+P21258	Beef Products, Inc.	3308 Aerial Way Drive	Roanoke	VA	24018	(540) 985-5914	7/27/2018	Meat Processing; Poultry Processing	Beef Products Venture (BPV)
M44872+P44872+V44872	Beetnik Foods, LLC	2202 113st, Suite 110	Grand Prairie	TX	75050	(972) 998-6561	7/3/2017	Certification - Export; Meat Processing; Poultry Processing	
M403A+P19878A	BEF Foods, Inc.	1109 Industrial Drive East	Sulphur Springs	TX	75482	(903) 438-8534	4/1/2014	Meat Processing; Poultry Processing	
M46062+P46062	BEF Foods, Inc.	651 Commerce Parkway	Lima	OH	45804	(567) 940-9401	8/10/2017	Meat Processing; Poultry Processing	
M952	BEF Foods, Inc.	200 North Wolcott Street	Hillsdale	MI	49242	(517) 437-3349	11/15/2011	Meat Processing; Meat Slaughter	
M20917	Behrmann Meat & Processing, Inc.	303 E. St. Rt. 161	Albers	IL	62215	(618) 248-5151	4/25/2003	Meat Processing; Meat Slaughter	
M44932+P44932+V44932	BelCampo Butchery	329 S. Phillipe Lane	Yreka	CA	96097	(530) 842-5200	10/26/2012	Certification - Trichinae; Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry; Voluntary Slaughter - Rabbit	

M38447	BelGioioso Cheese Inc.	N4056 Vine Road	Appleton	WI	54913	(920) 687-9306	3/19/2012	Meat Processing	
M31910+P31910+V31910	Bella Bella Gourmet Foods, LLC	35 Industry Drive	West Haven	CT	06516	(203) 937-9389	12/15/2014	Certification - Export; Meat Processing; Poultry Processing	
M45500+P45500	Bell Brands, Inc.	141 S. Main St.	Sanborn	MN	56083	(507) 822-6705	9/25/2018	Meat Processing; Poultry Processing	Chasing Our Tails, The American Made Treat Company
V19331	Bellingham Cold Storage	P.O. Box 895	Bellingham	WA	98227	(360) 733-1640	12/3/1996	Certification - Export	
V21241	Bellingham Cold Storage	600 Orchard Drive	Bellingham	WA	98225	(360) 671-2258	5/12/2000	Certification - Cysticercus; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M18297+P18297	Bellisio Foods, Inc.	100 E. Broadway Street	Jackson	OH	45640	(740) 286-5505	9/5/2017	Meat Processing; Poultry Processing	
M17573+P17573	Bell Tasty Foods Inc	9136 Elk Mont	Elk Grove	CA	95624	(916) 685-0852	8/9/2001	Meat Processing; Poultry Processing	
M51270	Bellville Meat Market Processing	128 S. Tesch St.	Bellville	TX	77418	(713) 302-4457	7/24/2018	Meat Processing	
M51302+P51302	Belmont Meats LLC	36 Quarry Road	Paradise	PA	17562	(717) 598-7571	8/1/2019	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
M21309+P21309	Belmont Sausage Company	2201 Estes Avenue	Elk Grove Village	IL	60007	(847) 357-1515	8/10/2001	Meat Processing; Poultry Processing	
M21309A+P21309A	Belmont Sausage Company No. 3	745 Birginal Dr. Unit A	Bensenville	IL	60106	(847) 357-1515	7/1/2019	Meat Processing; Poultry Processing	

M40057	Bemar Snacks Inc.	9305 NW 101 Street	Medley	FL	33178	(305) 558-4680	12/30/2014	Meat Processing	
V39943	Bemka Corporation	2801 SW 3rd Ave. #f11A	Ft. Lauderdale	FL	33315	(954) 462-0053	6/18/2009	Certification - Export; Identification - Meat; Identification - Poultry	
M6964	Bende & Son Salami Co. Inc.	875 Corporate Woods Pkwy	Vernon Hills	IL	60061	(847) 913-0304	6/6/1990	Meat Processing	
M18216+P18216	Benedetti Farms	23250 Maffei Rd.	Sonoma	CA	95407	(707) 996-6989	11/23/1996	Meat Processing; Poultry Processing	
M2338+P2338	Ben E. Keith Company	2250 Lone Star Drive	Dallas	TX	75212	(214) 634-0456	6/29/2009	Meat Processing; Poultry Processing	Ben E. Keith Foods, Winn Meat Company
M2366+P2366+V2366	Ben-Lee Processing Inc.	12783 Hwy 25	Atwood	KS	67730	(785) 626-3732	12/13/2011	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M8630+P8630+V8630	Benner's Butcher Shoppe, LLC	56 Platt Hollow Road	Thompsontown	PA	17094	(717) 535-5313	4/19/2011	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Benner's Beef Farm
M13069+P13069	Benny's Pork Skins	8266 Alameda	El Paso	TX	79905	(915) 858-1080	9/24/1998	Meat Processing	
M51332	Bently Meats Butcher Shop	1350 Buckeye Rd.	Minden	NV	89423	(775) 782-6328	1/29/2018	Meat Processing	
M8465+P8465	Berger Wholesale Meat Co.	13 New Street	Huntington	NY	11743	(631) 423-0017	7/12/1999	Meat Processing; Poultry Processing	
M10103	Berghorst Farms	2255 South Baldwin Avenue	Fremont	MI	49412	(231) 924-0911	7/28/2004	Meat Processing	

M45462+P45462	Berix Coffee Deli LLC	5053 Gravois Ave.	St. Louis	MO	63116	(314) 749-6159	9/23/2014	Meat Processing; Poultry Processing	
M19034+P19034	Berk Lombardo Packing Co.. Inc.	50 Constance Court	Hauppauge	NY	11788	(631) 348-6820	3/14/2019	Meat Processing; Poultry Processing	
M27398+P27398+V27398	Berkshire Refrigerated Warehouse	4550 S. Packers Avenue	Chicago	IL	60609	(773) 254-2424	3/2/2010	Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	
I226	Berkshire Refrigerated Warehousing, LLC	4550 South Packers Avenue	Chicago	IL	60609	(773) 254-2424	9/27/2018	Imported Product	
M8782+P8782	Berks Packing Co., Inc.	307-323 Bingaman Street	Reading	PA	19602	(610) 376-7291	4/18/2019	Meat Processing; Poultry Processing	RTE Meat Packing Plant
M19646+M19646M+P19646	Bernatello's Pizza, Inc.	1601 Hyland Avenue	Kaukauna	WI	54130	(920) 766-9930	1/31/2012	Meat Processing; Poultry Processing	Bernatello's Pizza, Five Star Frozen Foods, Inc., Orv's Pizza
M2901+P2901	Bernatello's Pizza, Inc.	220 Congress St. Jude Industrial Park	Maple Lake	MN	55358	(612) 963-6191	3/24/1992	Meat Processing; Poultry Processing	Bud's Pizza Company, Inc., Bud's Pizza, Inc., Fox River, Mattson Mktg
M21293+P21293+V21293	Bern Meat Plant	411 Main	Bern	KS	66408	(785) 336-2165	11/6/2000	Meat Processing; Meat Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	
M10195+P10195	Bernthal Packing Inc.	9378 Junction Road	Frankenmuth	MI	48734	(989) 652-2648	2/5/2004	Meat Processing; Meat Slaughter	
M10252	Berry & Sons Rababeh Isl Slau	2496 Orleans St.	Detroit	MI	48207	(313) 259-6925	1/14/2004	Meat Processing; Meat Slaughter	
M2761A	Berry Veal Corp.	1421 Neptune Drive	Boynton Beach	FL	33426	(561) 736-1993	11/2/2016	Meat Processing	Certified Dutch Veal, Dutch Premium Veal

M10017+P10017	Bert Hazekamp & Son Inc.	3933 South Brooks Road	Muskegon	MI	49444	(231) 773-6425	1/27/2011	Meat Processing; Poultry Processing	Hazekamp Meats, Hazekamp Wholesale Meats
M21430+P21430	Bert Posess Inc	100 East 25th Street	Paterson	NJ	07514	(201) 891-3664	1/10/2001	Meat Processing; Poultry Processing	
V45165	Best Buy Export LLC	3190 West 15th Avenue	Hialeah	FL	33012	(305) 821-0610	4/23/2013	Certification - Export; Identification - Meat; Identification - Poultry	
M1791+P27353	Best Chicago Meat Company, LLC	4649 W. Armitage Ave.	Chicago	IL	60639	(773) 523-8161	9/28/2017	Meat Processing; Poultry Processing	
M2510+P2510+V2510	Best Choice Meats	12646 S. Springfield Ave.	Alsip	IL	60803	(708) 385-8367	6/24/2016	Identification - Meat; Meat Processing; Poultry Processing; Voluntary Processing - Meat	Chef's Preferred
M18077+P18077	Best Foods Products II	6200 Memorial Drive Suite A	Stone Mountain	GA	30083	(404) 932-5150	6/21/2017	Meat Processing; Poultry Processing	
M5151	Best Provision Co., Inc.	144 Avon Avenue	Newark	NJ	07108	(973) 242-5000	3/16/2015	Meat Processing	
V44111	Best Value Food Products	6851 NW 32nd Avenue	Miami	FL	33147	(305) 691-0700	4/8/2011	Certification - Export; Identification - Meat; Identification - Poultry	
M40327+P40327	Bestway Sandwiches Inc.	1530 1st Street	San Fernando	CA	91340	(818) 361-1800	4/1/2011	Meat Processing; Poultry Processing	
M5401+P5401	Bethlehem Sausage Works, LLC	110 Mort Drive	Forks Township	PA	18040	(800) 478-2302	1/4/2019	Meat Processing; Poultry Processing	Alderfer, Bethlehem Sausage Werke, Indian Valley Farms, Kocher's, Leidy's
M8848+P8848	Better Baked Foods, LLC	56 Smedley Street	North East	PA	16428	(814) 725-8778	11/7/2017	Meat Processing; Poultry Processing	

M8848A+P8848A+V8848A	Better Baked Foods of Erie, LLC	2200 East 38th Street	Erie	PA	16510	(814) 899-6128	2/9/2017	AMS RTE Canada EV Program; Food Inspection; Meat Processing; Poultry Processing	Better Baked Foods of Erie, LLC
M40458+P40458	Better Business - - - Better Foods	183 Elm Street Unit 13	Milford	NH	03055	(603) 547-6861	2/19/2014	Meat Processing; Poultry Processing	
M9311+P9311	Better Meat Inc.	305 NW 82nd Street	Seattle	WA	98117	(206) 783-0570	5/26/2006	Meat Processing; Poultry Processing	
M19493+P19493	Beverly Processing, Inc.	385 Hardeeville Industrial Park Road	Hardeeville	SC	29927	(843) 784-7254	6/14/2016	Meat Processing; Poultry Processing	
M45815	B & F Fish Market LLC	4042 Hwy. 412 E.	Parsons	TN	38363	(731) 847-6161	3/11/2016	Meat Processing; Meat Slaughter	
V34578	B & G Foods	3850 Prologis Parkway	Nazareth	PA	18064	(610) 746-7762	3/25/2019	Certification - Export; Identification - Meat; Identification - Poultry	
V20950	B&G Foods, Inc.	14840 Central Pike	Lebanon	TN	37090	(615) 444-3218	12/8/2014	Certification - Export; Identification - Meat; Identification - Poultry	
M34146+P34146	B & G Foods North America, Inc.	One Bean Pot Circle	Portland	ME	04103	(207) 772-8341	4/29/2019	Meat Processing; Poultry Processing	
M20900+P20900	B&G Meats Inc.	7521 Old Seward Hwy.	Anchorage	AK	99518	(907) 344-4066	7/19/1999	Meat Processing; Poultry Processing	Mr. Prime Beef
M4033+P4033	Bianco Inc.	1 Brainard Avenue	Medford	MA	02155	(781) 289-4688	6/19/2019	Meat Processing; Poultry Processing	Bianco Sons Quality Meats, Bianco & Sons, Bianco & Sons Inc., Bianco & Sons Sausage, Smokehouse of Boston
M5430	Bierig Brothers Inc.	3539 Reilly Court	Vineland	NJ	08360	(856) 691-9765	8/16/2019	Meat Processing; Meat Slaughter	

M9380+P9380	Bierly's Meat Market	189 Long Street	Spring Mills	PA	16875	(814) 422-8841	11/10/2014	Meat Processing; Meat Slaughter; Poultry Processing	
M13274	Big A Meatball Company	2733 NW 10th Street	Oklahoma City	OK	73107	(405) 946-9720	5/4/2018	Meat Processing	
M1717+P1717	Big B Distr butors	2727 N. Kentucky Ave.	Evansville	IN	47711	(812) 425-5235	4/4/2003	Meat Processing; Poultry Processing	Big B Barbeque
M4205+P4205	Big Boy Food Group LLC	4199 Marcy Street	Warren	MI	48091	(586) 759-6000	11/23/2010	Meat Processing; Poultry Processing	
M21299+P21299	Big Chef	4811 South State Road 7	Davie	FL	33314	(954) 965-2480	7/30/2013	Meat Processing; Poultry Processing	Big Chef
M5297+V5297	Big Dog Meats LLC	85 Prindle Road	West Haven	CT	06516	(203) 932-3619	2/3/2009	Meat Processing; Meat Slaughter; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry	Latella & Sons
M13251+P13251	Big Easy Foods Louisiana Cuisine	3935 Ryan Street	Lake Charles	LA	70605	(337) 477-9296	7/27/2011	Meat Processing; Poultry Processing	
M6608+V6608	Bighams Ham Company	3917 John Barnes Road	Cornersville	TN	37047	(615) 659-9377	11/3/2011	Meat Processing	
G420L+V420L	Big Red Farms	58535 HWY 35	WAKEFIELD	NE	68784	(402) 287-2211	3/17/2014	Certification - Export; Egg Product; Voluntary Processing - Egg Products	MG Waldbaum Co., Michael Foods, Inc
M45923	Bill E's Small Batch Bacon LLC	19992 Hwy 181	Fairhope	AL	36532	(251) 209-2129	7/25/2016	Meat Processing	
M8038A	Bill Newsome Hams	208 E Main St	Princeton	KY	42445	(270) 365-2482	3/14/2016	Meat Processing	
M8038	Bill Newsomes Hams	127 N. Highland Avenue	Princeton	KY	42445	(502) 365-2482	4/26/1994	Meat Processing	
M46391	Bills Market, Inc.	2095 Route 336	Romulus	NY	14531	(315) 549-8252	10/15/2018	Meat Processing; Meat Slaughter	Finger Lakes Meat Processing
M46262	Billy Doe Meats, Inc.	2400 Hassell Road Suite 300	Hoffman Estates	IL	60169	(630) 912-2127	4/8/2020	Meat Processing	

M738+P738	Bimmy's Food Made With Love	47-00 33rd Street	Long Island City	NY	11101	(718) 361-3144	10/19/2016	Meat Processing; Poultry Processing	
M9696	Bingman's Packing	165 5th Avenue	Berlin	PA	15530	(814) 267-3413	6/17/2011	Meat Processing; Meat Slaughter	
M45134+P45134	Birdsboro Kosher Farms Corp.	1100 Lincoln Road	Birdsboro	PA	19508	(610) 404-0001	6/30/2015	Meat Processing; Poultry Processing; Poultry Slaughter	
V20648	BiRite Foodservice Distr butors	123 South Hill Drive	Brisbane	CA	94005	(415) 656-0187	11/2/1998	Certification - Export; Identification - Meat; Identification - Poultry	
M19693	Birmingham Dreamland, Inc.	3314 Old Shell Road	Mobile	AL	36607	(334) 479-9898	9/26/2000	Meat Processing	
M46277	Birthright Nutrition, LLC	1445 N. Congress Avenue Suite 3	Delray Beach	FL	33445	(561) 631-8168	4/18/2019	Meat Processing	
M39924+P39924+V39924	BJ's Wholessale Club	8005 NW 95th St	Hialeah Gardens	FL	33015	(305) 820-8244	7/7/2009	Identification - Meat; Identification - Poultry	
M34049+P34049	B & K Meat	4604 Memorial Drive	Decatur	GA	30032	(404) 296-5116	3/15/2013	Meat Processing; Poultry Processing	US Meats, Wild Buck Ranch
M34700+P34700	Blackberry Farm	465 Joe Pye Lane	Walland	TN	37886	(865) 273-8599	5/15/2018	Meat Processing; Poultry Processing	
M32119+P32119	Blackhawk Specialty Foods	302 Blackhawk Road	Beaver Falls	PA	15010	(724) 843-7022	11/5/2015	Meat Processing; Poultry Processing	
M6648+P6648	Blalock Meat Processing	193 Ponderosa Road	Rabun Gap	GA	30568	(706) 746-2822	8/17/2010	Meat Processing; Meat Slaughter; Poultry Processing	
M46103+P46103	Blalock Meats	193A Ponderosa Rd.	Rabun Gap	GA	30568	(706) 746-2822	5/17/2013	Meat Processing	Ledfords Meat & Livestock, LLC
M46535	Blanche Farms Specialty Cured Meat	6183 Highway 41	Macon	GA	31210	(706) 455-5943	12/19/2019	Meat Processing	

M45413+V45413	Blankenship Farms Meat Processing	465 County Road 3	Calhoun	TN	37309	(423) 715-2031	8/27/2014	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M46810+P46810	Blessed Meat, Inc.	1349 Lockland Avenue	Winston-Salem	NC	27103	(336) 341-3226	8/8/2019	Meat Processing; Poultry Processing	
M45545+P45545	Bleu Blanc Rouge	4575 Procyon suite F	Las Vegas	NV	89103	(702) 261-9009	1/21/2016	Meat Processing; Poultry Processing	
M8005+P8005	Bloemer's Food Sales Co.	925 South 7th Street	Louisville	KY	40207	(502) 584-8338	11/14/2001	Meat Processing; Poultry Processing	
M31824+P31824	Bloomfield Food, Inc.	4740 E. Hunter Avenue	Anaheim	CA	92807	(714) 779-7273	12/13/2017	Meat Processing; Poultry Processing	
G420M+V420M	Bloom-N-Egg Farm	54080 Highway 84 West P.O. Box 180	Bloomfield	NE	68718	(402) 373-6300	9/2/2015	Certification - Export; Egg Product; Voluntary Processing - Egg Products	Michael Foods Egg Products Company
M51200+P51200	Blossom Foods, LLC	2533 Peralta Street	Oakland	CA	94607	(510) 697-2915	11/12/2015	Meat Processing; Poultry Processing	
M19449A+P19449A	Blount Fine Foods	630 Currant Road	Fall River	MA	02720	(774) 888-1300	7/6/2017	Meat Processing; Poultry Processing	Blount Fine Foods
M19449+P19449	Blount Fine Foods	383 Water Street	Warren	RI	02885	(401) 245-8800	6/15/2015	Meat Processing; Poultry Processing	
M13130+P13130	Blount Fine Foods Corp.	2200 Redbud Boulevard	McKinney	TX	75069	(972) 548-9001	1/21/2016	Meat Processing; Poultry Processing	
M20481+P20481	Bluebonnet Foods LP	11122 Nacogdoches Road	San Antonio	TX	78217	(210) 637-1963	4/24/2020	Meat Processing; Poultry Processing	GoodHeart Brand Specialty Foods
M40437A+P40437A +G40437A	Blue Chip Group	1994 S 3850 W	Salt Lake City	UT	84104	(801) 263-6667	3/13/2019	Egg Product; Meat Processing; Poultry Processing	Augason Farms, Emergency Essentials, Live Prepared

M40437+P40437+G31544	Blue Chip Group, Inc	1911 South 3850 West	Salt Lake City	UT	84104	(801) 263-6667	3/18/2016	Egg Product; Meat Processing; Poultry Processing	Augason Farms, Crown Canyon, Grizzley Ridge, Live Prepared, National Graphic
M46603+P46603	Blue Coach Foods, LLC	2075 Memorial Park Drive	Gainesville	GA	30504	(770) 534-4414	2/19/2019	Meat Processing; Poultry Processing	
M44082+P44082	Blue Frog Foods LLC	5875 Love St.	Austell	GA	30168	(678) 472-4565	2/13/2012	Meat Processing; Poultry Processing	
M20518	Blue & Gold Sausage Co.	10101 N. Hiwassee Rd	Jones	OK	73049	(405) 399-2954	3/6/1998	Meat Processing	
M7417+P7417	Blue Grass Provision Company, Inc.	2645 Commerce Drive	Crescent Springs	KY	41017	(606) 331-7100	7/16/1992	Meat Processing; Poultry Processing	Blue Grass Foods, Blue Grass Quality Meats, K.B. Packing Company
V31720	Blue Line Distr buting	1701 Boice Pond Road Ste. 125	Orlando	FL	32837	(407) 448-1479	3/14/2016	Certification - Export; Identification - Meat; Identification - Poultry	
V45291	Blue Line Foodservice Distr bution	1400 South Allec Street	Anaheim	CA	92805	(313) 471-6133	4/23/2018	Certification - Export; Identification - Meat	
V45711	Blue Line Food Service Distribution	8440 Haggerty Road	Canton	MI	48187	(734) 468-3200		Certification - Export; Identification - Meat	
M2825+P2825+V2825	Blue Mountain Meats, Inc.	333 South 2nd East	Monticello	UT	84535	(801) 587-2280	12/3/1986	Identification - Meat; Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Processing - Rabbit; Voluntary Slaughter - Meat; Voluntary Slaughter - Rabbit	
M2812+P2812	BLUE RIBBON MEAT CO	1436 PRATER WAY	SPARKS	NV	89431	(775) 358-8116	4/11/2011	Meat Processing	
M6526	Blue Ridge Meats of Front Royal	2391 Guard Hill Road	Middletown	VA	22645	(540) 636-6050	11/2/2006	Meat Processing; Meat Slaughter	

M40262+P40262	Blue Star Meat Corp.	520 Craven Street	Bronx	NY	10474	(718) 861-2900	7/7/2015	Meat Processing; Poultry Processing	Eastern Food Service
M771	Blue Valley Meats, LLC	1162 West Pine Street	Walla Walla	WA	99362	(509) 876-4700	9/29/2011	Meat Processing	
M20116+P20116	BMC Cali, Inc.	8513 E. Garvey Ave # B	Rosemead	CA	91770	(626) 307-8332	10/2/2006	Meat Processing; Poultry Processing	Golden Medallion Foods
M38552+P38552	B&M Processing	1460 Leonard Bridge Rd	Chatsworth	GA	30705	(706) 517-3680	4/14/2009	Meat Processing; Meat Slaughter	
M9505+P9505	B & M Provisions Co.	1040 N Graham Street	Allentown	PA	18109	(610) 434-9611	6/18/2018	Meat Processing; Poultry Processing	
M12612A+P12612A	Boar's Head Provisions Co., Inc.	1950 Industry Place	Petersburg	VA	23805	(804) 733-7100	1/26/2011	Meat Processing; Poultry Processing	
M12612+P12612	Boar's Head Provisions Co., Inc.	2230 Wyatts Mill Road P.O. Box 277	Jarratt	VA	23867	(434) 535-8581	1/26/2011	Meat Processing; Poultry Processing	
M19575+P19575	Boar's Head Provisions Co., Inc.	2530 West Broadway	Forrest City	AR	72335	(870) 630-1638	12/20/2010	Meat Processing; Poultry Processing	
M20978+P20978	Boar's Head Provisions Co., Inc.	284 Roost Road	Holland	MI	49422	(616) 394-4746	12/23/2010	Meat Processing; Poultry Processing	
M45712+P45712	Boar's Head Provisions Co., Inc.	125 East County Road 400 S	New Castle	IN	47362	(765) 518-4200	8/9/2016	Meat Processing; Poultry Processing	
M21269+P21269	Bobby Salazar's Food Products, Inc.	2810 San Antonio Dr.	Fowler	CA	93625	(559) 834-4558	4/27/2004	Meat Processing; Poultry Processing	
M6785	Bob Evans Farms Inc.	640 Birch Road	Xenia	OH	45385	(937) 372-4494	1/29/2001	Meat Processing; Meat Slaughter	
P20138	Bo-Bo Poultry Market Inc	1131 Grand Street	Brooklyn	NY	11211	(718) 417-0016	3/2/2011	Poultry Slaughter	
M20073	Bob's Better Beef, Inc.	710 Schneider Dr.	South Elgin	IL	60177	(847) 695-7555	12/3/1997	Meat Processing	Bari Food Products, BOCE Meat Products
M46777+P46777	Bob's Processing Inc.	70705 16th Ave.	South Haven	MI	49090	(269) 637-5739	2/12/2020	Meat Processing; Poultry Processing	
M19002	Boe Farms	803 Moselle Seminary Road	Moselle	MS	39459	(601) 752-5971	9/10/1996	Meat Processing; Meat Slaughter	

M17095+P17095+V17095	Boesl Packing Co., Inc.	2322 Belair Rd.	Baltimore	MD	21213	(410) 675-1071	7/26/2004	Animal Foods Inspection; Meat Processing; Poultry Processing; Voluntary Processing - Exotic	
M38479+P38479	B&O Island Style Chamorro Sausage	P.O. Box 8634	Tamuning	GU	96931	(671) 653-7268	4/14/2011	Meat Processing	
M54265	Bok Ventures	4420 NE 20th Avenue STE H&I	Fort Lauderdale	FL	33308	(954) 599-0546	6/11/2019	Meat Processing	
V51242	Bo ke-Miller Company	1350 Bridge Drive	Waukegan	IL	60085	(847) 693-7230	3/16/2020	Certification - Export; Identification - Meat; Identification - Poultry	
M17978+P17978	Bonavista foods Inc.	2033 State Route 96A	Ovid	NY	14521	(607) 869-9939	3/1/2002	Meat Processing	
M8687+P8687	Bonne Terre Meat Company	202 Hillcrest Dr.	Bonne Terre	MO	63628	(573) 358-7340	11/16/2004	Meat Processing; Poultry Processing	Ozark Pride Meats
M34734+P34734	Bonneville Meats	1815 W. 4000 S.	Roy	UT	84067	(801) 603-4534	8/9/2017	Meat Processing; Poultry Processing	
M5097+P5097	BONOLLO PROVISIONS CO., INC.	55 CLARKSON STREET	PROVIDENCE	RI	02908	(401) 274-7900	3/20/2001	Meat Processing; Poultry Processing	
M8078+P8078+V8078	Boone's Abattoir, Inc.	100 Old Bloomfield Pike	Bardstown	KY	40004	(502) 348-3668	11/3/2005	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Boone's Butcher Shop
M51304	Bordelon's Fish Market LLC	1817 Leglise St.	Mansura	LA	71350	(318) 964-5282	6/5/2017	Meat Processing	
M8889+P8889	Borenstein Caterers Inc.	179-29 150th Road	Jamaica	NY	11434	(718) 656-3600	1/24/2019	Meat Processing; Poultry Processing	

M1282+P20031	Boston Brisket Company Inc.	42 Newmarket Square	Boston	MA	02118	(617) 442-8814	3/7/2006	Meat Processing; Poultry Processing	Boston Brands, Boston Grilling
M17999+P17999	Boston Salads and Provisions Company Inc.	24 Chesterton Street	Boston	MA	02119	(617) 541-9046	7/8/2011	Meat Processing; Poultry Processing	
M46944+P46944	Bostrom Farms, LLC	2200 State Routes 5 and 20	Stanley	NY	14561	(585) 354-5424	6/6/2018	Meat Processing; Poultry Processing	
M5898+P5898	Bot N Bot	13005 Los Nietos Rd.	Santa Fe Springs	CA	90670	(323) 445-4700	6/23/2006	Meat Processing; Poultry Processing	
M45696+P45696	Boulder Organic Foods, LLC	6363 Horizon Lane	Niwot	CO	80503	(303) 530-0470	12/20/2017	Meat Processing; Poultry Processing	
M34487	Bourgeois Smokehouse, LLC	1461 Tiger Dr	Thibodaux	LA	70301	(985) 447-1604	8/1/2017	Meat Processing	
M13203+P13203	Boutte's Boudin	568 N LHS Dr.	Lumberton	TX	77657	(409) 755-0893	5/20/2016	Meat Processing; Poultry Processing	Boutte's Boudin
M46108+P46108	Bovine and Swine	1215 Gregory Lane Unit 101B	Jackson	WY	83001	(307) 690-8200	10/25/2017	Meat Processing; Poultry Processing	
M19232+P19232+V19232	Bowman & Landes Turkeys, Inc.	6490 E. Ross Rd	New Carlisle	OH	45344	(937) 845-9466	6/21/1996	Meat Processing; Poultry Processing; Poultry Slaughter	
M44985	Bowman's Butcher Shop, LLC	3452 Churchville Road	Aberdeen	MD	21001	(410) 914-5607	6/28/2017	Meat Slaughter	
M40269+P40269+V40269	Boyd Specialties LLC	1016 E Cooley Dr. Suite N	Colton	CA	92324	(909) 633-6749	6/5/2012	Certification - Export; Meat Processing; Poultry Processing; Voluntary Processing - Meat	Carnivore Candy
M9241+P9241	Boyd's Wholesale Meats	234 N. Spring Street	Klamath Falls	OR	97601	(503) 884-8189	5/9/1979	Meat Processing; Poultry Processing	

M469+P230	Boyle's Famous Corned Beef, LLC	1638 St. Louis Avenue	Kansas City	MO	64101	(816) 221-6283	11/13/2018	Meat Processing; Poultry Processing	Arctic Pantry, Boyle's Famous Corned Beef, Boyle's Famous Corned Beef Co., Boyle's Meat Company, National Steak and Poultry, NSP, NSP Proteins
M9508+P9508	B&P Quality Meats	Bridge and Railroad Street	Hunker	PA	15639	(724) 925-3910	4/25/2017	Meat Processing; Poultry Processing	
M40357	BPT Products Inc.	1165 McNutt Road, B-5	Sunland Park	NM	88063	(575) 589-1301	1/2/2015	Meat Processing	
M11111	Bradley's Country Store	10655 Centerville Road	Tallahassee	FL	32309	(850) 893-1647	11/20/2001	Meat Processing; Meat Slaughter	
M46876+P46876	Brainy Belly, LLC "dba" Al Sur Latin Kitchen	14672 Southlawn Lane Unit B	Rockville	MD	20850	(301) 366-7801	7/22/2019	Meat Processing; Poultry Processing	Brainy Belly, M'Panadas
M161+P161+V161	Brakebush Brothers, Inc.	N4993 6th Drive	Westfield	WI	53964	(608) 296-2121	4/29/2016	Certification - Export; Meat Processing; Poultry Processing	
M161W+P161W	Brakebush Brothers, Inc.	115 North Broadway	Wells	MN	56097	(507) 553-3006	5/2/2016	Meat Processing; Poultry Processing	
M20088+P20088+V20088	Brakebush Irving, Inc.	2230 East Union Bower	Irving	TX	75061	(972) 536-2210	2/7/2017	Certification - Export; Poultry Processing	
P161M	Brakebush Mocksville, Inc.	251 Eaton Road	Mocksville	NC	27028	(608) 296-2121	8/1/2018	Poultry Processing	
M38435+P38435	Brand Aromatics Inc	1600 Oak Street P.O. Box 3033	Lakewood	NJ	08701	(732) 363-8080	5/12/2015	Meat Processing; Poultry Processing	Brand Aromatics, Inc.
M2591+P2591	Branding Iron Holdings - Holten Meat	1682 Sauget Business Blvd.	Sauget	IL	62206	(618) 337-8400	11/15/2019	Meat Processing; Poultry Processing	A Thomas & Sons Meat Co., Double Red Provisions, Extra Value Meats
M4245+P4245	Brandy Meats, Inc.	2853 Sidney Avenue	Cincinnati	OH	45225	(513) 681-6717	10/4/2006	Meat Processing; Poultry Processing	
M6591+P6591	Brasstown Beef, LLC	211 West Palmer Street	Franklin	NC	28734	(828) 524-2138	7/10/2015	Meat Processing; Poultry Processing	Nantahala Meats

M44874+P44874	Bravo Foods and Bakery, LLC	527 Commercial Drive	Statham	GA	30666	(678) 753-1761	3/28/2012	Meat Processing; Poultry Processing	
P45981	Bray Gourmet Specialties LLC	3520 W 69th Street Suite 206	Little Rock	AR	72209	(501) 766-1120	12/19/2016	Poultry Processing	
M45640+P45640	Brazilian Taste	235 Two Notch Rd.	Lexington	SC	29073	(803) 394-9493	3/8/2017	Meat Processing; Poultry Processing	Brazilian Taste
M21748	B & R Bierocks, Inc.	306 South College P.O. Box 294	St. Francis	KS	67756	(785) 332-3120	9/5/2001	Meat Processing	
M51323+P51323	BRC Eatery	12380 S.W. 130 Street	Miami	FL	33186	(305) 552-9623	8/24/2017	Meat Processing; Poultry Processing	
M34118+P34118	Bread and Chocolate Inc	1033 W Glebe Rd	Alexandria	VA	22305	(703) 549-7524	6/16/2006	Meat Processing; Poultry Processing	
M8498+P8498+V8498	Brenneman's Meat Market Inc	211 South 10th Street	Huntingdon	PA	16652	(814) 643-2751	2/24/2011	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	
M40001+P40001	Brett Anthony Foods	1350 Greenleaf Ave	Elk Grove Village	IL	60007	(847) 272-4309	8/1/2014	Meat Processing; Poultry Processing	
M34543	Brewer Meats	4190 S CR 350 W	North vernon	IN	47265	(812) 873-7494	10/16/2008	Meat Processing; Meat Slaughter	
M46253	B&R Fish Inc.	611 County Road 720	Clewiston	FL	33440	(863) 983-7588		Meat Processing; Meat Slaughter	
M46924	Brick House Pizza Co.	650 N. New Florissant	Florissant	MO	63031	(314) 852-1984	3/13/2014	Meat Processing	
M170A+P6985A	Bridgford Food Processing Corporation	1415 W. 44th St.	Chicago	IL	60609	(312) 733-0300	8/1/2019	Meat Processing; Poultry Processing	
M170+P6985	Bridgford Food Processing Corporation	170 N. Green St.	Chicago	IL	60607	(312) 733-0300	3/9/2010	Meat Processing; Poultry Processing	Bridgford Foods of Illinois

M32134+P32134	Bridgford Food Processing Corporation	112 Progress Place	Statesville	NC	28677	(704) 878-2772	6/7/2017	Meat Processing; Poultry Processing	Bridgford Marketing Company, Bridgford Meat Company
M9252+P9252+V9252	Bright Oak Meats, Inc.	91167 Marcola Road	Springfield	OR	97478	(541) 746-4411	10/21/2008	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Mohawk Valley Meats
M48089+P48089	Bright People Foods, Inc.	1640 Tide Court	Woodland	CA	95776	(530) 669-6870	5/3/2019	Meat Processing; Poultry Processing	
M10754+P10754	Brimhall Foods Company Inc.	3045 Bartlett Corporate Drive	Bartlett	TN	38133	(901) 377-9016	10/19/2004	Meat Processing; Poultry Processing	B F COMPANY INC., BFC, Inc, Brimhall Foods Co Inc
M21485+P21485+V21485	Brinkman Turkey Farms, Inc.	16314 U.S. Rt. 68	Findlay	OH	45840	(419) 365-5127	4/13/2016	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry	
M5998	Bristol Beef	785 Middle Street	Bristol	CT	06010	(860) 589-9969	1/15/2019	Meat Processing; Meat Slaughter	
M4530	Britt's Slaughterhouse	2782 Drum Rd	Middleport	NY	14105	(716) 735-3260	5/10/2011	Meat Processing; Meat Slaughter	
M27462+P27462+V27462	BRK Meats	1317 West Panola	Carthage	TX	75633	(903) 693-6122	9/11/2018	Certification - Export; Meat Processing	BRK Meats LLC
M46910+P46910+V46910	B & R Meat Processing	633 N. Devils Den Rd.	Winslow	AR	72959	(479) 634-2211	7/11/2017	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
I4	Broadleaf Inc.	5600 S. Alameda Street	Vernon	CA	90058	(323) 826-9890	5/30/2012	Imported Product	

M21307+P21307+V21307	Broadleaf Inc.	5600 S. Alameda St.	Vernon	CA	90058	(323) 826-9890	4/1/2013	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Processing - Rabbit	
M10285	Broadway Corn Beef Co., Inc.	1841 Gratiot Avenue	Detroit	MI	48207	(313) 259-8850	10/10/2017	Meat Processing	
M31606+P31606	Brock's Esto Meat Processing	1081 Hwy. 79 N	Bonifay	FL	32425	(850) 263-7777	4/25/2014	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
M22059	Broken Arrow Ranch, Inc.	3296 Junction Highway	Ingram	TX	78025	(830) 367-5875	11/16/2016	Meat Processing	Broken Arrow Ranch, Inc.
M19340+P19340	Bromley Meats	500 N.E. 185 Street	Miami	FL	33179	(305) 635-8680	7/8/2008	Meat Processing; Poultry Processing	
M44934+P44934	Bronson Locker	508 Clay Street	Bronson	KS	66716	(620) 939-4575	10/31/2018	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
M45997+P45997	Brooke & Bradford LLC	759 S. Gladiola Street Suite #1	Salt Lake City	UT	84104	(208) 761-1996	5/31/2017	Meat Processing; Poultry Processing	
V21713	Brooke Industries, Inc.	1257 Industrial Parkway	Fond Du Lac	WI	54937	(920) 924-3020	3/31/2014	Identification - Meat; Identification - Poultry	
M9173+P9173+V9173	Brooksville Meat Fabrication Center, Inc.	80 Liberty Drive	Brooksville	KY	41004	(606) 735-2250	3/5/2003	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M1740+P1740	Brookwood Farms	1015 Alston Bridge Rd.	Siler City	NC	27344	(919) 663-3612	7/25/2008	Meat Processing; Poultry Processing	

P20256	Broomes Poultry	24816 Austin Rd.	Albemarle	NC	28001	(704) 983-0965	2/20/1998	Poultry Processing	
M21802A+P21802A	Brother and Sister Food Services Inc.	811 Spangler Road	Camp Hill	PA	17011	(717) 730-8714	5/12/2017	Meat Processing; Poultry Processing	AccCanning, Dutch Master Meats, Todoric
M46419+V46419	Brother's Custom Processing Inc.	383 East 1st Street	Craig	CO	81625	(970) 824-3855	2/19/2014	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M38498+P38498	Brothers Meats Processors, LLC	6768 Best Friend Road	Norcross	GA	30071	(678) 682-9776	6/3/2009	Meat Processing; Poultry Processing	
M1085	Brown Packing Co., Inc.	116 Willis St.	Gaffney	SC	29340	(864) 489-5723	3/1/2002	Meat Processing; Meat Slaughter	
M7055+P7055+V7055	Brown's Meat Locker	14019 Hwy 287 South PO Box 690	Stratford	TX	79084	(806) 366-2513	9/10/2009	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M9267A+P9267A+V9267A	BrucePac	811 N. 1st Street	Silverton	OR	97381	(503) 874-3000	4/16/2002	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M9267B+P9267B	BrucePac	380 S. Pacific Hwy	Woodburn	OR	97071	(503) 874-3000	9/27/2018	Meat Processing; Poultry Processing	
M51205+P51205	BrucePac - Durant	1915 Hwy 70E (Old Hwy)	Durant	OK	74701	(580) 380-4743	10/11/2018	Meat Processing; Poultry Processing	
M44943+P44943+V44943	Bruder's Butcher, LLC	315 Main St. E.	Melrose	MN	56352	(320) 256-3750	10/30/2019	Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	

P46166+V46166	Brummel Poultry Processing	3309 W. Rock Falls Rd.	Rock Falls	IL	61071	(815) 632-3858	7/30/2019	Poultry Processing; Poultry Slaughter; Voluntary Processing - Poultry; Voluntary Slaughter - Poultry	
M44999+V44999	Brush Meat Processors LLC	1300 S. Railway Street	Brush	CO	80723	(970) 842-9749	9/18/2012	Meat Processing; Meat Slaughter; Voluntary Slaughter - Meat	
M32042+P32042+V32042	Brushy Prairie Packing, Inc.	435 N. 850 East	LaGrange	IN	46761	(260) 367-2708	1/24/2006	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Poultry; Voluntary Processing - Rabbit; Voluntary Slaughter - Poultry; Voluntary Slaughter - Rabbit	
M21125+P21125+V21125	Bryan's Meat Inc.	8861 Springfield Road	Milan	PA	18831	(570) 596-3334	5/2/2001	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M46219	Bryant Beef LLC	1202 Zirkle Road	Dandridge	TN	37725	(865) 607-6806	1/28/2019	Meat Processing	Bryant Farms, Smoky Mountain Made
M6697+P6697	Bryant's Meat Inc	104 Fellowship Rd	Taylorsville	MS	39168	(601) 785-6507	11/23/2004	Meat Processing; Poultry Processing	
M6111+P6111	B & S Food Products	20268 Paseo Del Prado	Walnut	CA	91789	(323) 263-6728	12/12/2019	Meat Processing; Poultry Processing	
M19292	Bubba Foods, LLC	1208 Progress Blvd.	Elberton	GA	30635	(706) 283-2763	3/31/2005	Meat Processing	Eaves Foods, Inc., PYA/Monarch Inc. Brand
M9492	Bucher Meats	391 Tillietown Road	Biglerville	PA	17307	(717) 334-3575	3/15/2011	Meat Processing; Meat Slaughter	

M2697+P2697+V2697	Buckhead Beef	4500 Wickersham Drive	College park	GA	30337	(404) 355-4400	11/17/2015	Meat Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Processing - Rabbit	Buckhead Meat of Atlanta, Inc
M2697C	Buckhead Beef Charlotte	3516 Green Park Circle	Charlotte	NC	28217	(800) 999-5578	6/13/2012	Meat Processing	
M20926+P20926+V20926	Buckhead Beef Northeast	220 Raritan Center Parkway	Edison	NJ	08837	(732) 661-4900	1/18/2005	Meat Processing; Poultry Processing; Voluntary Processing - Poultry	Trinity Seafood
M27468+P27468	Buckhead Beef of Florida	355 Progress Rd.	Auburndale	FL	33823	(863) 551-4447	9/20/2017	Meat Processing	Buckhead Beef of Florida, Buckhead Meat of Florida
M664+P664+V664	Buckhead Meat Company	51 Graystone Street	Warwick	RI	02886	(401) 734-8200	10/2/2017	Meat Processing; Poultry Processing; Voluntary Processing - Meat	Buckhead Meat of New England, Inc.
M2213D+P2213D+V2213D	Buckhead Meat Dallas	4216 Mint Way	Dallas	TX	75237	(214) 331-8711	3/19/2018	Certification - Export; Meat Processing	Freedman Food Service, Freedman Food Service - Dallas
M2106+P2106	Buckhead Meat Midwest Inc.	2665 Tracy Rd.	Northwood	OH	43619	(419) 666-0702	9/6/2017	Meat Processing; Poultry Processing	Buckhead Meat and Seafood of Ohio, Inc.
M22076	Buckhead Meat Midwest, Inc.	200 Flannigan Rd.	Hampshire	IL	60140	(847) 683-2009	10/3/2017	Meat Processing	Buckhead Beef of Illinois, Buckhead Meat & Seafood of Chicago, Inc., Malcolm Meats (Hampshire, IL)
M31757+P31757+V31757	Buckhead Meat of Denver	2351 E. 70th Avenue	Denver	CO	80229	(303) 298-0997	7/21/2017	Meat Processing; Poultry Processing; Voluntary Processing - Meat	Buckhead Beef -- Denver, Freedman Food Service of Denver

M2213A+P2213A	Buckhead Meat of San Antonio	4241 Director Drive	San Antonio	TX	78219	(210) 337-1011	3/23/2020	Meat Processing; Poultry Processing	Buckhead Beef, Buckhead Beef - San Antonio, Buckhead Meat of San Antonio, Freedman Food Service - San Antonio, Freedman Foods, Inc., Freedman Meats Inc, Milestone Lamb and Veal, Texas Meat Purveyors
M10+P7212+V10	Buckhead Meat & Seafood of Houston.	10310 Greens Crossing Blvd.	Houston	TX	77038	(281) 405-3200	10/30/2017	Certification - Export; Meat Processing; Poultry Processing	Buckhead Meat, Buckhead Meat of Houston, Freedman Foods, Freedman Foodservice
M40128+P40128+V40128	BUCU West Bottling, LLC	4986 Morrison Rd.	Denver	CO	80219	(303) 922-0222	3/21/2018	Meat Processing; Poultry Processing; Voluntary Processing - Meat	Kitchen Network Bottling Company
M4226B+P4226B+V4226B	Buddy's Kitchen, Inc.	21150 Hamburg Ave	Lakeville	MN	55044	(952) 469-1934	1/3/2018	AMS RTE Canada EV Program; Certification - Export; Food Inspection; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	Buddy's
M4226+P4226+V4226	Buddy's Kitchen, Inc.	12105 Nicollet Ave South	Burnsville	MN	55337	(952) 894-2540	1/9/2015	AMS RTE Canada EV Program; Certification - Export; Food Inspection; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	Buddy's Kitchen
M7079+P7079	Bueno Foods	2001 4th Street SW	Albuquerque	NM	87102	(505) 243-2722	10/24/2019	Meat Processing; Poultry Processing	El Encanto

M33814+P33814+V33814	Buffalo SAV, Inc.	1550 William Street	Buffalo	NY	14206	(716) 895-1404	7/24/2014	Certification - Export; Meat Processing; Poultry Processing	
M21257+P21257	Bu k Inc	602 HWY 281 South	Johnson City	TX	78636	(830) 868-5500	10/22/2018	Meat Processing; Poultry Processing	Whittington's
M20035+P20035+V20035	Bumble Bee Foods LLC	994 Ocean Drive	Cape May	NJ	08204	(609) 884-0440	6/15/2005	Meat Processing; Poultry Processing; Voluntary Processing - Poultry	Snow's, Sweet Sue Kitchens
M27296+P27296	Bum Foods LLC	19 W. Oxmoor Road	Homewood	AL	35209	(205) 822-9800	1/27/2014	Meat Processing; Poultry Processing	Dreamland BarBQue
M954+P954	Buona Vita Inc.	1 S. Industrial Boulevard	Bridgeton	NJ	08302	(609) 453-7972	5/17/2012	Meat Processing; Poultry Processing	
M48188+P48188	Burch Food Services, Inc.	108 Stallcup Drive	Sikeston	MO	63801	(573) 471-3003	4/15/2016	Meat Processing; Poultry Processing	
M5907+P5907	Burger Maker Inc.	666 16th Street	Carlstadt	NJ	07072	(201) 939-4747	12/4/2008	Meat Processing; Poultry Processing	
M1161+P1161	Burger's Ozark Country Cured	32819 Highway 87	California	MO	65018	(573) 796-3143	1/20/2016	Meat Processing; Poultry Processing	Burgers' Country Hams, Burgers' Smokehouse, Cracker Barrel By Mail, Grill Masters Bbq, Miller's Country Hams, Plantation Brand
M1161B	Burgers' Ozark Country Cured Hams, Inc.	3610 East Kearney Street Building 4N	Springfield	MO	65803	(573) 304-3120	1/17/2018	Meat Processing	Burgers' Smokehouse, Cracker Barrel by Mail, Grill Masters BBQ, Miller's Country Hams, Plantation Brand
M31777+V31777	Burgundy Pasture Beef, LP	800 McDuff	Grandview	TX	76050	(817) 866-2247	3/10/2011	Meat Processing; Voluntary Processing - Meat	Burgundy Processing

M6829A+P6829A+V6829A	Burke Marketing Corporation	1516 South D Avenue POBox 209	Nevada	IA	50201	(515) 382-6104	9/13/2017	Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	Innovative Products Co., Pronto Food Kitchens, Inc., The Burke Co, Inc.
M20710+P20710	Burnette Foods Inc.	200 State St.	East Jordan	MI	49727	(231) 536-2284	5/29/2013	Meat Processing; Poultry Processing	Food Club, Meijer, Mother's Maid, Shurfine
M6218+P6218	Burnett & Son Meat Co., Inc.	1420 S. Myrtle Ave.	Monrovia	CA	91016	(626) 357-2165	4/20/2005	Meat Processing; Poultry Processing	A L Carte Gourmet Classics, Burnett & Son
V21793	Burris Logistics	10900 Central Port Drive	Orlando	FL	32824	(407) 852-7200	5/1/2002	Certification - Export; Identification - Meat; Identification - Poultry	
M31641+P31641+V31641	Burris Refrigerated Services	4501 Dignan Street	Jacksonville	FL	32254	(904) 265-5990	5/22/2008	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry; Off-Premise Freezing - Siluriformes	
M31654+P31654	Burrito Kitchens Enterprises	505 Weaver Park Rd, Unit A	Longmont	CO	80501	(720) 652-9000	1/5/2005	Meat Processing; Poultry Processing	

M21780+P21780+V 21780	Burt's Meat & Poultry	114 Center Ave	Eyota	MN	55934	(507) 545-9904	11/15/2001	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Processing - Rabbit; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat; Voluntary Slaughter - Rabbit	Burts Hilltop Poultry
V46066	Busetto Foods	2413 S. Fruit Avenue	Fresno	CA	93776	(559) 289-2045	7/19/2013	Certification - Trichinae	
M18315+P18315	Bush Brothers Provision Co., Inc.	1931 North Dixie Highway	West Palm Beach	FL	23407	(407) 832-6666	9/11/1992	Meat Processing; Poultry Processing	
M9882A+P9882A+V 9882A	Busseto Foods Inc	1351 N. Crystal Avenue	Fresno	CA	93728	(559) 485-9882	2/20/2002	Certification - Export; Certification - Trichinae; Off-Premise Freezing - Meat	
M9882+P17183	Busseto Foods, Inc.	1090 W. Church	Fresno	CA	93706	(209) 237-9591	8/14/1997	Meat Processing; Poultry Processing	
P48267	Buster Rind's	680 S. Commerce Street	Jackson	MS	39201	(769) 572-5588	4/18/2017	Poultry Processing	

M45585+P45585+V45585	Butcher Block & Smokehouse, Inc.	Butcher Block & Smokehouse, Inc. 6442 Beamsville Webster Rd.	Versailles	OH	45380	(937) 548-7583	6/29/2016	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Processing - Rabbit; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat; Voluntary Slaughter - Rabbit	
M15714+P15714	Butch's Original Pizza, Inc.	655 Flint Ave.	Morton	IL	61550	(309) 263-8401	7/5/2016	Meat Processing; Poultry Processing	
M48168	Butler Son's Fish Market	2773 Butler Rd.	Obion	TN	38200	(731) 536-6336	3/14/2016	Meat Slaughter	
M3K+P7173+V3K	Butterball, LLC	9401 E. Highland Drive	Jonesboro	AR	72401	(870) 933-0001	10/5/2006	Certification - Export; Meat Processing; Poultry Processing	Carolina Turkey
M46870+P46870	Butterball, LLC	1000 E. Central Avenue	Raeford	NC	28376	(910) 875-8600	2/11/2019	Poultry Processing	
M7345+P7345	Butterball, LLC	1628 Garner Chapel Road	Mount Olive	NC	28365	(919) 658-6743	1/17/2020	Poultry Processing; Poultry Slaughter	Carolina Turkeys, Carroll's Farm
M8727+P8727+V8727	Butterball, LLC	411 North Main Street	Carthage	MO	64836	(417) 423-8801	11/8/2011	Certification - Export; Poultry Processing; Poultry Slaughter; Voluntary Processing - Poultry; Voluntary Slaughter - Poultry	Carolina Turkey
P511	Butterball, LLC	307 Dodgen Place	Ozark	AR	72949	(479) 667-2171	1/31/2020	Poultry Processing; Poultry Slaughter	Carolina Turkey
P7174	Butterball, LLC	1294 N. College St.	Huntsville	AR	72740	(479) 732-1518	2/3/2019	Poultry Processing; Poultry Slaughter	Carolina Turkey

M248B+P215	Butterfield Foods Company	225 Hubbard Avenue	Butterfield	MN	56120	(507) 956-5103	4/22/2015	Meat Processing; Poultry Processing; Poultry Slaughter	
M6945+P6945+V6945	Butterfield Foods, LLC	635 Westfield Rd	Noblesville	IN	46060	(317) 776-4775	7/12/2017	Food Inspection; Meat Processing; Poultry Processing	
M7457+P7457	Buzz Products, Inc.	4818 Kanawha Blvd E.	Charleston	WV	25306	(304) 925-4781	8/17/2016	Meat Processing; Poultry Processing	BUZZ FOOD SERVICE
M5561A+P5561A+V5561A	B.W.J.W. Inc.	3517 Conway Street	Fort Worth	TX	76111	(817) 831-0051	1/17/2013	Meat Processing; Poultry Processing; Voluntary Processing - Meat	Bar-W Foods, Bar-W Meat Company, Country Grillers, J.W. Foods, Ranch Brand
M5626+P5626	Byerly Foods International, Inc.	877 North Lake Street	Lake Mills	IA	50450	(641) 592-7700	9/8/2015	Meat Processing; Poultry Processing	Lund Food Holdings, Inc.
M32038+P32038	By George, Inc.	Carr. 8860 - KM.1 HM., Bo. Las Cuevas, Urb. Matienzon, Zonal Industrial	Trujillo Alto	PR	00976	(787) 293-2769		Meat Processing; Poultry Processing	JAP Manufacturing, Inc.
I83+V83	B.Y. International Inc.	710 Epperson Drive	City of Industry	CA	91748	(909) 262-6713	4/18/2019	Certification - Export; Identification - Meat; Identification - Poultry; Imported Product	
M19881+P19881	Bylada Foods LLC	140 West Commercial Avenue	Moonachie	NJ	07074	(201) 933-7474	9/27/2012	Meat Processing; Poultry Processing	
M2592+P2592+V2592	Byron Center Wholesale Meats, Inc.	8375 Freeland Ave. SW	Byron Center	MI	49315	(616) 878-1578	6/3/2009	Meat Processing; Poultry Processing; Voluntary Processing - Meat	Byron Center Meats
M47156+P47156	By The Pound Catering Corp.	271 West 28th Street	Hialeah	FL	33010	(786) 413-8689	3/9/2020	Meat Processing; Poultry Processing	
M34276+P34276	Cabal Sausage Company, LLC	10897 Main Street	Fairfax	VA	22030	(571) 237-4847	6/6/2007	Meat Processing	

M9819+P9819+V9819	Cabin Hollow Butcher Shop, Inc	156 Old Cabin Hollow Road	Dillsburg	PA	17019	(717) 432-4225	6/21/2005	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Warrington Farm Meats
M45209	Cabool Kountry Meats, LLC	90 Industrial Park Drive	Cabool	MO	65689	(417) 962-2112	3/20/2018	Meat Processing; Meat Slaughter	
M21530	Cabrito Market, Inc.	1121 N. Bentsen Palm Drive	Mission	TX	78572	(956) 585-7763	2/19/2019	Meat Processing; Meat Slaughter	
M6498+P6498	Cacique, Inc.	445 W. Coal Creek Road	Cedar City	UT	84720	(435) 586-9330	1/5/1998	Meat Processing	
M44857+P44857	Cadence Gourmet	155 Klug Circle	Corona	CA	92880	(619) 890-5337	10/2/2019	Meat Processing; Poultry Processing	
M5498+P5498	Caesar's Pasta, LLC	1001 Lower Landing Road	Blackwood	NJ	08012	(609) 227-2585	9/1/2015	Meat Processing; Poultry Processing	Caesars Pasta
M34641+P34641	CAFE SPICE GCT, INC.	677 LITTLE BRITAIN ROAD	NEW WINDSOR	NY	12553	(845) 863-0910	11/17/2008	Meat Processing; Poultry Processing	ZAIKA FLAVORS OF INDIA, ZAIKA FOODS
M6154+P6154	Caggiano Co.	1285 Skillman Lane	Petaluma	CA	94952	(707) 765-2849	1/4/2000	Meat Processing; Poultry Processing	Sonoma County Poultry
M40079+P40079+V40079	CaiE Foods Partnership, LTD	1802-A Brierley Way #108	Sparks	NV	89434	(775) 356-8838	11/13/2013	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
V40105	Caine Warehousing LTD	300 Commerce Drive	Reeseville	WI	53579	(920) 927-3881	10/21/2010	Certification - Export; Identification - Meat	
M8214+P8214	Cajun Original Foods, Inc.	704 Avenue D Acadiana Regional Airport	New Iberia	LA	70560	(337) 367-1344	12/21/2006	Meat Processing; Poultry Processing	Bodin Foods
M20215+P20215	Cajun Specialty Meats	690 Heinberg St.	Pensacola	FL	32502	(850) 469-9400	4/18/2007	Meat Processing; Poultry Processing	
M34051+V34051	Calabro Cheese Corporation	580 Coe Avenue	East Haven	CT	06512	(203) 469-1311	1/23/2015	Certification - Export; Meat Processing	

M40316+P40316	Cal Chef Foods, LLC	4221 E. Mariposa Rd. Suite B	Stockton	CA	95215	(414) 573-8841	7/15/2019	Meat Processing; Poultry Processing	None
M45231	Caldwell Farms	313 North Parish Road	Turner	ME	04282	(207) 754-3871	2/11/2014	Meat Processing	
M46200+P46200	Caledonia Packing LLC	3892 92nd St SE	Caledonia	MI	49316	(616) 891-8447	5/12/2016	Meat Processing; Meat Slaughter; Poultry Processing	
M48082+P48082+V48082	California Farms Meat Company Inc.	4451 South Downey Road	Vernon	CA	90058	(323) 581-3663	5/15/2015	Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Processing - Rabbit	
M18995+P18995	California Jerky Factory, Inc.	10415 Rush St	S. El Monte	CA	91733	(626) 417-8486	5/23/2007	Meat Processing; Poultry Processing	
M40429+P40429	California Natural Products	1250 E. Lathrop Road	Lathrop	CA	95330	(209) 858-2525	5/10/2018	Meat Processing; Poultry Processing	
M45288+P45288+V45288	California Ranch Food Company Inc.	4481 South Downey Road	Vernon	CA	90058	(323) 581-3663	5/5/2015	Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Processing - Rabbit	
M46125+P46125	California Rice Center Inc.	16649 Gramerdy Place	Gardena	CA	90247	(310) 516-0748	9/12/2018	Meat Processing; Poultry Processing	

M31834+P31834	California Sausage Inc.	2102 W. Chestnut Avenue	Santa Ana	CA	92703	(714) 657-7398	3/11/2019	Meat Processing; Poultry Processing	
M9004+P9004+V9004	California State University, Chico	311 Nicholas C. Schouten Lane	Chico	CA	95928	(916) 898-6028	12/11/1997	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M6775+V6775	Calihan Pork Processors	1 South St.	Peoria	IL	61602	(309) 674-9175	2/21/1989	Certification - Export; Meat Processing; Meat Slaughter	
M688	Callaway Packing, Inc.	663 West 4th Street	Delta	CO	81416	(970) 874-9743	4/4/2002	Meat Processing	Callaway Packing Inc.
M40432	Callicrate Cattle Co.	940 Rd.12	St. Francis	KS	67756	(785) 332-3344	12/4/2014	Meat Processing; Meat Slaughter	
M45984+P45984	Call It Yours Casseroles	5156 River Road, Suite F	Columbus	GA	31904	(706) 322-2075	1/30/2017	Meat Processing; Poultry Processing	
M44052+P44052	Cal Poly Meats	California Polytechnic State University 1 Grand Avenue, Building 155	San Luis Obispo	CA	93407	(805) 756-2114	5/14/2012	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
M1972+P17898+V1972	Calumet Diversified Meats Inc.	10,000 80th Avenue	Pleasant Prairie	WI	53158	(262) 947-7200	7/9/2012	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry	Pleasant Prairie Packing, Pleasant Prairie Pork
M34241+P34241	Camacho's Food Processing	1311 Dayton Street Suite E	Salinas	CA	93901	(408) 991-2016	2/13/2015	Meat Processing	
M1930+P4009	Cambridge, LLC	19-21 Foodmart Road	Boston	MA	02118	(617) 269-6700	2/20/2020	Meat Processing; Poultry Processing	Cambridge Packing Co., Inc.
M21541+P21541	Camden Port Services Inc.	351 Eldridges Hill Road	Woodstown	NJ	08098	(856) 769-4141	2/10/2014	Meat Processing; Poultry Processing	CPS Distribution Service

I191	Camden Port Services, Inc.	430 N. Main Street	Woodstown	NJ	08098	(856) 769-4141	10/3/2008	Imported Product	
M4357+P4357	Camellia General Provision Co.	1333 Genesee Street	Buffalo	NY	14211	(716) 893-5353	9/5/2006	Meat Processing; Poultry Processing	EDDIE'S SAUSAGE COMPANY
M12603+P12603	Cameron's British Foods Inc	928 N.E. 24th Lane	Cape Coral	FL	33909	(813) 772-1554	8/21/1991	Meat Processing; Poultry Processing	Cameron's Marker
M9887+P9887	Camino Real Foods, Inc.	2638 E. Vernon Avenue	Vernon	CA	90058	(323) 585-6599	3/1/2018	Meat Processing; Poultry Processing	
M4P+P49	Campbell Soup Company	Campbell Place	Camden	NJ	08103	(609) 342-4800	10/7/1993	Meat Processing; Poultry Processing	
M4R+P8039	Campbell Soup Company	2120 NC Hwy 71 N	Maxton	NC	28364	(910) 844-5631	9/7/1999	Meat Processing; Poultry Processing	
M18831+P18831+V18831	Campbell Soup Supply Co., LLC	500 W. Edgerton Avenue	Milwaukee	WI	53207	(414) 482-1730	12/8/2010	Certification - Export; Meat Processing; Poultry Processing	
M4D+P4+V4D	Campbell Soup Supply Company	12-773 St. Rt. 110	Napoleon	OH	43545	(419) 592-1010	4/9/2002	Certification - Export; Meat Processing; Poultry Processing	
M4K+P13	Campbell Soup Supply Company L.L.C.	500 NW Loop 286	Paris	TX	75461	(903) 784-3341	6/29/2011	Meat Processing; Poultry Processing	
M4058+P4058	Campofrio Food Group - America, Inc.	1800 Ruffin Mill Road	South Chesterfield	VA	23834	(804) 520-7775	7/18/2012	Meat Processing; Poultry Processing	Fiorucci Foods, Inc.
M27297+P27297	Campo Lindo Farms	2390 S. E. 228th St.	Lathrop	MO	64465	(816) 740-3625	3/19/2003	Poultry Processing; Poultry Slaughter	
M18193+P18193	Cangialosi Specialty Sausage Company, Inc.	115 Landmark Drive	Greensboro	NC	27409	(336) 665-5775	3/15/2001	Meat Processing	Cangialosi Sausage, Southern Meats
M1437+P17272	Canino's Sausage Company Co., Inc.	4414 Jason St.	Denver	CO	80211	(303) 455-4339	8/2/2000	Meat Processing	

V19767	Cannon Cold Storage	8141 SEASHORE HWY	BRIDGEVILLE	DE	19933	(302) 337-5500	4/16/2020	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M38436+P38436	Canteen	4808 Chesapeake Dr.	Charlotte	NC	28216	(704) 394-4177	8/24/2011	Meat Processing; Poultry Processing	
M46629+P46629	Cantoro Italian Market	15550 N. Haggerty Rd.	Plymouth	MI	48170	(734) 420-1100	7/19/2019	Meat Processing; Poultry Processing	
M45123+P45123	Cape Code Cafe Foods	969 Main Street	Brockton	MA	02301	(774) 223-5960	3/20/2017	Meat Processing; Poultry Processing	
V20905	Capitol Cold Storage & Distribution	1440 Salem Industrial Drive	Salem	OR	97303	(503) 566-4971	7/7/1999	Identification - Meat; Identification - Poultry	
M9990	Capitol Sausage & Provisions Inc.	101 Reserve Road	Hartford	CT	06114	(860) 527-5510	1/3/2019	Meat Processing	
M45716	Capri Restaurant	Capri Restaurant 313 E. State Street	Rockford	IL	61104	(815) 965-6341	5/25/2017	Meat Processing	
M46781	Captain Hook's Cajun Seafood LLC	119 Up The Bayou Road	Des Allemands	LA	70030	(985) 227-8140	10/28/2019	Meat Processing	
M2488+P830	Captain Ken's Foods, Inc.	344 Robert Street South	St Paul	MN	55107	(651) 298-0071	5/1/1997	Meat Processing; Poultry Processing	
M1112+P1112	Carando Gourmet Frozen Foods Corporation	175 Main Street	Agawam	MA	01001	(413) 737-0183	8/8/2018	Meat Processing; Poultry Processing	
M86P+P86P	Cargill Beef	65 Green Mountain Road	Hazleton	PA	18202	(570) 384-8422	3/25/2019	Meat Processing; Poultry Processing	

V33808	Cargill Food Distr bution	1145 Coomerce Boulrvard	Logan	NJ	08085	(856) 241-2880	9/16/2009	Certification - Export; Identification - Meat; Identification - Poultry	
V34498	Cargill Food Distr bution	3205 E. 19th Ave.	Ft. Lauderdale	FL	33316	(954) 627-3873	7/7/2009	Certification - Export; Identification - Meat; Identification - Poultry	
V45325	CARGILL FOOD DISTRIBUTION	13034 EXCELSIOR DR.	NORWALK	CA	90650	(909) 987-2147	1/28/2014	Certification - Export; Identification - Meat; Identification - Poultry	
M34706	Cargill Fresno Grind	511 West North Avenue	Fresno	CA	93706	(559) 268-5586	5/7/2019	Meat Processing	Cargill Fresno Grind, Fresno Grind
M45390	Cargill, Inc	566 N. Gilbert Street	Fullerton	CA	92833	(714) 449-6773	7/23/2014	Meat Processing	Cargill, Incorporated
G1215+V1215	Cargill Kitchen Solutions, Inc.	206 West Fourth Street	Monticello	MN	55362	(763) 271-5600	7/12/2013	Egg Product; Food Inspection	
G21377	Cargill Kitchen Solutions, Inc.	1750 South Benjamin Avenue	Mason City	IA	50401	(641) 494-2200	12/28/2018	Egg Product	
M1804+P1804+G1804	Cargill Kitchen Solutions, Inc.	3100 Bonanza Road	Lake Odessa	MI	48849	(616) 374-4545	7/11/2016	Egg Product; Meat Processing; Poultry Processing	
M21377+P21377+V21377	Cargill Kitchen Solutions, Inc.	1750 South Benjamin Avenue	Mason CIty	IA	50401	(641) 494-2200	9/12/2008	Certification - Export; Meat Processing; Poultry Processing	
M5617+P5617	Cargill Kitchen Solutions, Inc.	206 West 4th Street	Monticello	MN	55362	(763) 271-5600	7/21/2016	Meat Processing; Poultry Processing	
M46373+P46373+G46373	Cargill Kitchens Solutions, Inc.	20021 176th Street NW	Big Lake	MN	55309	(763) 262-1900	7/26/2018	Egg Product; Meat Processing; Poultry Processing	

M31913	Cargill Meat Solution Corporation	521 W. North Avenue	Fresno	CA	93706	(559) 268-5586	5/7/2019	Meat Processing	Cargill
M13289+P963	Cargill Meat Solutions	730 E. Randall Wobbe Lane	Springdale	AR	72764	(479) 751-6800	4/2/2019	Poultry Processing; Poultry Slaughter	
M21171+P21171+V21171	Cargill Meat Solutions	3709 East First Street	Fort Worth	TX	76111	(817) 838-3442	11/27/2017	Certification - Export; Meat Processing; Poultry Processing	CSMC, LLC, Five Star Custom Foods, LTD
M2133+P29+V2133	Cargill Meat Solutions	702 E. 13th Street	Albert Lea	MN	56007	(507) 377-2526	6/25/2018	Certification - Export; Identification - Meat; Meat Processing; Poultry Processing	Cargill Protein Group, Willow Brook Foods
M354	Cargill Meat Solutions	3115 S. Fig Ave.	Fresno	CA	93706	(559) 268-5586	5/7/2019	Meat Processing; Meat Slaughter	BPI, Cargill Beef Packers, Cargill Meat Solutions, Cargill Taylor Beef, Fresno Meats, West Coast Packers
M635+P635	Cargill Meat Solutions	2510 East Lake Shore Drive	Waco	TX	76705	(254) 412-3400	11/15/2019	Meat Processing; Poultry Processing	
M85M+P85M	Cargill Meat Solutions	3555 West Arrow St	Marshall	MO	65340	(316) 291-2500	4/3/2019	Meat Processing; Poultry Processing	EXCEL Corporation
M86A+P86A	Cargill Meat Solutions	1964 Old Dunbar Road	West Columbia	SC	29172	(706) 922-3900	6/5/2019	Meat Processing; Poultry Processing	
M86C+P86C	Cargill Meat Solutions	1529 E. 23rd Street	Columbus	NE	68601	(402) 563-7700	8/4/2016	Meat Processing; Poultry Processing	
M86F+P86F+V86F	Cargill Meat Solutions	1301 Northpark Drive	Fort Worth	TX	76102	(817) 886-7614	11/5/2019	Certification - Export; Meat Processing; Poultry Processing	
M86J+P7117	Cargill Meat Solutions	2601 Industrial Road	Nebraska City	NE	68123	(402) 873-8416	6/22/2010	Meat Processing; Poultry Processing	Cargill Meat Solutions, Cargill Turkey & Cooked Meats, Emmpak, Excel Corp.

M86K	Cargill Meat Solutions	3201 East Trail Street	Dodge City	KS	67801	(620) 225-2610	8/8/2018	Meat Processing; Meat Slaughter	Excel Corporation
M86M	Cargill Meat Solutions	490 Road 9	Schuyler	NE	68661	(402) 352-5411	3/13/2019	Meat Processing; Meat Slaughter	
M86R	Cargill Meat Solutions	1505 East Burlington Avenue	Fort Morgan	CO	80701	(970) 867-8223	3/22/2019	Meat Processing; Meat Slaughter	
M86X+P86X	Cargill Meat Solutions	300 West 1st Street North	Wichita	KS	67202	(316) 858-5100	5/21/2019	Meat Processing; Poultry Processing	Cargill, Cargill Meat Solutions
M9400+P9400	Cargill Meat Solutions	1252 Route 706	Wyalusing	PA	18853	(570) 746-3000	4/12/2019	Meat Processing; Meat Slaughter; Poultry Processing	Cargill Regional Beef
P961	Cargill Meat Solutions	1001 East Smith Street	California	MO	65018	(573) 796-2123	4/2/2019	Poultry Processing; Poultry Slaughter	Cargill Turkey Products, Cargill Value Added Meats, Excel Corporation
P18	CARGILL MEAT SOLUTIONS	135 Huffman Drive	Dayton	VA	22821	(540) 879-2521	3/8/2019	Poultry Processing; Poultry Slaughter	Cargill Meat Solutions, Cargill Turkey and Cooked Meats, CARGILL VALUE ADDED MEATS
M20654+P20654	Cargill Meat Solutions Corporation	234 S. Emmber Lane	Milwaukee	WI	53233	(414) 645-6500	4/12/2019	Meat Processing; Poultry Processing	
M86E	Cargill Meat Solutions Corporation	1530 US Highway 60	Friona	TX	79035	(806) 295-3201	3/16/2018	Meat Processing; Meat Slaughter	Cargill Beef, Cargill Protein, Excel Corporation, MBPXL, XL
M86G+P86G	Cargill Meat Solutions Corporation	33 Dart Road	Newnan	GA	30265	(770) 252-5000	8/29/2004	Meat Processing; Poultry Processing	Cargill Meat Solutions Corporation, Excel Case Ready, Excel Corporation
M924A+P5758	Cargill Meat Solutions Corporation	4700 N. 132nd Street	Butler	WI	53007	(262) 781-2400	4/12/2019	Meat Processing; Poultry Processing	Cargill Value Added Meats
V18A	Cargill Meat Solutions Corporation	5688 South Valley Pike	Mt. Crawford	VA	22841	(540) 437-8000	6/26/2018	Certification - Export; Food Inspection; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	

M511+P7935	Cargill Value Added Meats	480 Co-op Drive	Timberville	VA	22853	(540) 896-7041	2/13/2018	Meat Processing; Poultry Processing	Cargill Value Added Meat
V1067	Cargo International Consolidators Inc.	2351 NW 121st Court Suite 115	Miami	FL	33182	(305) 591-8882	10/10/2019	Certification - Export; Identification - Meat; Identification - Poultry	
M46849+P46849	Caribbean Breeze Frozen Foods Corp.	207 Hanover Street	Pemberton	NJ	08086	(609) 894-2207	7/14/2014	Meat Processing; Poultry Processing	
M46089+P46089+V46089	Caribbean Crescent	1430 Desoto Road	Baltimore	MD	21230	(410) 636-3002	4/6/2017	Certification - Export; Meat Processing; Poultry Processing	Caribbean Crescent Inc., Quality Ethnic Foods Inc.
M4008+P4008	Caribbean Food Delights	117 Route 303	Tappan	NY	10983	(845) 398-3000	2/6/1997	Meat Processing; Poultry Processing	
M44065	Caribbean Snacks & More	100 State Road 192 km 0.5	Naguabo	PR	00718	(787) 685-8794	11/6/2017	Meat Processing	Filler
M2606A+P2606A	Carla's Pasta, Inc.	50 Talbot Lane	South Windsor	CT	06071	(860) 436-4042	6/6/2018	Meat Processing; Poultry Processing	
M1014+P513	Carl Buddig and Co	50 W Taft Drive	South Holland	IL	60473	(708) 339-7300	12/10/2008	Meat Processing; Poultry Processing	CBC, Inc
M2516+P2516	Carl Buddig and Company	2125 Rochester Drive	Montgomery	IL	60538	(708) 798-0900	7/17/2018	Meat Processing; Poultry Processing	
V1014	Carl Buddig and Company	215 45th St.	Munster	IN	46321	(219) 924-3026	4/18/2014	Certification - Export; Identification - Meat; Identification - Poultry	
M1014B+P513B	Carl Buddig & Company	16615 S. Vincennes	South Holland	IL	60473	(708) 798-0900	12/10/2008	Meat Processing; Poultry Processing	CBC, Inc
M18355+P18355	Carle's Bratwurst, Inc.	1210 East Mansfiled St.	Bucyrus	OH	44820	(419) 562-7741	11/3/1994	Meat Processing; Poultry Processing	

M27256+P27256	Carlie C's Operation Center, Inc.	3695 US 301 NORTH	Dunn	NC	28334	(910) 892-4124	12/3/2015	Meat Processing; Poultry Processing	Carlie C. McLamb Meats, Uncle Bob's Meats
M6006+P6006	Carlotta's Kitchen LLC	847 E 18th Street	Tucson	AZ	85719	(520) 903-1922	8/17/2015	Meat Processing; Poultry Processing	
P5367	Carl's Boned Chicken, Inc.	208 Food Terminal Plaza	New Haven	CT	06511	(203) 777-9048	8/8/2018	Poultry Processing	
M2166+P2166	Carl Streit & Son Co.	703 Atkins Avenue	Neptune	NJ	07753	(732) 775-0803	5/29/2013	Meat Processing; Poultry Processing	Boardwalk Sausage, Inc, Streits's Best, Inc.
M9228+P9228+V9228	Carlton Packing Company	10600 NW Westside Road	Carlton	OR	97111	(503) 852-7166	11/2/1995	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Carlton Farms
M9693	Carl Venezia Meats	1007 Germantown Pike	Plymouth Meeting	PA	19462	(610) 239-6750	2/15/2001	Meat Processing	
M7714+V7714	Carmine Lonardo's Inc.	7585 W. Florida Avenue	Lakewood	CO	80232	(303) 985-3555	9/19/2017	Identification - Meat; Meat Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Processing - Rabbit	
M46064	Carmine's Frozen Pizza, LLC	16 Main Street	Durham	CT	06422	(860) 349-5411	11/20/2017	Meat Processing	
M51337+P51337	Carniceria Camacho	4420 S. 6th Avenue	Tucson	AZ	85714	(520) 889-0066	6/18/2018	Meat Processing; Poultry Processing	
M45476	Carniceria Colima	2303 N. Chestnut	Fresno	CA	93703	(559) 255-5166	7/18/2018	Meat Processing	
M45742	Carnivore Meat Company LLC	230 Franklin Road 12F	Franklin	TN	37064	(615) 614-3134	11/19/2015	Meat Processing	

M20029+P20029	Carolina Catering dba Sky Caterers, Inc.	Sector Central Road #150 Muniz Aereal Base, C.A.F Building	Carolina	PR	00979	(787) 253-0129	10/7/2016	Meat Processing; Poultry Processing	Sky Caterers, Inc.
M6645+P6645	Carolina Fresh Foods	159 N. Chase St.	Florence	SC	29501	(843) 667-0096	12/5/2018	Meat Processing; Poultry Processing	Carolina Fresh Foods
M19836+P19836	Carolina Packers, Inc.	2999 South Bright Leaf Blvd.	Smithfield	NC	27577	(919) 934-2181	5/16/2011	Meat Processing	
I87	Carson Guam Corporation	5164-2-R1 B21 Bldg 100, 102, 104 Guerrero Street	Tamuning	GU	96931	(671) 646-0881	4/5/2019		
M20790+P20790	Carso's Pasta Company	5530 - 208th Street SW	Lynnwood	WA	98036	(425) 670-1302	8/25/1999	Meat Processing; Poultry Processing	
M34416+P34416+V34416	Casa Blanca Santa Fe, LLC	39 Eliza Rd	Santa Fe	NM	87505	(505) 930-0418	1/7/2013	Meat Processing; Voluntary Processing - Exotic	
M20477+P20477	Casa Di Carfagna	3518 Johnny Appleseed Ln.	Columbus	OH	43231	(614) 469-1103	11/5/2012	Meat Processing; Poultry Processing	
M39941+P39941	Casanova Market Inc.	422 Great East Neck Road	West Babylon	NY	11704	(631) 789-5130	4/20/2009	Meat Processing; Poultry Processing	
M7650+P7650+V7650	Cascade Wholesale Meats	2400 9th Ave. N.	Great Falls	MT	59401	(406) 452-8513	1/29/1996	Meat Processing; Poultry Processing; Voluntary Processing - Poultry	
M17428+P17428	Cascioppo Meats	13613 NE 126th Pl NE Suite 310	Kirkland	WA	98034	(206) 784-6121	6/14/2017	Meat Processing; Poultry Processing	G&P Meat's
P19128	Case Farms of North Carolina, Inc.	330 Pecan Road	Dudley	NC	28333	(919) 735-5010	3/5/2003	Poultry Processing; Poultry Slaughter	Case Farms
P15724	Case Farms of Ohio, Inc	1818 County Road 160 PO Box 185	Winesburg	OH	44690	(330) 359-7141	3/21/2011	Poultry Processing; Poultry Slaughter	Poultry Processing, Walnut Creek

P44826	Case Farms Processing, Inc	1925 30th St. NE	Canton	OH	44705	(234) 521-7301	3/16/2012	Poultry Processing; Poultry Slaughter	
P419	Case Farms Processing, Inc.	121 Rand Street	Morganton	NC	28655	(828) 438-6900	11/23/2009	Poultry Processing; Poultry Slaughter	
M185	Case Pork Roll Company Inc.	644 Washington Street P.O. Box 33019	Trenton	NJ	08629	(609) 396-8171	5/7/2009	Meat Processing	
M10822+P10822	Casi di Pasta, Inc.	210 Albemarle St.	Baltimore	MD	21202	(410) 539-5383	11/13/2008	Meat Processing; Poultry Processing	
M3384+V3384	Casing Associates LLC	1120 Close Avenue	Bronx	NY	10472	(718) 842-7151	3/22/2011	Certification - Export	
M54254+P54254	Cassava Bread LLC	3929 N. Central Park Ave.	Chicago	IL	60618	(872) 242-7088	1/11/2019	Meat Processing; Poultry Processing	
M7611+P7611+V7611	Casselton Cold Storage Inc.	52 Langer Avenue North	Casselton	ND	58012	(701) 347-4781	12/15/2016	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M8477	Cassinelli Food Products, Inc.	31-12 23rd Avenue	Astoria	NY	11105	(718) 274-4881	4/2/2015	Meat Processing	
V45194	Castelo Cold Storage LLC	10321 Keystone Drive	Pharr	TX	78577	(956) 223-4696	5/14/2013	Certification - Export; Identification - Meat; Identification - Poultry	
M7697+P7697+V7697	Castle Rock Meats, Inc.	707 E. 50th Avenue	Denver	CO	80216	(303) 292-0855	5/29/2002	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M21094+P21094	Castro Foods Wholesale, Inc	4647 South Archer Avenue	Chicago	IL	60632	(773) 376-8054	3/9/2016	Meat Processing; Poultry Processing	La Guadalupana Wholesale Co., Inc.
M8337+P8337	Catalina Finer Food Corp.	4709 N. Lauber Way	Tampa	FL	33614	(813) 876-3910	8/24/2018	Meat Processing; Poultry Processing	

M1809+P1809+I1809	Catelli Brothers Inc.	50 Ferry Avenue	Collingswood	NJ	08103	(609) 869-9293	4/5/2012	Meat Processing; Poultry Processing	
M13444+P13444	Cathay Foods Co.	207 Nagle Street	Houston	TX	77003	(713) 222-0402	7/20/2004	Meat Processing; Poultry Processing	
M46637+P46637	Catskill Food Company LLC	53 Main Street	Delhi	NY	13753	(607) 746-8886	6/3/2019	Meat Processing; Poultry Processing	
M21854+P21854	Cattaneo BBQ Service	6255 Edna Road	San Luis Obispo	CA	93401	(805) 541-6447	3/11/2002	Meat Processing	Ray's Own Brand
M2853+P2853	Cattaneo Bros, Inc.	769 Caudill Street	San Luis Obispo	CA	93401	(805) 543-7188	2/4/2009	Meat Processing	
M45953+P45953	Cauldron Investment Group, LLC	2256 Odell Road Suite 101	Blaine	WA	98230	(360) 671-1098	10/31/2018	Meat Processing; Poultry Processing	Cauldron Broths
M45458	Caver Meats	10647 Kelsey Road West	Clyde	NY	14433	(315) 923-2040	2/2/2016	Meat Processing; Meat Slaughter	
M675	Caviness Beef Packers, Ltd.	3255 U.S. Highway 60 PO Box 790	Hereford	TX	79045	(806) 357-2339	7/15/2005	Meat Processing; Meat Slaughter	Caviness Packing Company
M7282	Caviness Beef Packers, Ltd.	4206 Amarillo Blvd. East	Amarillo	TX	79107	(806) 372-5781	6/5/2002	Meat Processing	Palo Duro Meat Processing
M46771	Cavo Greco Foods	532 East Meadow Avenue	East Meadow	NY	11554	(516) 424-5181	2/18/2020	Meat Processing	
M39932+P39932	CB Foods Inc.	566 Monterey Pass Road	Monterey Park	CA	91754	(626) 284-1328	4/20/2017	Meat Processing; Poultry Processing	
I604	CBQ, LLC (DBA Carl Buddig and Company)	15600 S. Wentworth Avenue	South Holland	IL	60473	(708) 333-3900	3/21/2018	Imported Product	Butcher's Prime, Carl Buddig and Company, Inc., CBC, Inc., Newport Meats, Rupari Foods, Zoll Foods
M6835+P6835	CBQ, LLC (DBA Carl Buddig and Company)	15600 S. Wentworth Avenue	South Holland	IL	60473	(708) 333-3900	3/21/2018	Meat Processing; Poultry Processing	Butcher's Prime, Carl Buddig and Company, Inc., CBC, Inc., Newport Meats, Rupari Foods
M44797+P44797+V44797	ccb Packaging, Inc.	1905 North Center Rd	Hiawatha	IA	52233	(319) 378-0114	8/18/2014	Identification - Meat; Identification - Poultry	
M18494+P18494	C&C Meat Sales, Inc.	475 Commerce Dr.	Upper Marlboro	MD	20772	(301) 249-8800	4/10/2010	Meat Processing; Poultry Processing	

M21494+P21494	CCP Poultry & Meat Corp.	4755 East 49th Street	Vernon	CA	90058	(323) 833-6676	12/14/2016	Meat Processing; Poultry Processing	
V51259	CDI - Customized Distr bution, LLC	5545 Shawland Road	Jacksonville	FL	32254	(904) 783-6120		Certification - Export; Identification - Meat; Identification - Poultry	
M293+P293	Cedar Creek Beef Jerky L.L.C.	3115 S. 331 Rd.	El dorado Springs	MO	64744	(417) 876-5687	11/9/2010	Meat Processing	
M44058+P44058	Cedarlane Natural Foods, Inc.	1135 E. Artesia Boulevard	Carson	CA	90746	(310) 886-7720	9/13/2012	Meat Processing; Poultry Processing	Frankly Fresh
M45800+P45800	Cedarlane Natural Foods, Inc.	717 E. Artesia Blvd.	Carson	CA	90746	(310) 886-7720		Meat Processing; Poultry Processing	
M51201+P51201	Cedarlane Natural Foods, Inc.	1123 E. Walnut Street	Carson	CA	90746	(310) 886-7720	6/9/2017	Meat Processing; Poultry Processing	Frankly Fresh
M3254+P3254+V3254	Cedar Valley Services	2111 NW 4th St.	Austin	MN	55912	(507) 433-2303	5/1/1997	Identification - Meat; Identification - Poultry	
V31534	Cedar Valley Services, Inc.	2205 Meyers Road	Albert Lea	MN	56007	(507) 377-9862	7/8/2003	Identification - Meat; Identification - Poultry	
M51315A+P51315A	CE Kitchen LLC	417 Raleigh Street	Wilmington	NC	28412	(217) 851-9371	6/12/2019	Meat Processing; Poultry Processing	
I116	Celebrity Foods Division of Atalanta Corporation	1 Atalanta Plaza	Elizabeth	NJ	07206	(908) 351-8000	2/14/2006	Imported Product	
M46300	Center for Advancement of Meat Production and Processing	19087 South Frontage Road	Iowa	LA	70647	(337) 588-5008	7/18/2013	Meat Processing; Meat Slaughter	
G31538	Center Fresh Egg Farm L.L.P.	4135 Garfield Ave.	Sioux Center	IA	51250	(712) 722-4265	8/2/2005	Egg Product	
M33843+P33843	Center Road Enterprises	139 Center Road	Eagle Bridge	NY	12057	(518) 677-2702	11/25/2009	Meat Processing; Meat Slaughter	Eagle Bridge Custom Meat & Smokehouse

V45384	Central Cold Storage Inc.	13526 Blackie Road	Castroville	CA	95012	(831) 761-7584	12/26/2017	Certification - Export; Identification - Meat; Identification - Poultry	
M686	Central Falls Provisions Co., Inc.	847 High St	Central Falls	RI	02863	(401) 725-7020	3/15/2017	Meat Processing	
M20446+P20446+V20446	Central Illinois Poultry Processing LLC	119 N CR 000 East	Arthur	IL	61911	(217) 543-2937	4/23/2019	Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing; Poultry Slaughter; Voluntary Processing - Poultry; Voluntary Processing - Rabbit; Voluntary Slaughter - Poultry; Voluntary Slaughter - Rabbit	
M27257+P27257+V27257	Central KY Custom Meats, Inc.	6256 KY 1859	Liberty	KY	42539	(606) 787-4851	8/7/2009	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry	
M6149+P6149+V6149	Central Meat and Provision Co	1603 National Ave	San Diego	CA	92113	(619) 239-1391	2/20/2014	Certification - Export; Meat Processing; Poultry Processing	
M8496	Central Meat Packing	1120 Kempsville Road	Chesapeake	VA	23320	(757) 547-2161	8/27/1998	Meat Processing; Meat Slaughter	

M20672+P20672	Central Meat Processors, Inc.	Municipal Road #1 Bo. Montellano KM 56.2	Cayey	PR	00736	(787) 738-4261	5/20/2011	Meat Processing; Poultry Processing	America's Fresh Foods Inc.
M7631+P7631+V7631	Central Meat & Provisions	13564 Central Ave.	Chino	CA	91710	(909) 627-1997	7/19/1988	Certification - Export; Identification - Meat; Meat Processing; Poultry Processing	Central Meat Provisions
M45928+P45928	Central Missouri Meat & Sausage	5009 Pendergras Road	Fulton	MO	65251	(573) 592-4886	2/12/2018	Meat Processing; Meat Slaughter; Poultry Processing	
M27493+P27493+V27493	Central Oregon Butcher Boys	2525 NW Ritches Lane	Prineville	OR	97754	(541) 447-0334	9/2/2003	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Oregon Canard Farms
M46658+P46658	Central Protein Provisioners	1051 Garrett Parkway	Lewisburg	TN	37091	(931) 288-8050	9/23/2019	Meat Processing; Poultry Processing	
M9168	Central Snacks, Inc.	1700 North Pearl Street	Carthage	MS	39051	(601) 267-3112	4/6/2020	Meat Processing	Central Snacks, Dirty South BBQ, Dixon Skins, Dixon's Pork Skins, Dixon's/Central, Killingsworth Country Pork Skins, Porkins
V3860	Central Storage and Warehouse Co., Inc.	2650 Fortune Drive	Eau Claire	WI	54703	(715) 874-2951	3/3/2009	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	

M17354+P17354+V17354	Central Storage & Warehouse Co	4309 Cottage Grove Road	Madison	WI	53716	(608) 221-7600	2/20/2009	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V44199	Central Storage & Warehouse Co.	7800 95th St.	Pleasant Prairie	WI	53158	(262) 947-7800	6/4/2019	Certification - Export; Off-Premise Freezing Egg Products; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M6063A	Central Valley Meat Co., Inc.	10431 8 3/4 Ave.	Hanford	CA	93230	(559) 583-9624	6/20/2002	Meat Processing; Meat Slaughter	
G900	Centrum Valley Farms L.L.P.	2865 310th St.	Dows	IA	50071	(515) 852-3217	7/9/2015	Egg Product	
M8536+P8536	Century Frozen Foods, LLC	Marginal Baldorioty de Castro Lot #4 Sabana Abajo Industrial Park	Carolina	PR	00984	(787) 876-9191	8/19/2015	Meat Processing; Poultry Processing	Productos Kikuet
M45455+P45455	Century Harvest Farms Foundation	7085 Morgonton Road	Greenback	TN	37742	(865) 229-2164	4/27/2018	Meat Processing; Poultry Processing	Century Harvest Farms
M40256+P40256	Century Oak Packing Company	9970 Lonely Lane NE	Mount Angel	OR	97362	(503) 845-4055	7/2/2018	Meat Processing; Poultry Processing	Kluft Provisions, Lonely Lane Farm
M6707+P7375	Century Packing Corp.	Las Piedras Sur Industrial Park Montones Ward #9938 Road, St. A Lot #2	Las Piedras	PR	00771	(787) 716-2555	6/18/2014	Meat Processing; Poultry Processing	Carmela Sausages, Salchichas Carmela
M31932+P31932	Certified Meat Products	4586 E. Commerce	Fresno	CA	93725	(559) 256-1433	5/20/2019	Meat Processing; Poultry Processing	

V21053	Cervantes Distr butor Inc.	531 Clara Nofal Road Suite 100	Calexico	CA	92231	(760) 357-1614	6/2/2017	Certification - Export; Identification - Meat; Identification - Poultry	
M5073+P5073	Cesina Sausage Co.	1332 Kennedy Boulevard	Aliquippa	PA	15001	(724) 375-2450	10/16/2017	Meat Processing; Poultry Processing	
M6699	CFCM "DBA" Hobe's Country Hams, Inc.	215 Elledge Mill Road	North Wi kesboro	NC	28659	(336) 304-3120	11/18/2019	Meat Processing	Hobe's Country Hams
M7303A	CFCM, LLC	487 Maysville Rd.	Scottsville	KY	42164	(270) 622-4168	3/1/2019	Meat Processing	Burger's Ozark Country Cured Hams, Inc, Clifty Farm Country Hams, Clifty Farms Country Meats LLC
M7303+P7303	CFCM, LLC	1500 Hwy 641 South	Paris	TN	38242	(901) 642-9740	2/20/2019	Meat Processing	Clifty Farm Country Meats
M46307+P46307	CF Co-Packing, LLC	62 Genesee Street	Greene	NY	13778	(607) 316-2242	9/6/2018	Meat Processing; Poultry Processing	
M2073+P2073+V2073	C&F Packing Company	515 Park Ave.	Lake Villa	IL	60046	(847) 245-2000	1/24/1986	Certification - Export; Meat Processing; Poultry Processing	Arco Brand Sausage
M18035+P18035	Chair City Meats Inc.	281 Pleasant Street	Gardner	MA	01440	(978) 632-8466	12/10/2013	Meat Processing	
M7916+P7916	Chairman's Foods LLC	1725 Elm Hill Pike	Nashville	TN	37210	(615) 231-4315	5/7/2018	Meat Processing; Poultry Processing	
M9200+P9200+V9200	Chalet Market Inc.	6410 Jackrabbit Lane	Belgrade	MT	59714	(406) 388-4687	5/24/1996	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry	
M17751+P17751	Chamblee Meats & Supplies	5634-A New Peachtree Road	Chamblee	GA	30341	(770) 936-9333	5/25/2012	Meat Processing; Poultry Processing	

M40381+P40381+V40381	Champion Foods LLC	23900 Bell Road	New Boston	MI	48164	(734) 753-3663	9/26/2012	Animal Foods Inspection; Certification - Export; Meat Processing	
M21393+P21393	Champion Gourmet Products	260 Clary Ave	San Gabriel	CA	91776	(626) 285-9851	1/21/2003	Meat Processing; Poultry Processing	
M15707+P15707	Champion Pizza	9910 N. Main Street	Hebron	IL	60034	(815) 648-2725	9/25/2015	Meat Processing; Poultry Processing	
M8547+V8547	Champlain Beef Company Inc.	9679 State Route 4	Whitehall	NY	12887	(518) 499-1895	9/21/2017	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M21436+P21436	Champ Meatball Company Inc.	12403 Slauson Ave. #D	Whittier	CA	90606	(562) 693-7836	8/17/2015	Meat Processing; Poultry Processing	
M46783	Chan & Chan (USA) Inc.	2320 Ave A	Bethlehem	PA	18017	(610) 419-3939	1/13/2020	Meat Processing	
M2615+P2615	Chandler Foods, Inc.	2727 Immanuel Road	Greensboro	NC	27407	(336) 299-1934	5/23/2008	Meat Processing; Poultry Processing	
M31350+P31788	Chang Tuh Corporation	1965 Claxter Road NE	Salem	OR	97303	(503) 393-3401	4/12/2018	Meat Processing; Poultry Processing	
M51305	Channel Fish Processing Co., Inc.	200 Commerce Drive	Braintree	MA	02184	(617) 464-3366	12/3/2018	Meat Processing	
M46061	Chao Siam LLC	94-226 Leoku St. #13	Waipahu	HI	96797	(808) 498-9485	2/24/2017	Meat Processing	
M21614+P21614	Chaparro's Tamales	325 W 1300 N	Sunset	UT	84015	(801) 525-1111	5/5/2003	Meat Processing; Poultry Processing	
M13551+P13551	Chappell Hill Sausage Company	4255 Sausage Lane	Chappell Hill	TX	77426	(979) 836-5830	6/29/2006	Meat Processing; Poultry Processing	
M20770+P20770	Charles Austin Holdings, LLC	1801 South Canal St.	Chicago	IL	60616	(312) 978-4666	3/30/2017	Meat Processing; Poultry Processing	

M1384+P1384	Charles Ritter, Inc	3333 South 3rd Street	Philadelphia	PA	19148	(215) 320-5000	12/6/2017	Meat Processing; Poultry Processing	
M18263+P18263	Charley & Son's	1591 Murphy Ave.	Atlanta	GA	30310	(404) 366-4442	12/18/2014	Meat Processing; Poultry Processing	Kashawa
M934	Charlie DiMaria & Sons	9531 Beverly Road	Pico Rivera	CA	90660	(562) 908-1089	3/27/2018	Meat Processing; Meat Slaughter	Bro Pack Enterprises, Charlie Pride, E&H, Ent., Hearst Ranch, Manning's Natural Beef
M17596+P17596	Charlie's Meat Market, Inc.	4790 Summer Avenue	Memphis	TN	38122	(901) 683-1192	8/21/2019	Meat Processing; Poultry Processing	
M38458+P38458	Charlie's Produce	9401 King Street	Anchorage	AK	99515	(907) 258-1412	8/13/2009	Meat Processing	
M48269+P48269	Charqui Jerky Co.	130 E. Olentangy St.	Powell	OH	43065	(614) 286-2938	6/1/2017	Meat Processing; Poultry Processing	
M19697+P19697+V19697	Chaudhry Meat Company, Inc.	380 Stock Yard Road	Siler City	NC	27344	(919) 742-9292	6/12/2012	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Processing - Rabbit; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry; Voluntary Slaughter - Rabbit	Chaudhry Halal Meats, Chaudhry Zabihah Meats
M33885+P31851	Chee Foo International Inc	4545 N 43rd Ave	Phoenix	AZ	85031	(623) 939-8889	11/3/2005	Poultry Processing	Chi Hing Food Service Inc
M21551+P21551	Cheese Pleasers Inc.	5364 Glennville Road	Bancroft	WI	54921	(715) 335-6750	4/22/2011	Meat Processing; Poultry Processing	
M45884+P45884	Chef Creations LLC	301 Cash Memorial Blvd.	Forest Park	GA	30297	(404) 403-6060	10/13/2016	Meat Processing; Poultry Processing	State Processors LLC

M46086+P46086	Chef Edwins Soups	49217 HY 30	Westport	OR	97016	(503) 455-2250	3/29/2017	Meat Processing; Poultry Processing	
M13487A+P13487A	Chef John Folse and Company	45270 Chef John Folse Blvd.	Donaldsonville	LA	70346	(225) 473-0100	7/24/2007	Meat Processing; Poultry Processing	
M54260+P54260	Chef Kern's Wholesale LLC	3060 Keith Bridge Road, Suite 8	Cumming	GA	30041	(770) 889-8800	4/22/2019	Meat Processing; Poultry Processing; Poultry Slaughter	
M34290+P34290+V34290	Chef Minute Meals Inc	881 Mountain View Drive	Piney Flats	TN	37686	(423) 926-0092	8/27/2012	Identification - Meat; Identification - Poultry; Meat Processing	
M21424A+P21424A	Chef One Corporation	7 Bushwick Place	Brooklyn	NY	11206	(718) 744-6840	2/27/2018	Meat Processing; Poultry Processing	
M21424+P21424	Chef One Corporation	88B Harrison Place	Brooklyn	NY	11237	(718) 744-6826	2/22/2018	Meat Processing; Poultry Processing	
M5107+P5107	Chef's Choice Cash & Carry Food Distr bution Inc	1051 Utica Avenue	Brooklyn	NY	11203	(718) 342-7800	2/19/2015	Meat Processing; Poultry Processing	
M45415+P45415	Chefs Commissary	6929 Narcoossee Rd. Unit 509	Orlando	FL	32822	(321) 972-4511	1/21/2015	Meat Processing; Poultry Processing	
M4395	Chef's Delight Packing Co, Inc	94 N. 8th Street	Brooklyn	NY	11211	(718) 388-8581	4/5/1993	Meat Processing	
V39926+V39926A	Cheney Bros. Inc.	2061 Dr. Martin Luther King Jr. Blvd.	Riviera Beach	FL	33404	(561) 845-4718	9/20/2017	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Identification - Siluriformes	
M17521+P17521	Cheney OFS, Inc.	3875 Bengert St.	Orlando	FL	32808	(407) 292-3223	12/18/2018	Meat Processing; Poultry Processing	Grand Western Orlando

M7439+P7439	Cheney OFS, Inc.	407 Westcliff Road	Greensboro	NC	27409	(561) 845-4721	2/24/2020	Meat Processing; Poultry Processing	
M20855	Chenoa Locker, Inc.	North Veto St. P.O. Box 31	Chenoa	IL	61726	(815) 945-7323	8/9/2001	Meat Processing; Meat Slaughter	
M38548A+P38548A	Che Pibe Gourmet Products	7360 NW 35 Ave	Miami	FL	33147	(786) 615-8295	6/13/2019	Meat Processing; Poultry Processing	Paparepa Frozen Foods
M2420+P2420	Cher-Make Sausage Company	2915 Calumet Avenue	Manitowoc	WI	54220	(920) 683-5980	1/13/2017	Meat Processing; Poultry Processing	Smoky Valley
M40106	Cherry Meat Company	2830 Ezell Road	Chapel Hill	TN	37034	(615) 476-1149	12/18/2012	Meat Processing; Meat Slaughter	
M24+P18217	Cherry Meat Packers, Inc.	4750 S. California Ave.	Chicago	IL	60632	(773) 927-1200	2/24/1998	Meat Processing; Poultry Processing	Chicago Meat House, Southside Meat Company
M45189+P45189	Chez Dalida	1060 Trowbridge Road	East Lansing	MI	48823	(577) 351-7892	8/25/2014	Meat Processing; Poultry Processing	
M9966+P9966	Chia Hsiung Corp.	348 Myrtle Avenue	Brooklyn	NY	11205	(718) 643-9814	3/12/2013	Meat Processing; Poultry Processing	
M1957A+P1957A	Chicago Meat Authority	1100 W. 48th Street	Chicago	IL	60609	(773) 254-3811	2/5/1990	Meat Processing; Poultry Processing	
M1957+P2057	Chicago Meat Authority	1120 W. 47th Place	Chicago	IL	60609	(312) 254-3811	2/5/1990	Meat Processing; Poultry Processing	
M2536	Chicago Real Estate Opportunities Fund, LLC	3531 N. Elston Ave.	Chicago	IL	60618	(773) 588-2882	11/13/2017	Meat Processing	Eisenberg, Eisenberg Sausage Co., Eisenburg Gourmet Beef Products, Kelly Corn Beef, Kelly Corn Beef Co., Kelly Corn Beef Company of Chicago
M48174	Chicago Seafood & Restaurant Supply Inc.	4433 W 42nd Place	Chicago	IL	60632	(773) 254-4700	9/13/2018	Meat Processing	
M40351	Chicharon Poblano LLC	14-16 Hobart Street	Passaic	NJ	07055	(973) 930-1021	12/4/2018	Meat Processing	
M31638+P31638	Chicharrones J&J	1301 E. Chestnut Avenue Suite A	Santa Ana	CA	92701	(714) 543-1310	8/24/2006	Meat Processing	

M8347	Chicharrones Pacheco	calle D-305 urb Industrial Minillas	Bayamon	PR	00959	(787) 780-1459	1/14/1977	Meat Processing	
P44817	Chick-A-Ray Poultry & Egg Co., Inc.	24877 Thompson Rd.	Albemarle	NC	28001	(704) 986-6548	2/7/2012	Poultry Processing	
M44149+P44149	Chickasha Meat Company, LLC	2401 County Street 2860	Chickasha	OK	73018	(405) 224-1900	2/3/2012	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
M46486+P46486	Chicken Bites Inc.	2405 S. Hiawassee Rd	Orlando	FL	32835	(407) 985-4285	11/2/2018	Meat Processing; Poultry Processing	Chicken Bites
V46797	Chicken of the Sea	129 North Commerce Drive	Lyons	GA	30436	(912) 526-5108	8/28/2019	Identification - Meat; Identification - Poultry	
M6363	Chicopee Provision Company Inc.	19 Sitarz Ave	Chicopee	MA	01013	(413) 594-4765	3/4/2016	Meat Processing	
M17741	Chieffo's Frozen Foods	406 S. Main St	Niles	OH	44446	(330) 652-1222	6/6/2005	Meat Processing	
V44064	Chihade International, Inc.	1025 Raco Court Suite D	Lawrenceville	GA	30046	(404) 312-3421	1/22/2013	Certification - Export; Identification - Meat; Identification - Poultry	
M9221+P9221+V9221	Childers Meat Company	29476 Airport Road	Eugene	OR	97402	(541) 689-8365	11/2/1995	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M2975+P2975+V2975	Chillicothe Meats LLC	412 Madison St.	Chillcothe	MO	64601	(660) 646-0951	8/19/2012	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M4723	Chinamerica Food Manufacture, Inc.	81A Tyler Street	Boston	MA	02111	(617) 426-1818	3/26/2018	Meat Processing	

M47034+P47034	China United Express	6130 S. Avalon Blvd. Space #124	Los Angeles	CA	90003	(626) 642-6661	11/7/2019	Meat Processing; Poultry Processing	The Better Food Company
M8544+P8544	Chinese Spaghetti Factory	83 Newmarket Square	Boston	MA	02118	(617) 445-7714	6/12/2000	Meat Processing; Poultry Processing	
G45702	Chino Valley Ranchers	331 W. Citris Street	Colton	CA	92324	(909) 264-2200	10/1/2015	Egg Product	Chino Valley Ranchers, Pierce Egg Company
M8957+P8957	Chip Steak & Provision	232 Dewey St.	Mankato	MN	56001	(507) 388-6277	5/16/2018	Meat Processing; Poultry Processing	Elite Steaks & Chops, Meats & More
M9101+P9101	Chirpy's Barbecue	236 Chirpy Road	Bennett	NC	27208	(336) 581-3339	8/28/2015	Meat Processing; Poultry Processing	Chirpy's Barbecue
M34590+P34590	Chisesi Brothers Meat Packing Company	5221 Jefferson Hwy	New Orleans	LA	70123	(504) 822-3550	4/1/2008	Meat Processing; Poultry Processing	
M4831+P4831	C&H Meat Co.	3017 Bandini Blvd.	Vernon	CA	90023	(323) 261-5388	3/16/2006	Meat Processing; Poultry Processing	
M45505+P45505	C&H Meat Company	18911 Lake Chabot Road	Castro Valley	CA	94546	(510) 562-0528	7/29/2015	Meat Processing; Poultry Processing	C&H Meat Company, Mama Cho's BBQ
M45217+P45217	Choice Canning Company Inc.	1075 Oak Street Building #2	PIttston	PA	18640	(570) 569-2662	3/25/2019	Meat Processing; Poultry Processing	Tastee Choice
M5869+P5869	Choice Food Products Inc.	1822 W. Hedges	Fresno	CA	93728	(559) 266-1674	6/3/2016	Meat Processing; Poultry Processing	
M45147+P45147	Choice Products USA	3421 Truax Ct.	Eau Claire	WI	54703	(715) 833-8761	7/22/2013	Meat Processing; Poultry Processing	
M13199+P13199	Chorizo de San Manuel Inc.	36080 North Highway 281	Edinburg	TX	78542	(956) 383-8751	8/18/2011	Meat Processing; Poultry Processing	Valley Institutional Foods Co. (VIFCO)
M40033+P40033	Chorizo Janitzio, Inc.	3600 Pegasus Road Suite 14	Bakersfield	CA	93308	(661) 586-2735	4/17/2012	Meat Processing; Poultry Processing	
M34758	Chorizo Selecto	439 Washington Square	Holland	MI	49423	(616) 405-7729	10/8/2008	Meat Processing	
M4782+P4782	Chow Bros. Whsle Meats Co Inc	5600 First Avenue-Bldg A	Brooklyn	NY	11220	(718) 858-8212	1/22/2003	Meat Processing; Poultry Processing	

M19596+P19596	Christian Aid Ministries	2412 Division Hwy	Ephrata	PA	17522	(717) 354-2434	2/2/2012	Meat Processing; Poultry Processing	
V19596A	Christian Aid Ministries	2412 Division Hwy	Ephrata	PA	17522	(717) 354-2434	9/13/2007	Certification - Export	
M8110+P8110	Chunwei, Inc.	2538 E. 53rd Street	Huntington Park	CA	90255	(323) 588-5180	11/12/2015	Meat Processing; Poultry Processing	
M6264+P6264	Church of Jesus Christ of Latter Day Saints - Harrisville Cannery	250 W. North Street	Harrisville	UT	84404	(801) 399-3721	3/29/2017	Meat Processing; Poultry Processing	
M5486	C&H Veal Co.	77 Goble Street	Newark	NJ	07114	(973) 824-4770	3/4/2002	Meat Processing	Jersey Prime Beef Co.
P21709	Ciales Poultry, Inc.	2141 West Armitage Avenue	Chicago	IL	60647	(773) 278-1118	2/5/2002	Poultry Processing; Poultry Slaughter	
M4376+P4376	C bao Meat Products Inc.	630-634 St. Ann's Avenue	Bronx	NY	10455	(718) 993-5072	4/6/2011	Meat Processing; Poultry Processing	
M4376A+P4376A	C bao Meat Products, Inc.	92 Green Pond Road	Rockaway	NJ	07866	(973) 664-1027	6/12/2018	Meat Processing; Poultry Processing	
M17781+P17781	CieBend Inc.	924 North 165th	Shoreline	WA	98133	(206) 542-6824	2/22/2000	Meat Processing; Poultry Processing	Sea Bend Meat Co.
M5382+P5382	Cifelli & Sons, Inc	4470 Bordentown Ave	Sayreville	NJ	08872	(732) 238-0090	9/24/2015	Meat Processing	
M2460+P2460	Cimpl's, Inc.	1000 Cattle Drive	Yankton	SD	57078	(920) 437-6330	9/25/2018	Meat Processing; Meat Slaughter; Poultry Processing	American Foods Group
M45919+P45919	Circle C Farm Abattoir & Butcher Shop, LLC	951 Morris Taylor Rd. P. O. Box 262	Felda	FL	33930	(239) 287-4032	9/7/2018	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
M46562	Circle J Beef Jerky	3332 Chinquapin Road	Yadkinville	NC	27055	(336) 244-0802	12/19/2018	Meat Processing	
M10237+P10237+V10237	Circle M Meats LLC	13957 South Straits Hwy	Wolverine	MI	49799	(231) 525-8216	11/12/1996	Meat Processing; Poultry Processing; Voluntary Processing - Meat	Circle M Ranch

M17872+P17872+V 17872	Circle Pines Sausage Haus, Inc.	9075 South Highway Drive	Circle Pines	MN	55014	(763) 786-3254	5/1/1997	Meat Processing; Poultry Processing; Voluntary Processing - Exotic	Mark's Meats, Von Hanson's Meats
M9133	Circle R Beef Inc.	6840 Hanging Moss Rd.	Orlando	FL	32807	(407) 677-5944	5/15/2013	Meat Processing	
M45980	Circle S Farms	1445 LaGuardo Road E	Lebanon	TN	37087	(615) 405-6521	11/15/2018	Meat Processing; Meat Slaughter	Circle S Farms
M51244	Circle S Groom Sausage LLC	83 Boradway	Groom	TX	79039	(806) 248-0050	8/18/2016	Meat Processing	
M8428+P8428	City Beef Company Inc	246 N Willow Street	Trenton	NJ	08618	(609) 392-1492	2/25/2016	Meat Processing; Poultry Processing	
M1896+P19689	City Foods, Inc.	4230 South Racine Ave	Chicago	IL	60609	(773) 523-1566	9/10/1996	Meat Processing; Poultry Processing	Bea's Best
M5967+P5967	City Line Distr butors Inc.	20 Industry Drive	West Haven	CT	06516	(203) 931-3707	11/2/2016	Meat Processing; Poultry Processing	
M11164+P11164	City Meat Company of Tampa Inc.	6202 N. Armenia Ave	Tampa	FL	33604	(813) 872-9273	1/28/1998	Meat Processing; Poultry Processing	
M13016+P13016+V 13016	City Meat Steak Co., Inc.	3511 Canal	Houston	TX	77003	(713) 224-6043	7/16/2008	Certification - Export; Meat Processing; Poultry Processing	Universal Beef Products
M46009+P46009	CJ Foods Manufacturing Beaumont Corporation	415 Nicholas Road #100	Beaumont	CA	92223	(714) 367-7200	4/24/2020	Meat Processing; Poultry Processing	
M46007+P46007	CJ Foods Manufacturing Corporation	500 South State College Blvd.	Fullerton	CA	92838	(562) 531-3854	10/25/2013	Meat Processing; Poultry Processing	
M20899+P20899	C&J Tendermeat Co., Inc.	324 E. International Airport Road	Anchorage	AK	99518	(907) 562-2838	7/19/1999	Meat Processing; Poultry Processing	
M46290+P46290	CJ TMI Manufacturing America, LLC	2 Applegate Drive	Robbinsville	NJ	08691	(718) 744-6826	12/7/2017	Meat Processing; Poultry Processing	

M9681+P9681	Clair D Thompson & Son's Inc	404 Allegheny Street	Jersey Shore	PA	17740	(570) 398-1880	12/26/2013	Meat Processing; Poultry Processing	
M46127	Clark Brothers Quality Meats	59016 Hwy. 22 West	Roanoke	AL	36274	(334) 863-7110	3/17/2020	Meat Processing; Meat Slaughter	Fetner LLC dba Clark Bros Quality Meats
M9223+P9223	Clark Meat Science Laboratory	3260 SW Campus Way Oregon State University	Corvallis	OR	97331	(541) 737-1927	2/18/2015	Meat Processing; Meat Slaughter	
M17454+P17454	Clark's Poultry and Seafood	223 Lake Street	Hamburg	NY	14075	(716) 649-4599	6/19/1989	Poultry Processing	
M20647+P20647	Clarmil Manufacturing Corp.	30865 San Clemente Street	Hayward	CA	94544	(510) 476-0700	10/31/2011	Meat Processing; Poultry Processing	Goldilocks
M4820	Claro's Italian Markets, Inc.	1003 E. Valley Blvd	San Gabriel	CA	91776	(818) 280-6707	4/7/1987	Meat Processing	
M21933+P21933+V21933	Classic Delight Inc.	310 S. Park Dr.	St. Marys	OH	45885	(419) 394-7955	1/6/2003	Food Inspection; Meat Processing; Poultry Processing; Voluntary Processing - Poultry; Voluntary Slaughter - Poultry	
M155M	Classic Recipe Chili, Inc.	10592 Taconic Terrace	Cincinnati	OH	45215	(513) 771-1441	4/13/2009	Meat Processing	Empress Chili
M46893	CLASSIC SEAFOOD GROUP, INC.	7178 HIGHWAY 11 SOUTH	AYDEN	NC	28513	(252) 746-2818	6/23/2017	Meat Processing; Meat Slaughter	CAROLINA CLASSIC CATFISH
M325	Clausen Meat Company Inc.	19455 W Clausen Rd.	Turlock	CA	95380	(209) 667-8699	8/1/2012	Meat Processing; Meat Slaughter	Jim Farm Meat, Inc.
M9314+P9314	Claus Meats, Inc.	2300 Cornwall Avenue	Bellingham	WA	98225	(360) 733-4770	1/2/1996	Meat Processing; Poultry Processing	
V46599	Claxton Cold Storage	12319 HWY. 301 S	Statesboro	GA	30458	(912) 259-1045	4/16/2019	Certification - Export; Identification - Meat; Identification - Poultry	
M17135+P17135	Claymont Food Co.	3526 Philadelphia Pike	Claymont	DE	19703	(302) 798-0013	5/12/2005	Meat Processing; Poultry Processing	Claymont Meat Co.

M6699A	Claymore, Inc DBA: Hobe's Country Hams, Inc.	1601 Industrial Drive	Wi kesboro	NC	28697	(336) 667-9121	8/21/2017	Meat Processing	
M45736	Claysburg Pizza Fundraisers	13363 Dunnings Hwy	Claysburg	PA	16625	(814) 312-3666	11/22/2018	Meat Processing	
M51315+P51315	Clean Eatz Kitchen	306 Old Dairy Road	Wilmington	NC	28403	(217) 851-9371	5/14/2019	Meat Processing; Poultry Processing	
M791A+P791A+V791A	Clemens Food Group, LLC	4591 Colebrook Avenue	Emmaus	PA	18049	(215) 368-2500	12/16/2011	Certification - Export; Meat Processing; Poultry Processing	Butcher Wagon, D'Rouco Foods, Hatfield Deli Choice, Hatfield Premium Reserve, Hatfield Quality Meats, Mexi Dog, Nick's Sausage, Prima Porta, Prima Porta by Ferrante Brothers, Red's Legendary
M791C	Clemens Food Group, LLC	572 Newton Road	Coldwater	MI	49036	(517) 278-2500	12/20/2017	Meat Processing; Meat Slaughter	
M791+P791+V791	Clemens Food Group, LLC	2700 Clemens Road	Hatfield	PA	19440	(215) 368-2500	12/1/2014	Certification - Export; Meat Processing; Meat Slaughter; Poultry Processing	Hatfield Quality Meats
M8081	Clem's Custom Cut Meats	181 Virginia Ave.	Lexington	KY	40508	(606) 233-0821	1/14/1972	Meat Processing	Clem's Custom Cut Cattle
M7271+P7271	C & L Foods, Inc.	1802 E. Levee	Dallas	TX	75207	(214) 742-3003	6/2/2015	Meat Processing; Poultry Processing	C & L Foods Inc.
M44193+P44193	Clint & Sons Beef Jerky	107 West 2nd	White Deer	TX	79097	(806) 883-7055	9/9/2016	Meat Processing; Poultry Processing	
M7716+P7716	Clipper Foods	2800 Spring Street	Redwood City	CA	94063	(650) 219-4815	7/10/2012	Meat Processing; Poultry Processing	
V31695	Clougherty Packing Inc.	3163 E. Vernon Avenue	Vernon	CA	90058	(323) 583-4621	5/5/2011	Certification - Export; Identification - Meat; Identification - Poultry; Technical Animal Fats	

M7603+P7603+V7603	Cloverdale Foods Co.	3015 34th Street N.W.	Mandan	ND	58554	(701) 663-9511	10/15/1996	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry	Dakota Kitchens, Inc., Dakota Meats, Inc., T.S. Country Meats, Inc.
M8776	CLS Gourmet CL Saigon Food Company	126 Federal Street	Philadelphia	PA	19147	(215) 389-6646	8/5/2016	Meat Processing	
M34148+P34148	Club House Market, Inc	1018 S.W. 3rd	Oklahoma City	OK	73109	(405) 232-5129	10/15/2008	Meat Processing; Poultry Processing	
M44965+P44965	CLW Foods, LLC	3425 E. Vernon Avenue	Vernon	CA	90058	(323) 231-7777	8/9/2012	Meat Processing; Poultry Processing	
M1434	Clydes Sausage, Inc.	3655 Inca St.	Denver	CO	80211	(303) 433-8744	3/12/2003	Meat Processing	
M45394+P45394	CM & R, Inc.	1766 E. Minnehaha Ave.	St. Paul	MN	55106	(651) 738-3636	4/11/2016	Meat Processing; Poultry Processing	Big Steer Meats
M20326+P20326+V20326	Coastal Pacific Food Distr butors	1015 Performance Drive	Stockton	CA	95206	(209) 983-2454	2/25/2005		
P6519B	Coastal Processing, LLC	1670 FORSTMANN Rd.	Louisville	GA	30434	(912) 764-2700	4/30/2018	Poultry Processing; Poultry Slaughter	
M724	Coast Packing Company	3275 East Vernon Avenue	Vernon	CA	90058	(323) 277-7700	3/2/1993	Meat Processing	
P46213	Cobb Creek Poultry, LLC	143 HCR 3107	Hillsboro	TX	76645	(580) 761-9679	11/27/2018	Poultry Processing; Poultry Slaughter	
M18646+P18646	Coblentz Distr buting, Inc	3850 State Rd 39	Millersburg	OH	44654	(330) 893-3895	6/23/2015	Meat Processing; Poultry Processing	Uncle Mike's
M48276	Coco's Seafood & Fish, LLC	307 Riverside Drive	Simmesport	LA	71369	(318) 941-2307	10/18/2017	Meat Processing	
M9712	Coffaro's Custom Butchering	9280 Route 957	Sugar Grove	PA	16350	(814) 489-7844	12/29/2016	Meat Processing; Meat Slaughter	

V34702	Cold Chain Integrity	2825 Crescent Springs Road	Erlanger	KY	41018	(859) 578-1603	5/28/2008	Certification - Export; Identification - Meat	
V48273	Cold Front Logistics, LLC	623 W Benton Street	Sedalia	MO	65301	(660) 553-5157	6/9/2017	Certification - Export	
M48205+V48205	ColdPoint Logistics Warehouse, LLC	31301 W. 181st. Street	Edgerton	KS	66021	(913) 229-3800	7/18/2017	Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing	
M46123+P46123	Cold Storage Commissary, Inc.	1211 S. 7th St.	Modesto	CA	95351	(209) 338-3663	5/31/2019	Meat Processing; Poultry Processing	La Comisaria Modesto
V46276	Cold Terminal Laredo	602 Union Pacific Blvd.	Laredo	TX	78045	(956) 413-6400		Certification - Cysticercus; Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Identification - Siluriformes	
I97	Cold Terminal of Laredo LLC	602 Union Pacific Blvd.	Laredo	TX	78045	(956) 413-6400	4/29/2020	Imported Product	
M46296+P46296	College Meat Center Inc.	15-25 College Point Road	College Point	NY	11356	(718) 358-6990	6/25/2019	Meat Processing; Poultry Processing	
M8745+P8745	College of the Ozarks	P.O. Box 17	Point Lookout	MO	65726	(417) 334-6411	1/15/2019	Meat Processing; Meat Slaughter; Poultry Processing	
M7353+P7353+V7353	Colorado Boxed Beef Co.	330 N Ingraham Avenue	Lakeland	FL	33801	(863) 967-0636	10/13/2017	Certification - Export; Identification - Meat; Identification - Poultry	
M46270	Colorado Craft Butchers	8600 West 14th Ave. Unit 6	Lakewood	CO	80215	(970) 658-6126	10/26/2017	Meat Processing	

M46045+P46045	Colorado Green Chili, LLC	2250 Bott Ave.	Colorado Springs	CO	80904	(719) 373-1885	6/28/2017	Meat Processing; Poultry Processing	Kings Chef Diner, Rocky Mountain Kitchen
M7748+P7748+V7748	Colorado Homestead Ranches, Inc.	741 W. 5th Street	Delta	CO	81416	(970) 874-1145	11/13/2006	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	Homestead Meats
M45769+P45769	Colorado Native Foods LLC	4825 Lima St	Denver	CO	80239	(303) 731-5536	1/14/2016	Meat Processing; Poultry Processing	
M3219+V3219	Colorado Premium Cold Storage	5120 Race Court	Denver	CO	80216	(303) 291-5555	11/28/2012	Certification - Export; Identification - Meat; Identification - Poultry	
M38468+P38468+V38468	Colorado Premium Foods	5140 Race Court, Unit 1	Denver	CO	80216	(303) 291-5555	1/27/2009	Meat Processing; Voluntary Processing - Meat	K2D Foods, Silver States Meats
M4891+P4891	Colorado Premium Foods	2035 Second Avenue	Greeley	CO	80631	(970) 313-4400	8/11/2006	Meat Processing	K2D Foods
M9202+P9202+V9202	Columbia Empire Meat Co., Inc.	3820 SE Milwaukie Avenue	Portland	OR	97202	(503) 234-9926	2/16/1995	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M7964+P7964	Columbia Meats. Inc.	1140 Carolina Street	West Columbia	SC	29170	(803) 822-8611	12/2/2005	Meat Processing; Poultry Processing	
M7237	Columbia Packing Co., Inc.	2003 Jack McKay Blvd.	Ennis	TX	75119	(214) 460-3468	11/5/2018	Meat Processing	
M34313+P34313	Columbus Manufacturing Inc.	3190 Corporate Place	Hayward	CA	94545	(510) 293-2525	5/31/2018	Meat Processing; Poultry Processing	
M44117+P44117	Columbus Manufacturing Inc.	30977 San Antonio Street	Hayward	CA	94544	(510) 921-3400	5/31/2018	Meat Processing; Poultry Processing	Columbus Manufacturing

M45274	Columbus Vegetables Oils	1757 Winthrop	Des Plaines	IL	60018	(773) 265-6500		Meat Processing	
M20513+P20513	Comeaux's Inc	709 Parkway Dr.	Breaux Bridge	LA	70517	(337) 332-0720	2/24/2020	Meat Processing; Poultry Processing	
M45246	Coming International LLC	5504 Bandera Road, Suite 509	San Antonio	TX	78238	(210) 647-7870	8/4/2017	Meat Processing	
M19268+P19268	Commercial Food Services	3481 S West Temple	Salt Lake City	UT	84115	(801) 269-8099	3/12/2002	Meat Processing; Poultry Processing	
M4873+P4873	Commercial Meats Packaging Co.	1738 Industrial St.	Los Angeles	CA	90021	(213) 622-6997	3/28/1996	Meat Processing; Poultry Processing	
M34332+P34332	Commissary El Gallo	1301 South Sacramento St.	Lodi	CA	95240	(209) 334-2573	11/15/2007	Meat Processing; Poultry Processing	
V34190	Commodity Forwarders Inc.	220 Lawrence Avenue	Lawrence	NY	11559	(516) 239-3300	5/31/2013	Certification - Export; Identification - Meat; Identification - Poultry	
V46004	Commodity Forwarders Inc.	11101 S. La Cienega Boulevard	Los Angeles	CA	90045	(310) 348-8855	1/20/2017	Certification - Export; Identification - Meat; Identification - Poultry	
V51284	Commodity Forwarders Inc.	500 East Touhy Avenue Unit A	Des Plaines	IL	60018	(630) 616-3965	1/31/2017	Certification - Export; Identification - Meat; Identification - Poultry	
M11078+P11078	Commodity Sales Co.	517 Clarence St	Los Angeles	CA	90033	(323) 980-5463	10/6/1995	Meat Processing; Poultry Processing	
M46667+P46667	CommonWealth Kitchen, LLC	196 Quincy Street	Dorchester	MA	02120	(617) 522-7900	8/22/2019	Meat Processing; Poultry Processing	

M45465+P45465+V45465	Common Wealth Poultry Co.	55 Industrial Drive	Gardiner	ME	04345	(207) 737-9710	8/6/2015	Poultry Processing; Poultry Slaughter; Voluntary Processing - Rabbit; Voluntary Slaughter - Rabbit	
M6124+P6124+V6124	Compass Foods, Inc.	6212 Roselle Avenue	Riverbank	CA	95367	(209) 330-3005	4/18/2014	Certification - Export; Meat Processing; Poultry Processing	
M40088+P40088	Compass Group/Canteen	3201 Fulling Mill Road	Middletown	PA	17057	(717) 939-1200	2/18/2019	Meat Processing; Poultry Processing	
M51554+P51554	Compass Group USA, Inc.	685 Atlantis Road	Melbourne	FL	32904	(903) 452-9332	4/23/2019	Meat Processing; Poultry Processing	
M20254+P20254	Computer Times Publishing, Inc.	500 Kuwili St., #100	Honolulu	HI	96817	(808) 531-6671	2/16/2011	Meat Processing; Poultry Processing	Sushi Chef
M18338+P18338	Conagra Brands	801 Dye Mill Road	Troy	OH	45373	(934) 440-2804	5/21/2018	Meat Processing; Poultry Processing	ConAgra Foods, Inc., Duke's Meats Corp., Lightlife Foods
M9132+P9132	Conagra Brands	96 Pinnacle Drive	Jackson	TN	38301	(731) 426-6200	11/4/2008	Meat Processing; Poultry Processing	
V45575	ConAgra Brands	90 Deer Xing	Vonore	TN	37885	(765) 859-1015	10/5/2017	Certification - Export	
M6935+P6935	Conagra Brands (Conagra Foods Packaged Foods LLC)	51221 Industrial Drive	Macomb	MI	48094	(586) 991-9196	12/4/2019	Meat Processing; Poultry Processing	
M140+P91+V140	Conagra Brands, Inc.	901 Stryker St.	Archbold	OH	43502	(419) 446-1214	4/28/2011	Certification - Export; Meat Processing; Poultry Processing	Banquet Food Company, Bar B Foods, Blue Ribbon Flavors, CEI Products, Inc., Chef Boyardee, ConAgra, ConAgra Foods, Inc., ConAgra, Inc.
M44A+P44A	Conagra Brands, Inc.	4551 Squires Road	Quincy	MI	49082	(517) 689-2221	2/22/2018	Meat Processing; Poultry Processing	ConAgra Foods, Inc., Lightlife Foods
M17491+P17491	ConAgra Brands Inc	540 East Broadway	Newport	TN	37821	(423) 625-3222	1/7/2017	Meat Processing; Poultry Processing	

M6544D+P6544D+V6544D	ConAgra Brands, Inc	1655 Old Columbia Road	Dickson	TN	37055	(615) 446-7534	11/3/2011	Meat Processing; Poultry Processing	ConAgra Foods, ConAgra Foods Packaged Foods LLC
M20606+P20606	ConAgra Brands, Inc,	W8880 Country Road X	Darien	WI	53114	(479) 443-3451	7/29/2019	Meat Processing; Poultry Processing	Birds Eye Foods
M1058+P45+V1058	ConAgra Brands, Inc.	1023 S. Fourth Street	Council Bluffs	IA	51503	(712) 322-0203	2/29/2016	Certification - Export; Meat Processing; Poultry Processing	
M1059+P9	ConAgra Brands, Inc.	200 Banquet Drive	Marshall	MO	65340	(660) 886-3301	2/17/2017	Meat Processing; Poultry Processing	
M233+P115+V233	ConAgra Brands, Inc.	3100 East Main Street HWY 64 East	Russellville	AR	72802	(479) 968-2535	6/19/2013	Certification - Export; Meat Processing; Poultry Processing	
M2AD+P4247+V2	ConAgra Brands, Inc.	2467 Henry Ladyn Drive	Fort Madison	IA	52627	(319) 463-7111	7/29/2019	Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	Armour, Brooks, Hartford House, Hungry Man, Nalley's, Pinnacle Foods Grp LLC
M48301+P48301	ConAgra Brands, Inc.	1201 Green Valley Road	Beaver Dam	WI	53916	(920) 887-8401	7/31/2019	Meat Processing; Poultry Processing	
M5505+P107	ConAgra Brands, Inc.	204 Vine Street	Macon	MO	63552	(660) 385-3184	2/12/2018	Meat Processing; Poultry Processing	
M794+P770	ConAgra Brands, Inc.	30 Marr Street	Milton	PA	17847	(570) 742-6620	5/18/2017	Meat Processing; Poultry Processing	

V34676	ConAgra Foods	400 Hwy 73 South	Newport	TN	37821	(423) 623-9976	4/30/2008	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V794A	ConAgra Foods, Inc	594 N Industrial Park Road	Milton	PA	17847	(570) 742-5749	9/12/2008	Certification - Export; Identification - Meat; Identification - Poultry; Voluntary Slaughter - Poultry	
M34355+V34355	Conagra Foods Packaged Foods LLC	1010 Brewbaker	St. Elmo	IL	62458	(217) 690-1288	6/15/2007	Certification - Export; Identification - Meat; Identification - Poultry	Armour Food Products
V46497	Conagra Foods Packaged Foods LLC	1100 W. 15th Street	Fayetteville	AR	72702	(479) 443-3451	7/19/2018	Certification - Export; Identification - Meat; Identification - Poultry	
M31890+P31890+V31890	ConAgra Foods Packaged Foods, LLC	9160 Buffalo Ave.	Rancho Cucamonga	CA	91730	(909) 297-7907	4/10/2014	Certification - Export; Identification - Meat; Identification - Poultry	
M31936+P31936+V31936	ConAgra Foods Packaged Foods, LLC	3660 Deerpark Blvd	Elkton	FL	32033	(904) 417-0957	1/23/2014	Identification - Meat; Identification - Poultry	
M4L+P138+V138	ConAgra Foods Packaged Foods, LLC	1100 West 15th Street	Fayetteville	AR	72701	(479) 443-3451	7/27/2007	Certification - Export; Food Inspection; Meat Processing; Poultry Processing	

V34199	ConAgra Foods Packaged Foods, LLC	4701 Gold Spike	Fort Worth	TX	76106	(817) 210-1618	1/15/2014	Identification - Meat; Identification - Poultry	
V45578	ConAgra Foods Packaged Foods, LLC	3500 West County Rd 0 NS	Frankfort	IN	46041	(765) 859-1000	6/15/2015	Identification - Meat; Identification - Poultry	
M2FR+P2FR+V2FR	ConAgra Product Development Lab	Six ConAgra Drive	Omaha	NE	68102	(402) 240-7819	1/31/2013	Certification - Export; Identification - Meat; Identification - Poultry; Poultry Processing	ConAgra Foods
M46774+P46774+G46774	Condies Foods Inc.	4825 S. Honey Bear Lane	Salt Lake City	UT	84118	(801) 969-1448	6/21/2019	Egg Product; Meat Processing; Poultry Processing	
M6644+P6644	Conecuh Sausage Company Inc.	200 Industrial Park	Evergreen	AL	36401	(251) 578-3380	3/8/1995	Meat Processing; Poultry Processing	
M45843+P45843+V45843	Conger Meat Market, LLC	100 William Ave.	Conger	MN	56020	(507) 265-3340	1/11/2018	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	
M9941+P9941	Connecticut Coffee and Commissary Inc	76 State St	North Haven	CT	06473	(203) 239-6090	4/24/2017	Meat Processing; Poultry Processing	Conn Custom Carte, State Canteen
M46360+P46360	Connie's Pizza	2373 S. Archer Ave.	Chicago	IL	60616	(312) 326-3443	12/3/2019	Meat Processing; Poultry Processing	Giacobbino's Cucina Fresca, LLC
M45776	Consolidated Catfish Producers, LLC	299 South Street	Isola	MS	38754	(662) 962-3101	1/21/2016	Meat Processing; Meat Slaughter	

M15767+P15767	Consumers Packing Co.	1301 Carson Drive	Melrose Park	IL	60160	(708) 345-6780	6/16/2003	Meat Processing; Poultry Processing	
M18969+P18969	Contes Pasta Co., Inc.	310 E. Wheat Rod	Vineland	NJ	08360	(856) 697-3400	5/7/2008	Meat Processing; Poultry Processing	
M21837+P21837+V21837	Contessa Premium Foods	5970 / 5980 Alcoa Avenue	Vernon	CA	90058	(323) 263-5100	4/17/2015	Certification - Export; Meat Processing; Poultry Processing	Vernon Specialty Meats
V45078	Continental Forwarding Services	23852 Mines Road	Laredo	TX	78045	(956) 724-5672	8/4/2017	Certification - Export; Identification - Meat; Identification - Poultry	
V44185	Continental Freightways	12800 NW 113th Court	Miami	FL	33178	(305) 634-5114	5/27/2011	Certification - Export; Identification - Meat; Identification - Poultry	
M6074+P6074	Continental Gourmet Sausage	6406 San Fernando Road	Glendale	CA	91201	(818) 502-1447	8/8/2012	Meat Processing; Poultry Processing	
M6432+P6432+V6432	Continental Sausage, Inc.	911 East 75th Avenue	Denver	CO	80229	(303) 288-9787	2/10/2005	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry	CHARCUTNUVO, Continental Sausage
M15851+P15851	Contract Comestibles LLC	2004 C Beulah Avenue	East Troy	WI	53120	(262) 642-9400	6/28/2012	Meat Processing; Poultry Processing	Stone Bank Foods
M45512	Cookout	3626 Mundy Mill Rd.	Oakwood	GA	30566	(336) 431-1094	12/15/2014	Meat Processing	
M46815	Cook Out, Inc	2601 Randleman Road	Greensboro	NC	27406	(336) 313-5226	11/12/2014	Meat Processing	
M40194	Cook Out, Inc.	1010 South Main Street	Kernersville	NC	27284	(336) 993-4498	3/29/2010	Meat Processing	

P689	Cooks Venture Poultry Jay, Inc.	234 East Dial Street	Jay	OK	74346	(918) 435-1101	8/2/2019	Poultry Processing; Poultry Slaughter	Cooks Venture
M5307A+P5309	Cook's Wholesale Foods Dist. Inc.	119 E. 10th Street	Berwick	PA	18603	(570) 752-4526	8/20/2009	Meat Processing; Poultry Processing	Cook's Foods, Cook's Wholesale Foods Inc., Lee's Foods
M5307B+P5307B	Cook's Wholesale Foods Inc.	1285 Main Street	Swoyersville	PA	18704	(570) 288-6002	4/5/2013	Meat Processing; Poultry Processing	
M5307+P5307	Cook's Wholesale Foods Inc.	500 Sampson Street	Old Forge	PA	18518	(570) 562-1220	7/13/1999	Meat Processing; Poultry Processing	
M48162	Cool Cat	29 Cool Cat Ln	Stewart	TN	37157	(931) 721-2170	8/31/2017	Meat Processing; Meat Slaughter	Cool Cat
V45671	Cool Port Oakland	575 Maritime St.	Oakland	CA	94607	(510) 533-6600	10/26/2018	Certification - Export; Identification - Meat; Identification - Poultry	
M2130+P2130	Cooper Farms Processing	1 Cooper Farms Drive	St. Henry	OH	45883	(419) 678-4853	2/8/2019	Meat Processing; Poultry Processing; Poultry Slaughter	
M18213+P18213+V18213	Cooper Hatchery, Inc.	6793 US 127 N	Van Wert	OH	45891	(419) 238-4056	12/3/2010	Certification - Export; Meat Processing; Poultry Processing	Apple Creek, Apple Knoll, Cooper Farms, Cooper Farms Cooked Meats, Cooper Foods, Cooper Turkey Place, Country Heritage, Dutch Mill, Grandma Cooper's Choice, Mr. Wishbones, River Dale Farms, Spring Meadow Farms, Virgil's
M21539+P21539	Cooper's Country Meat Packers	3330 Hwy. 49 South	Florence	MS	39073	(601) 355-7140	4/12/2005	Meat Processing; Poultry Processing	
M21615+P21615	Cooper's Old Time Pit Bar-B-Que, Inc	505 West Dallas Street	Llano	TX	78643	(325) 247-5995	9/15/2003	Meat Processing; Poultry Processing	
M21538	Cooper-Wilson Inc.	315 Short Street	Beloit	WI	53511	(608) 207-9684	12/12/2008	Meat Processing	Tj's Snack Foods

M6725+P6725+V6725	Copper Cellar Corp	3001 Industrial Pky E	Knoxville	TN	37921	(865) 673-3400	4/6/1987	Food Inspection; Meat Processing; Meat Slaughter; Poultry Processing	
M45992+P45992	Copperroad Smokehouse	220 N. High Street	Wadsworth	OH	44281	(330) 988-4537	7/31/2019	Meat Processing; Poultry Processing	
I54264+V54264	Cordele Food Holdings	201 N. Harris Street	Cordele	GA	31015	(229) 276-0077	3/21/2018	Certification - Export; Identification - Meat; Identification - Poultry	
M46349+P46349	Cordele Food Holdings LLC	201 N.Harris Street	Cordele	GA	31015	(229) 276-0077	2/4/2019	Meat Processing; Poultry Processing	
M1614+P15820	Corfu Foods, Inc	735 Thomas Drive	Bensenville	IL	60106	(630) 595-2510	6/7/2001	Meat Processing; Poultry Processing	A-1 Gyros, Best Gyros Cones - Product of USA, Chicago's Best Gyros, Corfu, Corfu - Tasty, Corfu Foods, Corfu Halal Gyros, Fatima (Zabiha Halal), Gyros USA, Mediterranean Brands - Made in the USA, Omega, Premium - Raw Gyros Strips - IQF, Salonica, Tasty, Zabiha Halal
M18426+P18426	Corky's Food Manufacturing, LP	3006 Fleetbrook Dr.	Memphis	TN	38116	(901) 396-9888	11/18/2019	Meat Processing; Poultry Processing	Corky's Bar-B-Q Inc., El Terrifico LLC
M46526+P46526	Cornell University Department of Animal Science	507 Tower Road	Ithaca	NY	14853	(607) 592-5891	3/18/2019	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
M20949+P20949	Corn Maiden Foods, Inc.	24201 Frampton Ave.	Harbor City	CA	90710	(310) 784-0400	9/11/2019	Meat Processing; Poultry Processing	
M40238+P40238+G40238	Correctional Industries Food Factory	11919 W Sprague	Airway Heights	WA	99001	(509) 244-6700	5/12/2015	Egg Product; Meat Processing; Poultry Processing	
G1253	Cort Acres Breaker Plant	4887 E. County Rd. 800 N	Seymour	IN	47274	(812) 522-3964	5/20/1991	Egg Product	

V39947	Costco Wholesale	3250 Northlake Blvd	Lake Park	FL	33403	(561) 776-3024	8/17/2009	Certification - Export; Identification - Meat; Identification - Poultry	
V891	Costco Wholesale	1873 W. Lantana Rd.	Lantana	FL	33462	(561) 533-0958	7/20/2011	Certification - Export; Identification - Meat; Identification - Poultry	
M18532+P18532	Costco Wholesale Meat Plant	17880 West Schulte Road	Tracy	CA	95377	(209) 221-6200	3/23/2005	Meat Processing; Poultry Processing	
M45009+P45009+G45009	Cottonwood Manufacturing	3220 W Professional Circle	Salt Lake City	UT	84104	(385) 247-4025	9/2/2016	Egg Product; Meat Processing; Poultry Processing	Cottonwood Manufacturing
M2902+P2902	Cougle Commission Company	345 N. Aberdeen Street	Chicago	IL	60607	(312) 666-7861	2/10/2020	Meat Processing; Poultry Processing	
M48249	Country Butcher	5860 Feather River Blvd.	West Linda	CA	95961	(530) 742-0284		Meat Processing	
M34589+P34589	Country Fresh Meats, Inc.	9902 Weston Avenue	Weston	WI	54476	(715) 359-1311	4/17/2018	Meat Processing; Meat Slaughter; Poultry Processing	Country Fresh Meats, Inc.
M19562+P19562	Country Home Processing LLC	657 Illinois RT 15	Albion	IL	62806	(618) 445-3822	4/8/2020	Meat Processing; Meat Slaughter	Langdon Locker LLC
M46732	Country Maid, Inc.	213 4th Avenue NE	West Bend	IA	50597	(515) 207-9636	11/22/2019	Meat Processing	
M5742+P5742	Country Maid, Inc.	1919 South Kinnickinnic Avenue	Milwaukee	WI	53204	(414) 383-3970	1/19/2005	Meat Processing; Poultry Processing	
M17433+P17433	Country Meats, LLC	5750 SW 1st Lane	Ocala	FL	34474	(352) 237-5232	12/4/2019	Meat Processing; Poultry Processing	
M20091+P20091	Country Ranch Food Products	1460 Fieldpark Circle	Marietta	GA	30066	(770) 792-9000	1/26/2000	Meat Processing; Poultry Processing	

M10147+P10147+V 10147	Countryside Quality Meats, L.L.C.	1184 Adolph Road	Union City	MI	49094	(517) 741-4275	1/22/2004	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat; Voluntary Slaughter - Rabbit	Countryside Quality Meats, LLC
M32012	Country Slaughter and Meats	962 Old Cheraw Hwy	Rockingham	NC	28379	(910) 895-0838	6/6/2014	Meat Processing; Meat Slaughter	
M21288+M44228	Country Snacks MFG, Inc.	513 Commerce Drive	Henderson	NC	27537	(252) 433-4644	3/28/2018	Meat Processing	Carolina Country Snacks
M45358+P45358	Countrystyle Meats	2129 Fillmore Ln	Sumner	IL	62466	(618) 936-2103	5/21/2014	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
M15780+P15780	Countryville Farms	205 E. Harnett Street	Mascoutah	IL	62258	(800) 468-3354	7/3/2019	Meat Processing; Poultry Processing	
M6024+P6024	Courage Production, LLC	2475 Courage Dr.	Fairfield	CA	94533	(707) 422-6300	10/1/2018	Meat Processing; Poultry Processing	
M2226	Coursey's Smoked Meats	152 Coursey's Drive	St.Joe	AR	72675	(870) 439-2503	6/9/2011	Meat Processing	
M34699	Cox Butcher Shop	1901 County Road 16	Florence	AL	35633	(256) 766-2051	8/22/2008	Meat Processing; Meat Slaughter	
M34203	Cox Marketing	10150 Pilot Ave	Midland	TX	79706	432563629	3/27/2008	Meat Processing	
M45758+P45758	CP Fresh	9130 15th Pl. So. Suite D	Seattle	WA	98108	(206) 625-1412	2/5/2016	Meat Processing; Poultry Processing	
M32016+P32016	CPK Quality Foods	1630 91st Ave NE, Suite 109	Blaine	MN	55449	(763) 786-7898	5/18/2011	Meat Processing; Poultry Processing	
I2	CPS Distribution Service	51 Elm Street	Woodstown	NJ	08098	(856) 769-4141	1/24/2014	Imported Product	

M34381+P34381	Crabill's Retail & Wholesale Meats, LLC	3149 Riverview Dr	Toms Brook	VA	22660	(540) 436-3248	6/29/2007	Meat Processing; Meat Slaughter	
M46743+P46743	Craftology, LLC dba Dutch Treat Foods	3255 Production Ct.	Zeeland	MI	49464	(616) 886-9457	10/7/2019	Meat Processing; Poultry Processing	
M45904	Crappell's Fish Market LLC	3200 Belleview Front Street	Berwick	LA	70342	(985) 385-5388	4/11/2017	Meat Processing	
M21406	Crawford Sausage Co., Inc.	2310 S. Pulaski Rd.	Chicago	IL	60623	(773) 277-3095	11/22/2000	Meat Processing	
M33973+P33973	Cream Co. LLC	700 Julie Ann Way	Oakland	CA	94621	(510) 449-7154	11/15/2018	Meat Processing; Poultry Processing	
M34581+P34581	Create A Pack Foods, Inc.	W1344 Industrial Drive	Ixonia	WI	53036	(262) 567-6069	11/21/2019	Meat Processing; Poultry Processing	
M7914+P7914+V7914	Creation Gardens, Inc	2055 Nelson Miller Parkway	Louisville	KY	40223	(502) 587-9012	1/2/2015	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry	
M17956+P17956	Creative Culinary Specialties, Inc.	4715 N. Hale Ave.	Tampa	FL	33614	(813) 876-8760	2/10/2020	Meat Processing; Poultry Processing	
M6052+P6052	CREATIVE FOOD PROCESSING	1810 RICHARD AVENUE	SANTA CLARA	CA	95050	(408) 982-9289	2/22/2013	Meat Processing; Poultry Processing	
M7011+P7011	Creative Specialty Food Solutions, LLC	3713 Jensen Drive	Houston	TX	77026	(713) 864-7777	1/14/2013	Meat Processing; Poultry Processing	
M7011A+P7011A+V7011	Creative Specialty Food Solutions, LLC #2	4845 Yale Street	Houston	TX	77018	(713) 492-0059	2/9/2016	Certification - Export; Meat Processing; Poultry Processing	
M27	Creekstone Farms Premium Beef	604 Goff Industrial Park	Arkansas City	KS	67005	(620) 741-3100	11/22/2019	Meat Processing; Meat Slaughter	
M34644	Creminelli Fine Meats	310 Wright Brothers Dr.	Salt Lake City	UT	84116	(801) 428-1820	9/27/2010	Meat Processing	Domestic Meat Company

M13244+P13244	Crescent City Meats	7133 Ivy Street	Metairie	LA	70003	(504) 737-0570	3/7/2019	Meat Processing; Poultry Processing	
P824	Crescent Duck Farm	10 edgar Ave	Aquebogue	NY	11931	(631) 722-8700	4/7/2009	Poultry Processing; Poultry Slaughter	
M20887+P20887	Crescent Foods	4343 West 44th Place	Chicago	IL	60632	(630) 528-3220	10/10/2017	Meat Processing; Poultry Processing	
M40326+P40326+V40326	Crescent Meats and Catering LLC	15332 State Hwy 27	Cadott	WI	54727	(715) 289-3000	5/4/2011	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M18341+P18341	Crescent Prime Cuts Ltd.	1970 New Highway	Farmingdale	NY	11735	(631) 253-0700	3/10/2015	Meat Processing; Poultry Processing	Copelli Finest, Copelli Lamb, Crescent Packing Corp.
M48235+P48235+V48235	Crescent Specialty Foods, LLC	30 Central Avenue	Farmingdale	NY	11735	(631) 545-5960	7/6/2017	Certification - Export; Meat Processing; Poultry Processing	Copelli Finest, Crescent Cold Storage
M21932+P21932+V21932	Cresco Food Technologies, LLC	717 2nd Avenue SE	Cresco	IA	52136	(563) 547-4241	11/13/2007	Certification - Export; Meat Processing; Poultry Processing	
M22095+P22095+V22095	Creston Valley Meats	3280 Calf Canyon	Creston	CA	93432	(805) 835-3172	3/6/2006	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	

M31726+P31726+V31726	Crete Core Ingredients, LLC	2220 County Road I	Crete	NE	68333	(402) 826-2700	4/23/2008	Animal Foods Inspection; Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry	
V31726A	Crete Core Ingredients, LLC	2220 County Road I	Crete	NE	68333	(402) 826-2700	2/24/2014	Animal Foods Inspection; Certification - Export; Identification - Meat; Identification - Poultry; Technical Animal Fats	
V45388	Crew Concierge	3034 NW 25th Avenue	Pompano Beach	FL	33069	(305) 519-3283	4/11/2014	Certification - Export; Identification - Meat; Identification - Poultry	
V18967	Crider Claxton LLC	6424 Hwy 301	Claxton	GA	30417	(912) 739-9800	3/27/2003	Certification - Export; Identification - Meat; Identification - Poultry	
M27424+P27424	Crider, Inc.	1 Plant Avenue	Stillmore	GA	30464	(912) 562-4435	6/27/2003	Meat Processing; Poultry Processing	
M31812+P31812	Crider, Inc.	1 Plant Avenue	Stillmore	GA	30464	(912) 562-4435	7/21/2005	Meat Processing; Poultry Processing	
M6519+P6519	Crider, Inc.	1 Plant Avenue	Stillmore	GA	30464	(912) 562-4435	9/16/2009	Poultry Processing	
V44881	CRISF, Inc.	1607 Ponce de Leon Blvd. Suite 201	Coral Gables	FL	33134	(305) 670-9292	4/5/2012	Certification - Export; Identification - Meat; Identification - Poultry	

M34840+P34840	Crispheart Produce, Inc.	4596 Buttermilk Ct	Hudsonville	MI	49426	(616) 669-9760	2/18/2009	Meat Processing; Poultry Processing	CPI Cold Storage Warehouse and Distribution Center
M46120+P46120	Cristy's Lumpia & More, Inc.	1244 Moore Road	Camano Island	WA	98282	(360) 572-1248	5/2/2017	Meat Processing; Poultry Processing	Cristy's Lumpia & More
M7305+P7305	Critchfield Meats, Inc.	2285 Danforth Dr.	Lexington	KY	40511	(606) 255-6021	1/22/1998	Meat Processing; Poultry Processing	Critchfield Meats Wholesale Division
M6119+P6119	C.R. Meats	994 West MacArthur Blvd.	Oakland	CA	94608	(510) 654-0237	4/16/2002	Meat Processing; Poultry Processing	Manna Foods
M6336+P6336	Crocetti's Oakdale Packing	12 Taylor Avenue	Brockton	MA	02302	(508) 941-0458	6/21/2017	Meat Processing; Poultry Processing	South Shore Meats
M6335+P6335	Crocetti's Oakdale Packing Company, Inc.	378 Pleasant Street	East Bridgewater	MA	02333	(508) 587-0035	6/21/2017	Meat Processing; Poultry Processing	
M4480+P4480	Croghan Meat Market Inc.	9824 St. Hwy. 812	Croghan	NY	13327	(315) 346-6613	4/30/2019	Meat Processing; Poultry Processing	
M19781+P19781	Croissant Etc. Corp.	7195 S 1st Street	Oak Creek WI	WI	53154	(414) 421-5226	7/26/2019	Meat Processing; Poultry Processing	
M51212+P51212+V51212	Crossing Storage Services Inc.	3305 E. Vernon Avenue	Vernon	CA	90058	(323) 968-0011	9/11/2019	Certification - Export; Meat Processing; Poultry Processing	
I46124+V46124	Cross Partners Cold Storage, Inc.	7525 Britannia Park Place	San Diego	CA	92154	(619) 955-7772	9/7/2017	Certification - Export; Identification - Meat; Identification - Poultry; Imported Product	
M20889+P20889	Crown I Enterprises, Inc.	85 Saxon Avenue	Bay Shore	NY	11706	(631) 206-2620	4/19/2011	Meat Processing; Poultry Processing	Cucina Biello, Krazy Cook's Kitchen, Restaurant Row Kitchens, W.B. Stockyard
M18563+P18563	Crown Meat & Provisions Co Inc	599 Williams Rd.	Palm Springs	CA	92264	(619) 778-5566	9/27/2012	Meat Processing; Poultry Processing	

M10114+P10114+V10114	C. Roy, Inc.	444 Roy Drive	Yale	MI	48097	(810) 387-3975	1/25/2002	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
V34292	Cruise Logistics Management Corp.	301 S. Spruce Street	Burlington	WA	98233	(360) 755-1200	4/30/2013	Certification - Export; Identification - Meat; Identification - Poultry	
M46354	Cruse Meat Processing, LLC.	4501 Rimer Road	Concord	NC	28025	(704) 786-8616	4/5/2018	Meat Processing; Meat Slaughter	
M34284+P34284	Cruz Best Foods	Stall #3 James Woo Building, Yigo Plaza North Marine Drive	Yigo	GU	96929	(671) 653-2789	10/23/2014	Meat Processing; Poultry Processing	Cruz Best Foods Food Manufacturing
M9246+P9246+V9246	Crystal Creek Meats	5357 N. Umpqua Hwy	Roseburg	OR	97470	(541) 673-9946	12/13/1995	Certification - Export; Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Slaughter - Meat	
V17626A	Crystal Distribution Services, Inc	1656 Sycamore Street	Waterloo	IA	50703	(319) 234-6606	7/17/2015	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Egg Products; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	

M17626B+P17626B	Crystal Distribution Services, Inc.	1656 Sycamore Street	Waterloo	IA	50703	(319) 234-6606	11/30/2015	Meat Processing; Poultry Processing	
M18294+V18294	Crystal Distribution Services, Inc.	816 Union St.	Marshalltown	IA	50158	(641) 752-1419	10/28/1991	Certification - Export; Identification - Meat; Off-Premise Freezing Egg Products; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V17626	Crystal Distribution Services, Inc.	1432 Sycamore St	Waterloo	IA	50703	(319) 234-6606	12/18/2013	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V3274	Crystal Distribution Services, Inc.	90 Sycamore Street	Waterloo	IA	50704	(319) 234-6606	11/5/1991	Certification - Export; Identification - Meat; Identification - Poultry	
V3537	Crystal Distribution Services, Inc.	633 15th Street S.E.	Mason City	IA	50401	(641) 424-8369	3/30/2018	Certification - Export; Off-Premise Freezing Meat; Off-Premise Freezing - Poultry	
M20845+P20845	Crystal Lake Foods, LLC	320 Commerce St.	York	NE	68467	(402) 362-5988	10/12/2017	Meat Processing; Poultry Processing	
G1602+V1602	Crystal Lake LP	6500 W. Crystal Lake Rd.	Warsaw	IN	46580	(574) 858-2514	9/30/1988	Certification - Export; Egg Product; Voluntary Processing - Egg Products	

M33879	CS2 Ranch Brand Jerky LLC	13637 US Highway 287 North	Grapeland	TX	75844	(936) 687-2547	5/21/2008	Meat Processing	
M630	CS Beef Packers, LLC	17365 South Cole Road	Kuna	ID	83634	(208) 810-7510	1/9/2019	Meat Processing; Meat Slaughter	
M40119	CS Best Food, Inc.	14615 Parthenia Street	Panarama City	CA	91402	(213) 493-2909	12/20/2013	Meat Processing	Jangchung Pyungando Jokbal
M38514+P38514	C & S Poultry	608 Monterey Pass Road	Monterey Park	CA	91754	(626) 318-6998	7/29/2013	Meat Processing; Poultry Processing	
M9892+P9892	CSU - Fresno	Northeast corner of East Barstow and North Woodrow Avenues	Fresno	CA	93740	(559) 278-2697	9/25/2000	Meat Processing; Meat Slaughter; Poultry Processing	
M7301+P7301	C&S Wholesale Meat Co.	973 Confederate Ave SE	Atlanta	GA	30312	(404) 627-3547	4/21/1995	Meat Processing	Dora Dee Products Inc
M18958+V18958	CTH US Inc.	406 East Butler Avenue	Clinton	NC	28329	(910) 214-6885	7/1/2011	Animal Foods Inspection; Food Inspection	
V221A	CTH US INC.	601 NORTH CHURCH STREET	SMITHFIELD	VA	23430	(910) 214-6885	4/14/2016	Certification - Export	
V18079	CTH US, LLC	15855 HIGHWAY 87 WEST	TAR HEEL	NC	28392	(910) 862-5265	6/14/2016	Certification - Export; Certification - Trichinae	
M20375+P20375	CTI Foods LLC	1120 West Foothill Blvd.	Azusa	CA	91702	(626) 633-1609	9/12/2019	Meat Processing; Poultry Processing	
M2069+P712	CTI Foods LLC	400 Drew Court	King Of Prussia	PA	19406	(610) 277-5010	7/22/2019	Meat Processing; Poultry Processing	
M866+P7698+V866	CTI Foods LLC	22303 Highway 95	Wilder	ID	83676	(208) 482-7844	11/25/2011	Meat Processing; Poultry Processing	SSI Food Services LLC
M19085+P19085	CTI Foods LLC.	59 Custom Food Drive	Owingsville	KY	40360	(606) 674-6772	7/16/2019	Meat Processing; Poultry Processing	
M31943B+P31943B	CTI Foods Saginaw, LLC	504 Sansom Boulevard	Saginaw	TX	76179	(817) 869-1090	1/6/2011	Meat Processing; Poultry Processing	Chefco Foods

M20634+P20634	Cucina Della Cucina, LLC.	614 Celis Ave.	San Fernando	CA	91340	(818) 838-2262	5/25/1999	Meat Processing; Poultry Processing	
M4528+P4528	Cudlin's Market	8 Cox Road	Newfield	NY	14867	(607) 564-3443	10/28/2013	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
M18897+P18897	Cueritos and Botanas Coahuila	181 Gentry Street	Pomona	CA	91767	(909) 593-1378	8/29/2005	Meat Processing	
M17422+P17422	Cuisine 20-20 LLC	2211 NW 30th Place	Pompano Beach	FL	33069	(754) 610-0736	8/9/2019	Meat Processing; Poultry Processing	Alfonso Gourmet Pasta
M19486	Cuisine By Constance	61231 MN Hwy 7	Hutchinson	MN	55350	(612) 587-6094	10/7/1996	Meat Processing	Liberty Lamb, Liberty Land & Livestock, The Lamb Shoppe
M32068+P32068	Cuisine Innovations Unlimited, LLC	180 Lehigh Avenue	Lakewood	NJ	08701	(732) 730-9310	2/22/2018	Meat Processing; Poultry Processing	Cuisine Innovations, Delicior
M44919+P44919	Cuisine Solutions, Inc.	22445 Sous Vide Lane	Sterling	VA	20166	(703) 270-2900	1/11/2013	Meat Processing; Poultry Processing	
M17643+P17643+V17643	CUISINE SOLUTIONS INC	4106 WHEELER AVENUE	ALEXANDRIA	VA	22304	(703) 751-8600	3/4/1998	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Vie De France Culinary Corporation
M19839+P19839+V19839	Culinaire, Inc.	1111 W. Exposition Avenue	Denver	CO	80223	(303) 592-9100	3/5/2008	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M20774+P20774	Culinarte Marketing Group, LLC	808 Packerland Drive	Green Bay	WI	54303	(920) 498-3004	5/7/2018	Meat Processing; Poultry Processing	Bonewerks Culinarte
M6009+P6009	Culinary Brands, Inc.	3280 E. 44th Street	Vernon	CA	90058	(626) 289-3000	12/8/2017	Meat Processing; Poultry Processing	
M45310+P45310	Culinary Facilities of Georgia, LLC	3300 Marjan Drive	Atlanta	GA	30340	(404) 920-4150	12/21/2018	Meat Processing; Poultry Processing	

M20117+P20117	Culinary Specialties Inc.	1231 Linda Vista	San Marcos	CA	92069	(760) 722-1955	7/5/2000	Meat Processing; Poultry Processing	
P2028	Culver Duck Farms, Inc.	12215 County Road 10	Middlebury	IN	46540	(574) 825-9537	4/1/2020	Poultry Processing; Poultry Slaughter	
M9410+P9410	Cunningham Meats LLC	81 Cunningham Road	Indiana	PA	15701	(724) 465-8862	6/15/2017	Meat Processing; Meat Slaughter; Poultry Processing	
M34811A+P34811A	Cured by Visconti	1501 N Miller Street	Wenatchee	WA	98801	(509) 888-5018	1/13/2020	Meat Processing; Poultry Processing	Miller Street Kitchen, Miller Street Kitchen & Catering
M34832+P34832	Cured Foods LLC	4 Pine Street Unit #A	Avondale Estates	GA	30002	(404) 296-9672	9/4/2014	Meat Processing; Poultry Processing	
M27486	Curly's Custom Meats	315 N. East. St. P.O. Box 123	Jackson Center	OH	45334	(937) 596-6518	4/13/2017	Meat Processing; Meat Slaughter	
M4390+P4390	Curtis Custom Meat	Route 90 Camden Road	Warren	ME	04864	(207) 273-2574	7/7/2004	Meat Processing; Meat Slaughter; Poultry Processing	
M8302+P8302	Curtis Packing Company	115 Sycamore Street	Tifton	GA	31794	(912) 382-4014	9/2/1997	Meat Processing; Poultry Processing	
M46321+P46321	Curt's Pork Skins	406 Little Vine Church Road	Breman	GA	30110	(404) 312-2469	2/27/2020	Meat Processing; Poultry Processing	
M5806+P5806	Cusack Wholesale Meats	301 SW 12th Street	Oklahoma City	OK	73109	(405) 232-2114	10/20/1999	Meat Processing; Poultry Processing	
M27412+P27412	Custard Stand Food Products	364 Webster Road	Webster Springs	WV	26288	(304) 847-7774	3/13/2003	Meat Processing	
M4121+P4121+V4121	Custom Corned Beef LLC	16500 State Hwy 52	Wiggins	CO	80654	(303) 296-8686	4/7/1993	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M48119+P48119	Custom Craft Poultry	3054 East Main	Batesville	AR	72501	(870) 569-8021	1/31/2020	Meat Processing; Poultry Processing	Batesville Cold Storage
M32123+P32123	Custom Culinary, Inc	35311 Avon Commerce Pkwy	Avon	OH	44011	(440) 695-3101	7/20/2015	Meat Processing; Poultry Processing	DM Foods, Griffith Laboratories

M2016+P1278	Custom Culinary, Inc.	2100 Wiesbrook Drive	Oswego	IL	60543	(630) 299-0500	7/20/2015	Meat Processing; Poultry Processing	Custom Food Products, Griffith Laboratories
M46689+P46689	Custom Cut Solutions	102 Crow St.	Albertville	AL	35950	(256) 660-2369	5/2/2019	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
M12641+P12641	Custom Foods of America Inc	3600 Pleasant Ridge Rd.	Knoxville	TN	37921	(423) 525-0401	5/16/2019	Meat Processing; Poultry Processing	
M17891+P17891+V17891	Custom Food Solutions	2505 Data Drive	Louisville	KY	40299	(502) 671-6966	2/13/2012	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry	
V20055	Customized Distr bution Services	700 Nestle Way	Breinigsville	PA	18031	(610) 336-0500	10/29/1997	Identification - Meat; Identification - Poultry	
M4121A+P4121A+V4121A	Custom Made Meals	5575 Logan Ct.	Denver	CO	80216	(303) 296-8686	5/16/2011	Meat Processing; Poultry Processing; Voluntary Processing - Meat	Dale Easton
M34283+P34283+V34283	Custom Meats of Marathon, Inc.	1300 Hwy 107 South	Marathon	WI	54448	(715) 443-3734	5/31/2007	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	

M5650+P5650+V5650	Custom Pack Inc.	601 West J. Street	Hastings	NE	68901	(402) 462-2532	2/17/1994	Identification - Meat; Identification - Poultry; Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	Biehl Beef Company, King Canyon Buffalo
M20129	Custom Quality Packers, LLC	3571 Friday Rd.	Sims	NC	27880	(252) 235-3558	3/22/2012	Meat Processing; Meat Slaughter	Bailey Slaughter House
M46911+P46911	Cut Fruit Express, Inc	11585 Court House Blvd.	Inver Grove Heights	MN	55077	(651) 438-8834	7/31/2019	Meat Processing; Poultry Processing	
M9317+P9317	Cutting Edge Meat Processors, LLC	10107 South Tacoma Way STE A5	Lakewood	WA	98499	(253) 627-6966	3/29/2013	Meat Processing	
M8871+P8871	C. W Brown Foods Inc	161 Kings Highway	Mt Royal	NJ	08061	(856) 423-3700	9/21/2016	Meat Processing; Poultry Processing	Botto's Sausage
G45381	CW Egg Products, LLC	2360 Wabash Road	Fort Recovery	OH	45846	(419) 375-5800	1/28/2015	Egg Product	
M21190	C & W Meat Packers	318 West pearl Street	Cynthiana	KY	41031	(859) 234-4121	4/4/2018	Meat Processing; Meat Slaughter	
V31727	Cypress Cold Storage	11100 Lewis Nelson Drive	Maumelle	AR	72113	(501) 734-0039	7/9/2019	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	

M10620+V10620	Cypress Valley Meat Company	164 Guy Hawthorn Lane	Hot Springs	AR	71901	(501) 623-8111	1/18/2012	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat; Voluntary Slaughter - Rabbit	
M46139+V46139	Cypress Valley Meat Company 1, LLC	5951 Hwy 64 East	Pottsville	AR	72858	(479) 968-6330	8/18/2017	Food Inspection; Identification - Meat; Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M47059+P47059	CYRE Inc.	876 Neighborhood Road	Lake Katrina	NY	12449	(845) 383-1199	1/21/2020	Meat Processing; Poultry Processing	Pika's Farm Table , Witchcraft Operations LLC
M46936+P46936	CYRE Inc. dba Pika's Farm Table	876 Neighborhood Road	Lake Katrine	NY	12449	(845) 383-1199	12/12/2013	Meat Processing; Poultry Processing	Pika's Farm Table
M34173+P34173	DaBecca Natural Foods	700 E. 107th. Street	Chicago	IL	60628	(773) 291-1127	5/20/2017	Meat Processing; Poultry Processing	
M2450+P2450	Daily's Premium Meats	2900 Mullan Road	Missoula	MT	59808	(406) 721-7007	2/14/2017	Meat Processing; Poultry Processing	Daily Foods, Daily's Pioneer Brand, Daily's Premium Meats, John R. Daily Inc., Seaboard Foods Inc., WRL Foods
M51207+P51207	Daily's Premium Meats, LLC	5501 Stockyards Expressway	St. Joseph	MO	64504	(816) 558-6628	7/14/2016	Meat Processing; Poultry Processing	Daily Foods, Daily's Pioneer Brand, Daily's Premium Meats, John R. Daily Inc., Seaboard Foods, Inc., WRL Foods
M6133+P6133	Daily's Premium Meats, LLC	3535 South 500 West	Salt Lake City	UT	84115	(801) 269-1998	10/22/2018	Meat Processing; Poultry Processing	Daily Foods, Daily's Pioneer Brand, Daily's Premium Meats, John R Daily Inc., Seaboard Foods, Inc, WRL Foods
M8419+P8419	DAIRY MAID RAVIOLI MFG. CORP.	214 AVENUE U	BROOKLYN	NY	11223	(718) 449-2620	3/4/1992	Meat Processing; Poultry Processing	

M7809+P7809	Dakin Farm Inc.	5797 Route 7	Ferrisburg	VT	05456	(802) 877-2936	6/26/2012	Meat Processing; Poultry Processing	
M3505+P3505+V3505	Dakota Gobblers, LLC	701 Lincoln Ave NW	Huron	SD	57350	(605) 353-9600	9/11/2019	Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	Dakota Provisions LLC
M34167+P34167	Dakota Packing	4670 South Arville	Las Vegas	NV	89103	(702) 678-6705	9/30/2011	Meat Processing; Poultry Processing	
M32130+P32130+V32130	Dakota Provisions LLC	20827 403rd Avenue	Huron	SD	57350	(605) 352-1519	7/18/2008	Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing; Poultry Slaughter	Dakota Deli, Dakota Provisions
M46205+P46205+V46205	Dakota Provisions - West	2020 Center Street West	Huron	SD	57350	(605) 352-1519	8/21/2017	Certification - Export; Meat Processing; Poultry Processing	Dakota Provisions, Dakota Provisions, LLC
M4192+P4192+V4192	Dale's Wild West Products	308 Walnut St.	Brighton	CO	80601	(303) 659-8796	6/28/2018	Meat Processing; Poultry Processing; Voluntary Processing - Meat	Mountain America Jerky
M4975+P4975	Dale T. Smith and Sons Meat Packing Company Inc	12450 South Pony Express Road	Draper	UT	84020	(801) 571-3611	5/5/2016	Meat Processing; Meat Slaughter; Poultry Processing	
M7050+P7050	Dalhart Processing	2012 East 13th Street	Dalhart	TX	79022	(806) 249-6058	7/31/2006	Meat Processing; Meat Slaughter; Poultry Processing	
M20106+P20106	Dallas USA Foods Inc.	1880 Lone Star Drive	Dallas	TX	75212	(214) 905-1511	3/30/2010	Poultry Processing	

M7575	Daman Distributing Company Inc.	84 Newmarket Square	Boston	MA	02118	(617) 442-8834	3/20/2006	Meat Processing	
M5206+P5206	D'Ambrisi Wholesale Foods LLC	235 West Avenue P.O. Box 660	Long Branch	NJ	07740	(732) 229-7707	3/28/2019	Meat Processing; Poultry Processing	
M21061	Damn Good Foods Inc.	1002 Hudson Ave.	Stillwater	NY	12170	(518) 664-1414	10/25/2001	Meat Processing	Darn Good Foods
M21061A+P21061A	Damn Good Foods Inc.	7 Tent Lane	Stillwater	NY	12170	(518) 664-1414	4/15/2019	Meat Processing; Poultry Processing	
M45724+P45724	Dandee Foods	2178 West 21st St.	Jacksonville	FL	32209	(904) 356-6528	12/2/2016	Meat Processing; Poultry Processing	
M5052+P5052	Dandy Distr butors Inc.	80 Mill Plain Road	Danbury	CT	06813	(203) 792-7000	4/19/2018	Meat Processing; Poultry Processing	
M459+P459	Daniele International	180 Davis Drive	Pascoag	RI	02859	(401) 568-6228	1/22/2020	Meat Processing; Poultry Processing	Daniele Acquistion LLC, Daniele Holdco LLC, Daniele Midco LLC
M54+P54	Daniele International	1000 Daniele Drive	Mapleville	RI	02839	(401) 568-6228	1/22/2020	Meat Processing; Poultry Processing	Daniele Acquisition LLC, Daniele Holdco LLC, Daniele Midco LLC
M9992+P9992	Daniele International	105 Davis Drive	Pascoag	RI	02859	(401) 568-6228	1/22/2020	Meat Processing; Poultry Processing	Daniele Acquisition LLC, Daniele Holdco LLC, Daniele Midco, LLC
M1882	Danielson Food Products, Inc	215 W. Root Street	Chicago	IL	60609	(773) 285-2111	10/18/1979	Meat Processing	
M2896+P2896	Daniel Western Meat Packers Inc.	5220 Van Norman Rd.	Pico Rivera	CA	90660	(562) 948-4408	3/26/2007	Meat Processing; Poultry Processing	
M20664+P20664	Dani Jacq, Inc.	1806 Old Eastern Ave.	Baltimore	MD	21221	(410) 686-8805	1/9/1998	Meat Processing; Poultry Processing	
M45064+P45064	Dan O's. LLC	3477 New Town Blvd	St. Charles	MO	63301	(636) 724-3266	2/24/2017	Meat Processing; Poultry Processing	Dan O's Frozen Pizza, Dan O's Pizza
M8681+P8681	Dan's Country Meats	3622 Mill St.	New Melle	MO	63365	(626) 828-5266	7/15/1999	Meat Processing; Meat Slaughter; Poultry Processing	Bavarian Smoke Haus

M15835A+P15835A	Dan's Prize, Inc.	1 Industrial Park	Browerville	MN	56438	(320) 594-2336	4/5/2016	Meat Processing; Poultry Processing	
M15835+P15835	Dan's Prize, Inc.	810 1st Street South	Long Prairie	MN	56347	(320) 732-6163	5/1/2001	Meat Processing; Poultry Processing	Table Readi Meats
M45986+P45986	Dardan enterprise, LLC	841 Main Street	Paterson	NJ	07503	(919) 999-1111	11/7/2016	Meat Processing; Poultry Processing	Brothers Quality Halal Meat
M7181	Darling National, LLC	5800 York Street	Denver	CO	80216	(303) 297-8603	8/30/2006	Meat Processing	Pepcol Mfg Co
M40001A+P40001A	D.A. Stein Culinary Group	1921 Raymond Dr.	Northbrook	IL	60062	(847) 272-4309	9/13/2018	Meat Processing; Poultry Processing	Brett Anthony Foods
M45258	Daves Creek Meat Market	3833 Hunters Creek Rd.	Carnesville	GA	30521	(678) 662-4563	1/13/2017	Meat Processing; Meat Slaughter	
M18512+P18512	Dave's Salad House	577 Pennsylvania Avenue	Elzabeth	NJ	07201	(908) 965-0773	10/7/2010	Meat Processing; Poultry Processing	
M10198	Dave's Sausage Factory, Inc.	10550 W. Vernor	Dearborn	MI	48120	(313) 841-7626	2/19/2004	Meat Processing	
M34443+P34443	Dave's Seafood Meat & Poultry	137 South Warwick Ave.	Baltimore	MD	21223	(202) 247-1222	10/21/2016	Meat Processing; Poultry Processing	
M48297+P48297	Dave's Supermarket	120 S. Third St.	Fairbury	IL	61739	(815) 692-2822	9/5/2018	Meat Processing; Poultry Processing	
M7559+P134	David Elliot Poultry Farm Inc.	300 Breck Street	Scranton	PA	18505	(570) 344-6348	2/5/2020	Meat Processing; Poultry Processing; Poultry Slaughter	Kee-Tov
M5197+P5197	David Mosner, Inc.	355 Food Center Drive	Bronx	NY	10474	(718) 328-5600	7/22/2019	Meat Processing; Poultry Processing	Mosner Family Brands
M17409+P17409	David's Bar-B-Que Wholesale Co.	999 Wolfskin Rd.	Arnoldsville	GA	30619	(706) 742-7552	8/24/2005	Meat Processing; Poultry Processing	
M4640+P4640	Davis Bros. Inc.	4521 County Route 4	Oswego	NY	13126	(315) 343-6933	3/20/2018	Meat Processing; Poultry Processing	
M51233	Davis Fish Market	5561 W. Hwy. 22	Hornbeak	TN	38232	(731) 538-3526	10/18/2017	Meat Processing; Meat Slaughter	

M46734+P46734	Davis Meat Processing LLC	39 Highway NN	Jonesburg	MO	63351	(636) 488-5227	5/24/2016	Meat Processing; Meat Slaughter; Poultry Processing	
G31549	Daybreak Foods - Creekwood Complex	N5505 Crossman Rd.	Lake Mills	WI	53551	(920) 648-2377	12/29/2015	Egg Product	
G1798	Daybreak Foods, Inc.	609 Sixth St. NE	Long Prairie	MN	56347	(320) 732-2966	8/23/2005	Egg Product	
G20729	Daybreak Foods, Inc.	4768 280th Street	Graettinger	IA	51342	(712) 209-2530	10/24/2019	Egg Product	
G21597	Daybreak Foods, Inc.	1959 Hwy 4 South	Estherville	IA	51334	(712) 362-7224	6/15/2016	Egg Product	
G46611	Daybreak Foods, Inc.	N5344 Crossman Road	Lake Mills	WI	53551	(920) 648-2377	11/21/2019	Egg Product	
G778	Daybreak Foods, Inc.	3159 Buchanan Ave.	Eagle Grove	IA	50533	(515) 603-3050	12/31/2015	Egg Product	
M45001+P45001	Day Day's Skins & Cracklings	49 Felice Drive	Marietta	NC	28362	(910) 628-5835	11/29/2016	Meat Processing; Poultry Processing	
M17309+P17309	Day-Lee Foods Inc.	13055 E. Molette Street	Santa Fe Springs	CA	90670	(562) 802-6800	3/18/2014	Meat Processing; Poultry Processing	
M45700+P45700	Dayton Natural Meats, LLC	18555 SW Teton Ave.	Tualatin	OR	97062	(503) 864-2237	3/28/2016	Meat Processing; Poultry Processing	Aurora Valley Poultry Farms, Dayton Natural Meats, French Prairie Pork
M9230+P9230	Dayton Natural Meats, LLC	13245 SE Fletcher Road	Dayton	OR	97114	(503) 864-2237	3/20/2013	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
M44739+V44739	D Bar B Sausage	1909 Longwood Drive	Brenham	TX	77833	(979) 830-0660	5/31/2019	Certification - Export; Meat Processing	Kontry Boys Sausage
M20820+P20820	Dbran Poultry Co.	218 S. 8th Ave.	La Puente	CA	91746	(626) 961-5622	10/31/2008	Meat Processing; Poultry Processing	
M51232	DC'S Fish Market	11429 Hwy 41	Guild	TN	37340	(423) 961-3795	3/11/2016	Meat Processing; Meat Slaughter	
V48254	DCW Casing LLC	2969 Promenade St.	West Sacramento	CA	95691	(916) 970-5066	4/12/2017	Certification - Export	WOLFSON CASINGS
M48198	D & D Fish & Caviar Co	1240 Harmon Creek Road	Eva	TN	38383	(731) 584-7116	6/2/2016	Meat Processing; Meat Slaughter	

M21275+P21275	D&D Foods Inc.	9425 N. 48th St.	Omaha	NE	68152	(402) 573-6382	8/23/2017	Meat Processing; Poultry Processing	
M7562	Dealaman Enterprises Inc.	214 Mountainview Road	Warren	NJ	07059	(908) 755-1780	5/9/2018	Meat Processing; Meat Slaughter	
M7302+P7302	Dean Commissary LP	1702 Antioch Park	Antioch	TN	37103	(615) 331-4604	8/27/2012	Meat Processing; Poultry Processing	
M51283	Dean & Peeler Meatworks LLC	201 CR 220	Poth	TX	78147	(806) 484-0012	4/8/2019	Meat Processing; Meat Slaughter	
M6621+P6621	Dean Sausage Company, Inc.	3750 Pleasant Valley Road	Attalla	AL	35954	(256) 538-6082	10/16/2015	Meat Processing; Meat Slaughter	Country Best Foods, Kentucky Farm Kitchens
M4402+P4402	De An's Pork Products Inc.	899 4th Avenue	Brooklyn	NY	11232	(718) 788-2464	11/30/2017	Meat Processing; Poultry Processing	
M46828+P46828	Dean Street Processing	5645 Deans Street	Bailey	NC	27807	(252) 235-0401	7/30/2015	Meat Processing; Poultry Processing	
M10002+P10002+V10002	Dearborn Sausage Company Inc	2471 Wyoming Avenue	Dearborn	MI	48120	(313) 842-2375	10/13/2004	Meat Processing; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat	Dearborn Brand
M47029+P47029	DeBacker Family Dairy	N9145 Badish Road L1	Daggett	MI	49821	(906) 753-6455	2/25/2020	Meat Processing; Poultry Processing	
M17858+V17858	Debbie D's Sausage	2210 N. Main Avenue	Tillamook	OR	97141	(503) 842-2622	9/24/1990	Meat Processing; Voluntary Processing - Poultry; Voluntary Slaughter - Poultry	
G1620+V1620	Deb El Food Products	64 Kuther Road	Thompsonville	NY	12784	(845) 434-7560	3/16/2010	Certification - Export; Egg Product; Voluntary Processing - Egg Products	
G1183+V1183	Deb-El Food Products Inc.	2 Papetti Plaza	Elizabeth	NJ	07206	(908) 351-0330	2/27/2006	Certification - Export; Egg Product	
G21683	Deb El Foods of Iowa, LLC	900 North Linn Avenue	New Hampton	IA	50659	(908) 351-0330	5/22/2019	Egg Product	

M1540+P1540	DeBragga & Spitler, Inc.	65-77 Amity Street	Jersey City	NJ	07304	(212) 924-1311	1/19/2012	Meat Processing; Poultry Processing	
P46347	Decko Products, Inc.	2020 Superior Street	Sandusky	OH	44870	(419) 626-5757	6/27/2018	Poultry Processing	
M2298+P2298	Deen Meat and Cooked Foods, Inc.	813 E. Northside Drive	Fort Worth	TX	76102	(817) 335-2257	11/27/2019	Meat Processing; Poultry Processing	
M45467+P45467	Deering's Jerky Co.	2015 Sandy Drive	Interlochen	MI	49643	(231) 947-6165	11/30/2015	Meat Processing; Poultry Processing	Deering's Jerky Co., LLC.
M45972	De Hoek Farm	32 Hine Road	New Milford	CT	06776	(917) 821-7299	4/2/2018	Meat Processing; Meat Slaughter	
M1737	DeKalb County Packing Co.,Inc	20036 Webster Rd.	De Ka b	IL	60115	(815) 756-1588	8/10/1976	Meat Processing; Meat Slaughter	
V3435A	Delato Corporation dba: AMMEX Services	7780 Waterville Road	San Diego	CA	92154	(619) 671-7700	11/14/2018	Certification - Export; Identification - Meat; Identification - Poultry	AM-MEX Services
M4726	DeLattre's Pizza	4636 Green Acre Road Route 53	Houtzdale	PA	16651	(814) 378-7448	4/1/2013	Meat Processing	
V40197	Delaware Avenue Enterprises Inc.	3301 South Columbus Boulevard	Philadelphia	PA	19148	(215) 551-2733	3/31/2010	Certification - Export; Identification - Meat; Identification - Poultry	
I13	Delaware Avenue Enterprises, Inc.	c/o Packer Avenue Marine Terminal 3301 S. Columbus Blvd.	Philadelphia	PA	19148	(215) 551-2735	4/30/2008	Imported Product	
M48157+P48157	Del Barrio Foods, LLC.	1529 S. State St.	Lockport	IL	60441	(815) 834-2621	8/8/2018	Meat Processing; Poultry Processing	
M46203	Del Fox Custom Meats Inc.	7229 300th St. NW	Stanwood	WA	98292	(360) 629-3723	8/17/2017	Meat Processing	
M5553+P5553	Del Gould Meats, Inc.	3520 N. 20th Street	Lincoln	NE	68521	(402) 438-3520	10/11/1995	Meat Processing; Poultry Processing	Nebraska Steaks

M7483A+P7483A+V7483	Deli Brands of America	1705 TWIN SPRINGS DRIVE SUITE 100-105	BALTIMORE	MD	21227	(410) 276-2373	1/24/2018	Certification - Export; Meat Processing; Poultry Processing	DELI BRANDS OF AMERICA
M34408+P34408	Delicious Beef Jerky	6801 4th Street NW	Albuquerque	NM	87107	(505) 344-9221	1/29/2013	Meat Processing	
M51313+P51313	Deli Fresh Foods II, Inc	29606 Hwy 27 South	Dundee	FL	33838	(863) 438-7655	5/1/2017	Meat Processing; Poultry Processing	
M44793+P44793	Delish Food	117 Industrial Blvd. Ste. A	Gray	GA	31032	(478) 986-7000	6/26/2015	Meat Processing; Poultry Processing	
M7766+P7766	Deli Star Corporation	2516 Main Avenue	Fayetteville	IL	62258	(618) 677-2282	12/7/1993	Meat Processing; Poultry Processing	
M1990+P6290	Del Mar Meats, Inc.	850 E. Commercial Ave.	San Gabriel	CA	91776	(626) 285-0611	2/5/2007	Meat Processing; Poultry Processing	
M2874+P2874	Del Monte Capitol Meat Company, LLC	145 South Hill Drive	Brisbane	CA	94005	(415) 648-4049	4/12/2018	Meat Processing; Poultry Processing	
M45328+P45328	Del Monte Fresh Produce (Texas), Inc.	1400 Parker Street	Dallas	TX	75215	(214) 428-3600	6/2/2014	Meat Processing; Poultry Processing	
M19669+P19669	Del Monte Meat Co.	1250 Whipple Road	Union City	CA	94587	(510) 465-2400	8/25/2017	Meat Processing; Poultry Processing	Del Monte Meat Company
M9044+P9044+V9044	Del Monte Meat Co.	3345 Paul Davis Drive	Marina	CA	93933	(831) 883-3555	3/28/2006	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry	Del Monte Meat Co.
M20924+P20924	Del Monte Meat Company	165 Klamath Court	American Canyon	CA	94503	(707) 552-5488	6/12/2015	Meat Processing; Poultry Processing	Del Monte Meat Co.
M1802+P1802	Del Monte Meat Company Inc.	4051 Seaport Boulevard	West Sacramento	CA	95691	(916) 927-0595	6/12/2015	Meat Processing; Poultry Processing	Del Monte Meat Company

M46522+P46522	Del Real Foods	216 NE 12th Street	Moore	OK	73160	(405) 300-6780	2/7/2019	Meat Processing; Poultry Processing	
M22094A+P22094A	Del Real Foods, LLC	11041 Inland Ave.	Mira Loma	CA	91752	(951) 681-0395	2/23/2017	Meat Processing; Poultry Processing	
V45063	Del Rosario Enterprises, Inc.	7339 NW 79th Terrace	Medley	FL	33166	(786) 547-6813	12/9/2016	Certification - Export; Identification - Meat; Identification - Poultry	
M20892+P20892+V20892	Delta Meat & Sausage Co.	Mile 1413.5 Alaska Highway	Delta Junction	AK	99737	(907) 895-4006	7/16/1999	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
P46850	Deluxe Foods International, Inc.	29 East 25th Street	Paterson	NJ	07514	(862) 257-1909	2/1/2019	Poultry Processing	
M39910+P39910+V39910	Del Valle Brands, Inc.	7000 NW 33rf Terrace	Miami	FL	33122	(305) 592-8865	8/2/2011	Certification - Export; Identification - Meat; Identification - Poultry	
M13097+P13097	Del Vecchio Foods, Inc.	6210 Westline Drive	Houston	TX	77036	(713) 981-5054	6/15/1993	Meat Processing; Poultry Processing	
M45434+P45434	Demaiz Inc. dba: Mextamale Foods	77 S. 28th Street	San Jose	CA	95116	(408) 509-4567	6/1/2017	Meat Processing; Poultry Processing	
M1097+P8891	Demakes Enterprises	27-37 Waterhill Street	Lynn	MA	01905	(781) 417-1105	4/6/2011	Meat Processing; Poultry Processing	
M2888+P2888	Demes Gourmet Corporation	327 N. State College Blvd.	Fullerton	CA	92831	(714) 870-6040	3/24/1994	Meat Processing; Poultry Processing	MasterLink
M27283	Demus Italian Specialty Foods, Inc.	263 Main Street	Worthington	WV	26591	(304) 287-2216	3/21/2005	Meat Processing	

M20204+P20204+V20204	Denmark Foods	7713 West Golden Lane	Peoria	AZ	85345	(623) 979-4234	8/11/2004	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M21156+P21156	Den's Country Meats, Inc.	62573 Hwy 4	Table Rock	NE	68447	(402) 839-4635	7/3/2000	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
V3462A	Denver Cold Storage, Inc.	300 Washington Street	Denver	PA	17517	(717) 336-3900	3/3/2014	Certification - Cysticercus; Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M9791+P9791	Denver Meats Company	340 Railroad Street	Denver	PA	17517	(717) 336-6577	6/21/2017	Meat Processing; Poultry Processing	
V46592	Denver Wholesale Foods	20 W. Mohler Church Road P.O. Box 30	Ephrata	PA	17522	(717) 378-0454	2/5/2019	Identification - Meat; Identification - Poultry	
M7361+P7361	DeOro Foods LLC	227 Equity Drive	Reidsville	NC	27320	(336) 361-6025	9/13/2019	Meat Processing; Poultry Processing	Dorada Foods
M46816+P46816	Depalo Foods, Inc.	2010 Oaks Parkway	Belmont	NC	28012	(704) 827-0245	3/3/2016	Meat Processing; Poultry Processing	
M6393	DePasquales Sausage	325 Watertown St	Newton	MA	02158	(617) 244-7633	6/18/1990	Meat Processing	
V1232	Dependable Warehousing & Dist. Inc.	2900 NW 75th St.	Miami	FL	33147	(305) 636-4200	12/20/2011	Certification - Export; Identification - Meat; Identification - Poultry	

M31909	DePizzo Food, Inc	316 Churchill-Hubbard Road	Youngstown	OH	44505	(330) 759-4711	5/5/2005	Meat Processing	DePizzo Sausage Co.
M39992+P39992	Dept of Veterans Affairs	100 Emancipation Dr.	Hampton	VA	23662	(757) 722-9961	9/21/2010	Meat Processing; Poultry Processing	
M40441+P40441+V40441	Derstine's Inc.	3245 State Road	Sellersville	PA	18960	(215) 257-7382	10/29/2010	Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M46057	Des Allemands Outlaw Katfish Kompany	275 HWY 631	Des Allemands	LA	70030	(985) 758-7454	8/21/2017	Meat Processing	
M4852	Deseret Meat	1173 North 200 East	Spanish Fork	UT	84660	(801) 798-7426	5/24/2013	Meat Processing	
V46197	Des Moines Cold Storage (Crossroad Cold Storage)	3805 Vandalia Road	Des Moines	IA	50317	(515) 447-5701	8/4/2017	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry	
V3157	Des Moines Cold Storage, Inc.	4770 NE 17th Court	Des Moines	IA	50313	(515) 262-6560	4/4/2016	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Egg Products; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M5152	DeSola Provisions Corp	B-18 Hunts Point Co-op Market	Bronx	NY	10474	(718) 542-9500	12/7/1993	Meat Processing	

M1124	Detroit Chili Co.	11575 Harper Avenue.	Detroit	MI	48213	(313) 521-6323	7/2/2004	Meat Processing	
V51235	Detroit Cold Storage	30405 Industrial Rd.	Livonia	MI	48150	(734) 205-9010	6/28/2016	Certification - Export; Identification - Meat; Identification - Poultry	
M10266+P10266	Detroit Sausage Company, Inc.	2715 St. Aubin	Detroit	MI	48207	(313) 259-0555	8/13/2002	Meat Processing; Poultry Processing	
M46185+P46185	Detweiler Meats	115 S. Madisonville St. P.O. Box 611	Crofton	KY	42217	(270) 424-6328	3/28/2019	Meat Processing; Meat Slaughter	
M17410+P17410+V17410	Deutschland Foods, Inc.	12825 Lake Blvd.	Lindstrom	MN	55045	(651) 257-1128	11/30/2005	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Deutschland Meats Inc., Northwoods Sausage, Pure Nature Meats
M17064+P17064	Devanco Foods	440 Mission Street	Carol Stream	IL	60188	(847) 228-7070	7/31/2019	Meat Processing; Poultry Processing	Devanco Foods
M9462+P9462	Devault Packing Company	1 Devault Lane	Devault	PA	19432	(610) 644-2536	3/13/2019	Meat Processing; Poultry Processing	Devault Brands, Devault Foods
M10226	DeVries Meats Inc.	17685 80th Avenue	Coopersville	MI	49404	(616) 837-7115	6/14/2016	Meat Processing; Meat Slaughter	UTICA PACKING
M17419+P17419	Dewig Bros. Packing Co.	100 Maple St.	Haubstadt	IN	47639	(812) 768-6208	9/23/2010	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
M8756+P8756	DeYulio Sausage Company LLC	1501 State Street	Bridgeport	CT	06605	(203) 348-2727	11/19/2019	Meat Processing; Poultry Processing	
P31881+V31881	D G Foods, LLC	1095 Industrial Drive	Hazlehurst	MS	39083	(601) 892-0333	10/13/2011	Poultry Processing; Poultry Slaughter	
P44097	DG Foods, LLC	5872 Airport Road	Bastrop	LA	71220	(601) 668-3392	6/23/2011	Poultry Processing	

M44915+P44915	D & H CUSTOM MEATS LLC	6378 MASON DIXON HIGHWAY	BLACKSVILLE	WV	26521	(304) 432-8454	7/8/2014	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
P45661	DH Farms	5619 FM 1624	Lexington	TX	78947	(512) 308-7706	10/29/2019	Poultry Processing; Poultry Slaughter	
V19642	DHL Supply Chain	1035 Warren Avenue	Osceola	IA	50213	(641) 342-6700	1/4/2016	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry	
V46738	DHL Supply Chain (USA)	3000 Cantrell Sansom Road	Fort Worth	TX	76131	(682) 229-7548	7/22/2019	Identification - Meat; Identification - Poultry	Excel Inc.
M4158+P4158	Diana's Central Meat Market	4201 Redondo Beach Blvd	Lawndale	CA	90504	(310) 370-5788		Meat Processing; Poultry Processing	Diana's Central Market
V46891	DICEX International, Inc.	1105 Santo Tomas St.	Laredo	TX	78045	(956) 417-2751	8/26/2019	Certification - Export; Identification - Meat; Identification - Poultry	
M19455+P19455	Dickinson & Son 84 Packing Co., Inc.	1949 Route 136	Eighty Four	PA	15330	(724) 222-9045	1/11/2012	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
V18412	Dick's Cold Storage	3080 Valleyview Dr.	Columbus	OH	43201	(614) 272-6567	2/11/1992	Identification - Meat	
P9332	Diestel Turkey Ranch	22200 Lyons Bald Mountain Road	Sonora	CA	95370	(209) 532-4950	1/10/2014	Poultry Processing; Poultry Slaughter	
P9332A	Diestel Turkey Ranch	14111 Hi Tech Drive	Chinese Camp	CA	95309	(209) 532-4950	6/13/1995	Poultry Processing	
M4022+P4022	Dietrich's Country Meats	Old Route 22	Krumsville	PA	19534	(610) 756-6344	9/24/1992	Meat Processing; Meat Slaughter; Poultry Processing	

M9574+P9574	Dietz and Watson Inc.	5701 Tacony Street	Philadelphia	PA	19135	(215) 531-9000	7/31/2019	Meat Processing; Poultry Processing	Black Bear Enterprises, L&C Distributors, Parks Sausage
M904+P9574B+V904	Dietz & Watson, Inc.	3330 Henry G. Parks Jr. Circle	Baltimore	MD	21215	(410) 664-7400	10/16/2000	Certification - Export; Meat Processing; Poultry Processing	
M5800+P5800	Di Gregorio Food Products, Inc.	2232 Marconi Ave.	St. Louis	MO	63110	(314) 776-1062	10/9/2018	Meat Processing; Poultry Processing	
M6629+P6629	Dillard House	1158 Franklin St.	Dillard	GA	30537	(706) 746-5393	12/19/2014	Meat Processing	
M45772A+P45772A+V45772A	Diller Locker Company	409 and 311 Commercial St	Diller	NE	68342	(402) 793-5840	5/14/2019	Meat Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry	
M45772+V45772	Diller Locker Company, LLC	601 Commercial Street	Diller	NE	68342	(402) 793-5840	5/31/2017	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M4398+P4398	DiLuigi, Inc	41 Popes Lane	Danvers	MA	01923	(978) 750-9900	5/6/2002	Meat Processing; Poultry Processing	
G31554	Dimension Marketing and Sales, Inc.	386 West 9400 South	Sandy	UT	84070	(801) 748-0808	7/27/2017	Egg Product	GC Foods, Grandma's Country Foods
M878+P878	Dimension Marketing and Sales, Inc.	386 West 9400 South	Sandy	UT	84070	(801) 748-0808	7/27/2017	Meat Processing; Poultry Processing	GC Foods, Grandma's Country Foods
M33961+P33961	D.I.M. Inc	10 Grant Street	Linden	NJ	07036	(908) 925-2043	7/30/2009	Meat Processing; Poultry Processing	Le Bec Fin Fine Foods
M6933	Dina Mia Kitchens, Inc.	751 North 4th Avenue	Iron River	MI	49935	(906) 265-9944	2/14/2007	Meat Processing	
M46965+P46965	Dinners On The Porch, LLC	411 West 4th Street	Winston-Salem	NC	27101	(336) 817-5773	8/19/2019	Meat Processing; Poultry Processing	
M4466+P4466	Dino's Sausage & Meat Co., Inc.	722 Catherine Street	UTICA	NY	13501	(315) 732-2661	5/10/2016	Meat Processing; Poultry Processing	

P2171	DiPaola Turkeys Inc.	883 Edinburg Road	Trenton	NJ	08690	(609) 587-9311	2/23/2011	Poultry Processing; Poultry Slaughter	
M20757	DIPPER'S PACKING CO. INC.	55 LEDWARD AVENUE	WESTERLY	RI	02891	(401) 596-3951	3/3/1999	Meat Processing	DIPOLLINO'S SOPRESSATA
V893	Direct Fresh Marketing, Inc.	2045 Spafford Avenue	West Palm Beach	FL	33409	(561) 967-9655	11/13/2019	Certification - Export; Identification - Meat; Identification - Poultry	
M13484+P13484	Direct Source Meats	4424 Dividend Dr	San Antonio	TX	78219	(210) 304-3456	7/15/2019	Meat Processing; Poultry Processing	
M13484A+P13484A	Direct Source Meats Cooked	4411 Director Dr.	San Antonio	TX	78219	(210) 304-6111	5/9/2017	Meat Processing; Poultry Processing	Labatt Food Service
M34650+P34650	Dirt Road Gourmet LLC	1771 Red Hill Road	Eclectic	AL	36024	(334) 857-3521	3/16/2009	Meat Processing; Poultry Processing	
M15841+P15841	DiRusso's Sausage Incorporated	1035 Rayen Ave	Youngstown	OH	44502	(330) 744-1208	7/6/1993	Meat Processing; Poultry Processing	
M1706+P15857	Distinctive Foods, LLC	450 Evergreen Avenue	Bensenville	IL	60106	(630) 595-1550	11/12/2008	Meat Processing; Poultry Processing	Pie Piper Products
M34307+P34307	DiTo's, a division of Sysco Seattle, Inc.	8420 King Street	Anchorage	AK	99518	(907) 344-3486	1/14/2016	Meat Processing; Poultry Processing	DiTo's
M13127+P13127	Ditta Meat Company	4924 Oak Street	Pasadena	TX	77503	(281) 487-2010	3/21/2013	Meat Processing; Poultry Processing	
M31907+P31907	Diverse Food Products, LLC	8242 Loop Road	Baldwinsville	NY	13027	(315) 471-9164	1/3/2019	Meat Processing; Poultry Processing	
M13128B+P13128B +V13128B	Diversified Foods & Seasonings, L.L.C.	109 Highway 1085	Madisonville	LA	70477	(985) 809-3661	6/3/2013	Certification - Export; Meat Processing; Poultry Processing	

V45154	Diversified Transfer & Storage	2455 West 1500 South Suite F	Salt Lake City	UT	84104	(801) 975-1063	2/21/2013	Identification - Meat; Identification - Poultry	
V48259	Diversified Warehouse Solutions LLC	1571 Gressel Drive	Delphos	OH	45833	(567) 765-1010	4/7/2017	Identification - Meat; Identification - Poultry; Off-Premise Freezing - Egg Products; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M40092+P40092	Divine Pasta	140 W. Providencia Avenue	Burbank	CA	91502	(818) 559-7440	1/5/2012	Meat Processing; Poultry Processing	
M45613+P45613	Divine Pasta Co.	550 Ceres Ave.	Los Angeles	CA	90013	(213) 542-3322	1/8/2016	Meat Processing; Poultry Processing	Divine Pasta Company
M9398A	Dixon Meats	5517 Parkwood Road	Shelocta	PA	15774	(724) 726-5732	5/13/2013	Meat Processing; Meat Slaughter	
M46888	Djerdan Burek Corp	9E Wesley Street	South Hackensack	NJ	07606	(888) 462-8735	12/23/2016	Meat Processing	
M13246	D. J.'s Boudain, Inc.	4840 Lafin Drive	Beaumont	TX	77720	(409) 842-0558	2/23/2000	Meat Processing	
M6747+P6747	D. L. Lee and Sons, Inc.	927 Highway 32 East	Alma	GA	31510	(912) 632-4406	5/7/1993	Meat Processing	
M5854+P5854	D&M Distributing	1160 West 3050 South	Ogden	UT	84401	(801) 392-5533	12/19/1989	Meat Processing	D&M Distributing
M34765	D & M Meats, LLC	262 Maple Ave.	Mt. Jackson	VA	22842	(540) 477-4411	7/25/2008	Meat Processing	
M31971+P31971	D&M Packing	687 Morgan Rd	Albemarle	NC	28001	(704) 982-3716	9/22/2004	Meat Processing	
M44195+P44195	D.M. Stokke Inc.	4019 Canosia Rd.	Cloquet	MN	55720	(218) 729-7156	3/19/2015	Meat Processing; Poultry Processing	Stokke's Meats
M40145+P40145	D & N Provisions	80 Newmarket Square	Boston	MA	02118	(617) 269-2823	2/4/2010	Meat Processing; Poultry Processing	
M31636+P31636	Dobber's Pasties, Inc.	827 North Lincoln Road	Escanaba	MI	49829	(906) 786-1880	3/12/2004	Meat Processing; Poultry Processing	

M45420+P45420	Dockside Sea Food Inc.	Urbanizacion Julia Industrial Park 913 Avenida Escorial Suite 2	San Juan	PR	00920	(787) 919-7553	2/10/2020	Meat Processing; Poultry Processing	DELCA Brand
M34473+P34473	Dogtown Pizza, LLC	8014 North Broadway	St. Louis	MO	63147	(314) 651-9995	10/5/2007	Meat Processing; Poultry Processing	
M214+P5529	Dold Foods, LLC.	2929 N. Ohio Street	Wichita	KS	67219	(316) 838-9101	9/26/2018	Meat Processing; Poultry Processing	
M5381+P5381	Dole & Bailey, Inc.	16 Conn Street	Woburn	MA	01801	(781) 935-1234	3/26/2018	Meat Processing; Poultry Processing	
M2891+P2891+V2891	Dolores Canning Co., Inc.	1020 N. Eastern Avenue	Los Angeles	CA	90063	(323) 263-9155	2/26/2001	Certification - Export; Meat Processing; Poultry Processing	
M8959+P8959+V8959	Dombrovski Meats Co. Inc.	425 Dewey Street	Foley	MN	56329	(320) 968-6275	1/20/2015	Meat Processing; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Processing - Rabbit	Dombrovski Craft Meats, Dombrovski Meats, Dombrovski Meats Co.
V34716	Domino's Pizza, LLC	7600 American Way	Groveland	FL	34736	(352) 429-5555	7/15/2008	Certification - Export; Identification - Meat	
M6396+P6396	Dom's Sausage Co., Inc.	10 Riverside Park	Malden	MA	02148	(781) 324-6396	11/2/1998	Meat Processing; Poultry Processing	D'Oro Foods Inc.
M39968+P39968	Donald's Meat Processing, LLC	194 McCorkle Drive	Lexington	VA	24450	(540) 463-2333	5/31/2016	Meat Processing; Meat Slaughter; Poultry Processing	Buffalo Creek Beef, Donald's Choice Meats
M34535+P34535	Donatos Pizza LLC	935 Taylor Station Rd.	Columbus	OH	43230	(614) 416-7700	11/9/2009	Meat Processing; Poultry Processing	

M40062+P40062	Dong's Specialty Foods	1505 Lynnhaven Parkway Suite 1363	Virginia Beach	VA	23453	(757) 447-8458	12/31/2019	Meat Processing; Poultry Processing	
M20049+P20049	Don Miguel Foods	9650 Chartwell Drive	Dallas	TX	75243	(214) 221-2399	7/11/2012	Meat Processing; Poultry Processing	
V34300	Don Miguel Mexican Foods	14310 Gillis Road	Farmers Branch	TX	75244	(972) 980-9148	3/29/2007	Certification - Export; Identification - Meat; Identification - Poultry	
M34257+P34257	Don Novo & Son	6707 N.W. 37th Avenue	Miami	FL	33147	(786) 718-2840	5/13/2014	Meat Processing; Poultry Processing	Don Novo
M34198+P34198+V34198	Don's Cold Storage & Transport	801 W. Easy Street	Rogers	AR	72757	(479) 878-5500	1/29/2015	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Poultry	
M44164+P44164	Dorada Foods	2000 Hall Boulevard	Ponca City	OK	74601	(580) 718-4700	2/26/2015	Meat Processing; Poultry Processing	
M46620+P46620	Dora's Naturals, Inc	20 Knickerbocker Road	Moonachie	NJ	07074	(201) 229-0500	3/1/2019	Meat Processing; Poultry Processing	
M33917+P33917+V33917	Dori Foods, Inc.	3410 Norfolk Street	Richmond	VA	23230	(804) 355-1600	8/29/2018	Certification - Export; Identification - Meat; Identification - Poultry	
M6873+P6873	Dorina/So-Good, Inc.	17400 East Jefferson Street	Union	IL	60180	(815) 923-2144	10/13/1993	Meat Processing; Poultry Processing	
M2431+P2431	Dort Meat Co., Inc.	2414 Dupont Street	Flint	MI	48504	(810) 767-8844	8/26/1999	Meat Processing; Poultry Processing	

M4460+P4460+V4460	Dorzar Corporation	50 Avenue L	Newark	NJ	07105	(973) 589-6363	1/24/2007	Meat Processing; Poultry Processing; Voluntary Processing - Meat	Great American Foods, New Great American Veal
V45543A	Dot Foods, Inc.	One Dot Way	Mt. Sterling	IL	62353	(217) 773-4411	9/25/2015	Certification - Export; Identification - Meat; Identification - Poultry	
V48312	Dot Foods, Inc.	200 Monarch Drive	Liverpool	NY	13088	(315) 457-4911	3/19/2018	Certification - Export; Identification - Meat; Identification - Poultry; Identification - Siluriformes	
V46572	Dothan Warehouse Freezer Storage	3570 Westgate Parkway	Dothan	AL	36303	(334) 661-7270	4/5/2019	Certification - Export; Identification - Poultry	
M7184M+P7184M	Double B Foods, Inc.	109 E. Morgan Street	Meridian	TX	76665	(254) 435-6187	2/26/2015	Meat Processing; Poultry Processing	
M44791	Doublebrook Farm LLC	37Bayberry Road	Princeton	NJ	08540	(609) 225-1221	1/23/2012	Meat Processing; Meat Slaughter	
M13211	Double D Meat Company	11518 Hwy 21 South	Bogalusa	LA	70427	(800) 256-1222	10/25/2010	Meat Processing	
M46580	Double "D" Ranch	39-3324 Old Mamalahoa Hwy.	Ookala	HI	96774	(808) 937-3211	1/23/2019	Meat Processing; Meat Slaughter	
M8213+P8213	Double G. Brands, Inc.	2243 Rose Lane	Pacific	MO	63069	(636) 271-6121	10/20/1997	Meat Processing; Poultry Processing	
M322+V322	Double J Meat Packing, Inc.	726 West Main	Pierce	CO	80650	(970) 834-1388	5/5/2005	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	

M33842	Double L Ranch Inc.	7181 Dunnsville Road	Altamont	NY	12009	(518) 355-6944	5/11/2009	Meat Processing; Meat Slaughter	
M21495+P21495	Double N Inc.	83 North Broadway	Salem	NH	03079	(978) 645-6370	2/1/2018	Meat Processing	Sal's Production LLC
M21634A+P21634A	Double R Brand Foods, LLC	800 Ellen Trout Drive	Lufkin	TX	75904	(936) 634-4400	1/25/2018	Meat Processing; Poultry Processing	Holmes Smokehouse
M862+P4881	Double S Meats	38 Tonasket Shop RD	Tonasket	WA	98855	(509) 486-4418	3/11/2013	Meat Processing	
M11072	Doug's Wholesale Meats	907 So. State	Shelley	ID	83274	(208) 357-7281	6/26/1981	Meat Processing	
M34698+P34698+V34698	Dover Processing, Inc.	481 South Main St.	Dover	MN	55929	(507) 273-0859	10/17/2017	Identification - Meat; Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M32113+P32113	Down Home Meats, Inc	5236 Hwy 3276	Stonewall	LA	71078	(301) 925-6915	10/5/2005	Meat Processing; Poultry Processing	
M45741	Down Home Processing, Inc.	375 Baldwin Road	Tazwell	TN	37879	(423) 626-2697	11/22/2015	Meat Processing; Meat Slaughter	Down Home Processing
M40253	Downing Cattle Company, Inc.	405 Circle D Lane	Fountain Run	KY	42133	(270) 434-2559	6/13/2012	Meat Processing; Meat Slaughter	
M46449	Doyle's Fish Market	3915 Toms Creek Rd	Linden	TN	37096	(931) 593-2198	9/21/2018	Meat Processing; Meat Slaughter	
M44191	Drakes Food Services, Inc.	26231 River Run Trail	Zuni	VA	23898	(434) 637-0269	6/7/2011	Meat Processing	
M17694+P17694	Drakes Fresh Pasta Company	636 Southwest Street	High Point	NC	27260	(336) 861-5454	2/16/2010	Meat Processing; Poultry Processing	
M45531	drei Bruders Rasberry's Fresh Pork Sausage	11516 Little Sorrel Trail	San Angelo	TX	76904	(325) 234-5561	2/26/2015	Meat Processing	

M18359+P18359+V 18359	Dreisbach Oakland	2530 11th Street	Oakland	CA	94601	(510) 533-4800	12/3/1996	Certification - Cysticercus; Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M19544+P19544	Drexel Foods Inc.	1705 N. American Street	Philadelphia	PA	19122	(215) 425-9900	11/30/2016	Meat Processing; Poultry Processing	
I190	DSI Logistics, Inc.	2702 Holmes Road	Houston	TX	77051	(713) 799-9429	3/11/2011	Imported Product	
M27295+P27295	D-S Smith Grinding Division Inc	685 North Main	North Salt Lake City	UT	84054	(801) 294-5886	10/7/2014	Meat Processing; Poultry Processing	Talisman Turkey Steaks C&B Maddox
M48080+P48080	DTF Prep, LLC	15323 Proctor Ave.	City of Industry	CA	91745	(626) 330-8890		Meat Processing; Poultry Processing	
M46594+P46594	DTF Prep Seattle, LLC	4025 1st Avenue South	Seattle	WA	98134	(206) 953-0770	2/5/2019	Meat Processing; Poultry Processing	
M27288+P27288	DuBonilha Sausage Company	55 University Avenue	Newark	NJ	07102	(973) 878-2278	1/19/2010	Meat Processing; Poultry Processing	DuBon Foods Corp.
M27288A+P27288A	Dubon Sausage LLC	3000 NW 25th Avenue - Suites 5/7	Coconut Creek	FL	33069	(561) 562-9550	12/29/2016	Meat Processing; Poultry Processing	DuBonilha Sausage Company
M1392+P1392	Dudley Poultry Company, Inc,	910 Route 245	Middlesex	NY	14507	(585) 554-6412	4/5/2018	Meat Processing; Poultry Processing	Finger Lakes Brand
M54269+P54269	DuFour Gourmet LLC	43-37 9th Street	Long Island City	NY	11101	(917) 605-0260	5/29/2019	Meat Processing; Poultry Processing	
M46866+P46866	Duke Sandwich Production Inc.	2701 Simpson Str.	Monroe	NC	28112	(864) 729-3817	7/22/2019	Meat Processing; Poultry Processing	Duke Brands, Duke Foods

M34048+P34048	Duke Sandwich Productions, Inc.	211 Pine Rd.	Easley	SC	29642	(864) 228-4886	10/10/2012	Meat Processing; Poultry Processing	
M40084	Dunn Rite Jerky	2591 Legacy Way	Grand Junction	CO	81503	(970) 208-8340	3/14/2019	Meat Processing	Small Business Incubator Kitchen
P18438B	Dupont Market, Inc. dba Grimaud Farms	2716 E. Miner Avenue	stockton	CA	95205	(209) 466-3200		Poultry Processing; Poultry Slaughter	Grimaud Farms
M4239A+P4239A	Dutch Creek Foods, Inc.	1411 Old State Route 39	Sugarcreek	OH	44681	(330) 852-2631	9/6/2013	Meat Processing; Poultry Processing	
M5424+P5424	Dutch's Meats Inc	30 Morse Avenue	Ewing	NJ	08638	(609) 882-2096	5/5/2009	Meat Processing; Poultry Processing	
M8385A+P8385A	D.W. Richards Sons Inc.	701 Rocky Glen Road	Avoca	PA	18641	(570) 457-5424	12/17/2010	Meat Processing; Poultry Processing	
M2250+P335	Dynamic Foods	1001 East 33rd. Street	Lubbock	TX	79404	(806) 723-5647	11/19/2015	Meat Processing; Poultry Processing	Dynamic Foods
I11	Dynamic Ventures Inc.	165-K Guerrero Street Harmon Industrial Park	Harmon	GU	96913	(671) 649-9788	5/12/2016	Imported Product	Quality Distributors
M45570	Eader's Butcher Shop	5616 Timber Ridge Road	Big Cove Tannery	PA	17212	(717) 294-3954	5/17/2017	Meat Processing; Meat Slaughter	
M44051+P44051+V44051	Eagle Maritime Services Inc.	8312 NW 14th Street	Miami	FL	33126	(305) 592-1441	1/20/2011	Certification - Export; Identification - Meat; Identification - Poultry	
M34406+P34406	Eagle Rock Food Co	1225 12th St NW	Albuquerque	NM	87104	(505) 323-1183	8/7/2007	Meat Processing; Poultry Processing	
V34188	Earthwise Industries	1386 South Main St.	Troy	MO	63379	(636) 528-8869	10/24/2006	Certification - Export; Food Inspection; Identification - Meat; Identification - Poultry	
M46587	East Coast 1st Venture Inc.	15553 Braggs Corner Road	Culpeper	VA	22701	(703) 655-0667	2/1/2019	Meat Slaughter	Mecca Halal Processing Inc.

M9428+P9428	East Conway Beef & Pork Processing	3097 East Conway Road	East Conway	NH	03813	(603) 452-8241	6/3/2014	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
P18491	EASTERN SHORE POULTRY COMPANY, INC	21724 BROAD CREEK AVENUE	GEORGETOWN	DE	19947	(302) 855-1350	7/27/1992	Poultry Processing	
M21112+P21112	Eastern Treats Speciality Food	5626 Hansel Ave.	Orlando	FL	32809	(407) 851-3927	10/17/2011	Meat Processing; Poultry Processing	Eastern Treats
M48104+P48104	East Mountain Dumplings, Inc.	8535 Arjons Drive Suite W	San Diego	CA	92126	(949) 351-9518	6/3/2016	Meat Processing; Poultry Processing	
M19796+P19796	Eastside Cafe	30W 270 Butterfield Rd. Unit 104	Warrenville	IL	60555	(630) 393-0920	10/17/2001	Meat Processing; Poultry Processing	
M46499+P46499	East West LLC	8706 Old Ardmore Road	Landover	MD	20785	(202) 547-3101	2/13/2020	Meat Processing; Poultry Processing	Caribbean Crescent
M2451+P2451+V2451	E.A. Sween Company	16101 West 78th St.	Eden Prairie	MN	55344	(952) 937-9440	5/1/1997	Food Inspection; Meat Processing; Poultry Processing	Deli Express
M46544+P46544+V46544	E.A. Sween Company	435 Annandale Blvd	Annandale	MN	55302	(952) 937-9440	11/28/2018	Food Inspection; Identification - Meat; Identification - Poultry; Meat Processing; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry; Poultry Processing	Deli Express
M8554+P8554	Eatem Corporation	1829 Gallagher Drive	Vineland	NJ	08360	(856) 692-1663	6/24/2016	Meat Processing; Poultry Processing	Eatem Foods Company
M46157+P46157	Eat Local Inc.	810 SW 151st St.	Burien	WA	98166	(206) 432-9849	4/2/2019	Meat Processing; Poultry Processing	Eat Local

M18988A+P18988A+V18988A	Ebels Family Center, Inc.	420 East Prosper Road	Falmouth	MI	49632	(231) 826-3333	7/30/2004	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Ebels Meat Processing
M1668+P1668	Ebro Foods, Inc	1330 West 43rd Street	Chicago	IL	60608	(773) 696-0150	6/28/2005	Meat Processing; Poultry Processing	Ebro Food Inc.
M13387+P13387	E.B's Tamale Co., Inc.	1017 N. Main	Zwolle	LA	71486	(318) 645-9086	12/9/2004	Meat Processing; Poultry Processing	
M1593+P1593+G1593	Echo Lake Foods	435 West State St.	Huntington	IN	46750	(260) 355-0278	1/26/2016	Egg Product; Meat Processing; Poultry Processing	
M21938+P21938	EcoFriendly Foods	3397 Stoneyfork Road	Moneta	VA	24121	(540) 297-9582	10/21/2003	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
V20835	Economy Cash & Carry, Inc.	1000 E. Overland	El Paso	TX	79901	(915) 532-2660	5/21/2009	Certification - Export; Identification - Meat; Identification - Poultry	
M8642	Economy Locker Storage Co. Inc.	324 Worthington Lane	Pennsdale	PA	17756	(570) 546-2241	4/23/2013	Meat Processing	Country Store Brand
M242+P6685	ECP Foods LLC	One Packer Ave.	Greenwood	SC	29646	(864) 229-5611	10/23/2019	Meat Processing; Poultry Processing	Carolina Pride Foods, LLC
M6075+P6075+V6075	E.C. Wilson Co., Inc.	1921 Vine Road	Lynnwood	WA	98036	(206) 481-5100	5/9/1996	Meat Processing; Poultry Processing; Voluntary Processing - Poultry	Northgate Farms
M4800+P4800+V4800	Eddy Packing Co., Inc.	404 Airport Rd	Yoakum	TX	77995	(361) 293-2361	9/19/2013	Certification - Export; Meat Processing; Poultry Processing	

M5710A+P5710A	Edelmanns Provisions	10000 Martin's Way	Harrison	OH	45030	(513) 881-5800	2/27/2012	Meat Processing; Poultry Processing	Fresh Sausage Specialists
M8829	Edelweiss Veal Products Inc.	12 Old Myers Drive	Albany	NY	12205	(518) 489-5074	4/22/2010	Meat Processing	
M13276+P13276+V13276	Edes Custom Meats	6700 W. McCormick Rd.	Amarillo	TX	79118	(806) 622-0205	10/28/2019	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M27364+V27364	Edgefield Prime Meat Company	27015 US 127	Dunlap	TN	37327	(423) 554-4288	7/15/2003	Meat Processing; Meat Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	
M404A+P404A+V404A	Ed Miniat, LLC	16250 S. Vincennes Ave.	South Holland	IL	60473	(708) 589-2400	12/31/2013	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M42+P42	Edmond's Chile Co., Inc	3236 Oregon Avenue	Saint Louis	MO	63118	(314) 772-1499	6/28/1994	Meat Processing; Poultry Processing	
P34084	Edmunds Foods	385 Red Oaks Flat Loop	Dahlonega	GA	30533	(678) 643-1534	5/17/2010	Poultry Processing	
M20350+P20350	EDS Wrap & Roll Foods, LLC.	2545 Barrington Court	Hayward	CA	94545	(510) 266-0888	6/26/2008	Meat Processing; Poultry Processing	chef corner , double sky, eds wrap & roll, lotus
M19782+P19782	E. Excel Food Inc	3700 E. Melville Way	Anaheim	CA	92806	(714) 632-8277	1/10/2014	Meat Processing; Poultry Processing	
M45419+P45419	Egea Food LLC	4325 SW 75th Ave.	Miami	FL	33155	(813) 765-1907	10/10/2017	Meat Processing; Poultry Processing	
M17375+P17375	E.G. Food Inc.	5600 First Ave B4N	Brooklyn	NY	11220	(718) 680-1300	6/16/1992	Poultry Processing	G G Kosher Food Inc, Satmer Meats Inc

G48139	Egg 24-7	6752 Eton Avenue	Canoga Park	CA	91303	(818) 346-3447	11/6/2015	Egg Product	
M48161+V48161	Eggert Slaughtering, Inc.	2615 210th Avenue	Deer Park	WI	54007	(715) 263-4005	4/14/2016	Identification - Meat; Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
V46902	eGourmet Solutions Inc	1601 Fairfax Trafficway	Kansas City	MO	66115	(816) 808-6753	9/6/2018	Identification - Meat; Identification - Poultry	
M10256	E & H Packing Co.	2453 Riopelle Street	Detroit	MI	48207	(313) 567-8286	6/6/2005	Meat Processing	
M17338+P17338	E-HWA Food Products Co.	2639 E. 54th Street	Huntington Park	CA	90255	(323) 582-8511	4/4/2011	Meat Processing; Poultry Processing	
M31776+P31776+V31776	Eickman's Processing Co., Inc.	3226 S. Pecatonica Rd.	Seward	IL	61077	(815) 247-8451	4/5/2004	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M18343+P18343	Eighteen Packing Corp.	39-29 23rd Street	Long Island City	NY	11101	(201) 339-1010	4/10/2018	Meat Processing; Poultry Processing	
M901+P901+V901	Eklund Processing Inc.	56 Railroad Avenue	Stamford	NY	12167	(607) 652-6321	3/9/2017	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat; Voluntary Slaughter - Rabbit	
M21357+P21357	Elaboraciones Fiesta	Rd. 417 Km 6.1 Bo. Malpaso, Sector Las Corozas	Aguada	PR	00602	(787) 868-7260	8/14/2002	Meat Processing; Poultry Processing	
M7359+P7359	Elaboracion Felo, Inc.	Ave. Yumet #112	Aguadilla	PR	00603	(809) 891-3405	4/3/1981	Meat Processing; Poultry Processing	

M10113	El Acapulco Tamales LLC	2855 East Burt Road	Burt	MI	48417	(989) 770-4309	2/10/2020	Meat Processing	
M6354+P6354+V6354	E.L. Blood & Son, Inc.	94 W. Main Street	West Groton	MA	01472	(978) 448-6669	8/28/1998	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Blood Farm, Blood Farms, Bloods, E. L. Blood & Son
M47167+P47167	Elburn Market, Inc. dba Ream's Meat Market	250 S. Main St.	Elburn	IL	60119	(630) 365-6461	4/24/2020	Meat Processing; Poultry Processing	Ream's Meat Market
M46242+P46242	El Campestre Inc.	1400 S. Santa Fe Ave.	Compton	CA	90221	(562) 505-7247	12/8/2017	Meat Processing; Poultry Processing	
M45557+P45557	El Charrito Foods, Inc.	14843 Proctor Avenue Suite D	City of Industry	CA	91746	(626) 435-7898	2/6/2017	Meat Processing; Poultry Processing	
M45754+P45754	EL CHURRY, INC	CAR 1 R842 K1 H3 INT BO CAIMITO	SAN JUAN	PR	00926	(787) 671-8451	1/31/2020	Meat Processing; Poultry Processing	EL CHURRY
M32036+P32036	El Corral Meats	1730 W 500 South	Salt Lake City	UT	84104	(801) 972-1828	7/31/2008	Meat Processing; Poultry Processing	
M51565	Eldridge Tamales, LLC	19571 Hwy 33 South	Augusta	AR	72006	(501) 607-2275	11/7/2018	Meat Processing	
M19011+P19011	Elevation Brands, LLC	190 Fountain Street	Framingham	MA	01702	(508) 283-1174	2/4/2019	Meat Processing; Poultry Processing	
M7413+P384+V7413	Elevation Foods, LLC	1600 Harris Road	Knoxville	TN	37924	(865) 689-5893	6/20/2002	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry	Archer Farms, D'Amico, Dairy Fresh, Food City Premium, Fresket Classics, Great American Deli, Mrs. Gerry's
M9324	El Grande Chicharron	339 South C Street	Madera	CA	93637	(209) 674-3170	7/9/1991	Meat Processing	
M21558+P21558	El Greg Inc.	6024 N. Keystone Avenue	Chicago	IL	60646	(773) 478-9050	3/15/2018	Meat Processing; Poultry Processing	

M6454+P4896+V6454	Elizabeth Locker Plant, Inc.	366 Grant St.	Elizabeth	CO	80107	(303) 646-4020	4/19/1983	Identification - Meat; Identification - Poultry; Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry	
M34807	Elk County Processing & Provisions Ltd. LTD	6482 Grant Road	Ridgway	PA	15853	(814) 594-5781	8/17/2016	Meat Processing	
M19549	Elkhorn Valley Packing Co	101 N. Central	Harper	KS	67058	(620) 896-2300	4/8/2011	Meat Processing	
M19549A	Elkhorn Valley Packing LLC	1509 East 16th Street	Wellington	KS	67152	(620) 326-3443	4/14/2011	Meat Processing; Meat Slaughter	L. Grant & Sons Inc.
M9515+P9515	Elk Provision Co., Inc.	1260 Clinton Street	Buffalo	NY	14206	(716) 825-5555	8/3/1993	Meat Processing	
M46669	Elk River Custom Meats	2464 Downhill Dr	Steamboat Springs	CO	80487	(970) 846-7642	4/11/2019	Meat Processing	
M34384+V34384	Elkton Locker and Grocery, Inc.	127 Elk Street	Elkton	SD	57026	(605) 542-2291	5/9/2008	Meat Processing; Meat Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	Big Daddy's Meats
M33871+P33871	Ellengee Market Co	5120 N. Milwaukee Ave.	Chicago	IL	60630	(773) 777-7400	4/15/2009	Meat Processing; Poultry Processing	
M4264+P4264	Ellio's Pizza	11 Gregg Street	Lodi	NJ	07644	(201) 368-0600	10/31/2014	Meat Processing	
M18667+P18667	Ellsworth Foods Inc.	1510 Eastman Drive	Tifton	GA	31793	(229) 386-8448	4/9/2004	Meat Processing; Poultry Processing	

M7204+P7204	El Merendero Posa's	1514 Rodeo Rd.	Santa Fe	NM	87505	(505) 471-4766	10/20/2003	Meat Processing; Poultry Processing	
M344	Elmwood Locker Service	214 South Magnolia Street	Elmwood	IL	61529	(309) 742-8929	4/1/2019	Meat Processing	
I683	Elore Enterprises, LLC	1167 NW 159 Drive	Miami Gardens	FL	33169	(305) 477-1650	2/2/2017	Imported Product	Wine Importers and Distributors
M12648	Elore Enterprises, LLC	1055 NW 159 Drive	Miami Gardens	FL	33169	(305) 477-1650	2/11/2019	Meat Processing	Macarena, Palaclos, Quijote Chorizos
M45664+P45664	El Paso Prepared Foods	1101 Pendale St.	El Paso	TX	79907	(815) 303-8971	5/20/2019	Meat Processing; Poultry Processing	
M33959+P33959	El Popular Sausage Factory, LLC	1251 Transport Drive PO Box 2237	Valparaiso	IN	46384	(219) 476-7040		Meat Processing	
M47147+P47147	ELP Specialty LLC	3615 W Bowles Ave Unit 1	Littleton	CO	80129	(303) 630-9568	2/13/2020	Meat Processing; Poultry Processing	Carefree Cuisine
M21289	El Puerquito De Oro, Inc	93 3rd Street	Passaic	NJ	07055	(973) 779-4016	2/1/2019	Meat Processing	
M2958+P2958+V2958	El-Rey Meat Co., Inc.	6190 Bermuda Rd.	St. Louis	MO	63135	(314) 521-3113	12/5/2005	Meat Processing; Poultry Processing; Voluntary Processing - Meat	El-Rey Foods, Frisella Foods, Gwinns Foods
M17882+P17882	El Toro Meat Packing Inc	738 NW 72nd Street	Miami	FL	33150	(305) 836-4461	8/15/2000	Meat Processing	Morrison Meat Packers
M20780	Elysian Fields Farms Inc.	844 Craynes Run Road	Waynesburg	PA	15370	(724) 852-1076	12/20/2004	Meat Processing	
M20780A	Elysian Fields, LLC	176 W Herring Rd. Rt. 2, Box 386	Masontown	WV	26542	(304) 864-5700	6/8/2018	Meat Processing; Meat Slaughter	
M17996	Ely's Pork Products Inc.	401 Woodhill Road	Newtown	PA	18940	(215) 860-0669	5/16/2019	Meat Processing; Meat Slaughter	
M45265+P45265	El Zipote Foods	1111 Washinton Blvd. F	Montebello	CA	90640	(323) 721-0095	6/9/2017	Meat Processing; Poultry Processing	
M6524+P6524	Embutidos Don Frank	Calle 4 B #9 Alturas de Villa Fontana	Carolina	PR	00982	(787) 762-9557	8/29/2012	Meat Processing; Poultry Processing	Empacadora Don Willie Inc.

M31870+P31870	Embutidos El Compay	Urbanizacion Villa Madrid, Calle #17 P-10	Coamo	PR	00769	(787) 825-3789	6/10/2004	Poultry Processing	
M45659+P45659	Embutidos Fanguito Inc.	1423 NW 23rd Street	Miami	FL	33142	(305) 300-2902	7/23/2015	Meat Processing; Poultry Processing	
M44995+P44995	Embutidos Monte de Oro	Bo. Bayamon Carr. 787 Km1.0	Cidra	PR	00739	(787) 739-5927	9/11/2012	Meat Processing; Poultry Processing	
M21790+P21790	Embutidos Vallecrespo	HC-05 Buzon 52106	Hatillo	PR	00659	(787) 820-2205	10/25/2001	Meat Processing; Poultry Processing	
M46556	E&M Custom Meats	4191 Lee Center Road	Taberg	NY	13471	(315) 533-6921	3/7/2019	Meat Processing; Meat Slaughter	
M17635+P17635	Emerson Distributing	986 Cherry Street	Medford	OR	97501	(541) 773-7310	12/18/2003	Meat Processing; Poultry Processing	
M39952+P39952	Emil's Pizza, Inc.	1020 South 12th Street	Watertown	WI	53094	(920) 262-9756	8/13/2015	Meat Processing; Poultry Processing	Emil's Foods, Inc.
M18567+P18567	E&M Innovative Forager, LLC	2665 S. Park Road	Pembroke Park	FL	33009	(954) 923-0056	11/14/2017	Meat Processing; Poultry Processing	Cattle Brands - Prime Meat Cuts, Ray Quality Beef & Poultry, Stirling Wholesale Meat, Sunshine Provisions & WeForge
M38494+P32145+V32145	Emmaus Foods, LLC	661 Railroad Avenue	Albertville	AL	35951	(256) 894-5869	9/22/2011	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry	
M44976+P44976	Empacadora y Procesadora del Sur, Inc.	Salida 76, Carretera 153 Int.14 Calle Piel Canela, Detras de Walgreens	Coamo	PR	00769	(787) 803-2510	4/16/2018	Meat Processing; Poultry Processing	S.J. Meat Processing, Inc.
M45609+P45609	Empanadas 305	221 West 27th Street	Hialeah	FL	33010	(786) 332-4869	4/20/2015	Meat Processing; Poultry Processing	
M19950+P19950	Empanadas Quintero	1951 N.W. 141st Bay #54	Opa-Locka	FL	33054	(305) 687-7754	1/6/2009	Meat Processing; Poultry Processing	

M7995+P7995	Empire Packing Company LP	1837 Harbor Drive	Memphis	TN	38113	(901) 948-4788	8/22/2019	Meat Processing; Poultry Processing	Ledbetter, Ledbetter Packing Company
M46344+P46344	Empire Packing Company, LP	4780 Alliance Drive	Mason	OH	45040	(901) 888-1242	11/19/2018	Meat Processing; Poultry Processing	
M13465	Empirical Foods, Inc.	West Highway 50	Holcomb	KS	67851	(620) 272-5500	4/17/2019	Meat Processing	
M19872+P19872+V19872	Empirical Foods, Inc.	360 164th Street	So. Sioux City	NE	68776	(402) 412-4000	4/19/2019	Certification - Export; Meat Processing; Poultry Processing	Dakota Cold Storage-DCS, Dos Rios, Jen's Family Table, JFT Distribution, LLC, Noble Valley Meat Co., NVM Distribution, LLC, Two Rivers, Two Rivers Distribution, LLC, WAF Distribution, LLC, Whole Acre Farms
M6548+P6548	Empreasa Barsan Inc.	Calle C Edificio M-1214 Urb. Ind. Barrio Palmas	Catano	PR	00962	(809) 788-6070	11/6/1991	Meat Processing; Poultry Processing	Bohio, Great Value, La Fe, Productos Titan
M27298	E.M.S.A. Inc.	2200 Fletcher Ave., Ste 1000	Lincoln	NE	68521	(402) 438-4050	11/21/2005	Meat Processing	E & M
M30959+P30959	Emuna Inc	13020 Yukon Avenue Unit E	Hawthorn	CA	90250	(310) 955-8586	4/25/2017	Meat Processing; Poultry Processing	
P17778	ENA Meat Packing Corp.	2-8 Warren Street	Paterson	NJ	07524	(973) 742-4407	11/9/2009	Poultry Processing; Poultry Slaughter	Senat Poultry LLC
M17778	E.N.A. Meat Packing Inc.	240 East 5th Street	Paterson	NJ	07524	(973) 742-4790	5/5/2003	Meat Processing; Meat Slaughter	
M51279+P51279	Encore Seafoods, Inc.	475 Nugget Ave.	Sparks	NV	89431	(775) 331-3366	8/7/2017	Meat Processing; Poultry Processing	
M4322+P4322	Endicott Meats Inc.	355 Food Center Drive Bldg. B-23	Bronx	NY	10474	(718) 893-7318	6/18/2007	Meat Processing; Poultry Processing	
M31806+P31806	Enslin & Son Packing Company	2501 Glendale Avenue	Hattiesburg	MS	39401	(601) 582-9300	7/29/2005	Meat Processing; Poultry Processing	
M45269+P45269	Epicurean Catering	4650 West Post Road Suite 115	Las Vegas	NV	89118	(702) 364-2433	11/22/2017	Meat Processing; Poultry Processing	

M20322A+P20322A	Equity Group Eufaula Division, LLC	57 Melvin Clark Road	Baker Hill	AL	36027	(334) 688-6500	12/20/2019	Meat Processing; Poultry Processing	Key Farms, Keystone Foods LLC
M20322+P20322	Equity Group Eufaula Div LLC	57 Melvin Clark Road	Baker Hill	AL	36027	(256) 964-1000	1/31/2019	Poultry Processing; Poultry Slaughter	Key Farms, Keystone Foods, LLC
P20385	Equity Group Georgia Division, LLC	7220 US Highway 19	Camilla	GA	31730	(229) 430-0111	1/23/2019	Poultry Processing	Coosa Valley Farms
P2686	Equity Group Georgia Division, LLC	7220 US Highway 19 North	Camilla	GA	31730	(229) 430-0111	1/23/2019	Poultry Processing; Poultry Slaughter	KeyFarm, Keystone Foods
P20245	Equity Group Kentucky Division, LLC	2294 KY Highway 90W	Albany	KY	42602	(606) 387-2300	1/28/2019	Poultry Processing; Poultry Slaughter	Coosa Valley Foofs, KeyFarms, Keystone Foods
M34114	E. R. Boliantz Co. Inc.	1535 Cleveland Ave.	Ashland	OH	44805	(419) 289-0736	1/19/2007	Meat Processing; Meat Slaughter	
M34114A	E R Boliantz Company Inc.	749 Springmill St.	Mansfield	OH	44903	(419) 289-0736	11/19/2018	Meat Processing	
M46553+P46553+V46553	Erie Bone Broth, LLC	2203 Superior Ave. Unit B	Cleveland	OH	44116	(440) 623-9999	4/17/2019	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry	
M44798+P44798	Erika Lynch LLC	151-1 Mad River Canoe Road	Waitsfield	VT	05673	(802) 461-5962	1/14/2020	Meat Processing; Poultry Processing	Babette's
V46676	ER Logistics Consultant LLC	7610 NW 25th Street Unit 01, 02	Miami	FL	33122	(305) 497-7426	7/12/2019	Certification - Export; Identification - Meat; Identification - Poultry	
M10251+P10251+V10251	Ernst Hotel Supply Co.	2888 Riopelle	Detroit	MI	48207	(313) 832-4300	12/29/2003	Meat Processing; Poultry Processing; Voluntary Processing - Meat	Diamond Pride
M31536+P31536	Errol's Cajun Foods, Inc.	6801 Highway 1001	Belle Rose	LA	70341	(225) 746-1002	10/1/2007	Meat Processing; Poultry Processing	

V34244	Eskimo Cold Storage	3001 Athens Highway	Gainesville	GA	30507	(770) 535-3008	3/29/2007	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
P46982	Esperanto	357 Milton Avenue	Ballston Spa	NY	12020	(518) 466-9453	8/30/2019	Poultry Processing	Esperanto
M9482	Espey's Meat Market	319 Espey Market Lane	Scottdale	PA	15683	(724) 887-3226	7/11/2012	Meat Processing; Meat Slaughter	
M17524+P17524	Espi's Sausage and Tocino Co.	29 S. Hanford St.	Seattle	WA	98134	(206) 722-3365	6/27/2017	Meat Processing; Poultry Processing	
M4329+P4329	Esposito's Finest Quality Sausage Products	354 West 38th St	New York	NY	10018	(212) 868-4142	4/2/2010	Meat Processing; Poultry Processing	
M45163+P45163	ESPUNA, LLC	20 Harrison Street	Gloversville	NY	12078	(518) 775-1742	4/29/2019	Meat Processing; Poultry Processing	Imperial Chorizo, Pata Negra
V46284	Esquivel's Forwarding Agency Inc.	9101 San Mateo Drive	Laredo	TX	78045	(956) 722-2654	12/1/2017	Certification - Export	
G496	Estherville Foods, Inc.	105 N. 4th St.	Estherville	IA	51334	(712) 362-3527	2/11/2013	Egg Product	
V20995	Eugene Freezing & Storage	310 Seneca Road	Eugene	OR	97402	(541) 343-1694	6/25/2010	Identification - Meat; Identification - Poultry	
M46768+P46768	Eugene Kitchen LLC	2137 Manchester Street	Atlanta	GA	30324	(678) 235-2654	11/14/2019	Meat Processing; Poultry Processing	
M20856+V20856	Eureka Locker, Inc.	110 4-H Park Rd.	Eureka	IL	61530	(309) 467-2731	7/1/2011	Meat Processing; Meat Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Meat	

M6018+P6018	Eureka Sausage Company	6835 N. Tujunga Ave.	North Hollywood	CA	91605	(818) 558-1358	3/16/1998	Meat Processing; Poultry Processing	
M6717+P6717	Eurocaribe Packing Company, Inc.	Street A Lot 23 Cabo Caribe Industrial Park	Vega Baja	PR	00693	(787) 793-6900	12/10/2019	Meat Processing; Poultry Processing	Atalanta, Burger King, Church's, Conga, Congusto, Cotsco, Econo, El Serranito, Great value, Pueblo, Sam's, Selectos Congusto, Subway, SuperMax, Walmart
M4010+P4010	Euro Foods Inc.	2376 State Route 940 Hwy	Freeland	PA	18224	(570) 636-3171	6/16/2006	Meat Processing; Poultry Processing	Citterio U.S.A. Corporation
M4010A	Euro Foods Inc., d/b/a Citterio USA Corp	718 Hazle Street	Freeland	PA	18224	(570) 636-3171	10/12/2017	Meat Processing	Citterio USA Corp.
M9434+P9434	European American Sausage Corp.	1242 N. American Street	Philadelphia	PA	19122	(215) 232-1716	4/2/2012	Meat Processing; Poultry Processing	
M34388+P34388	European Meat Emporium	849 kings Highway East	Farifield	CT	06825	(203) 696-2322	4/5/2018	Meat Processing; Poultry Processing	
M21611+P21611	Eurostyle Deli Inc	4861 Oakton Avenue	Skokie	IL	60077	(847) 329-1430	2/1/2002	Meat Processing; Poultry Processing	
M51245+P51245	Evangel International Foods	2727 Westside Dr.	Pasadena	TX	77502	(504) 929-9036	9/21/2018	Meat Processing; Poultry Processing	
M1001	Evans Food Group	2240 6th Street	Portsmouth	OH	45662	(614) 796-4882	8/19/2019	Meat Processing	
M1673	Evans Food Group	4118 S. Halsted Street	Chicago	IL	60609	(773) 321-7301	8/19/2019	Meat Processing	Evans Food Products
M6030+P6030	Evans Food Group	15430 E. Proctor Avenue	City of Industry	CA	91744	(626) 926-5727	10/10/2019	Meat Processing; Poultry Processing	Gayton Foods
M7293	Evans Food Group	615 N. Great SW Parkway	Arlington	TX	76011	(817) 640-5626	12/12/2019	Meat Processing	Mac's Snacks
M20516+P20516	Evans Meats, Inc.	617 21st Avenue West	Birmingham	AL	35204	(205) 324-6666	7/29/1998	Meat Processing; Poultry Processing	
M48132+P48132	Ever Better Eating, Inc.	31 Barnstead Road	Pittsfield	NH	03263	(603) 435-5119	12/28/2016	Meat Processing; Poultry Processing	

M31639+P31639	Everest Meats	1617 East 25th Street	Los Angeles	CA	90011	(562) 402-1168	3/11/2004	Meat Processing; Poultry Processing	
M6068+P6068	Evergood Sausage Company	1389 Underwood Avenue	San Francisco	CA	94124	(415) 822-4660	10/23/1990	Meat Processing; Poultry Processing	
M6437+P6437+V6437	Evergreen Meats Inc.	306 S. Valley Street	Port Angeles	WA	98362	(360) 457-8555	11/13/1992	Meat Processing; Poultry Processing; Voluntary Processing - Poultry; Voluntary Slaughter - Poultry	Evergreen Meats Inc.
M10219+P10219	E.W. Grobbel Sons, Inc.	2500 Orleans St. P.O. Box 07580	Detroit	MI	48207	(313) 567-8000	3/10/2020	Meat Processing; Poultry Processing	Adelaide Farm Foods, EW Grobbel, United Meat & Deli
M9662+P9662	E. W. Mailhot Sausage Co.	258 Bartlett Street	Lewiston	ME	04240	(207) 786-2454	9/30/2010	Meat Processing; Poultry Processing	
V47044	Exact Packaging Inc.	2500 N. 42nd St.	Quincy	IL	62305	(217) 223-6180		Food Inspection; Identification - Meat; Identification - Poultry	
M34499	Ex-Cel Corned Beef	2701 N. Harlem Ave.	Chicago	IL	60707	(312) 666-2535	7/17/2018	Meat Processing	
M9949+P9949	Excellent Meats LLC	1889 Rt 9, Bldg 9, Unit 30	Toms River	NJ	08755	(732) 240-4022	3/26/2003	Meat Processing; Poultry Processing	
M9587+P9587	Exceptional Foods Inc	9020 Pennsauken Highway	Pennsauken TWP	NJ	08110	(215) 739-8450	8/9/2017	Meat Processing; Poultry Processing	
M21602+V21602	Exel Inc.	5522 Little Richmond Rd	Dayton	OH	45426	(937) 837-4233	2/4/2008	Certification - Export; Identification - Meat; Identification - Poultry	
V51160	Exel Inc.	9333 Hermosa Avenue	Rancho Cucomonga	CA	91730	(909) 944-8956	6/25/2013	Certification - Export; Identification - Meat; Identification - Poultry	

V44143	Exel, Inc	6710 Oakley Industrial Blvd.	Union City	GA	30291	(674) 724-4900	9/1/2011	Certification - Export; Food Inspection; Identification - Meat; Identification - Poultry	
V46678	Exel Inc. dba HLS Supply Chain (USA)	1000 Campbell Drive	Findlay	OH	45840	(303) 697-1393	7/16/2019	Identification - Meat; Identification - Poultry	
M31906+P31906	EZ Foods, Inc.	3923-C Covington Hwy	Decatur	GA	30032	(678) 288-1658	12/7/2007	Meat Processing; Poultry Processing	Globus Foods
M19665+P19665	E-Z Shop Kitchen, Inc.	501 Chestnut St.	Fremont	OH	43420	(419) 334-2667	5/29/2015	Meat Processing; Poultry Processing	
M1838A	Ezzo Sausage Company	683 Manor Park Dr.	Columbus	OH	43228	(800) 558-8841	9/20/2017	Meat Processing	Ezzo Italian Meats
M45626+P45626	F-16 Custom Cuts LLC	355 Food Center Drive Unit F16	Bronx	NY	10474	(718) 542-4401	3/1/2017	Meat Processing; Poultry Processing	
M977+P977	F1 Foods Inc.	255 Walnut St	West Bridgewater	MA	02379	(508) 857-1281	9/3/2013	Meat Processing; Poultry Processing	Flavor First Foods Inc.
M5599+P5599	Fabbri Sausage Mfg. Co.	166 N Aberdeen St.	Chicago	IL	60607	(312) 829-6363	4/26/2012	Meat Processing; Poultry Processing	
M6206+P6206	Fabrique Delices, LLC	1610 Delta Court Unit 1	Hayward	CA	94544	(510) 441-9500	4/16/2020	Meat Processing; Poultry Processing	Fabrique Delices
M5726+P5726+V5726	Fairbury Steaks, Inc.	504 D Street	Fairbury	NE	68352	(402) 729-3364	12/8/2005	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M34595+P34595+G34595+V34595	Fair Market Inc.	1 Mitchell Rd.	Montgomery City	MO	63361	(573) 564-2323	7/13/2017	Meat Processing; Poultry Processing; Technical Animal Fats; Voluntary Processing - Meat	Fair Market Inc., Kansas City Protien, Supreme Cuisine
M2WM+P337	Fairmont Foods, Inc.	905 East Fourth Street	Fairmont	MN	56031	(507) 238-9001	3/31/2015	Meat Processing; Poultry Processing	

M7615+P7615+V7615	Fairmount Lockers	102 Main Street	Fairmount	ND	58030	(701) 474-5869	12/2/1991	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M17479+P17479+V17479	Fair Oaks Farms, LLC	7600 95th Street	Pleasant Prairie	WI	53158	(262) 947-0320	5/22/2019	Certification - Export; Identification - Meat; Meat Processing	Fair Oaks Farms East
M17479T+P17479T+V17479T	Fair Oaks Farms, LLC	8922 - 102nd Street	Pleasant Prairie	WI	53158	(262) 947-3340	5/22/2019	Certification - Export; Certification - Trichinae; Identification - Meat; Meat Processing; Poultry Processing	Fair Oaks Farms West
M47035	Fairview Custom Meats	755 Britmart Road	Elkton	KY	42220	(270) 889-9944	10/18/2019	Meat Processing; Meat Slaughter	Riverside Labor Group
M17839+P17839	Fairway Packing Inc.	1313 Erskine	Detroit	MI	48207	(313) 832-2710	4/11/2002	Meat Processing; Poultry Processing	
M40255	Fa Lu Cioli LLC	553 Lehigh Avenue	Union	NJ	07083	(908) 686-6061	6/15/2012	Meat Processing	
M6515+P6515	Family Brands, LLC	1001 Elm Hill Road	Lenoir City	TN	37771	(865) 986-8005	12/13/2016	Meat Processing; Poultry Processing	Cades Cove Brand, Cades Cove Foods, CadesCove, Dinner Delight Meats, Elm Hill Meats, Family Brands Int, LLC, Family Brands International, LLC, Family Brands Intl., LLC, Family Brands, LLC, Frosty Morn Meats
M4524+P4524	Family Food Products Inc.	1271 Ford Road	Bensalem	PA	19020	(215) 633-7023	9/23/2005	Meat Processing; Poultry Processing	Family Foods
M46210	Family Fresh Pack LLC	110-112 North Pratt Road	Monticello	WI	53570	(608) 938-4494	10/25/2018	Meat Processing	

M45899+P45899	FAMILY KITCHEN RAVIOLI	186 GOLD MINE ROAD	FLANDERS	NJ	07876	(973) 527-7501	6/13/2016	Meat Processing; Poultry Processing	
M9251+P9251+V9251	Family Loompya Corporation	2525 Southport Way Suite M	National City	CA	91950	(619) 477-1999	2/23/1999	Certification - Export; Meat Processing; Poultry Processing	
M45864	Family Tradition Foods M&R Inc.	4368 W Touhy Ave	Lincolnwood	IL	60712	(708) 415-4080	4/17/2017	Meat Processing	
M46538+P46538+V46538	Family Traditions Meat Company, Inc.	405 Sherman Ave	Ackley	IA	50601	(641) 847-0031	11/26/2018	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry	
M10647+P10647	Famous Chili, Inc.	1421 North 7th Street	Fort Smith	AR	72901	(479) 782-0096	11/22/2004	Meat Processing; Poultry Processing	
M2389+P2389	Famous Natchitoches LA Meat Pie Co.	1414 Industrial Drive	Coushatta	LA	71019	(318) 932-9256	4/24/2020	Meat Processing; Poultry Processing	
M73A+P73A	Fancy Farm's Butcher Block	21 Stahr Road	Fancy Farm	KY	42039	(270) 623-6413	4/16/2014	Meat Processing; Poultry Processing	
M45770	F and F Pay Lakes and Market	1400 Scotts Bridge Road	Calhoun	KY	42327	(270) 499-0251	1/13/2016	Meat Slaughter	
P45131	Farbest Foods, Inc.	3672 S. Keller Rd.	Vincennes	IN	47591	(812) 683-4200	2/25/2015	Poultry Processing; Poultry Slaughter	
P7769	Farbest Foods, Inc.	4689 S. 400 West	Huntingburg	IN	47542	(812) 683-4200	2/18/2010	Poultry Processing; Poultry Slaughter	

P7769A+V7769A	Farbest Foods, Inc.	4900 S. 400 West	Huntingburg	IN	47542	(812) 683-4200	12/22/2006	Certification - Export; Identification - Poultry	
M7610+P7610+V7610	Fargo Packing Company	307 East Main	West Fargo	ND	58078	(701) 282-3211	2/5/2007	Meat Processing; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat	
M18826A+P18826A	Faribault Foods, Inc.	3401 Park Ave	Faribault	MN	55057	(507) 331-1400	8/9/2019	Meat Processing; Poultry Processing	Faribault Foods, Inc.
V18826A	Faribault Foods, Inc.	3401 Park Avenue	Faribault	MN	55057	(507) 332-3386	4/29/2015	Certification - Export; Identification - Meat; Identification - Poultry	
M19252+P19252	Farm 2 Table Meats LLC	2482 MARYLAND HIGHWAY	Oakland	MD	21550	(301) 334-4140	1/14/2020	Meat Processing; Meat Slaughter	
M1705+P1705	Farm Boy Meats	2761 N. Kentucky Ave.	Evansville	IN	47711	(812) 425-5231	4/4/2003	Meat Processing; Poultry Processing	
M34737+V34737	Farm Brew, LLC	6810 Caratoke Highway	Grandy	NC	27939	(252) 491-5205	8/12/2010	Meat Processing; Voluntary Processing - Meat	Weeping Radish
G1633	Farmer John Egg Company, Inc.	2416 N. Street	Bakersfield	CA	93301	(661) 327-1456	7/11/1988	Egg Product	
M13054B	Farmer Jones Factory	400 S. 20th Street	Waco	TX	76706	(254) 752-2506	9/4/2018	Meat Processing	
M48195	Farmer's Pride	2181 Highpoint Rd.	Bowdon	GA	30108	(678) 818-5878	12/12/2016	Meat Processing; Meat Slaughter	
P1304	Farmers Pride Inc.	154 W. Main Street	Fredericksburg	PA	17026	(717) 865-6626	4/16/2019	Poultry Processing; Poultry Slaughter	Bell & Evans
P1304A	Farmers Pride Inc.	2929 US Route 22 Plant 2	Fredericksburg	PA	17026	(717) 865-6626	4/26/2016	Poultry Processing	Bell & Evans
M8364+P8364	Farmers Produce	2359 Crottlestown Road	Chambersburg	PA	17202	(717) 263-2821	2/27/2018	Meat Processing; Poultry Processing	

M21898+V21898	Farmers Union Industries, LLC	2421 9th Avenue South	Estherville	IA	51334	(712) 362-2225	4/15/2008	Certification - Export; Meat Processing; Meat Slaughter	Redwood Farms Meat Processors
M48167+P48167	Farm Field Table	1030 Woodward Heights	Ferndale	MI	48220	(810) 656-4546	3/14/2017	Meat Processing; Poultry Processing	
M45565+P45565	Farm Fresh Foods, LLC	5016 Grimes Drive	Guntersville	AL	35976	(256) 264-9180	9/4/2019	Meat Processing; Poultry Processing	
M7217+P7217	Farm Fresh Food Suppliers, Inc.	10571 Hwy 16	Amite	LA	70422	(985) 748-6815	6/1/2010	Meat Processing; Poultry Processing	
M9189+P9189	Farm Fresh Meats	22057 State Hwy 59	Robertsdale	AL	36567	(251) 947-7385	5/16/2017	Meat Processing	
M1993+P1993	Farmington Meat Co. Inc.	7419 W. Franklin St.	Forest Park	IL	60130	(708) 771-3600	8/11/2014	Meat Processing; Poultry Processing	
M40241+P40241	Farm to Table Community Inc.	750 Enterprise Drive	Kingston	NY	12401	(845) 383-1761	3/22/2016	Meat Processing; Poultry Processing	The Farm Bridge
M46079	Farmview Market	2610 Eattonton Highway	Madison	GA	30650	(844) 210-7030	12/11/2019	Meat Processing	
M39942+P39942+V39942	Farview Farms Meat Company	6325 NW Topeka Blvd	Topeka	KS	66617	(785) 246-1154	9/23/2014	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M44819	Fatback Pig Project LLC	130 Daniels Chapel road	Eva	AL	35621	(229) 641-2081	1/13/2013	Meat Processing; Meat Slaughter	
M34611	Fathead Peppers	405 East Walnut Street Rear Building	North Wales	PA	19454	(267) 446-8705	3/9/2009	Meat Processing	
M2650	Fathers Country Hams	6313 State Route 81	Bremen	KY	42325	(270) 525-3554	1/30/2017	Meat Processing; Meat Slaughter	Gatton Farms
M34271+P34271	Fatman's Beef Jerky	80 Industrial Park Road	Hagerman	NM	88232	(575) 752-2333	3/14/2013	Meat Processing	Alien Beef Jerky
M33940	Fauquier's Finest Custom Meat Processing, Inc.	11746 AG Industrial Drive	Bealeton	VA	22712	(540) 439-7227	3/30/2010	Meat Processing; Meat Slaughter	

M45449+P45449	Favazza Specialty Foods	141 Millwell Drive Suite C	Maryland Heights	MO	63043	(314) 962-5000	9/3/2014	Meat Processing; Poultry Processing	
V1334	Favpep LLC	1463 NW 97th Ave.	Miami	FL	33172	(305) 717-2428	12/5/2012	Certification - Export; Identification - Meat; Identification - Poultry	
M6555+P34794	Fayette Packing Company, Inc.	16620 Highway 196	Eads	TN	38028	(901) 867-3826	4/3/2019	Meat Processing; Meat Slaughter	Keith's Farm
M17994A+P17994A	F. B. Packing Co., Inc.	45-51 Foodmart Rd	Boston	MA	02118	(617) 269-5790	4/29/2013	Meat Processing; Poultry Processing	Frank Bertolino Co., Inc., Frank Bertolino Company, Inc.
M17994	F.B. Packing Co., Inc.	1 Foodmart Road	Boston	MA	02118	(617) 269-6340	2/13/1991	Meat Processing	
M7464+P7464	F.B. Purnell Sausage Co., Inc.	6931 Shelbyville Road	Simpsonville	KY	40067	(502) 722-5626	9/29/2003	Meat Processing; Meat Slaughter; Poultry Processing	
M19959+P19959	FCH Enterprises, Inc.	94-1068 Ka Uka Blvd	Waipahu	HI	96797	(808) 677-7766	6/29/2011	Meat Processing; Poultry Processing	Food Solution International
I30	F & C & R Investment Corporation	Road 175 KM 27.2, Lot 34 Urb. Industrial Rio Canas	Caguas	PR	00725	(787) 783-1988	10/19/2009	Imported Product	
M47030	F & C Seafood	598 St. Ann Street	Raceland	LA	70394	(985) 860-6267	10/29/2019	Meat Processing	
M9387+P9387	FED-RICK VEAL CO.	125 SUTTON STREET	PROVIDENCE	RI	02903	(401) 751-9534	8/9/2001	Meat Processing; Poultry Processing	
M27273A+P27273A	Felbro Food Products, Inc.	200 West Carob St.	Compton	CA	90220	(323) 936-5266	8/22/2018	Meat Processing; Poultry Processing	
M18678+P18678+V18678	Fells Point, LLC	2730 Wilmarco Ave.	Baltimore	MD	21223	(410) 539-5600	4/26/2010	Animal Foods Inspection; Meat Processing; Poultry Processing	Fells Point Wholesale Meats
M1050+P1050	Fernandez Meat Processing LLC	101 Henderson Bend Rd.	Calhoun	GA	30701	(706) 969-7269	1/16/2015	Meat Processing; Poultry Processing	

M5895+P5895	Fernandez Sao Jorge Linquica	4220 Commercial Drive #1	Tracy	CA	95304	(209) 835-9115	11/12/2006	Meat Processing	
M15877+P15877	Festive Foods, LLC	7811 County Road D	Waupaca	WI	54981	(715) 258-7740	3/7/2008	Meat Processing; Poultry Processing	
M12650+P12650	Fieldale Farms Corporation	1540 Monroe Drive	Gainesville	GA	30507	(770) 536-3899	8/18/2008	Meat Processing; Poultry Processing	Springer Mountain Farms
P1250	Fieldale Farms Corporation	2115 Industrial Blvd.	Cornelia	GA	30531	(706) 778-2261	2/11/2015	Poultry Processing; Poultry Slaughter	Springer Mountain Farms
P1257	Fieldale Farms Corporation	5163 Thompson Bridge Road	Murrayville	GA	30564	(770) 534-7373	5/22/2015	Poultry Processing; Poultry Slaughter	Springer Mountain Farms
M45141+P45141	Fieldsource Food Systems, Inc.	270 North Orange Street	Brea	CA	92821	(714) 529-3663	4/2/2013	Meat Processing; Poultry Processing	
M2691	Fieldstone Meats Of Alabama	282 Fieldstone Road P. O. Box 1014	Oneonta	AL	36131	(205) 625-3686	12/7/2004	Meat Processing	
M45332+P45332	Fifty Four Eleven Store 2 LLC	2045 W. North Ave.	Chicago	IL	60647	(312) 731-6025	10/21/2015	Meat Processing; Poultry Processing	5411 Empanadas
P19871	Filet of Chicken	146 Forest Parkway	Forest Park	GA	30297	(404) 361-2201	6/23/2014	Poultry Processing	
M10036	Fillmore Beef Co.	5812 142nd Avenue	Holland	MI	49423	(616) 396-6693	4/24/2012	Meat Processing; Meat Slaughter	
M7443	Finchville Farms Country Ham LLC	5157 Taylorsville Rd.	Finchville	KY	40022	(502) 834-7952	2/28/2008	Meat Processing	
M38487+P38487	Fine Foods of South Florida	2505 John P. Lyons	Pembroke Pines	FL	33009	(954) 962-8822	6/6/2017	Meat Processing; Poultry Processing	
M7812+P7812+V7812	Finger Food Products, Inc.	6400 Inducon Drive West	Sanborn	NY	14132	(716) 297-4888	12/4/2017	Certification - Export; Meat Processing; Poultry Processing	
M19439+P19439	Fiore Di Pasta, Inc.	4776 E. Jensen Avenue	Fresno	CA	93725	(559) 224-2110	8/15/2000	Meat Processing; Poultry Processing	

M17615+P17615+V17615	Fiore Food Service LLC	12120 Frankstown Road	Penn Hills	PA	15235	(412) 793-1300	4/18/2007	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M34510+P34510	Fiori-Bruna Pasta Products	5340 NW 163rd St.	Hialeah	FL	33014	(305) 621-0074	8/3/2012	Meat Processing; Poultry Processing	
M45662	Firetruck Bar-B-Que	229 Jefferson St	Alexander City	AL	35010	(205) 936-0058	7/24/2015	Meat Processing	
M33866+P33866+V33866	Firmenich Incorporated	100 North Valley Street	New Ulm	MN	56073	(507) 233-7400	4/19/2007	Certification - Export; Meat Processing; Poultry Processing	
V34545	First Choice Marine Supply	120 N. 20th Street	Tampa	FL	33605	(813) 223-7673	2/10/2009	Certification - Export; Identification - Meat; Identification - Poultry	
M46755+P46755	First Empanada Factory, Inc.	601 West 2675 North	Cedar City	UT	84721	(435) 586-5687	6/4/2019	Meat Processing; Poultry Processing	
M46435+P46435	First Street Cafe	116 W. First Street	Phoenix	OR	97535	(541) 535-6078	9/3/2014	Meat Processing; Poultry Processing	First Street Cafe
M6424+P6424	Fischer Meats	85 Front Street N	Issaquah	WA	98027	(206) 392-3131	6/20/1994	Meat Processing; Poultry Processing	
M4620+P4620	Fischer & Miller Inc.	85 Westmoreland Ave	White Plains	NY	10606	(914) 946-5400	11/4/1993	Meat Processing; Poultry Processing	
M27426+P27426	Fischer's Meat Market, Inc.	304 North Main	Muenster	TX	76252	(940) 759-4211	1/8/2018	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
P839	Fishel's Moravian Style Chicken Pies	3860 Huckleberry Ridge Road	Crumpler	NC	28617	(336) 384-9688	8/21/2017	Poultry Processing	
V46479	Fisher Packing Co.	9885 W. State Hwy. 67	Redkey	IN	47373	(765) 212-5765	10/10/2018	Voluntary Processing - Meat	

M34054+P34054	Fisher's Homestyle Salads LLC	2316 Norman Road	Lancaster	PA	17601	(717) 293-0800	12/27/2017	Meat Processing; Poultry Processing	
M8542+P8542	Fisher's Meat Market Inc.	228 St Johns Street	Lewisburg	PA	17837	(717) 523-1203	1/24/2013	Meat Processing; Poultry Processing	
M8002+P8002	Fishmarket Inc.	1406 West Chestnut St.	Louisville	KY	40203	(502) 587-7474	7/9/2019	Meat Processing; Poultry Processing	
M48153	Fish Processors	18374 HW 30	Hagerman	ID	83332	(208) 837-6114	2/10/2016	Meat Processing; Meat Slaughter	Big Bend Trout, Fish Breeders of Idaho
M48473	Fitza Pizza	1514 20th Street	Rockford	IL	61109	(815) 222-1699	6/28/2019	Meat Processing	Elmer Peterson Sausage
M21171A+P21171A	Five Star Custom Foods	2621 Eugenia Avenue	Nashville	TN	37311	(817) 838-3442	3/1/2019	Meat Processing; Poultry Processing	Cargill Meat Solutions, Corporation, CSMC, LLC
M19527+P19527	Five Star Food Products, Inc.	999 South Oyster Bay Road Building 400	Bethpage	NY	11714	(516) 868-0300	5/7/2014	Meat Processing; Poultry Processing	
M46591+P46591	Five Star Food Service	1853 W North Main Street	Lafayette	GA	30728	(706) 450-6702	12/26/2019	Meat Processing	
M45746+P45746	FiveStar Gourmet Foods	3600 Shaw Blvd.	Naples	FL	34117	(239) 280-0336	11/29/2017	Meat Processing; Poultry Processing	
M34643+P34643	Five Star Gourmet Foods, Inc.	3880 E Ebony	Ontario	CA	91761	(909) 390-0032	9/18/2008	Meat Processing; Poultry Processing	
M40334+P40334	Five Star Meat	69-80 75th Street	Middle Village	NY	11379	(718) 413-0218	1/15/2019	Meat Processing; Poultry Processing	Emir Halal Foods
M1483+P18320	FKC, LLC	3011 Stanton Ave.	Cincinnati	OH	45206	(513) 559-5283	6/23/2016	Meat Processing; Poultry Processing	
M45574+P45574	Flagship Food Group	1700 Desert Surf Circle NE	Albuquerque	NM	87107	(505) 345-9644	9/3/2015	Meat Processing; Poultry Processing	Excelline Foods
M9145H+P9145H	Flanders Provision	2001 Summit Ave	Hastings	NE	68901	(904) 524-8888	12/26/2017	Meat Processing; Poultry Processing	
M40219	Flannery Beef	139-C Carlos Drive	San Rafael	CA	94903	(415) 927-4488	8/7/2017	Meat Processing	

M31771+P31771+V31771	FlexXray, LLC	3751 New York Avenue #130	Arlington	TX	76014	(817) 453-3539	5/12/2011	Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	
V19584	Flint River Services, dba Lineage Logistics A bany	1011-1015 Worth Street	Albany	GA	31707	(229) 439-8080	4/30/2019	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
I624	Flint River Services, Inc.	101 Progress Drive	Rincon	GA	31326	(912) 754-1706	11/24/2009	Imported Product	
V21483	Flint River Services, LLC	400 Pine St Hwy 41	Unadilla	GA	31091	(478) 997-8888	11/18/2010	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V34099	Flint River Services, LLC	101 Progress Drive	Rincon	GA	31326	(912) 480-9420	11/18/2011	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	Lineage FRS
M6236+P6236+V6236	Flocchini Family Provisions, Inc.	259 Sage Street	Carson City	NV	89706	(702) 882-8110	7/21/2015	Meat Processing; Poultry Processing; Voluntary Processing - Meat	

V39919	Flora Foods, Inc.	11927 W. Sample Road	Coral Springs	FL	33065	(954) 785-3100	12/13/2011	Certification - Export; Identification - Meat; Identification - Poultry	
M21861+P21861	Flores Brothers Inc.	7777 Scout Ave	Bell Gardens	CA	90201	(562) 806-9128	10/10/2019	Meat Processing; Poultry Processing	
M21528	Florida Beef Inc.	441 State Road 64 East	Zolfo Springs	FL	33890	(863) 735-0662	4/21/2008	Meat Processing; Meat Slaughter	Florida Beef Inc.
M96	Florida Beef, Inc.	571 West Kings Highway	Center Hill	FL	33514	(352) 793-3671	4/24/2018	Meat Processing; Meat Slaughter	
M11205+P11205	Florida Country Inns Inc.	45 E. 44 St.	Hialeah	FL	33013	(305) 822-3741	12/4/1997	Meat Processing; Poultry Processing	Cardenas Bakery
M33850+P33850	Florida Meat Packaging, Inc.	2457 W. 80th St. Units 3 & 4	Hialeah	FL	33016	(305) 556-2010	5/7/2019	Meat Processing; Poultry Processing	A&A Meats
M21747	Flowers Slaughter House	5154-A St. Rose Church Road	Sims	NC	27880	(252) 237-2982	4/17/2020	Meat Processing; Meat Slaughter	
M34182+P34182	Flushing Meats, Inc.	88 HARRISON PLACE	BROOKLYN	NY	11237	(718) 386-3300	8/5/2013	Meat Processing; Poultry Processing	
M31737+P31737	Flying Food Fare	50 Adrian Court	Burlingame	CA	94010	(650) 652-4846	7/10/2009	Meat Processing; Poultry Processing	
M46412+P46412	Flying Food Fresh Food Solutions, LLC	14155 East 42nd Avenue Suite 75	Denver	CO	80239	(303) 386-8870	9/6/2017	Meat Processing; Poultry Processing	
M19830+P19830	Flying Food Group	640 Frelinghuysen Avenue	Newark	NJ	07114	(973) 623-3395	11/13/2014	Meat Processing; Poultry Processing	
M34373+P34373	Flying Food Group	2000 Newpoint Place Suite 800	Lawrenceville	GA	30043	(678) 226-4834	12/12/2014	Meat Processing; Poultry Processing	
M34547+P34547	Flying Food Group	7375 West Buckeye Road	Phoenix	AZ	85043	(312) 243-2122	1/28/2015	Meat Processing	
M34363+P34363	Flying Food Group - DFW LLC	1257 Minters Chapel Road	Grapevine	TX	76051	(817) 416-2525	12/8/2011	Meat Processing; Poultry Processing	

M48233+P48233	Flying Food Group LLC	3305 Bandini Blvd.	Vernon	CA	90058	(310) 534-3888	3/17/2017	Meat Processing; Poultry Processing	
M31935+P31935	Flying Food Servair	1650 NW 70th Avenue	Miami	FL	33126	(305) 718-3800	12/12/2014	Meat Processing; Poultry Processing	
M44829	FLYING W FARMS, LLC	1721 NORTHWESTERN TURNPIKE	BURLINGTON	WV	26710	(304) 289-3005	4/5/2016	Meat Slaughter	
M44830	FLYING W FARMS, LLC	2939 NORTHWESTERN TURNPIKE	BURLINGTON	WV	26710	(304) 289-3005	4/20/2016	Meat Processing	
M54242+P54242	Flynns Farm, LLC	5980 Zion Church Road	Concord	NC	28025	(704) 721-3300	10/10/2017	Meat Processing; Poultry Processing	
M45261	FM Meat Products Limited Partnership	19798 NE Hwy. 315	Fort McCoy	FL	32134	(352) 528-3000	3/26/2018	Meat Processing; Meat Slaughter	
M6456	F & M Sausage Co.	2000 Santa Fe Drive	Pueblo	CO	81006	(719) 544-8319	6/8/1998	Meat Processing	F&M Sausage, Frank's Meat Market
M34485+P34485	Fontana Flavors, Inc.	2342 Fulton St.	Janesville	WI	53546	(608) 754-9618	9/9/2009	Meat Processing; Poultry Processing	
M6944+P6944+V6944	Fontanini Foods, LLC	8751 West 50th St.	McCook	IL	60525	(708) 485-4800	9/25/2017	Certification - Export; Meat Processing; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat	Fontanini Italian Meats and Sausage
V45920	Food Bank for the Heartland	10525 J Street	Omaha	NE	68127	(402) 331-1213	7/18/2016	Identification - Meat; Identification - Poultry	
M18675+V18675	Foodbrands Supply Chain Serv.	20701 W. 159th St.	Olathe	KS	66062	(913) 393-7000	2/15/2005	Identification - Meat; Identification - Poultry	
M34309D+P34309D	Food Evolution	818 Metro Media Place	Dallas	TX	75247	(972) 863-7196	6/1/2015	Meat Processing; Poultry Processing	

M34309+P34309	Food Evolution	4260 N. Old River Rd.	Schiller Park	IL	60176	(847) 678-3663	7/24/2007	Meat Processing; Poultry Processing	
M45883+P45883	Foodie'J	516 W. Williams Avenue	Kingsland	GA	31548	(912) 729-8765	2/20/2020	Meat Processing; Poultry Processing	
P17807+V17807	Food Ingredients Technology Company, LLC	103 National Drive	Anniston	AL	36207	(256) 835-3217	12/12/2011	Poultry Processing	FITCO, IDF (International Dehydrated Foods)
M40251+P40251	Food Kits LLC	1102 Main Street	Bradley Beach	NJ	07720	(732) 259-0449	8/26/2011	Meat Processing; Poultry Processing	Chef In A Box
V45158	Food Marketing Consultants, Inc.	2805 N. Commerce Parkway	Miramar	FL	33025	(954) 322-2668	2/27/2013	Certification - Export; Identification - Meat; Identification - Poultry	
M1626+P7677	FoodMaven Inc.	909 East 75th Avenue	Denver	CO	80229	(303) 289-5551	1/24/2019	Meat Processing; Poultry Processing	
M11142+P11142	Food Parade	15400 Aviation Loop	Brooksville	FL	34604	(352) 799-0088	11/28/1998	Meat Processing; Poultry Processing	
M48291+P48291	Food Processing and Innovation Center (FPIC)	3361 Hulett Rd.	Okemos	MI	48864	(616) 443-1957	8/21/2018	Meat Processing; Poultry Processing	
M45529+P45529	Foodsaver New York, Inc.	402 E. 83rd Street	Brooklyn	NY	11236	(718) 209-9300	1/25/2017	Meat Processing; Poultry Processing	
M45326+P45326	Food Service Partners	528A Eccles Avenue	South San Francisco	CA	94080	(605) 624-7820	1/30/2018	Meat Processing; Poultry Processing	
M34245+P34245	Food Service Partners of Virginia	2823 Franklin Rd., Bldg. B	Roanoke	VA	24014	(540) 344-0399	7/30/2010	Meat Processing; Poultry Processing	
V20980	Food Services Inc.	17889 McLean Road	Mount Vernon	WA	98273	(360) 424-7147	9/14/1999	Certification - Export; Identification - Meat; Identification - Poultry	

M5668+P5668+V5668	Food Solutions 2, Inc.	4950 Oakland Street	Denver	CO	80239	(303) 378-4859	11/12/2015	Meat Processing; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat	
M51282+P51282	Foods On The Fly LLC	7004 Carroll Road	San Diego	CA	92121	(858) 404-0642	10/18/2019	Meat Processing; Poultry Processing	
M19062	Food Supply Inc.	3100 So. US 1 unit 100	Daytona Beach	FL	32119	(386) 252-3746	1/11/2005	Meat Processing	
M45530+P45530	Foodway	2205 Texas Ave.	Shreveport	LA	71103	(318) 222-0067	7/29/2016	Meat Processing; Poultry Processing	
V46458	Food X Inspections LLC	449 Howard Ave.	Holland	MI	49424	(616) 510-4373	8/24/2018	Food Inspection	
M46536	Foodz Depot	25009 W. Warren Ave.	Dearborn Heights	MI	48127	(313) 598-0200	7/25/2019	Meat Processing	
M45901+P45901	Foothill Meat Company, Inc.	3311 Foothill Blvd.	Oroville	CA	95966	(530) 534-3109	10/10/2019	Meat Processing	
M7340	Foothills Country Hams & Fresh Meats	522 South Main Street	Jonesville	NC	28642	(336) 835-2411	9/7/2007	Meat Processing	
M21478+P21478	Foothills Country Meats, Inc.	4375 W. Highway 90	Monticello	KY	42633	(606) 340-0760	12/20/2004	Meat Processing; Meat Slaughter	
M4625+P4625	Ford Brothers Wholesale Meats Inc	9129 Rt 219	West Valley	NY	14171	(716) 942-3000	11/14/2014	Meat Processing; Poultry Processing	
M38564+P38564	Foreman's Boudin Kitchen	8236 HWY 113	Dry Creek	LA	70637	(337) 328-2270	10/20/2010	Meat Processing; Poultry Processing	
V19992	FOREM FACILITY MANAGEMENT	2-44 CORNELIA ST.	NEWARK	NJ	07105	(973) 465-5080	3/21/2016	Certification - Export; Identification - Meat; Identification - Poultry	
M4573+P4573	Forest Pork Store, Inc.	6639 Forest Avenue	Ridgewood	NY	11385	(718) 497-2853	4/5/2018	Meat Processing; Poultry Processing	

M2446+P2446	Formosa Food Company Inc.	810 Black Forest Road, HWY 18, Box 480	Hull	IA	51239	(712) 439-1065	4/22/2020	Meat Processing; Poultry Processing	Sam's Meat Company Inc.
M21188+P21188	Forrest Meats, Inc	103 Krack St.	Forrest	IL	61741	(815) 692-6036	8/20/2019	Meat Processing; Meat Slaughter	
G34777	Forsman Farms, Inc.	1200 Commerce Blvd	Howard Lake	MN	55329	(320) 286-5905	6/26/2017	Egg Product	
M4515+P4515	Fort Meat Inc.	5600 First Avenue Bldg 5A	Brooklyn	NY	11220	(718) 439-8375	11/25/1988	Meat Processing; Poultry Processing	Supreme Veal Inc.
M18823+P18823	Fortune Avenue Foods, Inc.	2117 South Pointe Ave.	Ontario	CA	91761	(909) 930-5989	8/7/2015	Meat Processing; Poultry Processing	
M47104	Fort Worth Meat Packers LLC	3801 N Grove St.	Fort Worth	TX	76106	(817) 381-2138	1/27/2020	Meat Processing; Meat Slaughter	
M47104B	Fort Worth Meat Packers LLC	3801 N Grove St.	Fort Worth	TX	76106	(817) 381-2138	1/27/2020	Meat Processing; Meat Slaughter	
M46448+P46448	Forum Meat Company	105 Avenue F	Ennis	TX	75119	(214) 935-3380	9/21/2018	Meat Processing; Poultry Processing	
M18909+P157	Foster Farms	500 F Street	Turlock	CA	95380	(209) 667-1111	3/14/2013	Poultry Processing; Poultry Slaughter	Costal Range, Fircrest, Sierra Farms, Sunland, Valbest Farms, Valchris Farms
M20923+P20923	Foster Farms	770 North Plano Rd	Porterville	CA	93257	(559) 793-5501	4/15/2010	Meat Processing; Poultry Processing	
M210+P210	Foster Farms	711 F St.	Turlock	CA	95380	(209) 667-1111	4/15/2010	Meat Processing; Poultry Processing	
M33901+P33901	Foster Farms	6648 HWY 15 North	Farmerville	LA	71241	(318) 368-4200	6/12/2019	Meat Processing; Poultry Processing	
M6137+P6137	Foster Farms	843 Davis St.	Livingston	CA	95334	(209) 394-7901	4/15/2010	Poultry Processing; Poultry Slaughter	
P33900+V33900	Foster Farms	6648 HWY 15 North	Farmerville	LA	71241	(318) 368-4200	7/9/2009	Certification - Export; Poultry Processing; Poultry Slaughter	Sunland Poultry Co.
P6137A	Foster Farms	2960 Cherry St.	Fresno	CA	93706	(559) 265-6110	4/15/2010	Poultry Processing; Poultry Slaughter	

P6164A	Foster Farms	1700 South 13th Avenue	Kelso	WA	98626	(360) 575-4900	12/17/2018	Poultry Processing; Poultry Slaughter	Sunland Poultry Company
V210A	Foster Farms	520 C Street	Turlock	CA	95380	(209) 394-6914	11/29/2011	Certification - Export; Identification - Meat; Identification - Poultry	
V38538	Foster Farms	707 Davis Street	Livingston	CA	95334	(209) 394-6914	6/8/2009	Certification - Export; Identification - Meat; Identification - Poultry	
V38539	Foster Farms	655 Davis Street	Livingston	CA	95334	(209) 394-6914	4/18/2009	Certification - Export; Identification - Meat; Identification - Poultry	
M6137B+P6137B	Foster Farms - Deli	843 Davis Street	Livingston	CA	95334	(209) 394-6986	11/9/2010	Meat Processing; Poultry Processing	Sunland, Valchris
M6193+P6193	Foster Poultry Farms	855 N.W. 8th Street	Corvallis	OR	97330	(541) 754-6211	6/28/2011	Poultry Processing	Fircrest Farms
M7322+P7322	Foster Poultry Farms	232 Buddy Griffith Drive, North	Demopolis	AL	36732	(334) 289-5082	2/3/2010	Meat Processing; Poultry Processing	Griffith Foods, Signature, Sunland Poultry Co.
V941	Foster Poultry Farms	455 5th Street	Turlock	CA	95380	(209) 394-7901	9/20/2011	Off-Premise Freezing Meat; Off-Premise Freezing - Poultry	
M19834+P19834	Foster Wholesale meats	305 O'Neal St.	Belton	SC	29627	(864) 338-7111	4/9/1997	Meat Processing; Poultry Processing	
M45316+P45316	Fotis And Son Imports, Inc.	15451 Electronic Lane	Huntington Beach	CA	92649	(714) 894-9022	8/4/2016	Meat Processing; Poultry Processing	Fotis And Son Imports, Inc.
M2514+P18395	Four Star Foods, Inc.	1230 West Fulton Mkt. St.	Chicago	IL	60607	(312) 563-0300	10/27/1993	Poultry Processing	
M4893	Four Star Meat Co	2240 East 69th St.	Long Beach	CA	90805	(562) 408-2811	12/5/2001	Meat Processing	

M8099+P8099	Four Star Meat Product Co., Inc.	83 Alston Court	Forest Park	GA	30297	(404) 361-3880	8/15/1996	Meat Processing; Poultry Processing	
M40365+P40365	Four Story Hill Farm Inc.	9 Four Story Lane	Honesdale	PA	18431	(570) 224-4137	9/15/2011	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
M45210+P45210+V45210	Fourth Street Barbecue	#3 Arentzen Boulevard Speers Industrial Park	Charleroi	PA	15022	(724) 483-2000	10/21/2015	Certification - Export; Meat Processing; Poultry Processing	
M45210A+P45210A	Fourth Street Barbeque Inc.	119 North PA-88	Charleroi	PA	15022	(724) 483-2000	9/16/2019	Meat Processing; Poultry Processing	Fourth Street Barbeque Inc.
M46342+P46342	Fox Bros BBQ Catering LLC	134 Ottley Drive	Atlanta	GA	30324	(404) 414-0826	9/20/2018	Meat Processing; Poultry Processing	
M9476+P9476	Fox Country Smoke House LLC	164 Brier Bush Road	Canterbury	NH	03224	(603) 783-4405	12/13/2018	Meat Processing	Fox Country Smoke House LLC
M332	FPL Food	1301 New Savannah Rd.	Augusta	GA	30901	(706) 722-2694	11/1/2004	Meat Processing; Meat Slaughter	Shapiro Packing Co.
M332R	FPL Food LLC	121 Roseway Drive	Thomasville	GA	31792	(706) 922-5502	3/19/2020	Meat Processing	
M332T+P332T	FPL Food, LLC	131 Roseway Drive	Thomasville	GA	31792	(706) 722-2694	7/12/2012	Meat Processing; Poultry Processing	
M8997+P8997	Fraboni Sausage	1202 13th Avenue East	Hibbing	MN	55746	(218) 263-5074	11/12/2003	Meat Processing; Poultry Processing	
M33893+P33893A	Fra' Mani, LLC	1311 8th Street	Berkeley	CA	94710	(510) 526-7000	3/8/2013	Meat Processing; Poultry Processing	
M17888+P17888	Francisco Meat Company	3081 E. Miraloma Avenue	Anaheim	CA	92806	(714) 680-4314	11/22/2013	Meat Processing; Poultry Processing	
M4251+P4251+V4251	Frank Brunckhorst Co. L.L.C.	24 Rock Street	Brooklyn	NY	11206	(718) 456-3600	8/2/2016	Certification - Export; Identification - Meat; Identification - Poultry	

V45289	Frank Brunckhorst Co., L.L.C.	2225 Spiegel Drive	Groveport	OH	43125	(614) 662-5300	7/14/2016	Certification - Export; Identification - Meat; Identification - Poultry	
V45712	Frank Brunckhorst Co., LLC	125 E County Road 400 S	New Castle	IN	47362	(765) 518-4200		Certification - Export; Identification - Meat; Identification - Poultry	
M21022+P21022	Frank C. Corriher Beef & Sausage, Inc.	940 Daugherty Road	China Grove	NC	28023	(704) 857-5519	4/23/2015	Meat Processing; Poultry Processing	
M46386+P46386	Frank Granato Importing	1632 South Redwood Road	Salt Lake City	UT	84104	(801) 433-0940	6/14/2018	Meat Processing; Poultry Processing	
M12473+P12473	Frank's Foods, Inc.	1141 West Kawailani Street	Hilo	HI	96720	(808) 959-9121	4/18/2008	Meat Processing; Poultry Processing	
M9801	Frank's Pork Products	236 Church Alley	Chatham	PA	19318	(215) 869-4446	7/21/2014	Meat Processing	
M4365+P4365	Frank Wardynski & Sons, Inc.	336 Peckham Street	Buffalo	NY	14206	(716) 854-6083	7/28/2015	Meat Processing; Poultry Processing	Frank Wardynski & Son, Inc.
M20784+P20784	Fran's Fryers	3360 FM 308	Milford	TX	76670	(972) 493-5305	11/22/2011	Meat Processing; Poultry Processing; Poultry Slaughter	
V21491	Frase Foods, Inc.	3805 Frutas Avenue	El Paso	TX	79905	(915) 577-0012	2/12/2001	Certification - Export; Identification - Meat; Identification - Poultry	
M7543B	Fratelli Beretta USA, Inc.	750 Clark Drive	Mount Olive	NJ	07828	(201) 343-5161	12/13/2018	Meat Processing	
M13153+P13153	Fredericksburg Lockers, Inc.	410 South Washington	Fredericksburg	TX	78624	(830) 997-3358	10/24/2007	Meat Processing; Poultry Processing	Opa's Smoked Meats

M304A+P19066+V304A	Fred Usinger, Inc.	303 E. Florida Street	Milwaukee	WI	53204	(414) 276-9100	10/24/2016	Certification - Export; Meat Processing; Poultry Processing	
M304+P15869	Fred Usinger, Inc.	1030 N. Old World 3rd Street	Milwaukee	WI	53203	(414) 276-9100	6/17/2016	Meat Processing; Poultry Processing	
M45302+P45302	Freedom Meats Inc.	2955 Westwood Drive	Las Vegas	NV	89109	(702) 901-7227	7/22/2016	Meat Processing; Poultry Processing	
M1996+P8242+V1996	Freedom Sausage, Inc.	4155 E. 1650th Rd.	Earlville	IL	60518	(815) 792-8276	6/4/1996	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry	
M20846+P20846	Freeze-Dry Foods LLC	111 West Avenue	Albion	NY	14411	(585) 589-6399	3/3/2020	Meat Processing; Poultry Processing	
I602	Freezer & Dry Storage, LLC	21740 Trolley Industrial Drive	Taylor	MI	48180	(313) 295-1310	6/13/2019	Imported Product	
V3463	Freezer Services of Michigan LLC	8359 Saint Aubin St.	Hamtramck	MI	48212	(313) 871-5040	3/28/2008	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry	
I265	Freezer Services of Michigan, L.L.C.	8350 Saint Aubin Street	Hamtramck	MI	48212	(313) 871-5040	8/10/2016	Imported Product	Border City U.S.A
M6595	Freirich Foods, Inc.	815 West Kerr Street	Salisbury	NC	28144	(704) 636-2621	2/2/2009	Meat Processing	Julian Freirich Co. Inc.

M13415+P13415	Fremont Beef Company	960 South Schneider Street	Fremont	NE	68025	(402) 727-7200	7/24/1995	Meat Processing; Poultry Processing	
G21395	Fremont Farms of Iowa L.L.P.	3868 110th Street	Malcom	IA	50157	(641) 528-3447	9/11/2000	Egg Product	
M5723+P5723	Fremont Meat Market, Inc.	1605 North Main St.	Fremont	NE	68025	(402) 721-8782	12/6/1990	Meat Processing; Poultry Processing	
M34135+P34135	Frenchy's Sausage Co., Inc.	4220 Pinemont Drive	Houston	TX	77018	(713) 862-2299	1/15/2019	Meat Processing; Poultry Processing	
M21098A+P21098A	Fresca Foods Inc.	1775 Cherry Street	Louisville	CO	80027	(303) 996-8881	3/25/2019	Meat Processing; Poultry Processing	
M45523+P45523	Fresco Foods, Inc.	9410 E. Broadway Avenue	Tampa	FL	33619	(813) 317-8111	2/2/2017	Meat Processing; Poultry Processing	Eat Fresco
M46953+P46953	Fresh Advantage / Demakes Enterprises, Inc.	18 Electronics Avenue	Danvers	MA	01923	(978) 605-5180	3/21/2017	Meat Processing; Poultry Processing	Old Neighborhood Foods, Thin 'n Trim, Waterhill Naturals, Waterhill Organancs
M45642+P45642	Fresh Co. Foods, LLC	1333 Vashti Street	Nashville	TN	37207	(615) 942-7349	9/26/2018	Meat Processing	
M46852+P46852	Fresh! Creative Cuisine	2800 Wegworth Lane	Baltimore	MD	21230	(410) 294-7978	8/18/2014	Meat Processing; Poultry Processing	
M19888+P19888	Fresh Creative Foods	3825 Corporate View	Vista	CA	92081	(760) 597-1270	3/20/2017	Meat Processing; Poultry Processing	Fresh Creative Foods
M46607+P46607	Fresh Express Incorporated	1361 Southern Road	Morrow	GA	30260	(678) 422-2150	12/26/2019	Meat Processing	
M40211+P40211	Fresh Food Manufacturing Company	2500 Lovi Road	Freedom	PA	15042	(412) 963-6200	7/30/2014	Meat Processing; Poultry Processing	
M18235+P18235+V18235	Fresh Foods of Washington LLC	1200 Merrill Creek Parkway	Everett	WA	98203	(425) 407-6400	2/10/2016	Food Inspection; Meat Processing; Poultry Processing	Kettle Cuisine
M20093+P20093	Fresh Gourmet Cuisine Corp	19431 Business Center Dr. Suite #35	Northridge	CA	91324	(818) 772-1350	2/28/2009	Meat Processing; Poultry Processing	

M32053+P32053+V32053	Fresh Grill LLC	240 East Dyer Road	Santa Ana	CA	92707	(714) 444-2126	8/28/2009	Certification - Export; Food Inspection; Meat Processing; Poultry Processing	Brown Bag Co.
M46824+P46824	Fresh Halal Meat, Inc.	1464 Rhodes Road	Lexington	NC	27292	(336) 259-0742	4/22/2015	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
M92+P6828	Fresh Mark Canton	1600 Harmont Ave. P.O. Box 8440	Canton	OH	44711	(330) 455-5253	6/6/1994	Meat Processing; Poultry Processing	Fresh Mark Inc, Stark Provision Company, Sugardale Foods, Superior Brands Meats
M21930I+P21930I+V21930I	Fresh Mark Cold Storage	950 Cloverleaf St. SE	Massillon	OH	44646	(330) 833-9870	7/8/2002	Certification - Cysticercus; Certification - Trichinae; Identification - Meat; Identification - Poultry; Meat Processing; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry; Poultry Processing	Fresh Mark Inc, Stark Provision, Sugardale Foods , Superior Brand Meats
M31+P31	Fresh Mark Massillon	1888 Southway S.E.	Massillon	OH	44646	(330) 832-7491	6/6/1994	Meat Processing; Poultry Processing	Fresh Mark Inc, Stark Provision, Sugardale Foods, Superior Brand Meats
M15700+P15700	Fresh Mark, Salem	1735 S. Lincoln Avenue	Salem	OH	44460	(330) 332-8508	12/18/1984	Meat Processing; Poultry Processing	Fresh Mark Inc, Stark Provision, Sugardale Foods , Superior Brands Meats
M46222	Fresh Meat	13712 Meffert Rd.	Pocahontas	IL	62275	(314) 898-8941	1/31/2020	Meat Processing; Meat Slaughter	
M39892+P39892	Fresh & Ready Foods LLC	1145 Arroyo St., Suite B	San Fernando	CA	91340	(818) 837-7600	3/25/2016	Meat Processing; Poultry Processing	
M47055+P47055	FreshRealm	100 Dartmouth Dr. #400	Swedesboro	NJ	08085	(805) 704-1457	11/8/2019	Meat Processing; Poultry Processing	

M47144+P47144	FreshRealm	1730 Eastridge Ave.	Riverside	CA	92507	(805) 704-1457	3/11/2020	Meat Processing; Poultry Processing	
M45778	Freshwater Farms Products, LLC	4554 State Hwy. 12 East	Belzoni	MS	39038	(662) 247-4205	1/21/2016	Meat Processing; Meat Slaughter	
M46094	Fresh Water Seafood	108 North Bonin Street	Loreauville	LA	70552	(337) 229-3474	8/14/2017	Meat Processing	
M44119+P44119	Freshy Foods, LLC	508 Timesaver Ave.	Harahan	LA	70123	(504) 919-6258	2/17/2017	Meat Processing; Poultry Processing	Smoothie Spot Foods, Team Fresh and Company
V19275	Frez-N-Stor, Inc.	311 West Sunset	Springdale	AR	72764	(479) 750-3298	4/4/2019	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Egg Products; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M33928+P33928+V33928	Frickenschmidt Foods LLC	511 W. 6th Street	Lockwood	MO	65682	(417) 232-4401	1/14/2008	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Lockwood Packing Company
M2949+P2949+V2949	Frick's Quality Meats	360 M. E. Frick Dr.	Washington	MO	63090	(636) 239-2200	8/1/2005	Certification - Export; Meat Processing; Poultry Processing	
V48246	Friends Cargo Int'l	14350 NW 56th Court # 103	Opa Locka	FL	33054	(305) 718-8848		Certification - Export; Identification - Meat; Identification - Poultry	

M45925+P45925+I45925+V45925	Frigopack USA Inc	851 Julia Street	Elizabeth	NJ	07201	(201) 770-1143	2/13/2018	Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry; Poultry Processing	
V34628	Frito Lay, Inc.	1886 Upper Maple St	Dayville	CT	06241	(860) 412-1000	3/17/2008	Identification - Meat	
M5503+P5503	Fritz's Superior Sausage Co.	10326 State Line	Leawood	KS	66206	(913) 381-4618	4/6/2012	Meat Processing; Poultry Processing	Fritz's Smoked Meats, Fritz's Superior Sausage Co Inc., Sambol Packing Company Inc., Superior Meat and Sausage Company, Superior Sausage Company
M45554+P45554+V45554	Frohling Quality Meats, Inc.	225 main Street	Hecla	SD	57446	(605) 994-2632	7/30/2015	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry	
M17086+P17086+V17086	Frontiere Natural Meats, LLC	810 E. 50th Ave	Denver	CO	80216	(303) 466-8826	10/21/2013	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M32006+P32006	Frozen Assets Cold Storage	2635 S. Western Ave.	Chicago	IL	60608	(773) 247-2319	8/6/2014	Meat Processing; Poultry Processing	
V32006A	Frozen Assets Cold Storage	555 Northwest Avenue	Northlake	IL	60164	(708) 292-0950	2/15/2018	Certification - Export; Certification - Trichinae; Food Inspection; Identification - Meat; Identification - Poultry	

M27416A+P27416A	Frozen Food Partners, LLC	100 Gourmet Dining Drive	Greenville	KY	42345	(270) 377-3900	8/10/2015	Meat Processing; Poultry Processing	Gourmet Express
M6839+P6839+V6839	Frozen Specialties, Inc.	720 W. Barre Rd.	Archbold	OH	43502	(419) 445-9015	12/20/2007	Food Inspection; Meat Processing; Poultry Processing	
M34115+P34115+V34115	Frutarom USA Inc.	9930 Commerce Park Dr.	Cincinnati	OH	45246	(513) 870-4900	11/3/2016	Meat Processing; Poultry Processing; Voluntary Processing - Poultry	
M39897+P39897	F&S Produce Co., Inc.	500 W. Elmer Road	Vineland	NJ	08360	(856) 453-0316	11/8/2018	Meat Processing; Poultry Processing	
M34492+P34492	Fuji Food Products, Inc.	14420 Bloomfield Avenue	Santa Fe Springs	CA	90670	(714) 237-9938	5/30/2011	Meat Processing; Poultry Processing	
M5161A+P5161A	Fuji Foods, Inc	6205 Corporate Park Drive	Browns Summit	NC	27214	(336) 375-3111	3/15/2018	Meat Processing; Poultry Processing	
M19744+P19744	Fuji Foods, Inc.	363 West Old Glencoe Road	Burlington	NC	27217	(336) 226-8817	9/10/2015	Meat Processing; Poultry Processing	
M5161+P5161	Fuji Foods, Inc.	6206 Corporate Park Drive	Browns Summitt	NC	27214	(336) 375-3111	2/1/2010	Meat Processing; Poultry Processing	
M46315	Fulcher's Seafood	114 Gatlin Road	Alliance	NC	28509	(252) 745-7711	2/1/2018	Meat Processing	
M15735+P15735	Fulton Troika, LLC	4501 W. Ann Lurie Place	Chicago	IL	60632	(312) 421-7474	5/13/2016	Meat Processing; Poultry Processing	Fulton Market, Sam's Meat Co.
M44883+P44883	Fusion Ranch, Inc.	250521 Skyport Drive	Scottsbluff	NE	69361	(308) 633-1366	11/7/2012	Meat Processing; Poultry Processing	MESE HSIN TUNG YANG FOODS CO. dba New Horizon
M2009+P2009	Fuzzy's Wholesale bar-B-Que Company, Inc.	408 West End Blvd.	Madison	NC	27025	(336) 548-2283	6/24/2009	Meat Processing; Poultry Processing	
M46517	Gabriele Properties Holding LLC	255 Mohawk Avenue	Scotia	NY	12302	(518) 355-2230	10/24/2019	Meat Processing	Gabriel's Supermarket

P34438	Ga Dong Nai	14329 Lund Carlson Road, #23	Coupland	TX	78615	(512) 577-7343	11/30/2003	Poultry Processing; Poultry Slaughter	
M7909+P7909	G.A. Food Service, Inc.	12200 32nd Court, North	St. Petersburg	FL	33716	(727) 573-2211	4/11/2011	Meat Processing; Poultry Processing	G.A. Food Service of Pinellas County, Inc., G.A. Foods and SunMeadow
M48311	Gagliano Sausage CO	209 W. Northern Ave.	Pueblo	CO	81005	(719) 299-4794	3/12/2018	Meat Processing	
M17723+P17723	Gahn Meat Company, Inc.	3329 N. 35th Street	Milwaukee	WI	53216	(414) 442-9898	11/16/2011	Meat Processing; Poultry Processing	Oakland Farms
M27252	Gahr's Hamloaf LLC	130 Hines Lane	Franklin	PA	16323	(814) 437-3179	3/4/2010	Meat Processing	
M5385+P5385	Gaiser's European Style Provisions Inc.	2019 Morris Avenue	Union	NJ	07083	(908) 686-3421	7/22/2002	Meat Processing; Poultry Processing	
M9014+P9014	Galant Food Company	735 Fremont Avenue	San Leandro	CA	94577	(510) 614-7150	5/7/2013	Meat Processing; Poultry Processing	Enzo's Calzones, Galinas Piroshki, Paramount Piroshki
M51272+P51272	Gallagher Brothers Pizza, LLC	4615 Beck Ave	St. Louis	MO	63116	(314) 640-4755	2/27/2019	Meat Processing	
M47026+P47026	Gallucci's Fine Foods Inc.	5 Shelter Rock Road Building 5E	Danbury	CT	06810	(203) 470-5697	4/21/2020	Meat Processing; Poultry Processing	
M10803+P10803	GALVINELL MEAT CO., INC	461 RAGAN ROAD	CONOWINGO	MD	21918	(410) 378-3032	10/7/2014	Meat Processing; Meat Slaughter; Poultry Processing	
M46586	Gambino's Italian Eatery	2442 Rt. 38	Cherry Hill	NJ	08002	(856) 333-6427	1/30/2019	Meat Processing	
V18381	Gamez Brothers Produce Co.	219 Guerrero	Laredo	TX	78040	(965) 722-0053	11/16/1998	Certification - Export; Identification - Meat; Identification - Poultry	
M6678+P6678	Ganaderia Santiago Inc.	Road 121 KM 12.1	Yauco	PR	00698	(787) 267-5656	12/30/2011	Meat Processing; Meat Slaughter; Poultry Processing	Ganaderia Santiago Inc.
M6682+P6682	Ganaderos Alvarado, Inc.	Road 10 Int. 636 Bo La Planta	Arecibo	PR	00612	(787) 879-2404	11/6/2015	Meat Processing; Meat Slaughter	

M32170+P32170	Ganaderos Borges Inc.	Barrio Hucares Carretera 192 Km 0.1	Naguabo	PR	00718	(787) 874-6060	6/16/2015	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	Borges Meat, Borges Pork, Ganaderia Raul
M21282A+P21282A	Garcia's Meat Company, LLC	9600 Carnegie	El Paso	TX	79915	(915) 594-1200	11/29/2001	Meat Processing	Quintero's Meat Co
M5444	Gardella's Ravioli Co. & Italian Deli LLC	527 S. Brewster Road & Janet Street	Vineland	NJ	08360	(856) 697-3509	9/27/2005	Meat Processing	
M17256+P17256	Garden Fresh Foods, Inc.	726 S. 12th Street	Milwaukee	WI	53204	(414) 645-1000	11/15/2004	Meat Processing; Poultry Processing	
M20033	Garden Manor Farms, Inc.	355 Food Center Unit F-11	Bronx	NY	10474	(718) 893-5350	5/29/2018	Meat Processing	
M45190+P45190	Garden Path Farms	20 Quigley Road	Newburg	PA	17240	(717) 423-0105	5/3/2019	Poultry Processing; Poultry Slaughter	
M21763+P21763	Gardners BBQ	1331 Wesleyan	Rocky Mount	NC	27804	(252) 442-9688	10/5/2001	Meat Processing	
M18715+P18715	Garfield Locker	7236 Co. Rd. 82 NW	Garfield	MN	56332	(320) 834-3144	6/22/1993	Meat Processing; Meat Slaughter; Poultry Processing	
M4565+P4565	Garfield's Smokehouse, Inc.	163 Main Street	Meriden	NH	03770	(603) 469-3225	12/17/2007	Meat Processing	
M31993+P31993	Garland Ventures LTD	115 International Road Suite A	Garland	TX	75042	(972) 485-8878	12/22/2004	Meat Processing; Poultry Processing	Bally Plus
M6156	Garo's Basturma	1082 North Allen Ave.	Pasadena	CA	91104	(213) 794-0460	8/5/2016	Meat Processing	
M21108	Gary's Meat	515 E. Payson Canyon Rd.	Payson	UT	84651	(801) 465-4344	3/14/2019	Meat Processing; Meat Slaughter	Gary's Meat
M21741	GA Small Ruminant Research and ExtCenter Ag Research College of Ag	1005 State University Drive	Fort Valley	GA	31030	(478) 827-3078	8/21/2001	Meat Processing; Meat Slaughter	
M287+P287	Gaspar's Sausage Co., Inc.	384 Faunce Corner Road	N. Dartmouth	MA	02747	(508) 998-2012	7/19/2018	Meat Processing; Poultry Processing	

M46921+P46921	Gate Gourmet, Inc.	8725 Scudder Road Unit 153	Berkeley	MO	63143	(314) 743-4314	2/27/2014	Meat Processing; Poultry Processing	
M45195+P45195+V45195	Gateway America LLC	4300 Air Cargo Rd	Gulfport	MS	39501	(228) 701-0360	7/9/2013	Meat Processing; Poultry Processing	
M45639+P45639	Gaucho de Argentina	656 Katell Street	Erie	CO	80516	(303) 828-9009	11/4/2016	Meat Processing; Poultry Processing	
M9288+P9288	Gaylord's Meats Co.	1100 E. Ash Unit C	Fullerton	CA	92831	(714) 526-2278	5/27/2016	Meat Processing; Poultry Processing	
M21418+P21418	GB Green Gastronome, LLC	220-13 Jamaica Avenue	Queens Village	NY	11428	(917) 642-8322	6/28/2018	Meat Processing; Poultry Processing	Jianwei
M6405+P6405	GBS Partners, Inc.	513 S. Pierce Ave.	Louisville	CO	80027	(303) 665-6302	4/12/1995	Meat Processing	Boulder Sausage, Rocky Mountain Sausage
M32101	G. C. Enterprises, LLC	39395 Mercer Avenue	Leary	GA	39862	(229) 347-2571	7/30/2019	Meat Processing	
M20485+P20485+V20485	G&C Food Distr butors, Inc.	3407 Walters Road	Syracuse	NY	13209	(800) 333-0949	3/9/2017	Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	G&C Foods
M46766+P46766	GC Food Factory LLC	7258 NW 25 Street	Miami	FL	33122	(305) 456-2430	8/14/2019	Meat Processing; Poultry Processing	
M17220+P17220	Geier's Sausage Kitchen	2131 Whitfield Park Drive	Sarasota	FL	34243	(941) 751-2419	9/21/1988	Meat Processing; Poultry Processing	Geier's Choice Meats, Inc.
M6138+P6138	Gelsinger's Meat, Inc.	2209 Honolulu Avenue	Montrose	CA	91020	(818) 248-7811	10/6/1987	Meat Processing; Poultry Processing	Gelsinger's Food Products
M40114+P40114	Gem Food Services Corp.	4310 Avenue H, #66	Rosenberg	TX	77471	(281) 232-8013	11/22/2010	Meat Processing; Poultry Processing	
M11011+V11011	Gem Meat Packing	515 E. 45th Street	Boise	ID	83714	(208) 375-9424	8/19/2015	Meat Processing; Voluntary Processing - Meat	

P1174B	GEMSTONE FOODS	805 MCENTIRE ROAD	DECATUR	AL	35601	(256) 301-4572	3/27/2017	Poultry Processing	
M39940+P39940+V39940	Genco	5620 Inner Park Dr.	Edwardsville	IL	62025	(618) 797-3700	7/23/2009	Certification - Export; Identification - Meat; Identification - Poultry	
M5538+P5538	General Mills, Inc.	#1 Red Devil Rd	Hannibal	MO	63401	(573) 221-9420	3/1/2010	Meat Processing; Poultry Processing	General Mills, Inc
M21115+P21115	General Mills Operations, Inc.	James Ford Bell Technical Center 9000 Plymouth Ave. North	Golden Valley	MN	55427	(763) 764-5925	8/2/2019	Meat Processing; Poultry Processing	
M7750+P7750	General Mills Operations, Inc.	2403 South Pennsylvania Ave.	Wellston	OH	45692	(740) 286-9219	7/22/2002	Meat Processing; Poultry Processing	
M21810	General Snack Foods	58 Hatville Road	Gordonville	PA	17529	(717) 768-8542	6/22/2017	Meat Processing	Esh Foods LLC
M34810+P34810	Generis, Inc.	1100 Burnside Avenue	East Hartford	CT	06108	(860) 289-7756	5/1/2018	Meat Processing; Poultry Processing	
M45906	Genesee Candy Land LLC	25948 Genesee Trail Road	Golden	CO	80401	(303) 526-3073	6/20/2016	Meat Processing	
M4753+P4753	Gene Wenger's Meats & Fine Foods	935 Groff Avenue	Elizabethtown	PA	17022	(717) 367-8864	5/18/2017	Meat Processing; Poultry Processing	
M33831A+P33831A+V33831A	Gentle Harvest	150 Kelley Dr.	Front Royal	VA	22630	(540) 837-4411	7/16/2010	Animal Foods Inspection; Meat Processing; Poultry Processing	
M34103+P34103+V34103	Gentle Harvest	468 White Hall Road	Winchester	VA	22603	(540) 592-7018	9/25/2012	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat; Voluntary Slaughter - Rabbit	AYRSHIRE FARM MANAGEMENT

V18365	Geodis Logistics LLC	187 Kohlman Road	Fond Du Lac	WI	54937	(920) 923-8297	10/24/2016	Identification - Meat; Identification - Poultry	
M45624+P45624	George Brothers & Associates Inc	1423 E. Stadium Blvd. Ste D	Ann Arbor	MI	48104	(734) 761-9650	3/20/2020	Meat Processing; Poultry Processing	Stadium Market
M4652+P4652	George E. Assadourian Inc.	355 Anderson Avenue	Fairview	NJ	07022	(201) 941-5662	4/30/2019	Meat Processing	Middle East Lahmajun
M9590	George Farms	15 Pottsgrove Road	Danville	PA	17821	(570) 275-0239	2/20/2013	Meat Processing; Meat Slaughter	
M18364+P18364	George Frozen Foods	633 Pierce Ave Unit 8	Linden	NJ	07036	(917) 655-8915	5/11/2018	Meat Processing; Poultry Processing	
M2001	Georgelo Pizza - Chicago, Inc.	631 Taft Ave.	Hillside	IL	60162	(708) 449-8200	3/14/2018	Meat Processing	
M8899+P8899	George L. Wells Meat Company	982 N. Delaware Avenue	Philadelphia	PA	19123	(215) 627-3903	1/15/2020	Meat Processing; Poultry Processing	
M46368	George Nottoli & Son	7652 W. Belmont	Chicago	IL	60634	(773) 589-1010	10/10/2018	Meat Processing	
M34151+P34151	George's Brand Meats, LLC	11219 Franklin Ave.	Franklin Park	IL	60131	(847) 288-0881	11/10/2009	Meat Processing; Poultry Processing	
P1249	George's Chicken, LLC	19992 Senedo Rd.	Edinburg	VA	22824	(540) 984-4121	9/26/2017	Poultry Processing; Poultry Slaughter	
P2186	GEORGE'S FOODS, LLC	501 NORTH LIBERTY STREET	HARRISONBURG	VA	22802	(540) 433-0760	5/4/2011	Poultry Processing; Poultry Slaughter	
M2260T+P2260T	George's Prepared Foods	241 Elkins Road	Caryville	TN	37714	(423) 562-8471	4/27/2018	Meat Processing; Poultry Processing	Tennoak Farms
P13369+V13369	George's Processing, Inc.	9066 State Hwy W	Cassville	MO	65625	(417) 442-3500	10/10/2012	Poultry Processing; Poultry Slaughter	
P13584+V13584	George's Processing, Inc.	701 Porter Avenue	Springdale	AR	72764	(479) 972-7500	11/30/2012	Certification - Export; Poultry Processing	
P208+V208	George's Processing, Inc.	1306 North Kansas St	Springdale	AR	72764	(479) 927-7000	10/5/2012	Certification - Export; Poultry Processing; Poultry Slaughter	

V3133A	Georgia Cold Storage	600 Andrews Road	Columbus	GA	31906	(706) 687-0913	4/18/2007	Certification - Export; Identification - Poultry; Off-Premise Freezing - Poultry	
V3794A	Georgia Cold Storage Company	193 Basket Factory Drive	Americus	GA	31709	(229) 924-6136	1/10/2003	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M31860+P31860	Georgia Department of Corrections	Highway 112 South	Milledgeville	GA	31061	(478) 445-6936	5/12/2010	Meat Processing; Poultry Processing	
M47052	Georgia Meat Packers	105 Patton Lane	Commerce	GA	30530	(706) 789-2117	4/16/2020	Meat Processing; Meat Slaughter	
M3133+P3133	Georgia Packing Co., LLC	193 Basket Factory Drive	Americus	GA	31709	(229) 924-6136	10/15/2010	Meat Processing; Poultry Processing	
P20604	Gerber Poultry, Inc.	5889 Kidron Rd.	Kidron	OH	44636	(330) 857-2731	11/22/2016	Poultry Processing; Poultry Slaughter	
M21B+P748	Gerber Products Company	4301 Harriet Lane	Fort Smith	AR	72904	(479) 782-8671	6/22/2011	Meat Processing; Poultry Processing	
M45074+P45074	Get Fresh Kitchen	3650 E. Post Road Suite I & J	Las Vegas	NV	89120	(702) 898-8522	12/20/2018	Meat Processing; Poultry Processing	
M45600	Get Hooked Quality Foods Inc.	3072 Highway 47	Los Lunas	NM	87031	(505) 702-9104	8/3/2015	Meat Processing	
M48241	Get Seafood, Inc.	1049 Thomas Road	Winter Haven	FL	33880	(863) 294-6406	12/30/2016	Meat Processing; Meat Slaughter	
M1451+P1451	GFE Distribution, LLC	2003 Beaver Road	Landover	MD	20785	(301) 277-8290	3/2/2018	Meat Processing; Poultry Processing	The Capital Meat Company
M48130+P48130	GFP Processors, LLC	3330 Junction Highway	Ingram	TX	78025	(830) 367-1119	11/6/2018	Meat Processing; Poultry Processing	

M9041+P9041+V9041	G&G Enterprises, Inc.	2250 Park Ave.	Sturgis	SD	57785	(605) 347-2626	2/7/2002	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	G&G Enterprise Inc., Sturgis Meat Service
M5931	G.G. RUPPERSBERGER & SONS INC	2639 PENNSYLVANIA AVENUE	BALTIMORE	MD	21217	(410) 962-5530	8/15/2011	Meat Slaughter	
M39994+P39994	GH Foods CA, LLC	8371 Carbide Ct Suite 200	Sacramento	CA	95828	(916) 844-1140	7/23/2014	Meat Processing; Poultry Processing	Garden Highway
M48258+P48258	GH Foods CA, LLC	1730 Eastridge Ave.	Riverside	CA	92507	(916) 769-6774		Meat Processing; Poultry Processing	
M46987+P46987	GH Foods NW, LLC	16800 SE Evelyn Street Suite 160	Clackamas	OR	97015	(503) 343-7140	9/5/2019	Meat Processing; Poultry Processing	
M46236+P46236	GHGA LLC-Renaissance Food Group	4322 Moreland Avenue	Conley	GA	30288	(404) 602-9988	4/15/2019	Meat Processing; Poultry Processing	CC Kitchens
M17156+P17156	Ghiringhelli Brothers	101 Benicia Rd.	Vallejo	CA	94590	(510) 232-7863	2/26/2009	Meat Processing; Poultry Processing	
M45781+P45781	GHSE, LLC	4627 JP Hall Blvd.	Green Cove Springs	FL	32043	(916) 638-8825	2/2/2017	Meat Processing; Poultry Processing	
M44056+P44056	GHSW, LLC	8255 Tewantin	Houston	TX	77061	(832) 553-5618	12/15/2016	Meat Processing; Poultry Processing	
M5511	Gibbon Packing, LLC	218 East HWY 30	Gibbon	NE	68840	(308) 468-5771	12/16/2014	Meat Processing; Meat Slaughter	American Foods Group, LLC
V5511	Gibbon Packing LLC/American Foods Group	203 E Roberts St	Grand Island	NE	68803	(308) 468-7204	11/5/2019	Certification - Export; Off-Premise Freezing Meat	
M33816+P33816	GICS Foods, LLC	111 White Horse Court	Greenville	SC	29605	(864) 373-6222	6/13/2012	Meat Processing; Poultry Processing	
M45143+P45143	Gigi's Commissary LLC	907 Bolger Ct.	Fenton	MO	63026	(636) 326-6306	2/8/2013	Meat Processing; Poultry Processing	

M9403	Gillo Brothers	7015 Rt 553 Highway	Clymer	PA	15728	(724) 254-4845	1/3/2002	Meat Processing; Meat Slaughter	
M7942+P7942+V7942	Gino's Bar-B-Q Inc	646 W. Broad Street	Smithville	TN	37166	(615) 597-6400	5/29/2009	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M5706+P772	Giovanni's Appetizing Food Products, Inc.	37775 32 Mile Road	Richmond	MI	48062	(810) 727-9355	10/2/1995	Meat Processing; Poultry Processing	
M4750+P4750	Giovanni Veal Inc	2 Merrill St	Woburn	MA	01801	(781) 722-2315	4/26/2011	Meat Processing; Poultry Processing	
M31977+P31977+G31977	Givaudan Flavors Corp.	6 Santa Fe Way	Cranbury	NJ	08512	(609) 409-6200	9/21/2016	Egg Product; Meat Processing; Poultry Processing	Spicetec Flavors & Seasonings
M33908+P33908	Givaudan Flavors Corp.	256 Lackland Drive	Middlesex	NJ	08846	(732) 805-0335	4/5/2018	Meat Processing; Poultry Processing	Activ International-Givaudan, Summit Hill Flavors
M18935+P18935+V18935	Givaudan Flavors Corporation	9500 Sam Neace Drive	Florence	KY	41042	(859) 746-5900	2/23/2010	Meat Processing; Poultry Processing; Voluntary Processing - Poultry; Voluntary Slaughter - Poultry	Givaudan Flavors
V18935A	Givaudan Flavors Corporation	9200 Brookfield Court	Florence	KY	41042	(859) 746-7180	9/1/2011	Certification - Export; Identification - Meat; Identification - Poultry	
M34221+P34221	Glass Onion Catering	200 W. Ohio Avenue	Richmond	CA	94804	(510) 848-3542	12/6/2011	Poultry Processing	Glass Onion Catering
M21712+P21712	Glatt Boy's Inc.	355 Food Center Drive D-12	Bronx	NY	10474	(718) 860-5300	3/4/2016	Meat Processing; Poultry Processing	
M20646+P20646	Glazed Honey Ham Co	3424 82nd Street	Lubbock	TX	79423	(806) 793-5050	10/23/2019	Meat Processing; Poultry Processing	G,azed Honey Ham Company
M880+P4260	Glazier Packing Company Inc.	7170 US HIghway 11	Potsdam	NY	13676	(315) 265-2500	4/9/2014	Meat Processing	

M39961+P39961+V39961	Glenn's Market & Catering, Inc.	722 West Main Street	Watertown	WI	53094	(920) 261-2226	8/24/2010	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M443+P443+V443	Glenn Valley Foods, LLC.	6824 J Street	Omaha	NE	68117	(402) 905-2706	7/28/2016	Certification - Export; Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M19387+P19387	Glenoaks Food, Inc.	11030 Randall Street	Sun Valley	CA	91352	(818) 768-9091	10/10/1995	Meat Processing; Poultry Processing	Broadleaf Venison (USA), Inc.
M6076A+P6076A+V6076A	Glenwood Snacks LLC	211 W. Industrial Park Rd.	Saint Anthony	ID	83445	(208) 624-9851	5/6/2016	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M2139+P2139	Glier's Meats Inc	533 Goetta Pl	Covington	KY	41011	(859) 291-1800	3/19/2019	Meat Processing; Poultry Processing	
M5292+P5292	G & L Meat Company, Inc.	111 Gateway Park Drive	North Syracuse	NY	13212	(315) 471-9164	7/11/2018	Meat Processing; Poultry Processing	
M54261+P54261	Global Appetizers Inc.	4 Jill Court Unit 1-2	Hillsborough	NJ	08844	(646) 701-1007	2/26/2018	Meat Processing; Poultry Processing	
M11133+P11133	Global Distr butors	2161 N W 25th Ave	Miami	FL	33142	(305) 634-3474	9/6/2001	Meat Processing; Poultry Processing	
M44954+P44954+V44954	Global Food Corp.	11450 NW 122nd Street Bldg. A, Ste. 400	Medley	FL	33178	(305) 777-3514	7/12/2012	Certification - Export; Identification - Meat; Identification - Poultry	
M46922+P46922	Global Foods Group, Inc.	245 Quality Dr.	Clinton	AR	72031	(501) 722-6010	4/14/2015	Meat Processing; Poultry Processing	
M18722+V18722	Global Foods Processing, Inc.	1826 Chicago Ave.	Sioux City	IA	51106	(712) 255-6000	3/9/1999	Certification - Export; Meat Processing	

V44090	Global Maritime Supply	2230 SW 2nd Street	Pompano Beach	FL	33069	(954) 972-8383	3/11/2011	Certification - Export; Identification - Meat; Identification - Poultry	
V44091	Global Maritime Supply	2798 SW 32nd Avenue	Hollywood	FL	33023	(954) 972-8383	3/11/2011	Identification - Meat; Identification - Poultry	
V46922	Global Refrigerated Services	245 Quality Drive	Clinton	AR	72031	(501) 722-6010	7/14/2014	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M44942+P44942	Glondo's Sausage Co.	216 E. 1st Street	Cle Elum	WA	98922	(509) 674-5755	1/7/2015	Meat Processing; Poultry Processing	Glondo's Sausage Co.
M22069+P22069	Glory's Bakery	665 Aragona Blvd	Virginia Beach	VA	23462	(757) 557-0613	6/16/2008	Meat Processing; Poultry Processing	
M5476+P5476	G&M Co.	55 University Avenue	Newark	NJ	07102	(973) 642-2422	11/3/2010	Meat Processing	US Beef Co.
M13437+P13437	GOA Sausage Company	4528 John West Road	Mesquite	TX	75150	(214) 319-7577	6/5/1999	Meat Processing	
M8562+V8562	Godfrey Bros. Meats Inc.	7137 Susquehanna Trail South	York	PA	17403	(717) 428-1602	10/22/1998	Meat Processing; Meat Slaughter; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	
M22057+P22057	Godo's Restaurant & Oriental Mart	7235 Fannin Street	Houston	TX	77030	(713) 797-0670	3/30/2010	Poultry Processing	Godo's Bakery & Restaurant
M9553+P9553	Godshall's Quality Meats Inc.	675 Mill Road	Telford	PA	18969	(215) 256-8867	11/30/2016	Meat Processing; Poultry Processing	Daniel Weaver Company, Kutztown Bologna Co.

V9553A	Godshall's Quality Meats Inc.	743 Hagey Center Drive	Souderton	PA	18964	(215) 256-8867	9/12/2016	Certification - Export; Identification - Meat; Identification - Poultry	
P44974+V44974	Goffle Road Poultry Farm	549 Goffle Road	Wyckoff	NJ	07481	(201) 444-3238	8/7/2012	Poultry Processing; Poultry Slaughter; Voluntary Slaughter - Rabbit	
M19953+P19953	Go Go Sales Inc.	3050-A E. 11th Street	Los Angeles	CA	90023	(323) 262-1798	7/6/2016	Meat Processing; Poultry Processing	L & T Meat
M46043+P46043	Goldbergs Commissary, LLC	1700 Enterprise Way #101	Marrietta	GA	30067	(404) 465-1100	10/12/2017	Meat Processing; Poultry Processing	
P34805	Gold Creek Processing LLC	2069 Memorial Park Road	Gainesville	GA	30504	(678) 928-6970	4/26/2018	Poultry Processing	Agora LLC, Gold CreekFoods LLC
P44935	Gold Creek Processing LLC	2320 Webb Girth Road	Gainesville	GA	30507	(770) 287-1405	6/15/2012	Poultry Processing	
M27505A+P27505A	Gold Creek Processing, LLC	2255 White Sulphur Road	Gainesville	GA	30501	(678) 928-6970	10/20/2015	Meat Processing; Poultry Processing	Agora, Gold Creek, Gold Creek Foods, Gold Creek Processing
M27505+P27505	Gold Creek Processing, LLC	686 Highway 9 N	Dawsonville	GA	30534	(706) 216-8640	10/20/2015	Poultry Processing	Agora, Gold Creek, Gold Creek Foods, Gold Creek Processing
P46549	Gold Creek Processing, LLC	400 Highland Terrace	Gainesville	GA	30501	(678) 928-6970	2/5/2019	Poultry Processing	
M8219+P8219	Gold Crown Food	2140 East McDaniel	Springfield	MO	65802	(417) 869-7386	9/7/1982	Meat Processing; Poultry Processing	
M1082+P1082	Golden Boar Product, Corp	7224 N.W 25th Street	Miami	FL	33122	(305) 219-2720	12/20/2011	Meat Processing; Poultry Processing	Golden Hog
M2803+V2803	Golden California Meat Packer Inc.	3189 West Dakota	Fresno	CA	93705	(092) 229-6571	11/25/1996	Identification - Meat; Meat Processing	

M8725+P8725+V8725	Golden City Meats, L.L.C.	400 Vine St.	Golden City	MO	64748	(417) 537-8560	7/1/2008	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Flintrock Bison Ranch
M12446+P12446	Golden Coin Food Industries	227 Mokauea St	Honolulu	HI	96819	(808) 848-0802	1/31/2013	Meat Processing; Poultry Processing	
M13598+P13598	Golden Duck Meat & Poultry Co.	2619 Texas	Houston	TX	77003	(713) 222-9262	4/24/2015	Meat Processing; Poultry Processing	
M4871+P4871	Golden Eagle Services	8329 Long Beach Blvd.	South Gate	CA	90280	(323) 583-1842	1/15/1987	Poultry Processing	
M6140+P6140	Golden Farms Meat Pkg Co Inc	7133 Remmet St.	Canoga Park	CA	91303	(818) 340-7840	2/11/2016	Meat Processing; Poultry Processing	Almas Food
M7310+P7310	Golden Flake Snack Foods Inc	1 Golden Flake Snack Drive	Birmingham	AL	35205	(205) 323-6161	3/1/2018	Meat Processing; Poultry Processing	Golden Flake Snack Foods Inc.
P45056	Golden Foods Inc.	9469 Telegraph Road	Pico Rivera	CA	90660	(562) 942-7499	8/17/2015	Poultry Processing	
M2840B+P2840B	Golden Gate Meat Company	803 Wright Avenue	Richmond	CA	94804	(415) 861-3800		Meat Processing; Poultry Processing	
M2840A+P2840A	Golden Gate Meat Company, Inc.	1095 South A Street	Santa Rosa	CA	95404	(707) 542-6200	8/23/2010	Meat Processing; Poultry Processing	
M51269+P51269	Golden Gourmet, LLC	107 Industrial Blvd.	Americus	GA	31719	(229) 389-2392	9/16/2019	Meat Processing; Poultry Processing	
M44150	Golden Grains Bakery	547 Griffith Rd.	Charlotte	NC	28217	(704) 525-6789	3/22/2011	Meat Processing	
M18781+P18781+V18781	Golden Krust Patties Inc.	3958 Park Avenue	Bronx	NY	10457	(718) 583-0360	2/21/2018	Certification - Export; Meat Processing; Poultry Processing	

M4737+P4737	Golden Lily Foods Corporation	820 South Pickett Street	Alexandria	VA	22304	(703) 823-8821	7/27/2001	Meat Processing	Blue Ridge Barbeque Limited Inc., Country Butcher Barbeque, Ltd., Saigon Food Corp & Wilson Food Corp, Wilson Oriental Food Corp
M19710+P19710+V19710	Golden Phoenix International Foods., Inc.	706 Park Ave	St. Louis	MO	63104	(314) 588-9888	6/8/2009	Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	
M21481+P21481	Golden Plains Frozen Foods, LLC	One Golden Way	Leeds	ND	58346	(701) 466-2100	11/19/2012	Meat Processing; Poultry Processing	Amazatto, Golden Plains Frozen Foods, Roseli, Zalvina
M8813+P8813	Golden Platter Foods Inc.	37 Tompkins Point Road	Newark	NJ	07114	(973) 242-0290	3/3/2017	Meat Processing; Poultry Processing	Golden Halal, Golden Halal Value Club
M19037A+P19037A	Gol-Den Properties LLC	1039 S. Dixie Hwy.	Chicago Heights	IL	60411	(708) 755-1202	11/8/2007	Meat Processing; Poultry Processing	
P341	Golden Rod Broilers	2352 County Road 719	Cullman	AL	35055	(256) 734-0941	8/22/2000	Poultry Processing; Poultry Slaughter	
M9349+P9349	Golden Specialty Foods, LLC	14605 Best Avenue	Norwalk	CA	90650	(562) 802-2537	2/12/2002	Meat Processing; Poultry Processing	
M9167A	Golden State Foods	4801 Northpark Drive	Opelika	AL	36801	(678) 509-7316	5/16/2017	Meat Processing	Golden State Foods
M19879+P19879	Golden Valley Industries	960 Lone Palm Avenue	Modesto	CA	95351	(209) 939-3370	6/30/2014	Meat Processing; Poultry Processing	

M6220A+P6220A+V6220A	Golden Valley Natural, LLC	815 E. 1400 N.	Shelley	ID	83274	(208) 227-9000	5/29/2015	Animal Foods Inspection; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Processing - Rabbit	Golden Valley Natural
M31903+P31903	Gold Kosher Catering	19593 N.E. 10th Avenue Building #4	N. Miami Beach	FL	33179	(305) 249-2220	12/10/2013	Meat Processing; Poultry Processing	Molly's Gourmet Meals, Pourshins Inc.
M17965	Gold Medal Packing Inc.	8269 Old River Road	Rome	NY	13440	(315) 337-1911	11/24/2015	Meat Processing; Meat Slaughter	
M31888+P31888	Gold Star Chili, Inc	650 Lunken Park Drive	Cincinnati	OH	45226	(513) 624-4412	2/22/2010	Meat Processing; Poultry Processing	
M33982+P33982	Gold Taste Foods Distr butors Incorporated	10765 Kingspoint Road	Houston	TX	77075	(713) 378-0198	3/9/2015	Meat Processing; Poultry Processing	
M4368+P4368	Gondola Brand Macaroni Products, Inc	1985 Niagara Street	Buffalo	NY	14207	(716) 874-4280	8/20/2015	Meat Processing; Poultry Processing	
M2829+P2829+V2829	Good Chaan	2991 MEAD AVE.	SANTA CLARA	CA	95051	(408) 986-0588	5/28/2003	Meat Processing; Poultry Processing; Voluntary Processing - Meat	

M27316+P27316+V27316	Good Food Concepts, LLC	4635 Town Center Dr.	Colorado Springs	CO	80916	(719) 574-0750	3/11/2016	Meat Processing; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Processing - Rabbit; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry; Voluntary Slaughter - Rabbit	Ranch Foods Direct
M45623+P45623+V45623	Good Foods Group, LLC	10100 88th Ave.	Pleasant Prairie	WI	53158	(262) 465-6900	6/12/2015	Certification - Export; Meat Processing; Poultry Processing	
M5886+P5886+V5886	Goodman Food Products Inc	200 E Beach Ave	Inglewood	CA	90302	(310) 674-3180	1/10/2014	Certification - Export; Meat Processing; Poultry Processing; Voluntary Processing - Poultry	Don Lee Farms
M5886A+P5886A	Goodman Food Products, Texas Inc.	812 S. 5th Avenue	Mansfield	TX	76063	(817) 453-3180	2/1/2013	Meat Processing; Poultry Processing	Don Lee Farms
M7431A	Goodnight Brothers Country Ham	251 Dick Watson Road	Deep Gap	NC	28618	(828) 264-8892	9/12/2017	Meat Processing	
M7431	Goodnight Brothers Produce Co., Inc.	372 Industrial Park Drive	Boone	NC	28607	(828) 264-8892	7/14/1999	Meat Processing	Blue Ridge Country Ham, Dan'l Boone Inn Country Ham, Watauga County Country Ham
M21827	GoodTimes Beef Jerky	50432 E. County Road 1530	Stratford	OK	74872	(580) 759-4663	4/12/2013	Meat Processing	
M44821+P44821	Good to Go Fresh	310 S. Racine Avenue	Chicago	IL	60607	(312) 243-3170	2/5/2013	Meat Processing; Poultry Processing	

P46169	Good To-Go LLC	484 US Route 1	Kittery	ME	03904	(207) 451-9060	4/22/2019	Poultry Processing	Good To-Go
M46495+P46495	GooKineSnacks LLC	919 Kekauliki St. Floor 3	Honolulu	HI	96817	(808) 628-1398	9/26/2018	Meat Processing; Poultry Processing	
V39920	Gordon Food Service	2850 NW 120 Terrace	Miami	FL	33167	(305) 685-5851	7/7/2009	Certification - Export; Identification - Meat; Identification - Poultry	
M27237+P27237+V27237	Gore's Processing, Inc.	12526 S. Middle Road	Edinburg	VA	22824	(540) 984-8139	10/27/2016	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M20299+P20299	Gor-May Enterprises, Inc	6105 Detroit Avenue	Cleveland	OH	44102	(216) 631-1414	2/28/1998	Meat Processing; Poultry Processing	
M18401+P18401+V18401	Gosar Natural Foods L.L.C.	4001 E. County Rd. 2.5 N.	Monte Vista	CO	81144	(719) 852-2133	7/14/2014	Food Inspection; Identification - Meat; Meat Processing; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat	
M7251A+P7251A	Goshen, IN Canning Project	1013 Division St.	Goshen	IN	46528	(717) 859-1151	2/5/2014	Meat Processing; Poultry Processing	Berlin, OH Canning Project, Berne, IN Canning Project, Freeport, IL Canning Project, Kidron, OH Canning Project, Middlefield, OH Canning Project, Montgomery, IN Canning Project
M8262	Goulart's Sausage Co.	1277 C East St. John Street	San Jose	CA	95116	(408) 279-8130	3/22/2002	Meat Processing	
M44803+P44803	Gourmet 3005 Inc.	2315 W. 77th Street	Hialeah	FL	33018	(786) 357-6643	3/12/2013	Meat Processing; Poultry Processing	

M32107+P32107	Gourmet Boutique LLC	351 South Black Canyon Highway	Phoenix	AZ	85009	(602) 393-6100	2/21/2008	Meat Processing; Poultry Processing	
M18799+P18799	Gourmet Boutique, LLC	144-02 158th Street	Jamaica	NY	11434	(718) 977-1200	2/1/2018	Meat Processing; Poultry Processing	
M21200+P21200	Gourmet Culinary Solutions, LLC	523 Commercial Drive	Statham	GA	30666	(770) 725-4620	7/14/2010	Meat Processing; Poultry Processing	
M45890	Gourmet Express Marketing, Inc.	230 S. Lombard Road	Addison	IL	60101	(630) 628-1212	6/24/2016	Meat Processing	
V39974	Gourmet Foods International	2450 W Copans Road	Pompano Beach	FL	33069	(954) 969-1120	1/11/2019	Certification - Export; Identification - Meat; Identification - Poultry	
M18450+P18450	Gourmet Kitchen Inc	1238 Corlies Avenue	Neptune	NJ	07753	(732) 775-5281	8/2/2005	Meat Processing; Poultry Processing	
M46547	Gourmet Natural Meats LLC	8168 Bob Hall Rd.	Lynden	WA	98264	(360) 306-8620	12/6/2018	Meat Processing; Meat Slaughter	
M45506	Gourmet Products Inc.	300 1st St. SE	Pine City	MN	55063	(320) 629-0011	4/18/2016	Meat Processing	
M5819+P5819+V5819	Gourmet Ranch, LLC	3902 N. Main Street	Houston	TX	77009	(713) 861-0909	10/25/2010	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M875+P875	Gourmet Republic	11142 Fleetwood St., Unit #10	Sun Valley	CA	91352	(818) 448-3471	2/28/2012	Meat Processing; Poultry Processing	
M8077+P8077	Gourmet Salads & Pickles	3600 N.E. 4 Avenue	Oakland Park	FL	33334	(954) 565-2134	10/20/2009	Meat Processing; Poultry Processing	Park Avenue, Sally Sherman Salads, Variety Foods
M34195+P34195	Gourmet Specialty Foods, LLC	100 Willow Street	North Andover	MA	01845	(978) 470-1507	1/13/2020	Meat Processing; Poultry Processing	
I267	Goya de Puerto Rico, Inc.	Luchetti Industrial Park	Bayamon	PR	00621	(809) 740-4900	2/20/1991	Imported Product	

M1128+P1512	Goya de Puerto Rico, Inc.	Road #28 Corner to Road #5 Luchetti Industrial Park	Bayamon	PR	00961	(787) 740-4900	2/4/2008	Meat Processing; Poultry Processing	Industrial Interprises, Tradewind Foods
I168	Goya Foods, Inc.	350 County Road	Jersey City	NJ	07307	(201) 348-4900	1/12/2015	Imported Product	
M45066+P45066	Goya Foods, Inc.	30602 Goya Rd.	Brookshire	TX	77423	(713) 266-9834	4/23/2015	Meat Processing; Poultry Processing	Goya de Mexico
M40191+P40191+V 40191	Goya Foods of Florida	13300 NW 25th Street	Miami	FL	33182	(305) 592-3150	9/16/2011	Identification - Meat; Identification - Poultry	
M21725A+P21725A	GP Food Company	4327 Temple City Blvd.	Temple City	CA	91780	(626) 443-6638	1/18/2011	Meat Processing; Poultry Processing	GP Food Company
M45106+P45106	Grab and Go LLC	28 Damrell Street	South Boston	MA	02127	(617) 269-8411	4/2/2015	Meat Processing; Poultry Processing	Boston Bakery, Boston Foods
M5593+P5593	Grabill Country Meats #1, Inc.	13211 West St.	Grabill	IN	46741	(260) 627-3691	1/9/2003	Meat Processing; Poultry Processing	
M21337+P21337	GraceKennedy Foods (USA) LLC	2740 W. 81st Street	Hialeah	FL	33016	(305) 693-8550	2/14/2018	Meat Processing; Poultry Processing	La Fe
M17399+P17399	Graciana LLC	12241 Foothill Blvd.	Sylmar	CA	91342	(818) 897-2079	10/10/2019	Meat Processing; Poultry Processing	
M44936+P44936	Gracies Kitchens	211 Food Terminal Plaza	New Haven	CT	06511	(203) 773-0795	3/14/2018	Meat Processing; Poultry Processing	
M8912+P8912	Graffiti Foods, LLC	333 Outerbelt St.	Columbus	OH	43213	(614) 759-1921	4/7/2010	Meat Processing; Poultry Processing	

M27435+P27435+V27435	Graham's Organic Meats LLC	3653 East Weidman	Rosebush	MI	48878	(989) 433-5900	8/8/2007	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Processing - Rabbit; Voluntary Slaughter - Meat; Voluntary Slaughter - Rabbit	Graham's Organics
M18835+P18835	Grand Banks Specialty Food, LLC	186 Sheridan Drive	Naugatuck	CT	06770	(203) 314-0589	3/18/2014	Meat Processing; Poultry Processing	
M18559+P18559	Grand Food Inc.	3530 Arden Road	Hayward	CA	94545	(415) 550-8811	2/11/2014	Meat Processing; Poultry Processing	
M19606	Grand PaPa's Snacks Inc.	6500 East Davison Street	Detroit	MI	48212	(313) 891-6660	3/26/2013	Meat Processing	
M8112+P8112+V8112	Grand Peaks Prime Meats	530 West 20th Street	Idaho Falls	ID	83402	(208) 522-4804	3/12/1990	Meat Processing; Poultry Processing; Voluntary Processing - Meat	Great Western Foods
M31354N+P31354N+G31354N+V31354N	Grand Prairie Foods, Inc.	1509 N. Industrial Avenue	Sioux Falls	SD	57104	(605) 332-2383	8/4/2017	Certification - Export; Egg Product; Meat Processing; Poultry Processing; Voluntary Processing - Poultry; Voluntary Slaughter - Meat	

M31354+P31354+V31354	Grand Prairie Foods, Inc.	1400 N. Cleveland Ave.	Sioux Falls	SD	57103	(605) 334-5332	11/7/2016	Certification - Export; Food Inspection; Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry	
M46031+P46031	Grand Taste Corporation	14341 Proctor Ave.	City of Industry	CA	91746	(626) 330-8088	11/26/2019	Meat Processing; Poultry Processing	
M17814+P17814	Grand Valley Foods	2267 Logos Court	Grand Junction	CO	81505	(970) 242-7015	10/18/2002	Meat Processing	
M6574+P6574	Grand Western Brands	240 S.W. 32nd Street	Fort Lauderdale	FL	33315	(561) 845-4700	9/23/2013	Meat Processing; Poultry Processing	
M44859+P44859	Granello Bakery Inc.	5045 Mardon Ave.	Las Vegas	NV	89139	(702) 361-0311	2/8/2018	Meat Processing; Poultry Processing	
M27418+P27418	Granna's LLC	412 N. Main PO Box 225	Bessie	OK	73622	(580) 337-6360	2/16/2012	Meat Processing; Poultry Processing	
M21781+P21781	Grant Park Packing	3434 Runge St	Franklin Park	IL	60131	(312) 421-4096	2/1/2017	Meat Processing; Poultry Processing	
M45673+V45673	Grassland Beef, LLC	18685 316th Ave	Canton	MO	63435	(573) 767-9040	10/19/2015	Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing	U.S. Wellness Meats
M46917	Gratiot Avenue Provisions LLC	6700 E. Davison St.	Detroit	MI	48212	(313) 588-5411	2/3/2020	Meat Processing	

M40244+P40244+V 40244	Gray's & Danny's Investment, Inc.	29513 US Hwy 27th	Moore Haven	FL	33471	(863) 946-0936	2/20/2014	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Processing - Rabbit; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry; Voluntary Slaughter - Rabbit	
M9532+P9532	Graziano Gourmet Foods	797 Charles Street	Providence	RI	02904	(401) 521-7378	3/11/2015	Meat Processing; Poultry Processing	Graziano Sausage
V34043A	Great American Appetizers	6198 Treasure Valley Way	Nampa	ID	83687	(208) 475-1190	10/26/2012	Certification - Export; Identification - Meat; Identification - Poultry	
M45006+P45006	Great American Deli	5828 Ooltewah Ringgold Rd	Ooltewah	TN	37363	(423) 238-5492	10/2/2012	Meat Processing	
M31680+P31680	Great American Marketing Co.	1224 N. Post Oak Road, Suite 160B	Houston	TX	77055	(713) 682-6471	7/15/2019	Meat Processing; Poultry Processing	
M34043+P34043	Great American Snacks, Inc.	216 8th Street North	Nampa	ID	83687	(208) 465-5111	8/25/2016	Meat Processing; Poultry Processing	
M27216+P27216	Great American Trucking	785 S Congress Avenue	Delray Beach	FL	33445	(561) 243-2280	1/17/2020	Meat Processing; Poultry Processing	Select Foods
M17485+P17485	Greater American R bs Inc.	1850 Weir Drive	Woodbury	MN	55125	(651) 739-0161	7/24/2015	Meat Processing; Poultry Processing	Rib Joint, Sunset Creek
M960	Greater Omaha Packing Co., Inc.	3001 L Street	Omaha	NE	68107	(402) 731-1700	12/30/2014	Meat Processing; Meat Slaughter	
M960A	Greater Omaha Packing Co., Inc.	3001 L. Street	Omaha	NE	68107	(402) 731-1700	12/30/2014	Meat Processing	

M33796+P33796	Great Fresh Food Company, LLC	44696 Morley Dr.	Clinton Twp	MI	48036	(586) 846-3521	10/3/2016	Meat Processing; Poultry Processing	Clean Planet Foods, Fresh Planet Foods, Great Fresh Foods
M45554A+P45554A+V45554A	Great Frontier Meats	421 3rd Street S.	Oakes	ND	58474	(701) 742-2713	6/25/2019	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry	Butcher Block, Frontier Quality Meats
V3247	Great Lakes Cold Storage	263 W. Kensinger Drive	Cranberry Township	PA	16066	(724) 742-0201	5/5/2015	Certification - Cysticercus; Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry	
M46287+P46287	Great Lakes HPP	21740 Trolley Industrial Drive	Taylor	MI	48180	(248) 895-5601	7/6/2018	Meat Processing; Poultry Processing	
M1227	Great Lakes Packing Co., International, Inc.	1535 West 43rd Street	Chicago	IL	60609	(773) 927-6660	11/14/2001	Meat Processing	
M34078+P34078	Great Lakes Poultry, Inc.	5001 South US 35	La Porte	IN	46350	(219) 393-7000	12/23/2009	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
V45619	Great Northern Corp.	2621 Olson Dr.	Chippewa Falls	WI	54729	(715) 738-1471	12/14/2016	Identification - Meat; Identification - Poultry	
M44847+P44847	Great North Pizza Inc.	939 Comorant Avenue	Detroit Lakes	MN	56501	(218) 850-1386	10/26/2018	Meat Processing; Poultry Processing	Great North Pizza Co.

M45877+P45877+V45877	Great Plains Beef	4851 N. 84th St.	Lincoln	NE	68507	(402) 417-7633	5/12/2016	Identification - Meat; Meat Processing; Poultry Processing	
M6081+P6081	Great River Food	19355 E San Jose Ave.	City of Industry	CA	91748	(909) 595-8831	6/30/2016	Meat Processing; Poultry Processing	DC China Meat Products
M2534+V2534	Great Western Beef Company	4044 South Halsted Street	Chicago	IL	60609	(773) 927-3790	9/13/2004	Meat Processing; Voluntary Processing - Meat	
M4968A+P4968A	Great Western Meats	4230 Production Ct.	Las Vegas	NV	89115	(702) 724-3475	2/5/2020	Meat Processing; Poultry Processing	
M1790+P18123+V1790	Grecian Delight Foods	1201 Tonne Rd.	Elk Grove Village	IL	60007	(847) 364-2039	12/10/2014	Certification - Export; Meat Processing; Poultry Processing	A Pure Mediterranean Foods Company, Arturo's of Chicago, Mayhew Meats
M18600+P18600	Greco and Sons	1550 Hecht Drive	Bartlett	IL	60103	(630) 837-9900	3/26/2018	Meat Processing; Poultry Processing	
V410A	Green Bay Dressed Beef Cold Storage	443 Henry Street	Green Bay	WI	54302	(920) 436-4220	3/2/2012	Identification - Meat	
M18076+P18076	Green Bay Dressed Beef, LLC	800 University Avenue	Green Bay	WI	54302	(920) 436-4220	1/2/2015	Meat Processing; Poultry Processing	American Foods Group
M20983	Green Bay Dressed Beef, LLC	3480 E Kemper Road	Sharonville	OH	45241	(513) 733-8898	1/22/2015	Meat Processing	American Foods Group, LLC
M31593+P31593	Green Bay Dressed Beef, LLC	210 Alexander Street	Green Bay	WI	54303	(920) 436-4220	12/31/2014	Meat Processing; Poultry Processing	American Foods Group
M410	Green Bay Dressed Beef, LLC	544 Acme Street	Green Bay	WI	54302	(920) 436-4220	12/31/2014	Meat Processing; Meat Slaughter	American Foods Group
M2237+P1479	Greenberg Smoked Turkeys, Inc.	221 McMurrey	Tyler	TX	75702	(214) 595-0725	6/13/1986	Poultry Processing	
M4593	Greenbrier Meat Company, Inc.	Rt. 2 Box 380 508 Feamster Rd.	Lewisburg	WV	24901	(304) 645-1710	2/8/2013	Meat Processing; Meat Slaughter	

M17876+V17876	Greenco Industries, Inc.	1601 4th Avenue W	Monroe	WI	53566	(608) 328-8311	11/2/1992	Identification - Meat; Identification - Poultry	
M47085	Green Country Premium Beef, LLC	33515 S Highway 69	Big Cabin	OK	74332	(254) 760-7833	2/13/2020	Meat Processing; Meat Slaughter	
M45556+P45556	Green Dining Table, Inc.	625 S. Palm Ave.	Alhambra	CA	91803	(626) 576-8022	4/17/2015	Meat Processing; Poultry Processing	
M46230+P46230	Greenfield Foods Corporation	502 Boundary Blvd.	Algona	WA	98001	(253) 833-9722	9/8/2017	Meat Processing	
M45480+P45480	Green International Corporation	Carr. 165, Zona Ind. Amelia Local 2 Edif. Desarrollos Multiples	Guaynabo	PR	00968	(787) 798-4819	11/3/2014	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	PAC Meat Packing
M32120+P32120	Green Mountain Smokehouse, Inc	341 Rt. 5 South	Windsor	VT	05089	(802) 674-6653	10/12/2016	Meat Processing; Poultry Processing	
M38530+P38530	Greenridge Farm, Inc.	2355 Greenleaf Ave.	Elk Grove Village	IL	60007	(847) 434-1803	7/6/2009	Meat Processing; Poultry Processing	
M40098+P40098	Green's Fresh Fruit Salad Inc.	125 Shadeland Avenue	Pleasantville	NJ	08232	(609) 641-5455	8/16/2010	Meat Processing; Poultry Processing	
M4202+P4202	Green's Quality Meats	403 Summit Street	Celina	OH	45822	(419) 586-7425	8/24/2012	Meat Processing; Meat Slaughter; Poultry Processing	
M5294+P847	Green Tree Foodservice	65 Central Avenue	Passaic	NJ	07055	(973) 473-1305	5/30/2019	Meat Processing	Gachot & Gachot, Green Tree Packing, Tailfin Fresh Fish
M9385+P9385	Green Valley Packing Co Inc	2992 Green Valley Road	Claysville	PA	15323	(724) 948-3321	1/24/2014	Meat Processing; Poultry Processing	Albert's, Lamperts, McGinnis Sisters, Pacific Mountain Farms, Smoking Oak, Sunseri , Tambellini, Weiss Brand
M8564+P8564	Greenview Meats Inc.	832 Winters Avenue	Hazle Township	PA	18202	(570) 454-8388	4/16/2020	Meat Processing; Poultry Processing	

M7159+P7159	Greer's Ranch House Sausage, LLC	2875 Hwy 69 N	Pryor	OK	74361	(918) 825-2222	1/19/2012	Meat Processing; Meat Slaughter; Poultry Processing	
M19125	Greer's Tennessee Country Hams	3130 Southall Road	Franklin	TN	37064	(615) 791-1710	12/9/1994	Meat Processing	
M4271+P4271+V4271	GREISE BROTHERS PACKING INC.	11901 GREISE FARM ROAD	CUMBERLAND	MD	21502	(240) 362-2826	5/3/2002	Food Inspection; Meat Slaughter	CUMBERLAND VALLY MEAT PACKING
M45569+P45569	Gridley Meats Products LLC	205 East 3rd Street	Gridley	IL	61744	(309) 747-2120	2/7/2020	Meat Processing; Poultry Processing	
M7404	Griffin's Barbeque of Williamston, Inc.	5362 Fire Dept. Road	Williamston	NC	27892	(919) 792-4887	8/23/1999	Meat Processing	
M20826+P20826+V20826	Griggstown Quail Farm	484 Bunker Hill Road	Princeton	NJ	08540	(908) 359-5375	9/10/2012	Meat Processing; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Processing - Rabbit; Voluntary Slaughter - Poultry; Voluntary Slaughter - Rabbit	
M31658+P31658+V31658	Grimes Warehousing Services	600 Ellis Road N.	Jacksonville	FL	32254	(904) 786-5711	6/29/2005	Certification - Export; Identification - Meat; Identification - Poultry	
M21554+P21554	Grizzly's Custom Cutting Inc.	10042 South River Road	Hunt	NY	14846	(585) 476-2249	4/17/2017	Meat Processing; Meat Slaughter; Poultry Processing	
V3356	Grocery Outlet Inc.	4400 Florin Perkins Rd.	Sacramento	CA	95826	(916) 388-9797	4/25/2005	Identification - Meat; Identification - Poultry	

M2167+P2167	Groezinger Provisions, Inc.	1200 7th Avenue	Neptune	NJ	07753	(732) 775-3220	6/25/2008	Meat Processing; Poultry Processing	Alexian, Groezinger
M9442+P9442	Groff Meats Inc.	33 North Market Street	Elizabethtown	PA	17022	(717) 367-1246	7/21/2014	Meat Processing; Meat Slaughter; Poultry Processing	
M6373+P6373	Grossglockner Inc.	2640 Brickyard Road	Canandaiqua	NY	14424	(585) 266-4960	10/29/2013	Meat Processing; Poultry Processing	Artisan Meats, Hartmann's Old World Sausage
M40226+P40226	Grupo Salvatex	2000 Wirt Road Suite C	Houston	TX	77055	(713) 476-9893	9/14/2010	Meat Processing; Poultry Processing	Habacuc 2:3 Corp.
M21756+P21756	Grupo Sur Inc.	7225 NW 1st Court	Miami	FL	33150	(305) 821-5100	7/25/2011	Meat Processing; Poultry Processing	Empanadas To Go Foods Inc., Pastry Express
M45798+P45798	G&S Packaging Solutions LLC	2531 Sutro Street	Reno	NV	89512	(888) 838-3308	9/12/2017	Meat Processing; Poultry Processing	
M34624+P34624	GTF Worldwide LLC	454 Acorn Lane	Dowingtown	PA	19335	(610) 873-3663	4/29/2019	Meat Processing; Poultry Processing	Canopy Foods
M2513+P2513	Guarino Wholesale Meats, Inc.	3626 S. Halsted Street	Chicago	IL	60609	(773) 927-4040	5/3/2004	Meat Processing; Poultry Processing	
M48266	Gulf Pride Enterprises Inc	281 6th Street	Biloxi	MS	39530	(228) 432-1151	4/18/2017	Meat Processing	
V17954	Gulf State Cold Storage	272 Sam Houston Blvd	Dothan	AL	36302	(334) 794-6734	12/29/2004	Certification - Export; Identification - Poultry; Off-Premise Freezing - Poultry	
V45030	Gulf States Cold Storage Co.	106 Eli Whitney Blvd.	Savannah	GA	31408	(912) 508-0739	5/4/2015	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	

M4611+P4611	Gulinello's Towne & Country Inc.	7 Dock Street	Hudson	NY	12534	(518) 828-1506	7/12/2010	Meat Processing; Poultry Processing	
M46836+P46836	Guma Spicy Pies Factory	2862 Garber Way	Woodbridge	VA	22192	(609) 536-0463	3/24/2014	Meat Processing; Poultry Processing	Gumax Plus C/O Kitchen Thyme
M17821+P17821	Gung Ho Corp.	2701 Grant Street	Bellwood	IL	60104	(708) 547-0303	5/11/1994	Meat Processing; Poultry Processing	
M6541	Gunnoe Sausage Company, Inc.	3989 Cifax Road	Goode	VA	24556	(540) 586-1091	6/7/1999	Meat Processing; Meat Slaughter	
M27483+P27483	Gurman Food Co.	906 Tower Road	Mundelein	IL	60060	(847) 895-1100	4/25/2016	Meat Processing; Poultry Processing	Gurman Naturals, King's Beef & Salami Co., L'Artigiano Salami Co., Little Naturals
M34818+P34818	Gur-Meat Inc.	Carr. 682 km 4.8	Garrochales	PR	00652	(787) 505-3952	2/24/2015	Meat Processing	
M46452+P46452	Gusto Gaucho	4049 Marconi Ave.	Sacramento	CA	95821	(916) 849-4041	4/12/2019	Meat Processing; Poultry Processing	
M9775+P9775	Gutheinz Inc	518-520 Cedar Avenue	Scranton	PA	18505	(570) 344-1191	7/8/2009	Meat Processing; Poultry Processing	
M20343+V20343	Guymon Cold Storage	2700 NE 28th Street	Guymon	OK	73942	(580) 338-9600	4/30/2008	Certification - Export	
M32161+V32161	Guymon Extracts, Inc	3001 N. Tumbleweed Dr.	Guymon	OK	73942	(580) 338-2624	8/29/2012	Certification - Export; Meat Processing	
M1196	G & W Hamery	411 W. Lytle Street	Murfreesboro	TN	37130	(615) 893-9712	11/17/2011	Meat Processing	
M8713+P8713	G&W Meat & Bavarian Style Sausage Co.	4828 Parker Ave.	St. Louis	MO	63116	(314) 352-5066	6/11/2003	Meat Processing; Poultry Processing	G&W Meat Co., Inc., G&W Sausage Co., Inc.
M8892+P8892+V8892	Haass' Family Butcher Shop, Inc.	3997 Hazlettville Rd.	Dover	DE	19904	(302) 734-5447	9/24/2018	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M21217+P21217	Hacienda Central, Inc.	Carr. 183 Int. 919 KM 0.1 Bo. Valericiano Amiba	Juncos	PR	00777	(787) 734-4178	9/9/2010	Meat Processing; Poultry Processing	

M44163+P44163	Hafiz Foods Inc.	18311 Clay Road, Suite A4	Houston	TX	77084	(832) 593-7272	11/5/2019	Meat Processing; Poultry Processing	Raza Foods
M2000+P2000	Hahn Bros. Inc.	440 Hahn Rd.	Westminister	MD	21157	(410) 848-4200	2/21/2006	Meat Processing; Poultry Processing	William F. Myer & Sons, Inc.
M48121	Haines Farming and Meat Processing LLC	425 Wirsing Road	Gibbion Glade	PA	15440	(724) 329-3400	8/14/2017	Meat Processing; Meat Slaughter	
P533A	Hain Pure Protein Corporation - FreeBird West	2609 Route 22	Fredericksburg	PA	17026	(717) 865-2136	3/6/2019	Poultry Processing; Poultry Slaughter	
M20263	Halal Farms U.S.A. Inc.	22 West Badger St. P.O. Box 8	Shannon	IL	61078	(815) 864-2875	2/26/1998	Meat Processing; Meat Slaughter	Rahmat Meat
M19825+P19825	Halal International Processing	462 Kelly Road	York	SC	29745	(803) 684-9248	6/26/2001	Meat Processing; Meat Slaughter; Poultry Processing	
M46795	Halal Meats Inc.	6064 West State HWY 56	Savoy	TX	75479	(214) 616-7262	1/24/2020	Meat Processing; Meat Slaughter	
M31795+P31795	Halal Meat Slaughter House	36117 Rocky River Springs Rd.	Norwood	NC	28128	(704) 474-4420	7/31/2019	Meat Processing; Meat Slaughter	
M44801+P44801	Halal Transaction of USA, LLC.	6260 S. Kinsman Road	Kinsman	IL	60437	(773) 653-8393	11/24/2015	Meat Processing; Meat Slaughter	
M34800+P34800	Hale and Hearty Soups, LLC	276 Stagg Street	Brooklyn	NY	11206	(718) 386-4441	8/19/2008	Meat Processing; Poultry Processing	
M45079+P45079	Haliburton International Foods, Inc.	3855 E. Jurupa Street	Ontario	CA	91761	(909) 428-8520	5/28/2014	Meat Processing; Poultry Processing	
M45319+P45319	Hall-Namie Packing Company, Inc	210 Iroquois Dr	Chickasaw	AL	36671	(251) 457-3321	5/2/2014	Meat Processing	
V39889	Hall's Warehouse Corp.	601 Kentile Road	South Plainfield	NJ	07080	(908) 756-6242	11/3/2014	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Egg Products	

M33812+P33812+V33812	Halperns' Purveyors of Steak and Seafood	4685 Welcome All Road	Atlanta	GA	30349	(404) 767-9229	2/13/2015	Certification - Export; Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M45433+P45433	Halperns' Steak and Gary's Seafood	2412 Sandlake Road	Orlando	FL	32809	(407) 423-8550	2/18/2015	Meat Processing; Poultry Processing	
M7928+P7928+V7928	Halpern's Steak and Seafood	701 West Hamburg St.	Baltimore	MD	21230	(410) 539-7055	1/21/2015	Certification - Export; Meat Processing; Poultry Processing	Halpern's Steak and Seafood
M8328+P8328	Halperns' Steak and Seafood	1919 NW 19th Street	Fort Lauderdale	FL	33311	(954) 768-0888	3/22/2019	Meat Processing; Poultry Processing	
M33958+P33958	Halpern's Steak and Seafood Company LLC	13151 Apex Drive	WALTON	KY	41094	(859) 485-3560	10/23/2015	Meat Processing	
M1947A+P1947A	Halperns' Steak and Seafood Company LLC	4175 Davis Creek Court	Kalamazoo	MI	49001	(269) 344-1084	10/14/2015	Meat Processing; Poultry Processing	
M48141+P48141	Halperns' Steak and Seafood Company, LLC	730 N. Great Southwest Pkwy.	Arlington	TX	76011	(972) 401-9600	2/22/2016	Meat Processing; Poultry Processing	
M21202+P21202	Halsey Food Service	401 Lanier Road	Madison	AL	35758	(256) 772-9691	10/12/2018	Meat Processing; Poultry Processing	Diamond Star Premium Meat Co
M22052+P22052+V22052	Hamilton Meat LLC, dba Hamilton Meats and Provisions	3515 Main Street	Chula Vista	CA	91911	(619) 591-2960	10/5/2015	Certification - Export; Meat Processing; Poultry Processing	
M4606+P4606	Hamilton Meats Supply Inc.	1451 Pennsylvania Avenue	Pine City	NY	14871	(607) 733-0933	12/17/2018	Meat Processing; Poultry Processing	
M9899+P9899	Hammons Meat Sales	1700 S. Union Avenue	Bakersfield	CA	93307	(661) 834-1944	7/30/2013	Meat Processing; Poultry Processing	Hammons Meats
M19716+V19716	Hampton Meat Processing	216 Breeden Drive	Decatur	TN	37322	(423) 334-1079	9/12/2011	Food Inspection; Meat Processing; Meat Slaughter	Homestead Beef

M7429+P7429	Hampton Meat Processing Co., Inc.	1890 Pembroke Rd.	Hopkinsville	KY	42240	(270) 885-8474	2/22/1996	Meat Processing; Meat Slaughter	
M10805	Hamzah Slaughter House	15680 Clear Springs Rd.	Williamsport	MD	21795	(301) 223-7003	6/8/2004	Meat Processing; Meat Slaughter	
M48474+P48474	Hana Meat Processing Company, LLC	11231 Thienes Ave. Suites B & C	South El Monte	CA	91733	(323) 869-1000	11/5/2018	Meat Processing; Poultry Processing	
M8885+P8885	Hanover Foods Corp.	Duck Creek Road Route 6 PO Box 1150	Clayton	DE	19938	(302) 653-9281	1/12/2005	Meat Processing; Poultry Processing	
M136+P4348	Hanover Foods Corporation	1550 York Street	Hanover	PA	17331	(717) 632-6000	11/19/2007	Meat Processing; Poultry Processing	
M20818+P20818	Hanover Foods Corporation	3008 Penns Valley Pike Rt. 45 East	Centre Hall	PA	16828	(814) 364-1482	9/30/2014	Meat Processing; Poultry Processing	
M8601+P8417	Hanover Foods Corporation	314 Spring Glen Drive	Ephrata	PA	17522	(717) 733-2201	3/18/2008	Meat Processing; Poultry Processing	Spring Glen Fresh Foods Inc.
M8938+P8938	Hansen Foods LLC	930 Goddard Way	Green Bay	WI	54311	(920) 884-7423	4/1/2014	Meat Processing; Poultry Processing	
M7573+P7573	Hans Kissle Company LLC	9 Creek Brook Drive	Haverhill	MA	01832	(978) 556-4500	6/25/2019	Meat Processing; Poultry Processing	
V3170	Hanson Cold Storage Co.	2150 S. County Road 125 West	Logansport	IN	46947	(574) 753-0424	8/24/1995	Animal Foods Inspection; Certification - Export; Certification - Trichinae; Food Inspection; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	

V20520	Hanson Cold Storage Company of Indiana	3440 Concord Road	Lafayette	IN	47909	(765) 477-1666	3/10/2011	Certification - Export; Certification - Trichinae; Identification - Meat	
M21880	Han Yang Inc	4101 W Greenfield Ave	Milwaukee	WI	53215	(414) 389-1099	8/12/2002	Meat Processing	
M4274+P4274	Hapanowicz Brothers Market Inc.	19 Clinton Street	New York Mills	NY	13417	(315) 736-8288	12/9/2015	Meat Processing; Poultry Processing	
M1061	Happy Valley Processing Inc.	206 Hobbs Mill Road	Dearing	GA	30808	(706) 595-3777	3/1/2013	Meat Processing; Meat Slaughter	Ole Timey Meat Shop
M34685+P34685	Harbor Sausage	12821 Harbor Blvd., #H-1A	Garden Grove	CA	92840	(714) 539-5309	5/8/2015	Meat Processing; Poultry Processing	California Sausage #2
M21710+P21710	Harczak Sausage	7035 W. Higgins Rd	Chicago	IL	60656	(773) 631-8400	9/12/2001	Meat Processing; Poultry Processing	
M18960	Hardison's Carolina Barbecue, Inc.	29606 Hwy 64	Jamesville	NC	27846	(252) 792-2666	3/26/2002	Meat Processing	
M51217+V51217	Haring Catfish	3889 Highway 562	Wisner	LA	71378	(318) 724-6654	2/29/2016	Certification - Export; Meat Processing; Meat Slaughter	Crabhouse DBA Triplepearl, Pafco DBA Oceankist, Vincent Piazza
M45915	Harlon's LA Fish LLC	606 Short Street	Kenner	LA	70062	(504) 467-3806	2/12/2017	Meat Processing	
M7356+P7356+V7356	Harmon Brothers Meats, Inc.	425 Ambrose Road	Warsaw	KY	41095	(859) 567-1212	1/15/2002	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	
M5240+P5240	Harrington's in Vermont Inc.	210 East Main Street	Richmond	VT	05477	(802) 434-7500	12/12/2003	Meat Processing; Poultry Processing	Harrington's, Harrington's Maplewood Hams of Vermont, Harrington's of Vermont

M20686+V20686	Harris Country Meats	480 Twin Barnes Rd	Greeneville	TN	37743	(423) 638-1538	4/23/2002	Meat Processing; Meat Slaughter; Voluntary Slaughter - Meat	
V47212	Harrison Poultry Inc.	2410 Tech Center Parkway	Lawrenceville	GA	30043	(770) 867-7511	4/30/2020	Certification - Export; Identification - Poultry; Off-Premise Freezing - Poultry	
P910	Harrison Poultry, Inc.	107 Star Street	Bethlehem	GA	30620	(770) 867-7511	11/2/2017	Poultry Processing; Poultry Slaughter	Barrow Farms
P45839	Harrison's Poultry Farm, Inc.	1201 Waukegan Rd.	Glenview	IL	60025	(847) 724-0132	6/26/2017	Poultry Processing	
M5891+P5891	HARRISONS PRIME MEATS AND PROVISIONS	300 W BONANZA RD	LAS VEGAS	NV	89106	(702) 732-8804	1/28/2004	Meat Processing; Poultry Processing	
M783+P783+V783	Harris Ranch Beef Company	16277 S McCall Ave. PO Box 220	Selma	CA	93662	(559) 896-3081	3/15/2019	Certification - Export; Meat Processing; Meat Slaughter; Poultry Processing	
M17311+P17311	Harry's Frozen Food	211 Main St.	Elrosa	MN	56325	(320) 697-5638	12/12/2002	Meat Processing; Poultry Processing	Fieldgate Cheese
M40026+P40026	Hart Food Products Inc	14905 Paramount Blvd. Unit A2	Paramount	CA	90723	(562) 577-5374	10/9/2018	Meat Processing; Poultry Processing	
M4691+P4691	Hartford West Indian Bakery, Inc.	801 Windsor St	Hartford	CT	06120	(860) 246-6776	6/2/1998	Meat Processing; Poultry Processing	Scott's Jamaican Bakery
M46707+P46707	Hartland Abattoir Corp	7968 Ridge Road	Gasport	NY	14067	(716) 772-7111	7/7/2014	Meat Processing; Meat Slaughter; Poultry Processing	
M6507+P6507	Hartman Enterprises Inc. DBA Hartman Meat Co.	2430A Schuster Dr.	Hyattsville	MD	20781	(301) 458-8788	3/7/2018	Meat Processing; Poultry Processing	Hartman Meat Co.
M7491	Hartman's Butcher Shop	7291 Autumn Road	New Tripoli	PA	18066	(610) 298-8232	1/15/2003	Meat Processing; Meat Slaughter	

M46316+P46316	Harvesters - The Community Food Network	3801 Topping Ave	Kansas City	MO	64129	(816) 929-3000	2/1/2018	Meat Processing	
M18252+P18252	Harvest Farms, Inc.	45000 N. Yucca Ave.	Lancaster	CA	93534	(661) 945-3636	8/27/2004	Meat Processing; Poultry Processing	
M34722+P34457	Harvest Food Group	4412 W. 44th St.	Chicago	IL	60632	(773) 847-3313	8/13/2010	Meat Processing; Poultry Processing	
M11057+P7095	Harvest Food Products Co., Inc	710 Sandoval Way	Hayward	CA	94544	(510) 675-0383	11/3/2005	Meat Processing; Poultry Processing	Harvest Food Products Co
M18344+P18344	Harvest Group, LLC dba Phenix Food Service	318 General Colin Powell Pkwy	Phenix City	AL	36869	(334) 298-6288	9/19/2018	Meat Processing; Poultry Processing	
M21285+P21285	Harvest House Farms	506 North Nugent Street	Johnson City	TX	78636	(830) 868-7253	6/19/2000	Meat Processing; Meat Slaughter	JC Lockers, Johnson City Locker Plant
M45693+P45693	Harvest Kitchen	4175 Whitmore Lake Rd.	Ann Arbor	MI	48105	(734) 395-7782	8/29/2018	Meat Processing; Poultry Processing	
M4122+P4122	Harvest Water Cooper, Inc.	120 S Pennysylvania Ave	San Bernardino	CA	92410	(909) 889-5848	8/9/2017	Meat Processing; Poultry Processing	J. Enterprises
M6592+P6592	Harvin Choice Meats, Inc.	300 McCray's Mill Road	Sumter	SC	29150	(803) 775-9367	7/15/2008	Meat Processing	
M5674+P5674	Hastings Foods L.L.C.	3317 Island Circle	Grand Island	NE	68803	(308) 384-6623	9/20/2005	Meat Processing; Poultry Processing	Bull Boy, Los Cantaros Mexican Food
M34591+P34591	Hastings Foods LLC	3321 Island Circle	Grand Island	NE	68803	(308) 384-6623	2/11/2008	Meat Processing; Poultry Processing	Bull Boy
P2227	Hatcher Poultry & Egg Co.	610 Washington Street	Wichita Falls	TX	76306	(940) 322-5461	1/27/2000	Poultry Processing	
M20535+P20535	Hato Rey Meat Packing	Guayama Street #153	Hato Rey	PR	00917	(787) 753-7316	3/14/2006	Meat Processing; Poultry Processing	
M7190+P7190	Hausman Foods	4261 Beacon Street	Corpus Christi	TX	78405	(361) 883-5525	10/30/2018	Meat Processing; Poultry Processing	NSP, NSP Proteins
M46436	Haven Cove Farm LLC	1466 Andrews Road	Murphy	NC	28906	(404) 518-9740	7/18/2018	Meat Processing	

M990+P990	Hawa Corp.	101 E. Laurel Street	Colton	CA	92324	(909) 825-8882	5/9/2014	Meat Processing; Poultry Processing	Beef Jerky Factory
M1063	Hawaii Beef Producers, LLC	Old Plantation Road	Paauilo	HI	96776	(808) 776-1109	11/2/2006	Meat Processing; Meat Slaughter	Hawaii Big Island Beef
M48184	Hawaii Island Meat Cooperative	81-6580 Mamalahoa Hwy	Kealakekua	HI	96750	(808) 776-1870	4/8/2016	Meat Processing; Meat Slaughter	
M6208	Hawaii Meats, LLC	91-319 Olai Street	Kapolei	HI	96707	(808) 682-2595	7/28/2017	Meat Processing; Meat Slaughter	
G31556	Hawkeye Pride Egg Farm LLP	1275 Deer Ave.	Corwith	IA	50430	(515) 583-2600	5/12/2016	Egg Product	
M45949	Hayek Appetizers LLC	5225 Cochran St. unit B	Simi Valley	CA	93063	(818) 335-3834	10/25/2016	Meat Processing	
V20760A	Hazle Park Cold Storage Inc.	260 Washington Avenue Building C	West Hazleton	PA	18202	(570) 454-6761	7/3/2012	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M8566+P8566	Hazle Park Packing Co.	260 Washington Avenue	West Hazleton	PA	18202	(570) 455-7571	8/28/2006	Meat Processing; Poultry Processing	
M21024+P21024	HBC Holdings, LLC	2650 Murray Street	Sioux City	IA	51111	(712) 252-3505	3/23/2020	Meat Processing; Poultry Processing	
M46365+P46365	HB Foods, LLC	3921 100th St SW	Lakewood	WA	98499	(206) 779-7400	5/3/2018	Meat Processing; Poultry Processing	
M13054+P13054	H & B Packing Co. Inc.	702 Forrest	Waco	TX	76704	(254) 752-2506	6/20/2006	Meat Processing; Meat Slaughter; Poultry Processing	
M772+P18049+V772	H Cubed, Inc.	1926 West Elk Place	Denver	CO	80211	(303) 458-7441	6/1/2012	Meat Processing; Voluntary Processing - Meat	Lombardi Brothers Meats

V44924	Head Distr buting Company dba Core-Mark	9020 King Palm Drive	Tampa	FL	33619	(813) 664-0474	6/8/2012	Certification - Export; Identification - Meat; Identification - Poultry	
M20860+P20860+V20860	Headland Oil Processing Co.	19990 Highway 431	Headland	AL	36345	(334) 693-9299	6/14/2010	Identification - Meat; Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry	
M51246+P51246	Healthy Foods, LLC	7289 N. W. 78th Terrace	Medley	FL	33166	786399833	6/29/2017	Meat Processing; Poultry Processing	
M17264+P17264	Hearn Kirkwood / Food Unlimited	7591 Montevideo rd.	Jessup	MD	20794	(410) 799-4444	5/30/2019	Meat Processing; Poultry Processing	Food Unlimted, Hearn Kirkwood
M34744+P34744	Hearthside Food Solutions	13949 Alvarez Rd. Suite 105	Jacksonville	FL	32218	(904) 252-7853	6/20/2019	Meat Processing; Poultry Processing	
M15899+P15899+V15899	Hearthside Food Solutions, LLC	21850 Grenada Avenue	Lakeville	MN	55044	(952) 469-1417	5/1/1997	Food Inspection; Meat Processing; Poultry Processing	
M19109+P19109+V19109	Hearthside Food Solutions, LLC	5301 12th Avenue East	Shakopee	MN	55379	(612) 225-2812	10/19/2015	AMS RTE Canada EV Program; Food Inspection; Meat Processing; Poultry Processing	Greencore USA
M19917+P19917	Hearthside Food Solutions, LLC	10350 Argonne Drive	Woodridge	IL	60517	(331) 213-0637	12/16/2019	Meat Processing; Poultry Processing	Greencore USA
M32166+P32166+V32166	Hearthside Food Solutions, LLC	1220 Meacham Road	Itasca	IL	60143	(630) 893-6123	12/26/2018	Food Inspection; Meat Processing; Poultry Processing	

M34138+P34138+V34138	Hearthside Food Solutions, LLC	720 Center Avenue	Carol Stream	IL	60188	(630) 771-7007	10/6/2011	Certification - Export; Meat Processing; Poultry Processing	Peacock Foods DBA Greencore USA
M45255+P45255	Hearthside Food Solutions, LLC	1001 W. Crossroads Parkway	Romeoville	IL	60446	(630) 755-4724	12/26/2011	Meat Processing; Poultry Processing	
M45361+P45361	Hearthside Food Solutions, LLC	3350 Progress Way	Wilmington	OH	45177	(937) 302-5646	12/26/2018	Meat Processing; Poultry Processing	
M45835+P45835	Hearthside Food Solutions, LLC	2231 South 208th St. Suite D	Des Moines	WA	98198	(206) 745-0829	12/26/2018	Meat Processing; Poultry Processing	
M4907+P4907	Hearthside Food Solutions, LLC	5850 Amelila Earhart Dr	Salt Lake City	UT	84116	(801) 217-0387	12/26/2018	Meat Processing; Poultry Processing	
M8086+P8086	Hearthside Food Solutions, LLC	37 McLane Drive	Fredericksburg	VA	22406	(540) 654-7602	11/21/2019	Meat Processing	
M45777	Heartland Catfish Company	55001 Highway 82 West	Itta Bena	MS	38941	(662) 254-7100	1/21/2016	Meat Processing; Meat Slaughter	
M4135+P4135	Heartland Meat Company, Inc	3461 Main Street	Chula Vista	CA	91911	(619) 407-3668	2/4/2005	Meat Processing; Poultry Processing	
M47032	Heart O' Lakes Meats	14 Industrial Park Dr.	Pelican Rapids	MN	56572	(218) 863-6328	10/17/2019	Meat Processing; Meat Slaughter	
M4846+P4846	Heatherfield Foods Inc.	1150 W Brooks St.	Ontario	CA	91762	(909) 460-3060	4/20/2001	Meat Processing; Poultry Processing	Villa Roma Sausage
M45402+P45402	Heather's Choice Production Facility	5881 Artic Blvd Suite 100	Anchorage	AK	99518	(907) 268-1147	6/6/2018	Meat Processing; Poultry Processing	
V46199	H-E-B, LP	5711 FM 78	San Antonio	TX	78244	(210) 982-4104	8/5/2019	Certification - Export; Identification - Meat; Identification - Poultry; Identification - Siluriformes	HEB Grocery Company, L.P.
M7231+P7231	HEB Meat Plant	4710 N. Pan Am Expressway	San Antonio	TX	78218	(210) 938-5090	5/11/2015	Meat Processing; Poultry Processing	Parkway Manufacturing

M54267+P54267	HeBo Family Foods Inc.	60 Bath Street	Providence	RI	02908	(508) 695-4326	1/17/2019	Meat Processing; Poultry Processing	
M15816+P15816	Heggies Pizza, LLC	1115 6th Avenue NE	Milaca	MN	56353	(320) 982-7777	4/19/2016	Meat Processing; Poultry Processing	
M21056	Hehnke's	206 North Oak Street	Paxton	NE	69155	(308) 239-4215	4/22/2015	Meat Processing	Hehnke's, Paxton Grocery & Meats, L.L.C.
M21529+P21529	Heinkel's Packing Company, Inc.	2005 N. 22nd St. P.O. Box 2134	Decatur	IL	62526	(217) 428-4401	7/31/2001	Meat Processing; Poultry Processing	
M4334	Heinsen Products, Inc.	320 Casanova Street	Bronx	NY	10474	(718) 378-0290	12/12/2019	Meat Processing	
M39963+P39963+V39963	Hellmann Worldwide Logistics	10450 Doral Blvd	Miami	FL	33178	(305) 406-4500	8/17/2009	Identification - Meat; Identification - Poultry	
M34181	Hemingway Locker Plant, LLC	202 South Main Street	Hemingway	SC	29554	(843) 558-2751	7/30/2019	Meat Processing; Meat Slaughter	
M15503+P15503	Hemphill Souse & Sausage Inc	295 Industrial	Jackson	MS	39209	(601) 922-0774	12/5/2006	Meat Processing	
M6410+P6410	Hempler Foods Group LLC	5470 Nielsen Avenue	Ferndale	WA	98248	(360) 312-1413	9/15/2016	Meat Processing; Poultry Processing	Fletcher's Fine Foods
M10799	Hemps, Inc.	3740 Jefferson Pike	Jefferson	MD	21755	(301) 473-5700	3/4/1991	Meat Processing; Meat Slaughter	
V31829	Henningsen Cold Storage	229 Maple Street	Scranton	PA	18505	(507) 207-0219	1/9/2011	Identification - Meat; Identification - Poultry	
V17481	Henningsen Cold Storage Co.	2025 Saint Street	Richland	WA	99352	(509) 375-0463	5/19/2003	Identification - Meat	
V18779	Henningsen Cold Storage Company	1000 Paul Meal Road	Stilwell	OK	74960	(918) 696-4642	9/17/2013	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	South Forty

V3285	Henningsen Foods Inc.	10025 I Street	Omaha	NE	68127	(402) 334-5252	5/27/2016	Certification - Export; Identification - Meat; Identification - Poultry	
M1554+P94+G94	Henningsen Foods, Inc	402 North Third Street	Norfolk	NE	68701	(402) 371-1150	3/29/2019	Egg Product; Meat Processing; Poultry Processing	
G398+V398	Henningsen Foods, Inc.	325 Third Street	David City	NE	68632	(402) 367-3141	1/12/2017	Certification - Export; Egg Product; Voluntary Processing - Egg Products	
M5808+P5808+G1566	Henningsen Foods, Inc.	200 East Railway	Ravenna	NE	68869	(308) 452-3221	3/29/2019	Egg Product; Meat Processing; Poultry Processing	
M9617+P9617	Henry Grasso Co., Inc.	716 Larimer Avenue	Pittsburgh	PA	15206	(412) 441-8126	1/31/2012	Meat Processing; Poultry Processing	
M1766+P1766	Henry J's Meat Specialties	4460 West Armitage	Chicago	IL	60639	(773) 227-5400	7/11/1988	Meat Processing; Poultry Processing	Bar B Que Ind., Henry J's Famous Foods, Henry J's Hash House
M1484	Henry Kaminski, Inc.	3727 S. Halsted Street	Chicago	IL	60609	(312) 254-4125	3/19/1980	Meat Processing	
M2141	Henry Kaminski, Inc.	3762 S. halsted Street	Chicago	IL	60609	(773) 254-4125	5/10/2004	Meat Processing	
M8850	Henry Kohn Inc. t/a Burlington Beef	P.O. Box 1004 30 Burlington Road	Monroeville	NJ	08343	(856) 358-2321	2/21/2007	Meat Processing; Meat Slaughter	
G1704B	Herbruck's Poultry Ranch	478 Portland Road	Lake Odessa	MI	48849	(616) 642-9421	1/20/1995	Egg Product	
M18987+P18987	Hercules Food Services, Inc.	Barrio Pasto, Sector Cardin, Carretera 718, KM 1.1 Interior	Aibonito	PR	00705	(787) 735-7104	2/27/2017	Meat Processing; Poultry Processing	J.R.G. Meat
M9465+P9862	Herfurth Brothers Inc	1220 Interchange Road	Gilbert	PA	18331	(610) 681-4515	3/16/2018	Meat Processing; Meat Slaughter	

M38556+P38556+V38556	Heritage Meats	18241 Pendleton Street SW	Rochester	WA	98579	(360) 273-2202	4/23/2009	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M38550+P38550	Heritage Specialty Foods, LLC	10527 N.E. Sandy Blvd.	Portland	OR	97220	(503) 252-1545	6/29/2011	Meat Processing; Poultry Processing	
M21054+P21054	Herman Falter Packing Company	384 Greenlawn Ave P.O. Box 216	Columbus	OH	43223	(614) 444-1141	9/21/2010	Meat Processing; Meat Slaughter; Poultry Processing	
M17104+P17104	Hermanos Dajer Inc.	867 Stuyvesant Avenue	Irvington	NJ	07111	(973) 416-0233	10/1/2001	Meat Processing; Poultry Processing	
M18673+P18673	Hermanos Santiago Cash & Carry	Urb. Industrial Reparada Carretera No.2, Calle Marginal	Ponce	PR	00732	(787) 842-4060	4/18/1995	Meat Processing; Poultry Processing	Ganaderia Santiago, Manhattan Meats
M9760+P9760+V9760	Herring Brothers Inc.	350 Water Street	Guilford	ME	04443	(207) 876-2631	8/16/1996	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M47095+P47095	Hess Meat Market Inc.	605 N. Mesquite	Muenster	TX	76252	(940) 759-2744	2/21/2020	Meat Processing; Meat Slaughter	
M46235A+P46235A+V46235A	Hewitt's Meat Processing Inc.	210 Down Wind Drive	Marshfield	WI	54449	(715) 387-4728	3/2/2018	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M44805+P44805	Heywood's Provision Company	2145 Roswell Rd., Suite 140	Marietta	GA	30062	(404) 410-7997	10/12/2012	Meat Processing; Poultry Processing	
I65+V65	HF Food Service, Inc.	69-81 Sellers Street Unit 2	Kearny	NJ	07032	(201) 628-2952	12/4/2017	Certification - Export; Identification - Meat; Identification - Poultry; Identification - Siluriformes; Imported Product	

M4912+P4912+V4912	H. F. Meats, Inc.	2824 Foothill Blvd.	La Crescenta	CA	91214	(818) 248-3068	4/5/2011	Meat Processing; Poultry Processing	Harmony Farms
M19058+P19058	HFX Inc	12985 Dunnings Highway	Claysburg	PA	16625	(814) 695-7600	5/4/2009	Meat Processing; Poultry Processing	
M8805+P8805	H & G Diners	3305 W 2nd Street	Trainer	PA	19061	(610) 494-5107	4/27/2012	Meat Processing; Poultry Processing	Wicks Kitchens, Wicks Seafood
M15802+P15802	Hiawatha Pasties	11640 W. US - 2	Naubinway	MI	49762	(906) 477-1148	9/25/2019	Meat Processing; Poultry Processing	
G31540+V31540	Hickman's Egg Ranch, Inc.	32425 West Salome Hwy	Arlington	AZ	85332	(623) 386-1333	9/20/2006	Certification - Export; Egg Product	Hickmans Family Farms
M101+P18992+P1539	Hickory Baked Ham Company Inc.	3221 N. Commerce Ct.	Castle Rock	CO	80104	(303) 688-2633	4/5/1994	Meat Processing; Poultry Processing	Bushwacker Meats, Hickory Baked Foods, High Valley Farm, One-O-One Meats
M45929	Hickory Hills Smoked Products LLC	1714 Steele Hill Rd.	Van Wyck	SC	29744	(803) 283-3710	3/19/2020	Meat Processing	
M11195+P11195	Hickory Hollow	2352 Dilmore Road	Cottondale	FL	32431	(850) 352-4393	1/28/1998	Meat Processing; Poultry Processing	
M34550	Hickory Hollow Jerky	712 South Randolph Avenue P. O. Box 614	Eufaula	AL	36072	(334) 695-5238	10/27/2008	Meat Processing	
M6689+P6689	Hickory Smoked Foods Inc.	1301 N. Ellington Parkway	Lewisburg	TN	37091	(931) 359-5990	12/9/2004	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	Lawler's Barbecue #2
M1248+P1248+V1248	Hi Country Snack Foods, Inc.	#1 Lincoln Gulch Rd	Lincoln	MT	59639	(406) 362-4203	12/6/1984	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Hi-Country Beef Jerky, Montana Pet Foods

V34191	Hidalgo Logistics LLC	1100 E. Produce Road	Hidalgo	TX	78557	(956) 843-6597	9/9/2010	Certification - Export; Identification - Meat; Identification - Poultry	
M12457+P12457	Higa Meat & Pork Market, Ltd.	225-2 N. Nimitz Hwy.	Honolulu	HI	96817	(808) 531-3591	3/4/2016	Meat Processing; Poultry Processing	Higa Food Service
M17719+P17719	Highland Packing Company, Inc.	814 Green Park Ave.	Colona	IL	61241	(309) 792-1608	3/8/1990	Meat Processing; Poultry Processing	
M46751	High Liner Foods, LLC	1 Highliner Avenue	Portsmouth	NH	03801	(603) 818-5555	8/12/2019	Meat Processing	
M45734	Hill Country Foodworks, LLC	215 E. MLK Jr. Industrial Blvd	Lockhart	TX	78644	(512) 668-4796	3/9/2018	Meat Processing	
M45836+P45836	Hillcrest Meats LLC	1004 Hillcrest Dr.	Garden City	SD	57236	(605) 351-2182	4/17/2020	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
M9201+P9201	Hill Meat Company	P.O. Box 1066 1503 N. W. 50th Street	Pendleton	OR	97801	(541) 276-7521	9/13/2001	Meat Processing	
M10026	Hillsdale County Meats	11560 E. Territorial Rd.	Waldron	MI	49288	(517) 286-6270	2/2/2016	Meat Processing; Meat Slaughter	
M89+P89+V89	Hillshire Brands Company	4612 Speaker Road	Kansas City	KS	66106	(913) 233-0399	10/10/2012	Certification - Export; Meat Processing; Poultry Processing	Aidells Sausage Co., Bryan Foods, Inc., Galileo Foods, Quality Packing Co., Sara Lee, Sara Lee Food Service, Tyson Foods, Inc.
M10828+P10828	Hillside Turkey Farm	30 Elm Street	Thurmont	MD	21788	(301) 271-2728	4/24/2010	Meat Processing; Poultry Processing	
M45220+P45220	Hilltown Country Smokehouse LLC	786 US Route 20	New Lebanon	NY	12125	(518) 794-4011	3/6/2017	Meat Processing; Poultry Processing	
M4018	Hilltown Pork Inc.	12948 State Route 22	Canaan	NY	12029	(518) 781-4050	10/28/2014	Meat Processing; Meat Slaughter	
M2173+P2173	Hinck Turkey Farm Inc	3930 Belmar Boulevard	Neptune	NJ	07753	(732) 223-5622	7/3/2019	Meat Processing; Poultry Processing; Poultry Slaughter	Esvee Meats, LLC, Pure & Simple Foods, LLC

M21723	H & M Butchering	553 Bowling Branch Rd.	Manchester	KY	40962	(606) 598-8332	1/6/2016	Meat Processing; Meat Slaughter	
M19151+P19151	H.M.G. Processing LLC	31 Bissell Avenue	Youngstown	OH	44505	(330) 270-8000	8/26/2008	Meat Processing; Poultry Processing	Acme Steak and Seafood
I68	H&N Group, Inc.	5580 S. Alameda Street	Vernon	CA	90058	(323) 586-9388	9/1/2017	Imported Product	
M2629+P2629+V2629	Hobson Food Service, Inc.	202 Howerton Street	Nashville	TN	37213	(615) 255-6307	9/9/1985	Meat Processing; Poultry Processing	
M4025	Hoffer's Ligonier Valley Packing Inc.	582 Darlington Road	Ligonier	PA	15658	(724) 238-7112	3/21/2019	Meat Processing; Meat Slaughter	
M7415+P7415+V7415	HOFFMAN'S QUALITY MEATS	13225 CEARFOSS PIKE	HAGERSTOWN	MD	21740	(301) 739-2332	10/7/2011	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry	ROY L. HOFFMAN & SONS, INC.
M7899+P7899	Hofmann Sausage Co., LLC	6196 Eastern Avenue	Syracuse	NY	13211	(315) 437-7257	3/20/2018	Meat Processing; Poultry Processing	
M34196	Hogs Galore FLP	330 Enterprise Drive Suite A	Philipsburg	PA	16866	(814) 342-7060	4/25/2007	Meat Processing	
P547	Ho Ka Turkey Farm	8519 Leland Rd.	Waterman	IL	60556	(815) 264-3470	6/20/2006	Poultry Processing; Poultry Slaughter	
M20034+P20034+V20034	Holiday Meats of New Jersey, Inc.	42 Birch Avenue	Little Silver	NJ	07739	(732) 345-7400	9/2/2010	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Slaughter - Poultry	
M22097+P22097	Holifield Farms, Inc.	72 Holifield Road	Covington	GA	30016	(770) 786-2086	7/18/2002	Meat Processing; Meat Slaughter	

M9701	Holland Brothers Meats	16627 Dunnings Highway	Duncansville	PA	16635	(814) 695-5450	11/9/2015	Meat Processing; Meat Slaughter	
M1305+P1305+V1305	Holly Poultry, LLC	2121 Wicomico Street	Baltimore	MD	21230	(410) 727-6869	1/6/2017	Certification - Export; Meat Processing; Poultry Processing	
P1294+V1294	Holmes Foods Inc.	101 South Liberty Avenue	Nixon	TX	78140	(830) 582-1551	6/20/2006	Certification - Export; Poultry Processing; Poultry Slaughter	
M44778+P44778	Holy Pierogies	162 Garrigus Court	Wolcott	CT	06716	(203) 879-0754	5/3/2013	Meat Processing; Poultry Processing	
M5221+P5221	Home Food Services of PA, Inc.	2092 Farragut Avenue	Bristol	PA	19007	(215) 788-3337	4/13/2017	Meat Processing; Poultry Processing	Agostino Gourmet, Passanante Brothers, Prime Time Foods
M20023+P20023	Homeland Baking LLC	9459 Alawhe Drive	Claremore	OK	74019	(918) 342-5852	9/4/2018	Meat Processing; Poultry Processing	
M2727+P2727	Home Market Foods, Inc.	140 Morgan Drive	Norwood	MA	02062	(781) 948-1500	11/14/2019	Meat Processing; Poultry Processing	Freezer Queen Foods
M45945+P45945	Home Place Pastures	1789 Home Place Rd	Como	MS	38619	(662) 292-5808	9/1/2016	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
M18498A+P18498A	Home Run Inn Frozen Foods	1300 Internationale Parkway	Woodridge	IL	60517	(630) 783-9696	12/17/2018	Meat Processing; Poultry Processing	Hri Food Products
M18498	Home Run Inn, Inc.	3054 S. Kildare Ave.	Chicago	IL	60623	(773) 247-9696	3/18/1993	Meat Processing	Lou Malnati Pizza
M9120+P9120	Homestead Egg Company Inc	717 Willow Avenue	Knoxville	TN	37915	(865) 524-3026	2/9/2017	Poultry Processing	Hillbilly Pride, Homestead Inc

M46011+V46011	Homestead Farm and Packing, LLC	265 Pat Eubanks Rd	Lucedale	MS	39452	(601) 947-6446	11/21/2016	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry	
M45649	Homestead Springs	4630 Mansfield Adario Road	Shiloh	OH	44878	(419) 895-1089	1/18/2016	Meat Processing; Meat Slaughter	Pleasant Achers Farm
M9112+P9112	Hometown Butcher	275 Jack Smith Road	Columbia	KY	42728	(270) 384-4024	2/25/2020	Meat Processing; Meat Slaughter	
M18370+P18370	Hometown Sausage Kitchen	W1184 County L	East Troy	WI	53120	(262) 642-3264	7/26/2011	Meat Processing; Poultry Processing	
M34833+P34833	Honey Foods, Inc.	4028 Tugwell St.	Franklin Park	IL	60131	(847) 928-9300	1/21/2010	Meat Processing; Poultry Processing	
M44070	Hong Chang Corp	13109 Painter Avenue	Santa Fe Springs	CA	90670	(562) 309-0068	6/9/2015	Meat Processing	
M4261	Hong Ha Corporation	5733 Tuxedo Road	Hyattsville	MD	20781	(301) 322-1916	10/20/1982	Meat Processing	
M1464+P5698	Hoople Country Kitchens, Inc.	714 N. 5th St.	Rockport	IN	47635	(812) 649-2351	2/5/1997	Meat Processing; Poultry Processing	
M6585+P6585	Hopkins Poultry Co., Inc.	7741 Doggett Road	Browns Summit	NC	27214	(336) 656-3361	12/6/2019	Meat Processing; Poultry Processing	
M199G+P6620	Hormel Foods Corporation	3367 Montreal Industrial Way	Tucker	GA	30085	(770) 908-4000	7/29/2016	Meat Processing; Poultry Processing	Geo A Hormel & Company
M199+P223+V199	Hormel Foods Corporation	500 14th Avenue NE	Austin	MN	55912	(507) 437-5611	9/8/2016	Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	DiLusso Deli Company, Geo A Hormel & Company

M199R+P199R	Hormel Foods Corporation	1118 Highway 18 East	Algona	IA	50511	(515) 295-2477	10/17/2018	Meat Processing; Poultry Processing	Di Lusso Deli Company., Geo A. Hormel & Co.
M199V+P199V+V199V	Hormel Foods Corporation	209 North Godfrey Ln	Knoxville	IA	50138	(641) 842-6841	5/17/2017	Certification - Export; Meat Processing; Poultry Processing	DiLusso Deli Co., Geo. A. Hormel & Company
M199W+P6858	Hormel Foods Corporation	3000 Kennedy Drive	Beloit	WI	53511	(608) 365-9501	10/17/2018	Meat Processing; Poultry Processing	Geo A Hormel & Company
M17852+P17852	Hormel Health Labs LLC	181 Kelly Road	Quakertown	PA	18951	(215) 529-7405	7/21/2016	Meat Processing; Poultry Processing	Hormel Foods Corporation
M7882+P7882	Horst Meats	17807 Reiff Rd.	Hagerstown	MD	21740	(301) 733-1089	2/24/2020	Meat Processing; Meat Slaughter	
M46068+P46068	Horton's Quality Meats	309 S. Laurel Street	Springfield	GA	31329	(912) 754-9791	3/13/2017	Meat Processing	
M19079+P19079	Hoskie Co. Inc.	132 Harrison Place	Brooklyn	NY	11237	(718) 628-5545	4/17/2003	Meat Processing; Poultry Processing	On Foo Co., Inc.
V39918	Hospitality Services Unlimited	10913 NW 30th Street Suite 100-B	Miami	FL	33172	(305) 463-8650	7/7/2009	Certification - Export; Identification - Meat; Identification - Poultry	
M18485+P18485	Hotpie Incorporated	7469 Commercial Circle	Fort Pierce	FL	34951	(727) 452-3608	8/20/2013	Meat Processing; Poultry Processing	
M33823+P33823	Hot Tamale Heaven	718 Main Street	Greenville	MS	38701	(662) 822-6084	11/2/2005	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
M34360+P34360	House of Halal Meat, Inc	5110 US Highway 41 South	Jasper	FL	32052	(386) 792-3467	3/3/2020	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
M7434+P7434	House of Hickory	1107 Dickerson Pike	Nashville	TN	37207	(615) 226-6266	10/27/2010	Meat Processing	

P687	House of Raeford	410 Sunset Boulevard	West Columbia	SC	29169	(803) 794-8440	10/18/2013	Poultry Processing; Poultry Slaughter	
M9136+P9136	House Of Raeford Farms	1344 Battery Park Road	Nesmith	SC	29580	(843) 558-9461	5/24/2002	Meat Processing; Poultry Processing	
P510	House Of Raeford Farms	3333 Highway 117 South	Rose Hill	NC	28458	(910) 289-3191	6/25/2012	Poultry Processing; Poultry Slaughter	
P1309	House of Raeford Farms Inc.	1354 Rutherford Rd.	Greenville	SC	29609	(864) 268-6917	4/1/2015	Poultry Processing; Poultry Slaughter	
P19865+V19865	House of Raeford Farms of LA	3867 2nd St., Hwy 80 West	Arcadia	LA	71001	(318) 263-9004	3/27/2008	Certification - Export; Poultry Processing; Poultry Slaughter	Columbia Farms, House of Raeford, Raeford Farms of Louisiana
M737+P737	House of Raeford - Wallace Div	253 Butterball Road	Teachey	NC	28464	(910) 285-2349	12/3/2018	Poultry Processing; Poultry Slaughter	Columbia Farms
M8689+P8689	House Of Sausage	424 North Sixth Street	Kansas City	KS	66101	(913) 371-3185	3/24/2010	Meat Processing; Poultry Processing	Krizman's Sausage
M6273+P6273+V6273	House Of Smoke, Inc.	825 Denver Avenue	Fort Lupton	CO	80621	(303) 857-2750	8/14/1990	Meat Processing; Poultry Processing; Voluntary Processing - Meat	Colorado Mountain Game
M17681	Howard & Son Meatpacking	8392 Sharon-Mercer Road	Mercer	PA	16137	(724) 662-3700	3/27/2012	Meat Processing; Meat Slaughter	
M21352+V21352	H & P Meats	2421 Highway 156	South Pittsburgh	TN	37380	(423) 837-4888	9/26/2000	Meat Processing; Meat Slaughter	
M46341+P46341	HPP Food Services	1130 West C St.	Wilmington	CA	90744	(310) 830-8020		Meat Processing; Poultry Processing	
M1185	HRR Enterprises	1755 Genesis Drive	LaPorte	IN	46350	(219) 362-9050	6/14/2004	Meat Processing	
M40159	H & S Mini Mart DBA 150 Quick Stop	4598 Springfield Rd	Bardstown	KY	40004	(502) 348-4930	2/18/2010	Meat Processing	150 Quick Stop
M32138+P32138	HTE Food Corp	140 Baxter Street	New York	NY	10013	(212) 966-1485	4/22/2009	Meat Processing; Poultry Processing	

M44930+P44930	Huang's Meat Trading	4114 3rd Avenue Store Front	Brooklyn	NY	11232	(917) 682-7321	6/24/2015	Meat Processing; Poultry Processing	
M45679	Hubbard's Country Meats LLC	1748 Newton Road	Thomasville	GA	31757	(229) 228-0341	9/11/2019	Meat Processing	
M2598+P2598	Hudson Meat Company	2320 South 7th St.	Columbus	OH	43207	(614) 444-6328	3/26/2002	Meat Processing; Poultry Processing	
M13453+P13453+V13453	Hudson Meats	1800 S. Congress Ave	Austin	TX	78704	(512) 445-6611	3/6/2012	Meat Processing; Poultry Processing; Voluntary Processing - Meat	Hudson Meat Market, Hudson Sausage Co., Smokey Ridge
M18632+P18632+V18632	Hudson Meats &and Sausage, Inc.	617 4th St.	Hudson	SD	57034	(605) 984-2033	10/3/2014	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	
M982	Hudson Valley Craft Sausage LLC	72 Grace Church Street	Port Chester	NY	10573	(914) 937-1060	11/10/2015	Meat Processing	Barron Foods LLC
M45423+P45423	Hudson Valley Sausage Company	16 Commercial Avenue	Highland	NY	12528	(845) 691-9312	3/22/2018	Meat Processing; Poultry Processing	Elia's Catering Company

M7785+P7785+V7785	Huettl's Locker & Dressing Plant	1903 North Lakeshore Drive	Lake City	MN	55041	(651) 345-3424	5/1/1997	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Processing - Rabbit; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat; Voluntary Slaughter - Rabbit	
M8055	Hughes Market & Meat Processin	8705 Ogden Landing Rd.	West Paducah	KY	42086	(502) 488-3556	2/6/1992	Meat Processing; Meat Slaughter	
M394A+P15727A	Huisken Meat Company	245 Industrial Blvd.	Sauk Rapids	MN	56379	(320) 259-0305	9/5/2007	Meat Processing; Poultry Processing	Huisken Meats
P34287	Huismann's Poultry	105 S. Sycamore Street	Harrison	OH	45030	(513) 367-4214	7/2/2008	Poultry Processing	
M8427+P8427	Hummel Brothers Inc.	180 Sargent Drive	New Haven	CT	06511	(203) 787-4113	3/15/2018	Meat Processing; Poultry Processing	
M31960+P31960	Humphrey's Market, Inc.	1821 South 15th Street	Springfield	IL	62703	(217) 544-7445	11/21/2017	Meat Processing; Poultry Processing	
M44838+P44838	Hunter Cattle Company	934 Driggers Rd.	Brooklet	GA	30415	(912) 823-2333	3/1/2012	Meat Processing; Poultry Processing	
M34401+P34401	Hunt's Meat Co.	365 Highway 64	Waterflow	NM	87421	(505) 598-6050	8/9/2007	Meat Processing; Meat Slaughter	
M7725	Huong Duyen Meat Products	6885 W. Colfax Ave.	Lakewood	CO	80214	(303) 233-3111	4/21/2017	Meat Processing	European Meat Products
M7036+P7036	Huong Lan Food Production Inc.	3122 20th Ave	Sacramento	CA	95820	(916) 739-0885	4/4/2017	Meat Processing; Poultry Processing	
M12626+P12626	Hursey's BBQ Wholesale, Inc.	2174 Hwy 87 N.	Elon	NC	27244	(336) 584-1377	12/9/2007	Meat Processing; Poultry Processing	

M13445+P13445+V13445	Huse's Processing Inc.	1 Mile North of Malone on SH 171	Malone	TX	76660	(254) 533-2497	3/29/2005	Certification - Export; Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry	Huse's Country Meats, Inc.
G420G+V420G	Husker Pride Farms MG Waldbaum Co.	58365 861 Road	Wakefield	NE	68784	(402) 287-5000	4/2/2014	Certification - Export; Egg Product; Voluntary Processing - Egg Products	Michael Foods Egg Product Co.
M44956+P44956	Husks Unlimited	1616 Silvas Street	Chula Vista	CA	91911	(619) 572-3445	5/31/2018	Meat Processing; Poultry Processing	
M15754A+P15754A	Husnik Meat Co. Inc.	94 21st Street	Newport	MN	55055	(651) 330-2638	7/13/2016	Meat Processing; Poultry Processing	
M15754+P15754	Husnik Meat Co., Inc.	235 So. Concord Exchange	South Saint Paul	MN	55075	(651) 457-7076	5/12/2012	Meat Processing; Poultry Processing	
M48281+P48281+V48281	HVFG, LLC	22 183c County Road	Mongaup Valley	NY	12762	(845) 583-4090	5/1/2019	Certification - Export; Meat Processing; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Processing - Rabbit	Catskills Foie-Gras Cooperative, Catskills Foie-Gras Cooperative, Inc., High Road Foods, Hudson Valley Chicken, Hudson Valley Duck Farm, Hudson Valley Foie Gras, HV Farms, HVFG

M8757+P8757+V8757	HVFG, LLC	346 Airport Road	Mongaup Valley	NY	12762	(845) 583-6630	8/23/2016	Certification - Export; Meat Processing; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat	Hudson Valley Foie Gras, HV Farms
P17966+V17966	HVFG, LLC	80 Brooks Road	Ferndale	NY	12734	(845) 292-2500	3/29/2012	Certification - Export; Poultry Processing; Poultry Slaughter; Voluntary Processing - Poultry; Voluntary Slaughter - Poultry	A.G.Y. Corporation, Hudson Valley Duck Farm, Hudson Valley Foie Gras
M46306+P46306+V46306	Hydrofresh HPP	1571 Gressel Drive	Delphos	OH	45833	(567) 765-1010	8/10/2018	Identification - Meat; Meat Processing; Poultry Processing	
M4607	Hyndman Halal LLC	1852 Hyndman Road	Hyndman	PA	15545	(814) 327-2095	2/27/2020	Meat Processing; Meat Slaughter	
M51558+P51558+G51558	HY-VEE FRESH COMMISSARY	4150 SE DELAWARE AVE	ANKENY	IA	50021	(573) 692-5106	8/9/2019	Egg Product; Meat Processing; Poultry Processing	
M17863+P17863	I-65 BBQ, Inc.	2817 Clarksville Pk.	Nashville	TN	37208	(615) 248-6365	3/17/2020	Meat Processing; Poultry Processing	Nick's Famous Bar-B-Q
V31585B	Iceland Corp., dba Catch-Up Logistics	225 West Vine Street	Chambersburg	PA	17201	(717) 263-7688	1/26/2015	Certification - Export; Identification - Meat; Identification - Poultry	
V31585	Iceland Inc., dba Catch-Up Logistics	211 Huff Avenue Suite G	Greensburg	PA	15601	(724) 850-9001	1/26/2015	Certification - Export; Identification - Meat; Identification - Poultry	

V31585A	Iceland Inc., dba Catch-Up Logistics	65 East Hillis Street	Youngwood	PA	15697	(724) 925-6410	1/26/2015	Certification - Export; Identification - Meat; Identification - Poultry	
M45985+P45985	ICK Foods	5913 S. Augustine Rd. Suite #6	Jacksonville	FL	32207	(904) 352-6939	2/27/2019	Meat Processing; Poultry Processing	Jax Meats
M45948	Ida-Beef LLC	729 S. 600 W.	Burley	ID	83318	(435) 881-8913	2/28/2018	Meat Processing; Meat Slaughter	
M45351A+P45351A	Ideal Foods	104-A West Mayflower Ave.	North Las Vegas	NV	89030	(702) 647-3663	2/20/2020	Meat Processing; Poultry Processing	
M7633+P7633	Ideal Meat & Provisions, Inc.	18425 Parthenia Place	Northridge	CA	91325	(818) 886-9733	12/10/2003	Meat Processing; Poultry Processing	
M33838+P33838+V33838	IFF - International Flavors & Fragrances, Inc.	1620 W Crosby Road	Carrollton	TX	75006	(469) 557-7001	3/10/2020	Certification - Export; Meat Processing; Poultry Processing	
M46265+P46265	IHOP Restaurant	341 Chalan San Antonio Unit B	Tamuning	GU	96931	(671) 949-4467	10/25/2017	Meat Processing	
P46897	IHSAN FARMS, IIC	30931 PARK DRIVE	PRINCESS ANNE	MD	21853	(410) 548-1728	3/8/2016	Poultry Processing; Poultry Slaughter	
M22042+P22042	Illini Institutional Foods, Inc.	868 W. Champaign Ave.	Rantoul	IL	61866	(217) 898-4123	4/3/2003	Meat Processing; Poultry Processing	
M1100+P1100+V1100	Illinois Tamale Company	1376 W. Hubbard Street	Chicago	IL	60622	(312) 421-3000	1/20/2010	Certification - Export; Meat Processing; Poultry Processing	Chicago Ave. Pizza, Iltalco Foods
M46410	Il Porcellino Wholesale LLC	216 Cody Lane	Basalt	CO	81621	(303) 477-3206	2/28/2018	Meat Processing	
M8388+P8388	Imler's Poultry Inc.	1887 Route764	Duncansville	PA	16635	(814) 943-5563	2/19/2020	Meat Processing; Poultry Processing	
M8750	Imo Meat & Sausage Co.	5040 Daggett	St. Louis	MO	63110	(314) 772-9003	9/1/2011	Meat Processing	
M10827	Impero Foods & Meats, Inc.	204-10 S. Eaton St.	Baltimore	MD	21224	(410) 732-8488	2/11/1992	Meat Processing	

V226A	Independent Meat Co.	3077 Eldridge	Twin Falls	ID	83301	(208) 733-0980	12/21/1999	Certification - Export; Food Inspection; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M226B	Independent Meat Company	520 Locust Street South	Twin Falls	ID	83301	(208) 733-0980	3/17/2015	Meat Processing	Independent Meat Company
M226+P4863+V226	Independent Meat Company	2072 Orchard Drive East	Twin Falls	ID	83301	(208) 733-0980	3/15/1983	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Falls Brand, Salmon Creek Farms
M47040+P47040	Indiana Halal Farms LLC	5680 W 100 N	Lagrange	IN	46761	(260) 768-4156	12/30/2019	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
M17564	Indiana Packers Corporation	6755 West 100 North	Delphi	IN	46923	(765) 564-7278	4/24/2020	Meat Processing; Meat Slaughter	Home Kitchen, Indiana Kitchen, Indiana Packers, Indiana Packers Co., Indiana Packers Corp., Itoham Foods Inc.
M17564F+V17564F	Indiana Packers Corporation	1150 Vermont Street	Frankfort	IN	46041	(765) 564-7461	7/31/2014	Certification - Export; Meat Processing	Home Kitchen, Indiana Kitchen, Indiana Packers, Indiana Packers Co., Indiana Packers Corp., Itoham Foods, Inc.
V17564D	Indiana Packers Corporation	Hwy 421 South & County Rd 100N	Delphi	IN	46923	(765) 564-3680		Certification - Export; Food Inspection	
M8507+P8507	Indian Ridge Provision	400 Emlen Way	Telford	PA	18969	(215) 721-0125	5/2/2017	Meat Processing; Poultry Processing	
M18154+P18154	Indian Valley Meats, Inc.	200 Huot Circle	Indian	AK	99540	(907) 653-7511	5/6/1991	Meat Processing; Poultry Processing	

V34626	Infinity Brokerage Co. Inc.	301 N. Raynolds Street	El Paso	TX	79905	(915) 546-9454	9/22/2011	Certification - Export; Identification - Meat; Identification - Poultry	
M21600+P21600	Inland Market Premium Foods	1651 Montreal Circle	Tucker	GA	30084	(404) 601-5525	7/20/2017	Meat Processing; Poultry Processing	Inland Seafood
M48272+P48272	Inland Seafood	2700 Avenue D	Birmingham	AL	35218	(205) 757-5960	3/8/2019	Meat Processing; Poultry Processing	American Butcher
M4914	In-N-Out Burger	13502 Hamburger Lane	Baldwin Park	CA	91706	(626) 814-8200	10/2/2006	Meat Processing	
M4914D	In-N-Out Burgers	3900 Corporate Drive	Lancaster	TX	75134	(972) 629-7757	2/6/2018	Meat Processing	
M4914L	In-N-Out Burgers	18240 Harlan Road	Lathrop	CA	95330	(209) 858-6810		Meat Processing	
M51174+P51174	Innova division of Griffith Laboratories USA Inc	1437 W. 37th St.	Chicago	IL	60609	(773) 446-3491	7/11/2016	Meat Processing; Poultry Processing	INNOVA, INNOVA Flavors
V51286	Innova Flavors	1437 West 37th Street	Chicago	IL	60609	(773) 523-7509		Certification - Export; Food Inspection	
V40227	Innovative Cold Storage	7350 Britannia Court	San Diego	CA	92154	(619) 671-9933	5/5/2010	Certification - Export; Identification - Meat; Identification - Poultry	
M34713+V34713	Innovative Foods, LLC	4320 Industrial Parkway	Evans	CO	80620	(970) 330-8400	7/2/2008	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M8276+P8276	Innovative Solutions, Inc	6749-6757 S 216th Street	Kent	WA	98032	(206) 365-7200	2/13/2013	Meat Processing; Poultry Processing	Lucy's Enterprises, Inc

V51271	Institution Food House (IFH)	543 12th St. Dr. NW	Hickory	NC	28601	(828) 302-3883	9/29/2016	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M7787+P7787	Institution Food House, Inc.	3765 Port Union Rd.	Fairfield	OH	45014	(800) 800-0434	4/25/2017	Meat Processing; Poultry Processing	
I69+V69	Intactics LLC	5 Bodega Drive	Nogales	AZ	85621	(520) 761-9762	4/9/2018	Certification - Export; Identification - Meat; Identification - Poultry; Imported Product	
P46481	Integra Foods, LLC	476 Industrial Drive	Bladenboro	NC	28320	(910) 231-5316	1/24/2020	Poultry Processing	
M45341+P45341	Integrated Marketing Technologies, Inc.	Integrated Marketing Technologies, Inc. 2945 Carquest Dr.	Brunswick	OH	44212	(330) 225-3550	2/20/2015	Meat Processing; Poultry Processing	Food Sample Express, LLC
M19545A+P19545A	Integrity Foods Inc.	525 Old Hull Road	Athens	GA	30601	(706) 286-7992	3/22/2016	Meat Processing; Poultry Processing	BCK Foods, Cedar Creek, Down Home Foods, Family Favorites, Food City, Hardin Family Farm, Ingles, Kids' Favorites, Kikiri Quirch, Mountain Valley Farms, Mulberry Farms, Pico Amarillo, Select Servings, Special Value, Sugar Hill Farms

M46792+P46792+V46792	Integrity Meats	N3825 County Road P	Elroy	WI	53929	(608) 360-0147	7/8/2019	Identification - Meat; Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M6267+P6267	Interbay Food Company	19210 144th N. E.	Woodinville	WA	98072	(425) 485-6292	6/11/2009	Meat Processing; Poultry Processing	Goetz Western Meats
M13172+P13172+V13172	Intermex Products USA, LTD.	1375 Avenue S Suite 300	Grand Prairie	TX	75050	(972) 660-2071	5/2/2017	Certification - Export; Meat Processing; Poultry Processing	
M8721+P8721+V8721	International Dehydrated Foods, Inc.	700 S. Chapel Drive P.O. Box 186	Monett	MO	65708	(417) 235-8330	3/6/2015	Animal Foods Inspection; Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	IDF
M46846	International Deli & Food, LLC	39 Charles Street	South River	NJ	08882	(732) 804-3129	2/19/2015	Meat Processing	
M19638+P19638	International Do Foods (IDF), Inc.	101 Chartres	Houston	TX	77002	(713) 222-0598	4/10/1997	Meat Processing; Poultry Processing	Le Gourmet
V946	International Exports Inc.	10820 Train Court	Houston	TX	77041	(713) 849-2299	10/11/2011	Certification - Export; Identification - Meat; Identification - Poultry	
I629	International Express, Inc.	2613 Wai Wai Loop	Honolulu	HI	96819	(808) 836-4744	11/1/2010	Imported Product	
M8836+P8836	International Flavors & Fragrances Inc.	150 Docks Corner Road	Dayton	NJ	08810	(732) 329-4600	4/16/2019	Meat Processing; Poultry Processing	IFF

M45896+P45896	International Frozen Products USA LLC	18239 NE. 4th Court	Miami	FL	33162	(305) 301-8241	4/18/2019	Meat Processing; Poultry Processing	
V45532	International Grocers Inc.	10890 NW 29th Street	Doral	FL	33172	(305) 597-1550	3/5/2018	Certification - Export; Identification - Meat; Identification - Poultry	
M46550+P46550	International In-Flight Catering Company, Ltd.	324 Rodgers Blvd.	Honolulu	HI	96819	(808) 836-2431	11/15/2018	Meat Processing; Poultry Processing	
M22080+P22080+V22080	International Meat Co.	7107 W. Grand Ave.	Chicago	IL	60707	(773) 622-1400	7/24/2007	Meat Processing; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat	
M17260A+P17260A	International Provisions, Inc.	12 Hamden Park Drive	Hamden	CT	06517	(203) 691-7996	10/19/2017	Meat Processing; Poultry Processing	
M17260B+P17260B	International Provisions, Inc.	14 Hamden Park Drive	Hamden	CT	06517	(203) 691-7996	10/19/2017	Meat Processing; Poultry Processing	
M17260+P17260	International Provisions, Inc.	6 Hamden Park Drive	Hamden	CT	06517	(203) 691-7996	10/19/2017	Meat Processing; Poultry Processing	
M19790+P19790+V19790	International Refrigerated Port Services	8791 Hampton Blvd	Norfolk	VA	23505	(757) 451-3211	9/28/2011	Certification - Export; Meat Processing; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V45023	International WHSE SVCS.	3400 McIntosh Rd.	Fort Lauderdale	FL	33316	(954) 763-7551	1/16/2013	Certification - Export; Identification - Meat; Identification - Poultry	

V45730	Interport Logistics LLC	2200 NW 129 Ave Suite #100	Miami	FL	33182	(305) 477-1910	11/3/2015	Certification - Export; Identification - Meat; Identification - Poultry	
M40077+P40077	Interstate Caterers Inc.	2101 Parker Avenue	South Plainfield	NJ	07080	(908) 822-0500	11/28/2011	Meat Processing; Poultry Processing	
V17831	Interstate Cold Storage	6606 Lincoln Parkway	Ft. Wayne	IN	46804	(260) 432-3494	7/31/2002	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V17459	Interstate Cold Storage, Inc.	2400 Setterlin Drive	Columbus	OH	43228	(614) 771-6700	7/12/1989	Certification - Export; Food Inspection; Identification - Meat; Identification - Poultry	
V19162	Interstate Cold Storage, Inc.	1 Interstate Dr.	Napoleon	OH	43545	(419) 599-0510	1/31/1995	Certification - Export; Identification - Meat	
V31676	Interstate Cold Storage, Inc.	7725 Nelson Rd.	Ft. Wayne	IN	46803	(260) 493-2541	12/2/2003	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M45855+P45855	Interstate Foods Inc.	310 South Long Beach Blvd.	Compton	CA	90221	(320) 635-2442	5/19/2016	Meat Processing; Poultry Processing	
M965A+P965A+V965A	Interstate Meat Dist., Inc.	15501 SE Piazza Avenue	Clackamas	OR	97015	(503) 656-0633	1/6/2011	Meat Processing; Voluntary Processing - Meat	Brothers Choice, Northwest Finest

M965+P965+V965	Interstate Meat Dist., Inc.	9550 SE Last Road	Clackamas	OR	97015	(503) 656-0633	1/4/2011	Identification - Meat; Meat Processing; Voluntary Processing - Meat	Brothers Choice, Northwest Finest
M20190+V20190	Interstate Warehousing	121 Harwood Drive	Newport News	VA	23603	(757) 887-8100	12/1/2016	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V34335	Interstate Warehousing Murfreesboro	2125 Joe B. Jackson Parkway	Murfreesboro	TN	37127	(615) 904-3000	4/23/2007	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M17335+P17335	Intra Coastal Packing, Inc.	3222 S. Military Trail	Lake Worth	FL	33463	(561) 964-6020	3/17/2006	Meat Processing; Poultry Processing	
M47051	I O Ranch Processing, LLC	932 N. US HWY 281	Evant	TX	76525	(254) 471-5300	3/9/2020	Meat Processing; Meat Slaughter	
V31615	Iowa Cold Storage, LLC	612 Adventureland Drive	Altoona	IA	50009	(515) 957-8595	4/4/2016	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Egg Products; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	

M2327+P2327	Iowa Pacific Processors, Inc.	2606 Sunset Road	Des Moines	IA	50321	(515) 288-5435	2/23/2016	Meat Processing; Poultry Processing	
M8+V8	Iowa Premium, LLC	3337 L Avenue	Tama	IA	52339	(641) 484-2220	7/11/2019	Certification - Export; Meat Processing; Meat Slaughter	National Beef Packing Co. LLC
M2049+P2049	Iowa State University Meat Laboratory	194 Meat Lab	Ames	IA	50011	(515) 294-5321	1/10/2020	Meat Processing; Meat Slaughter	
M34789+P34789	IPMF LLC	1126 Harvey St.	Beloit	WI	53511	(608) 446-1844	1/10/2012	Meat Processing; Poultry Processing	IPM Foods, LLC
M48183+P48183	IPMF LLC	4260 Capital Circle Dr.	Janesville	WI	53546	(608) 466-1844	4/12/2017	Meat Processing; Poultry Processing	
M5540+P5540	IPSI Specialty Foods, Inc	7069 South 108th Street	LaVista	NE	68128	(402) 331-7830	5/16/1988	Meat Processing; Poultry Processing	
M44233+P44233+V44233	IPS Marketing, Inc.	13 South Industrial Park Road Building #6	Milton	PA	17847	(570) 742-2028	10/13/2015	Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	International Packaging & Specialties
M21255+P21255	IQM Interfood Inc.	401 W. Pleasant Street	Hammonton	NJ	08037	(609) 704-8886	8/6/2002	Meat Processing; Poultry Processing	
M44100+P44100	Irwins Beef Jerky	235 Pinewood Road	Sparta	TN	38583	(931) 265-6744	10/27/2011	Meat Processing	
M1960+P13389	Isabella Foods, Inc.	10812 Notus Lane, Suite C	El Paso	TX	79935	(915) 590-7812	8/26/2015	Meat Processing; Poultry Processing	
M4629+P4629	Isabelle's Kitchen, Inc.	417 Main Street	Harleysville	PA	19438	(215) 256-1012	8/31/1994	Meat Processing; Poultry Processing	Jersey Side Salads, Salad Bar Salads, Salad Bar Tenders, Salad Specialties
G1547	ISE Newberry, Inc.	2063 Alexander Street	Newberry	SC	29108	(803) 276-5803	3/21/2008	Egg Product	
M1542+P1542	Isernio's Sausage Co.	8222 South 228th Street	Kent	WA	98032	(253) 395-5465	9/15/2016	Meat Processing; Poultry Processing	Fletcher's Fine Foods

M44916	ISF (USA), LLC / HIGH LINER FOODS	190 Enterprise Drive	Newport News	VA	23603	(757) 820-4000	4/13/2016	Meat Processing	HIGH LINER FOODS USA INC.
M4928+P4928	Islamic Meat & Poultry Co.	1320 S. Aurora Street	Stockton	CA	95206	(209) 462-8022	8/9/1995	Meat Processing; Meat Slaughter	International Meat & Poultry
M46819+P46819	Island Bwoy Cuisine, LLC.	4504-6 Beech Road	Temple Hills	MD	20748	(301) 801-1719	12/8/2017	Meat Processing; Poultry Processing	
M21700	Island Grown Farmers Cooperative	13400 D'Arcy Road	Bow	WA	98232	(360) 766-4273	10/6/2011	Meat Processing; Meat Slaughter	
M21700A	Island Grown Farmers Cooperative	13400 D'Arcy Road	Bow	WA	98232	(360) 468-4620	10/7/2002	Meat Processing	
M17304+P17304	Island Grown Foods, Inc.	94-403 Ukee St.	Waipahu	HI	96797	(808) 845-4232	5/2/2017	Meat Processing; Poultry Processing	Hawaii Food Products, Inc.
M6761A+P6761A	Italia Foods	2127/29 Hammond Dr.	Schaumburg	IL	60173	(847) 397-4479	3/16/2012	Meat Processing; Poultry Processing	
M5953+P5953	Italia Importing Company	779 Grand Avenue	New Haven	CT	06511	(203) 865-0841	4/24/2018	Meat Processing; Poultry Processing	
M45851+P45851	Italian Ready Meals LLC	16 Felton Street	Waltham	MA	02453	(781) 788-8805	2/21/2019	Meat Processing; Poultry Processing	
M18369	Itoham America, Inc.	2640 Murray St.	Sioux City	IA	51111	(712) 252-5002	11/29/2016	Meat Processing	Northwest Iowa Pork
M45960+P45960	It's All About You Catering / Simple Bites	143 NW 13th Place Suite 120	Meridian	ID	83642	(208) 893-5556	10/6/2016	Meat Processing; Poultry Processing	It's All About You Catering, Simple Bites
M19889+P19889	It's Jerky Inc.	3094 Crossroads Drive	Redding	CA	96003	(530) 365-9395	4/22/2018	Meat Processing; Poultry Processing	
M20173+P20173	Ivars Commissary	11777 Cyrus Way	Mukilteo	WA	98275	(425) 493-1861	2/10/2005	Meat Processing	
M45889+P45889	IVY CITY SMOKEHOUSE	1356 OKIE STREET NE	WASHINGTON	DC	20002	(202) 529-3300	9/12/2017	Meat Processing; Poultry Processing	
M21031+P21031	Jabez, Inc.	2201 Silverside Rd.	Wilmington	DE	19810	(302) 474-7600	4/21/2005	Meat Processing; Poultry Processing	Haldas Market

M46940	Jackiscooking LLC	90 Wiltsie Bridge Road	Ancramdale	NY	12503	(917) 679-4757	7/13/2017	Meat Processing	Jacuterie
M2472+P2472	Jack Link's Beef Jerky	One Snackfood Lane	Minong	WI	54859	(715) 466-2234	7/27/2004	Meat Processing; Poultry Processing	Jack Link Snack Foods, King B, Link Snacks, Inc.
V44789	Jack Links Beef Jerky	26325 Magnolia Road	Underwood	IA	51576	(712) 450-0128	4/22/2020	Certification - Export; Identification - Meat; Identification - Poultry	
M33832+P33832+V33832	Jack Links Beef Jerky Distr bution Center	210 North First Street	Laurens	IA	50554	(712) 841-5465	12/4/2017	Certification - Export; Meat Processing; Poultry Processing	Jack Link's, Jack Link's Protein Snacks, Lorissa's Kitchen, Matador, World Kitchen
M46264+P46264	Jack Link's Protein Snacks	600 Hennepin Avenue Suite 120	Minneapolis	MN	55403	(612) 758-3021	12/3/2018	Meat Processing; Poultry Processing	Jack Link's, Jack Link's Protein Snacks, Lorrisa's Kitchen, Matador, World Kitchen
M46421	Jack Mountain Meats LLC	200 E. Washington Ave Suite 160	Burlington	WA	98233	(360) 873-8672	6/26/2018	Meat Processing	Acme Valley Foods LLC
M6733	Jack Packaging, Inc.	Carr. 146 Km 268 Bo. Cordillera	Ciales	PR	00638	(787) 871-2480	4/28/2008	Meat Processing	Don Juan, Eric's
M44977	Jackson's BBQ & Sausage	286 Hobdy Road	Auburn	KY	42206	(270) 586-8591	10/26/2012	Meat Processing	
M8728A+P8728A	Jack Stack World Class LLC	113 S. County Road	Alma	MO	64001	(660) 674-2270	10/22/2010	Meat Processing; Poultry Processing	JBQ Meats
M4369+P4369	Jack Toney Wholesale Meats	3872 Main Street	Warrensburg	NY	12885	(518) 623-3850	1/31/2012	Meat Processing; Poultry Processing	
M9271+P9271	Jacobellis Meat & Sausage	410 S. Varney st	Burbank	CA	91502	(818) 843-3940	3/2/1988	Meat Processing; Poultry Processing	
M39913+P39913+V39913	Jacob Fleishman Cold Storage I	1177 NW 81st St.	Miami	FL	33150	(305) 696-2350	7/7/2009	Certification - Export; Identification - Meat; Identification - Poultry	

I277	Jacob Fleishman Cold Storage, Inc.	1177 NW 81st Street	Miami	FL	33150	(305) 696-2350	6/13/2016	Imported Product	
M48106+P48106	Jafflz LLC	7182 N. Silver Creek Road	Park City	UT	84098	(435) 333-5233	8/15/2018	Meat Processing; Poultry Processing	Du Monde Gourmet
P460+V460	Jaindl Turkey Sales Inc	3150 Coffeetown Road	Orefield	PA	18069	(610) 395-3333	3/9/2012	Certification - Export; Poultry Processing; Poultry Slaughter	
M6610+V6610	Jakes Brothers Sausage Company	6089 Clarksville Highway	Joelton	TN	37080	(615) 876-2911	12/14/2004	Meat Processing	
M9301+P9301+V9301	Jake's Wholesale Meats	4600 St. John's Road	Vancouver	WA	98661	(360) 695-7831	10/14/2003	Meat Processing; Poultry Processing; Voluntary Processing - Meat	Eastside Meat Co.
M18043+P18043	J.A.K. Inc.	67 Washington Street	Bloomfield	NJ	07003	(973) 743-2832	1/9/2009	Meat Processing; Poultry Processing	Winding River Meat Company
M45964+P45964	Jamaican Flavors Patties, Inc.	147-95A Farmers Boulevard	Jamaica	NY	11434	(718) 656-5688	7/13/2017	Meat Processing; Poultry Processing	Jamaican Flavors
M578+P578+V578	James Calvetti Meats, Inc.	4240 S. Morgan St.	Chicago	IL	60609	(773) 927-9242	3/14/2008	Meat Processing; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat	
M33998A+P33998A	James Foods, Inc.	611 East Gilbreath Street	Graham	NC	27253	(336) 625-8400	12/18/2013	Meat Processing; Poultry Processing	James Foods Franchise
M8066A	James Meat Co Inc	4900 Nashville Highway	Baxter	TN	38544	(931) 858-6328	1/6/2016	Meat Processing	
M8066+P8066	James Meat Co, Inc	1644 Clemmons Rd	Cookeville	TN	38501	(931) 372-2900	10/14/1999	Meat Processing; Meat Slaughter	JMC Meats
M31843+P31843	James River Correctional Ctr.	1954 Meat Plant Road	State Farm	VA	23160	(804) 372-4661	5/21/2004	Meat Processing; Poultry Processing	
M9958	Jamison Packing	1034 Industrial Boulevard	Bradenville	PA	15620	(724) 539-3227	2/4/2016	Meat Processing; Meat Slaughter	Jamison Farm

M27260	Jancorp, LLC	608 Kopman Drive	Rantoul	IL	61866	(217) 892-4830	8/16/2011	Meat Processing	Criss Cross Express of IL, Inc., Criss Cross Express of IL, LLC
P46228	J and E Food Group LLC	110 Industrial Park Drive	Warren	AR	71671	(662) 701-9386	4/16/2020	Poultry Processing; Poultry Slaughter	
M8710	J and J Processing	207 Main Street	Hale	MO	64643	(816) 583-2090	10/28/2019	Meat Processing; Meat Slaughter	
M45490	J and L Farm Butcher Shop	2342 S. Union Rd.	Medway	OH	45341	(987) 475-4584	10/19/2015	Meat Processing; Meat Slaughter	
M17318+P17318	Jane's Stromboli	P.O. Box 684 1158 Walnut Street	Stoneboro	PA	16153	(724) 376-3828	3/17/2005	Meat Processing; Poultry Processing	
M45444+P45444	Janey Lou's, Inc.	550 North John Glenn Road	Salt Lake City	UT	84116	(801) 798-7504	8/20/2014	Meat Processing; Poultry Processing	Janey Lou's, Inc.
M4504	Janowski Hamburgers	15 South Long Beach Road	Rockville Centre	NY	11570	(516) 764-9591	4/1/2005	Meat Processing	Bianca Burgers, LLC
M6184+P6184	January Foods Corp	5851 S. 194th Street	Kent	WA	98032	(253) 872-9919	8/25/2016	Meat Processing; Poultry Processing	
V44144	Japanese Food Distr butors	8850 NW 102nd Street	Medley	FL	33178	(786) 337-8103	4/19/2011	Certification - Export; Identification - Meat; Identification - Poultry	
M4405+P4405	JAS Meats, Inc.	136 21st Street	Brooklyn	NY	11232	(718) 768-6569	6/23/2011	Meat Processing	
M40000+P40000	Jasper Meats, Inc.	220 Madsen Dr.	Bloomingdale	IL	60108	(630) 295-9300	5/11/2010	Meat Processing; Poultry Processing	
M7066A+P7066A+V7066A	J Bar B Foods	1078 Highway 90 West	Weimar	TX	78962	(830) 788-7511	6/29/2006	Certification - Export; Meat Processing	Earl Campbell, J Bar B Foods, Singletree Farm, Texas Smokehouse
M7066+P7066+V7066	J Bar B Foods	100 Main Street	Waelder	TX	78959	(830) 788-7511	6/29/2006	Certification - Export; Meat Processing	Earl Campbell, J Bar B Foods, Singletree Farms, Texas Smokehouse
P48308	J-Bar Poultry Processing, LLC	440 Ada Rd	New Plymouth	ID	83655	(208) 809-0173	3/6/2018	Poultry Processing; Poultry Slaughter	
M1796+P1796	JB, LLC	Lot 5163-3, Unit #8	Harmon	GU	96931	(671) 649-1236	2/16/1999	Meat Processing; Poultry Processing	

M6823+P6823	J. Brodie Meat Products, Inc.	605 W. Sixth St.	Galesburg	IL	61401	(309) 342-1500	6/5/2014	Meat Processing; Poultry Processing	
M562	JBS Green Bay, Inc.	1330 Lime Kiln Road	Green Bay	WI	54311	(920) 406-2196	12/8/2016	Meat Processing; Meat Slaughter	
M34176+P34176	JBS Lenoir, Inc	1450 Homegrown Court S.W.	Lenoir	NC	28645	(316) 721-7998	5/19/2015	Meat Processing; Poultry Processing	JBS Lenoir, Inc, JBS USA, LLC, Swift Beef Company
M562M	JBS Plainwell, Inc.	11 11th St.	Plainwell	MI	49080	(269) 685-6886	11/26/2019	Meat Processing; Meat Slaughter	
M1311	JBS Souderton, Inc.	249 Allentown Road	Souderton	PA	18964	(215) 703-6300	12/2/2019	Meat Processing; Meat Slaughter	JBS USA, JBS USA, LLC, Packerland, Smithfield Beef Group, Sun Land Beef Company, Swift Beef Company
M1311B+V1311B	JBS Souderton, Inc.	249 Allentown Road	Souderton	PA	18964	(215) 703-6300	12/5/2019	Certification - Export	
M267	JBS Tolleson Inc.	651 S. 91st Ave	Tolleson	AZ	85353	(623) 936-7177	8/6/2019	Meat Processing; Meat Slaughter	
M31805+P31805	JBS USA	7430 32nd Ave., NE	Olympia	WA	98516	(360) 459-3745	6/2/2004	Meat Processing; Poultry Processing	Empire Packing, Empire Packing Company, Fred Meyer, Inter-American Products Inc. Cincinnati OH 45202, KROGER, North West Processing, QFC (quality food company)
M6250+P6250+V6250	JBS USA	65 Yuma Street	Denver	CO	80223	(303) 778-3128	7/19/1994	Meat Processing; Poultry Processing	Empire Packing
M15805+P15805+V15805	J&B Wholesale Distr buting Inc.	13200 43rd St. NE	St Michael	MN	55376	(763) 497-3913	11/16/2009	Meat Processing; Poultry Processing; Voluntary Processing - Meat	J&B Group, J&B Group, Inc., J&B Wholesale Distributing Inc.

V21632	J&B Wholesale Distr buting, Inc.	13200 43rd St. NE	St. Michael	MN	55376	(763) 497-3913	9/18/2018	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Egg Products; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry; Voluntary Processing - Egg Products	
P548	JCG Foods of Alabama, LLC	764 George Cagle Drive	Collinsville	AL	35961	(256) 524-2147	6/18/2012	Poultry Processing; Poultry Slaughter	Cagle's , JCG Foods, Koch Foods
P646	JCG Foods of Georgia, LLC	14075 GA Hwy 116 East	Pine Mt Valley	GA	31823	(706) 562-2372	6/28/2012	Poultry Processing; Poultry Slaughter	Cagle's, JCG, Koch Foods
M18554A+P18554A	JCG Industries	2153 and 2155 Rose St.	Franklin Park	IL	60131	(847) 384-5940	7/17/2018	Meat Processing; Poultry Processing	Koch Foods
M18554+P18554	JCG Industries	4404 W. Berteau Ave.	Chicago	IL	60641	(773) 286-4343	5/11/2004	Meat Processing; Poultry Processing	Koch Foods Co., Inc., Koch Poultry Co Inc
V46153	JCK Inspection	99 Fifth Avenue NW Suite 500	New Brighton	MN	55112	(651) 330-6874	10/19/2018	Identification - Meat; Identification - Poultry	
M40217+P40217	JCNB, Inc.	610 N. Almon, Suite 135	Moscow	ID	83843	(509) 330-8569	5/7/2010	Meat Processing	Hog Heaven Sausage Works
M47071	J.C. Sowell Meats Inc.	369th Tippett Road	Vidalia	GA	30474	(912) 537-4065	12/5/2019	Meat Processing	
I261	J.C. Tenorio Ent., Inc.	Joeten Shopping Center Susupe	Saipan	MP	96950	(670) 234-6446	5/29/2012	Imported Product	
M2314	J & D Foods, Inc.	120 Trumbull Ave.	Albuquerque	NM	87102	(505) 247-8275	4/10/2019	Meat Processing	Bar X Brand Beef Jerky
M20222	JDM Specialty Foods	250 East 14th Street	Elmira	NY	14903	(607) 732-1425	3/11/2020	Meat Processing	Renkos Pickled Polish Sausage

M45206+P45206	JD Piggery LLC	423 Franklin Street	Ithaca	NY	14850	(607) 272-2276	3/6/2018	Meat Processing; Poultry Processing	The Piggery
V40330	J&D Refrigerated Services	12300 SE Carpenter Rd	Clackamas	OR	97015	(503) 656-2630	4/12/2013	Certification - Export; Identification - Meat; Identification - Poultry	
M45944	JEB'S CORNER MARKET, INC.	15668 CARROLLTON BLVD.	CARROLLTON	VA	23314	(757) 238-7044	2/27/2019	Meat Processing	JEB'S MEAT MARKET AND DINER
I660	JE Exports	701 Cesar Chavez Blvd.	Calexico	CA	92231	(760) 357-2095	6/8/2017	Imported Product	
I681	JE Exports	1680 Hilltop Drive	Chula Vista	CA	91911	(619) 426-6992	6/8/2017	Imported Product	
V44782	JE Exports	224 West Grant Street	Calexico	CA	92231	(760) 357-2095	10/21/2014	Certification - Export; Identification - Meat; Identification - Poultry	
M46256	JEJ LLC, d/b/a De.Hi Foods	111 Sand Island Access Road Unit R-10	Honolulu	HI	96819	(808) 797-5724	6/21/2018	Meat Processing	De.Hi Foods
M45094	JEM FOODS, INC.	9733 SOUTH NC HWY 150	LINWOOD	NC	27299	(336) 752-2114	1/2/2013	Meat Processing	
M6654+P6654	Jenkins Foods, Inc.	2119 New House Road	Shelby	NC	28150	(704) 434-2347	9/13/1999	Meat Processing; Poultry Processing	
M21847+P21847	Jennette Brothers, Inc.	509 N. Water Street	Elizabeth City	NC	27907	(252) 338-2187	10/30/2006	Meat Processing	
M544+P544	Jennie-O Turkey Store	1129 Main Street East	Melrose	MN	56352	(320) 256-4245	12/4/2019	Meat Processing; Poultry Processing; Poultry Slaughter	

M579+P579+V579	Jennie-O Turkey Store	1116 NW 4th Avenue	Faribault	MN	55021	(507) 332-5302	5/1/1997	Certification - Export; Meat Processing; Poultry Processing; Poultry Slaughter	Festive Brand, Hormel Foods Corporation, Jennie-O, Jennie-O Foods, Inc., Jennie-O Turkey Store, Inc., Jerome Foods, Inc., Jerome's Golden Glo, Norwestern Deli, The Turkey Store, Inc., West Central Turkeys, LLC
M7760+P7760	Jennie-O Turkey Store	1126 West Benson Avenue	Willmar	MN	56201	(320) 235-6080	12/4/2019	Meat Processing; Poultry Processing	Festive Brand, Hormel Foods Corporation, Jennie O, Jennie-O Foods Inc., Jennie-O Turkey Store, Inc., Jerome Foods, Inc., Jerome's Golden Glo, Northwestern Deli, The Turkey Store, Inc., West Central Turkeys, LLC
P544A+V544	Jennie-O Turkey Store Sales	123 5th Avenue SE	Melrose	MN	56352	(320) 256-4245	6/9/2009	Off-Premise Freezing Poultry; Poultry Processing; Poultry Slaughter	Festive Brand, Hormel Foods Corporation, Jennie-O, Jennie-O Foods, Inc., Jennie-O Turkey Store Inc., Jerome Foods, Inc., Jerome's Golden Glo, Norwestern Deli, The Turkey Store, Inc., West Central Turkeys, LLC
M18866+P551	Jennie-O Turkey Store Sales, LLC	2505 Willmar Avenue SW	Willmar	MN	56201	(320) 235-2622	6/9/2009	Meat Processing; Poultry Processing; Poultry Slaughter	Festive Brand, Hormel Foods Corporation, Jennie-O, Jennie-O Foods, Inc., Jennie-O Turkey Store, Inc., Jerome Foods, Inc., Jerome's Golden Glo, Northwestern Deli, The Turkey Store, Inc., West Central Turkeys, LLC

M190+P190+V190	Jennie-O Turkey Store Sales, LLC	34 North 7th Street	Barron	WI	54812	(715) 537-3131	4/12/2005	Certification - Export; Identification - Poultry; Meat Processing; Poultry Processing; Poultry Slaughter; Voluntary Processing - Poultry; Voluntary Slaughter - Poultry	Festive Brand, Hormel Foods Corporation, Jennie-O, Jennie-O Foods, Inc., Jennie-O Turkey Store, Inc., Jerome Foods, Inc., Jerome's Golden Glo, Norwestern Deli, The Turkey Store, Inc., West Central Turkey's, LLC
M19299+P19299	Jennie-O Turkey Store Sales, LLC	901 North 24th Street	Montevideo	MN	56265	(320) 269-9871	6/9/2009	Meat Processing; Poultry Processing	Festive Brand, Hormel Foods Corporation, Jennie-O, Jennie-O Foods, Inc., Jennie-O Turkey Store, Inc., Jerome Foods, Inc., Jerome Golden Glo, Norwestern Deli, The Turkey Store, Inc., West Central Turkeys, LLC
M8696+P8696	Jennings Premium Meats	125 Broadway	New Franklin	MO	65274	(816) 848-2229	9/14/1993	Meat Processing; Meat Slaughter; Poultry Processing	Jennings Premium Smoked Meats, New Franklin Locker
M1899+P5897+V1899	Jensen Meat Company Inc.	2550 Britannia Boulevard	San Diego	CA	92154	(619) 754-6400	12/3/2013	Certification - Export; Meat Processing; Poultry Processing	
M8131+P8131+V8131	Jensen's Blue R bbon Processing	208 East Santa Fe	Fowler	CO	81039	(719) 263-4293	8/20/1996	Meat Processing; Meat Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	
M46988	Jerky Dudes Inc.	110 W. Main Street	Stratford	OK	74872	(850) 759-6789	9/23/2019	Meat Processing	
M40117+P40117	Jerky Junction	79 Carry Way	Moundhouse	NV	89706	(775) 246-7555	5/7/2010	Meat Processing	

M19536+P19536	J.E.S. Foods, Inc.	1800 Industrial Dr.	Celina	OH	45822	(419) 586-7446	2/12/1996	Meat Processing; Poultry Processing	
M889A+V889	J.F. O'Neill Packing Co. Inc.	3120 "G" Street POB 7194	Omaha	NE	68107	(402) 733-4911	9/10/1996	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M10307+P10307	J.G. Food Products, Inc.	14336 Rick Dr.	Shelby Township	MI	48315	(586) 296-7330	1/24/2020	Meat Processing; Poultry Processing	Rinaldi Sausage
M8466+P8466	J & G Foods, Inc.	71 Blackstone Street	Sutton	MA	01590	(508) 865-1101	6/19/2018	Meat Processing; Poultry Processing	Lark Dale Foods
V34458	J. H. Routh Packing Co	907 Pierce St.	Sandusky	OH	44870	(419) 626-2251	10/3/2007	Certification - Export; Identification - Meat; Off-Premise Freezing Meat	
M818+V818	J.H. Routh Packing Co.	4413 W. Bogart Rd	Sandusky	OH	44870	(419) 626-2251	4/1/2008	Certification - Export; Meat Processing; Meat Slaughter; Voluntary Processing - Meat	
M17977+P17977	Jimbonitas LLC	924 Wheat Avenue	Hatton	ND	58240	(701) 543-3604	10/9/2015	Meat Processing; Poultry Processing	Bonita's, Jimmy's Pizza
M8030+P8030	Jim David Farm Fresh Meats	350 T. Frank Wathen Rd.	Uniontown	KY	42461	(270) 822-4866	5/4/2020	Meat Processing; Poultry Processing	Union County Livestock, Inc.
M19557+P19557	Jimenez Distributor's Inc.	11010 Wells Avenue	Riverside	CA	92505	(951) 351-0102	2/25/2010	Meat Processing; Poultry Processing	
M4285	Jim Simon Meats	1234 Sandridge Rd,	Alden	NY	14004	(716) 937-9225	3/13/2009	Meat Processing; Meat Slaughter	
M27434+P27434	Jim's Meat Market of Iron River LLC	68455 District Street	Iron River	WI	54847	(715) 372-8566	3/14/2019	Meat Processing; Poultry Processing	
M4665+P4665	Jim's Park & Shop LLC	1014 Front Street	Olean	NY	14760	(716) 372-0870	7/9/2019	Meat Processing; Poultry Processing	
M5821A+P5531	Jim's Village Meats	404 W Osage Ave.	Rockville	MO	64780	(660) 598-2067	7/8/2013	Meat Processing	

M38450+P38450	J&J Distributing	653 Rice Street	Saint Paul	MN	55103	(651) 221-0560	5/19/2009	Meat Processing; Poultry Processing	J & J Distributing
M34495+P34495	J.J. Foodservice Inc.	2504 S. Santa Fe Avenue C-4	Vista	CA	92084	(760) 727-2131	1/21/2016	Meat Processing; Poultry Processing	
M51559	J & J Hazen Meats	904 3rd Street NW	Hazen	ND	58545	(701) 748-5600	6/24/2019	Meat Processing; Meat Slaughter	Hazen Meats
V51559	J & J Hazen Meats, Inc.	904 3rd St. NW	Hazen	ND	58545	(701) 748-5600	12/6/2019	Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M46898	J.J. MCDONNELL & CO., INC	7010 Brookdale Dr.	Elkridge	MD	21075	(410) 799-4000	3/15/2016	Meat Processing	
M4969+P4969	J J Meat Co.	25699 Ave. 5 1/2	Madera	CA	93637	(559) 673-3749	4/27/2001	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
M21179	J& J Packing Co., Inc.	35602 West Highway 90	Brookshire	TX	77423	(281) 375-6060	8/31/2011	Meat Processing; Meat Slaughter	
M45482+P45482	J&J Smoked Meats	7501 S 41 Rd.	Cadillac	MI	49601	(231) 468-3453	10/14/2015	Meat Processing; Poultry Processing	
M7693+P7693	J & J Snack Foods Handheld Corp.	103 Depot Street	Weston	OR	97886	(541) 566-3511	6/6/2011	Meat Processing; Poultry Processing	
M27231+P27231	J&J Snack Foods Handhelds Corp.	312 Sound Road	Holly Ridge	NC	28445	(910) 329-9061	5/10/2011	Meat Processing; Poultry Processing	
M46286	JJ's Original Snacks LLC	242 N. Avenue 25 Suite 286	Los Angeles	CA	90031	(213) 400-5565	1/18/2018	Meat Processing	
M13055+P13055	J.K. Paty Meat Co.	4910 Top Line Drive	Dallas	TX	75247	(214) 630-2968	1/4/2007	Meat Processing; Poultry Processing	
M9822+P9822	J. L. Miller & Sons Inc.	496 Indian Rock Dam Road	York	PA	17403	(717) 741-2431	12/14/2009	Meat Processing; Poultry Processing	
M45360+P45360	JLM Manufacturing	14299 Frazho Rd.	Warren	MI	48089	(586) 563-2919	9/18/2019	Meat Processing; Poultry Processing	

M34445+P34445	JMH International, LLC	3628 West 1820 South	Salt Lake City	UT	84104	(888) 741-4564	1/25/2018	Meat Processing; Poultry Processing	Five Star, JMH Premium
M1544	J & M Meat Co.	545 9th St.	Oakland	CA	94607	(510) 839-0380	5/24/1982	Meat Processing	
M19804+P19804	JM Packing	366 Villa Street	Ponce	PR	00731	(787) 842-0214	6/9/2008	Meat Processing; Poultry Processing	JM Packing, Progreso Cash & Carry Inc
M46172+P46172+V46172	JM Watkins, LLC	130 Pine Avenue	Plum City	WI	54761	(715) 647-2554	9/26/2017	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	
M20863	JNB, Inc.	907 1st Avenue NW	Sioux Center	IA	51250	(712) 722-3665	9/28/1998	Meat Processing; Meat Slaughter	
M46387+P46387	JNP Hawaii LLC	500 Alakawa Street #104	Honolulu	HI	96817	(808) 845-4232	2/22/2019	Meat Processing; Poultry Processing	
M6251+P6251+V6251	Jobbers Meat Packing Co Inc	3336 Fruitland Avenue	Los Angeles	CA	90058	(323) 585-6328	9/24/2010	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M7875+P7875+V7875	Joe Jurgielewicz & Son, Ltd.	189 Cheese Lane	Hamburg	PA	19526	(610) 562-3825	2/28/2018	Certification - Export; Meat Processing; Poultry Processing; Poultry Slaughter	
P7875A	Joe Jurgielewicz & Son, Ltd.	5524 Pottsville Pike	Leesport	PA	19533	(610) 562-3825	5/1/2020	Poultry Processing; Poultry Slaughter	
M4253	Joe Pagliuso & Brothers Inc.	6845 North Slocum Rd	Ontario	NY	14519	(315) 524-8252	4/8/2015	Meat Processing; Meat Slaughter	
M21237+P21237	Joe's Beef Jerky	126 Cashion farm Rd.	Statesville	NC	28677	(704) 528-4717	4/25/2007	Meat Processing	

M9008+P9008	Johansen's Quality Meats	4476 County Road P	Orland	CA	95963	(530) 865-2103	6/13/2017	Meat Processing; Meat Slaughter	
M46540	John Drummond's Butcher Shop	6908 Apple Ave.	Muskegon	MI	49442	(231) 788-1928	4/20/2020	Meat Processing	
M8888A+P8888A	John F. Martin & Sons Inc.	435 North 3rd Street	Womelsdorf	PA	19567	(717) 336-2804	8/28/2017	Meat Processing; Poultry Processing	
M8888+P8888	John F. Martin & Sons LLC	55 Lower Hillside Road	Stevens	PA	17578	(717) 336-2804	1/9/2017	Meat Processing; Poultry Processing	
M8701+P8701	John Graves Food Service, Inc.	725 Industrial Rd.	Chillicothe	MO	64601	(660) 646-6918	5/26/2014	Meat Processing; Poultry Processing	Circle G Meats, Gateway Meats, Graves Menu Maker, Midwest Farm Meats, Mr. G's Quality Cut Meats, Rockin' G Premium Beef, Town & Country Meats
M1920+P15854	John Hofmeister & Son, Inc	2386 South Blue Island Ave.	Chicago	IL	60608	(773) 847-0700	7/6/1993	Meat Processing; Poultry Processing	
M2032+P2032	John J. Moesle Meat Company, Inc.	4725 South Talman Ave.	Chicago	IL	60632	(773) 847-4900	8/8/2011	Meat Processing; Poultry Processing	Moesle Food Products, Moesle Meat Company, Moesle Wholesale Meats
M2680	John L Etzler, Inc.	5448 Blacksburg Road	Troutville	VA	24175	(540) 992-2297	9/17/2018	Meat Processing	
M6872+P6872	John R Morreale Meat Inc.	7035 W. 65th Street Unit C	Bedford Park	IL	60638	(312) 421-3664	2/15/2018	Meat Processing; Poultry Processing	
M18418+P18418	Johns Genova Delicatessen, Inc.	2730 Camino Diablo	Walnut Creek	CA	94597	(925) 938-1590	12/30/2004	Meat Processing; Poultry Processing	
M17545+P17545	John's Market	71 S. Grove Avenue	Elgin	IL	60120	(847) 741-6374	6/21/2018	Meat Processing; Poultry Processing	
M17887+P17887+V17887	John's Meat Market	219 N. 18th Street	Bismarck	ND	58501	(701) 255-4534	5/22/2006	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry	

M45594+P45594	John's Meats, LLC	998 Montgomery Street	Brooklyn	NY	11213	(347) 580-2182	10/26/2017	Meat Processing; Poultry Processing	
M6726+P6726	Johnson Bros Wholesale Meats I	1640 Martin Luther King Blvd	Panama City	FL	32405	(850) 763-2828	6/13/1978	Meat Processing; Poultry Processing	
M18898+P18898	Johnson Meat Co., Inc.	1013 E. Skagway Ave.	Tampa	FL	33604	(813) 931-9976	5/15/1997	Meat Processing; Poultry Processing	
M6365	John & Sons	71 Suffolk St	Worcester	MA	01604	(617) 753-0123	2/26/1985	Meat Processing	
M32184	Johnson's Premium Sausage	606 South Main Street	Elmira	NY	14904	(607) 733-6877	12/6/2016	Meat Processing	
M1758+P17691	Johnsonville, LLC	W4315 County Road JM	Sheboygan Falls	WI	53085	(920) 453-5674	8/23/2017	Meat Processing; Poultry Processing	Johnsonville Foods Company, Inc., Johnsonville Foods, Inc., Johnsonville Sausage, Johnsonville Sausage LLC, Johnsonville Sausage, Inc., Perri Sausage Company, Perri Sausage, Inc.
M34224+P34224	Johnsonville, LLC	N6927 Johnsonville Way	Sheboygan Falls	WI	53085	(920) 453-7756	8/23/2017	Meat Processing; Poultry Processing	Johnsonville Foods Company, Inc., Johnsonville Foods, Inc., Johnsonville Sausage, Johnsonville Sausage, Inc., Johnsonville Sausage, LLC, Perri Sausage Company, Perri Sausage, Inc.
M34225+P34225	Johnsonville, LLC	N6977 Johnsonville Way	Sheboygan Falls	WI	53085	(920) 453-2641	8/23/2017	Meat Processing; Poultry Processing	Johnsonville Foods Company, Inc., Johnsonville Foods, Inc., Johnsonville Sausage, Johnsonville Sausage, Inc., Johnsonville Sausage, LLC, Perri Sausage Company, Perri Sausage, Inc.

M46211+P46211	Johnsonville, LLC	N6998 Johnsonville Way	Sheboygan Falls	WI	53085	(920) 453-6900	8/23/2017	Meat Processing; Poultry Processing	Johnsonville Foods Company, Inc., Johnsonville Foods, Inc., Johnsonville Sausage, Johnsonville Sausage, Inc., Johnsonville Sausage, LLC, Perri Sausage Company, Perri Sausage, Inc.
M2128+P2128	John Soules Foods Inc.	10150 FM 14	Tyler	TX	75706	(903) 592-9800	2/3/2010	Meat Processing; Poultry Processing	
M31784+P31784	John Soules Foods, Inc.	1150 Aviation Blvd.	Gainesville	GA	30501	(770) 534-2344	2/27/2020	Meat Processing; Poultry Processing	Pro View Foods
M4030+P4030	John's Ravioli Company Inc.	15 Drake Avenue	New Rochelle	NY	10805	(914) 576-7030	3/30/1995	Meat Processing; Poultry Processing	
M6229	John's Sandwich Shop Inc	8 West Mercury St	Butte	MT	59701	(406) 782-0812	1/1/1980	Meat Processing	
M10110	Johnston's Meats	4470 Sandusky Road	Peck	MI	48466	(810) 378-5455	9/14/1998	Meat Processing; Meat Slaughter	
M978+V978	John Volpi and Co., Inc	5263 Northrup Avenue	St Louis	MO	63110	(314) 772-8550	6/7/2004	Identification - Meat; Meat Processing	Giovanni Volpi, Volpi Foods
M978S	John Volpi and Company	20 Progress Parkway	Union	MO	63084	(314) 772-8550	2/13/2017	Meat Processing	Volpi Foods, Inc.
M978C	John Volpi & Co, Inc	5254 Daggett Avenue	St. Louis	MO	63110	(314) 772-8550	2/2/2010	Meat Processing	Giovanni Volpi, Volpi Foods
M978N	John Volpi & Co, Inc.	1708 Edwards	St. Louis	MO	63110	(314) 772-8550	2/2/2010	Meat Processing	Giovanni Volpi, Volpi Foods
M151	John W. Williams, Inc.	48 Little West 12th Street	New York	NY	10014	(212) 243-1293	4/30/2010	Meat Processing	
M46001+P46001	JoJo's Jerky Inc.	3310 S. Jones Blvd. # F2	Las Vegas	NV	89146	(702) 812-2457	12/4/2015	Meat Processing; Poultry Processing	
M8408+P8408+V8408	Jo Mar Provisions Inc.	42 18th Street	Pittsburgh	PA	15222	(412) 471-1760	4/17/1996	Meat Processing; Poultry Processing; Voluntary Processing - Meat	

M10176+P10176	Jones Butchering and Meat Processing, LLC	7965 Potters Road	Saranac	MI	48881	(616) 642-9212	7/10/2017	Meat Processing; Meat Slaughter; Poultry Processing	Jones Farm Market, Jones Farm Meats
M263A+P263A+V263A	Jones Dairy Farm	801 Rockwell Ave.	Fort Atkinson	WI	53538	(920) 563-2431	6/22/2016	Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	Greensboro Packers, Habbersett, Ralph & Paul Adams Inc.
M263+P263+V263	Jones Dairy Farm	800 Jones Ave	Fort Atkinson	WI	53538	(920) 563-2431	10/23/2015	Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	Greensboro Packers, Habbersett, Ralph & Paul Adams, Inc.
M51280	Jones Fish House Inc.	12147 US Hwy 441	Canal Point	FL	33438	(561) 924-5789	11/14/2016	Meat Processing; Meat Slaughter	
M7722+P7722+V7722	Jones Meat & Food Services, Inc.	423 North Yellowstone Hwy	Rigby	ID	83442	(208) 745-6523	8/2/2012	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Slaughter - Meat	
V3435	Jose Enriquez Inc	1680 Hilltop Drive	Chula Vista	CA	91911	(619) 426-6992	7/10/2009	Certification - Export; Identification - Meat; Identification - Poultry	
V39975	Jose Enriquez Inc.	701 Cesar Chavez Blvd.	Calexico	CA	92231	(760) 357-2095	8/13/2009	Certification - Export; Identification - Meat; Identification - Poultry	

I670	Jose Enriquez, Inc.	224 West Grant Street	Calexico	CA	92231	(760) 357-2095	6/23/2015	Imported Product	
M4477	JOSEF MEILLER SLAUGHTERHOUSE INC.	ROUTE 199 P.O. BOX 131	PINE PLAINS	NY	12567	(518) 398-7711	1/13/2004	Meat Processing; Meat Slaughter	
I311	Jose G. Flores, Inc.	Amelia Industrial Park; Lot #27 D Street	Guaynabo	PR	00966	(787) 793-2400	7/8/2016	Imported Product	
M21734+P21734	Joseph Epstein Foods Inc.	25 Branca Road	East Rutherford	NJ	07073	(201) 531-1212	2/1/2019	Meat Processing; Poultry Processing	Appetizerstogo.com
M4380+P4380	Joseph Labriola Sausage Company	2614 Penn Avenue	Pittsburgh	PA	15222	(412) 281-5966	11/16/2007	Meat Processing; Poultry Processing	
M5342+P5342	Joseph Seviroli Inc.	601 Brook Street	Garden City	NY	11530	(516) 222-6220	11/12/2014	Meat Processing; Poultry Processing	Seviroli Foods
M45041+P45041	Joseph's Foods, Inc.	4409 Northlake Blvd.	Palm Beach Gardens	FL	33410	(561) 799-3302	2/18/2014	Meat Processing; Poultry Processing	Joseph's Classic Market
M20668+P20668	Joseph's Gourmet Pasta Company	262 Primrose Street	Haverhill	MA	01830	(978) 863-8998	2/18/2020	Meat Processing; Poultry Processing	
V40050	Jose Sanitiago	Carr P.R. 5 Km 4.4 Urb. Ind.Luchetti	Bayamon	PR	00959	(787) 288-8835	10/30/2009	Certification - Export; Identification - Meat; Identification - Poultry	
M10269	Jos. Sanders, Inc.	237 South Main	Custer	MI	48405	(231) 757-4768	8/17/2004	Meat Processing; Meat Slaughter	
M48257+P48257	Journeyman Meats	597 Santana Dr. Suites D & E	Cloverdale	CA	95448	(707) 481-3443	9/13/2017	Meat Processing; Poultry Processing	

M7428+P7428+V7428	Joyce Foods, Inc.	4787 Kinnamon Rd.	Winston Salem	NC	27103	(336) 766-9900	10/29/2013	Animal Foods Inspection; Poultry Processing; Poultry Slaughter; Voluntary Processing - Poultry; Voluntary Processing - Rabbit; Voluntary Slaughter - Poultry; Voluntary Slaughter - Rabbit	Joyce Farms
M17557+P17557	JPI Wholesalers, Inc.	One Rooster Way	Barry	IL	62312	(217) 335-3113	10/26/2010	Meat Processing; Poultry Processing	Jones Poultry
M45457+P45457	J & Q Food, Inc.	3225 S. Main Street	Fort Worth	TX	76110	(817) 923-3689	10/18/2019	Poultry Processing	Evergreen Poultry
M2713+P2713	J. Rago Veal Co.	63 Foodmart Rd	Boaton	MA	02118	(617) 268-6680	12/19/2002	Meat Processing; Poultry Processing	D & N Provisions, Molina Provisions, Popular Meat Co
M39979+P39979	JR INTERNATIONAL ENTERPRISES, INC.	10501 S. Orange Ave. Suite 105	Orlando	FL	32824	(407) 888-4482	9/17/2013	Meat Processing; Poultry Processing	FEDWEL, LLC
M8280+P8280	J & R Meat Co	24 S. Cobb Street	Porterville	CA	93257	(559) 781-3792	1/21/2016	Meat Processing; Poultry Processing	
M40268A+P40268A+V40268A	J & R Natural Meat and Sausage - Mobile Harvest Unit	3450 Riverside Ave.	Paso Robles	CA	93446	(805) 237-8100	7/20/2012	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Slaughter - Meat	
M40268+P40268+V40268	J & R Natural Meats and Sausage	3450 Riverside Dr.	Paso Robles	CA	93446	(805) 237-8100	7/12/2012	Meat Processing; Voluntary Processing - Meat	
M44173	JR's Jerky Company	5505 Silver Avenue SE, Suite B	Albuquerque	NM	87108	(505) 255-3760	4/16/2015	Meat Processing	JR's Jerky Company
M47089+P47089	JSJ Bluebird, Inc.	310 Belleview Ave Unit # 3	Crested Butte	CO	81224	(970) 209-2675	12/11/2019	Meat Processing; Poultry Processing	Jamie's Jerky

M44151+P44151+V44151	JSW Farm Chop Shop, Inc.	126 KY 205 N	Hazel Green	KY	41332	(606) 662-4121	7/2/2015	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry	
M17935+P17935	J.T. Jobbagy Inc.	832 Washington Street	New York	NY	10014	(212) 633-0130	7/11/2013	Meat Processing; Poultry Processing	
M1917+P8930	J T M Provisions Company	200 Sales Drive	Harrison	OH	45030	(513) 367-4900	3/16/2012	Meat Processing; Poultry Processing	
M1917A+P8930A	J.T.M. Provisions Company	200 Industrial Drive	Harrison	OH	45030	(513) 367-4900	7/2/2018	Meat Processing; Poultry Processing	JTM Food Group
V45019	JTP Global, LLC	112 Royal Drive	Forest Park	GA	30297	(404) 427-8111	2/27/2013	Certification - Export; Identification - Meat; Identification - Poultry	
M1566+P6186	Juanita's Foods	645 N Eubank Ave.	Wilmington	CA	90748	(310) 834-5339	8/7/2009	Meat Processing; Poultry Processing	
M51346	Jubilee	676 Hominy Hill Road	Osterburg	PA	16667	(814) 934-7734	10/18/2019	Meat Processing	
G46444	Judee's Gluten Free	8550 Corporate Blvd, Unit A	Plain City	OH	43064	(614) 579-5157	2/21/2020	Egg Product	
M45493+P45493	Julius Fa kavage LLC	4477 County Rd J	Stevens Point	WI	54481	(715) 592-6328	7/1/2015	Meat Processing; Poultry Processing	Tak Yee Products
M48108+P48108	Julius Fa kavage LLC	6811 Burr Oak Road	Stevens Point	WI	54482	(715) 597-6328	9/30/2015	Meat Processing; Meat Slaughter; Poultry Processing	People's Meat Market
P46084	Junction Produce & More	860 W. Shelby Street	Junction City	KY	40440	(859) 854-9290	3/23/2017	Poultry Processing	
M8560A+P8560A	Juniata Packing Co. / CCK Inc.	5608 E. Pleasant Valley Blvd.	Tyrone	PA	16686	(814) 684-2270	1/4/2019	Meat Processing; Poultry Processing	CCK Inc, Kunzler & Co Inc

M8560+P8560	Juniata Packing Co. / CCK Inc.	118 Poorman Street P.O. Box 276	Tyrone	PA	16686	(814) 684-2270	1/4/2019	Meat Processing; Poultry Processing	CCK Inc., Kunzler & Co. Inc.
M48213+P48213	Junior's Smokehouse Processing Plant	1603 Divide St.	El Campo	TX	77437	(979) 541-5914	9/30/2016	Meat Processing; Poultry Processing	
M46593	JustMeat Inc.	220-B Cedar Lodge Road	Thomasvile	NC	27360	(416) 358-5467	11/21/2019	Meat Processing	
M40322+P40322+V40322	Just Mike's Jerky Company	711 West Smith Road	Medina	OH	44256	(330) 302-4082	3/31/2014	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M13238+P13238	JV Foods LLC	205 23rd Street	Kenner	LA	70062	(504) 975-5884	3/25/2020	Meat Processing	
M17143+P17143	JWM Distribution	8125 Tippecanoe Ave.	San Bernardino	CA	92410	(909) 889-2188	3/20/2017	Meat Processing; Poultry Processing	JWM Distribution
M2612+P2612+V2612	J. W. TREUTH & SONS, INC.	328 Oella Avenue	Catonsville	MD	21228	(410) 465-4650	12/28/2011	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Slaughter - Meat	WUNDER PIZZA & SEAFOOD CO
M13186+P13186	JYC Enterprise, Inc.	12634 East Freeway	Houston	TX	77015	(832) 377-9151	9/29/2014	Meat Processing; Poultry Processing	Alice's Kitchen, Inc., FLS Foods, Inc., dba JYC Foods, JYC International, Inc.
M6640+P6640	Kabobs Aquisition , Inc.	5423 North Lake Drive	Lake City	GA	30260	(404) 361-6283	10/9/2009	Meat Processing; Poultry Processing	
M34145+P34145	Kadejan, Inc.	500 12th St. NE	Glenwood	MN	56334	(320) 634-3561	8/19/2010	Meat Processing; Poultry Processing; Poultry Slaughter	

M1664+P19846+V1664	Kah and Company Incorporated	728 Keller Drive	Wapakoneta	OH	45895	(419) 738-4217	2/1/2007	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	
M19028+P19028	Kahiki Foods	1100 Morrison Road	Gahanna	OH	43230	(614) 322-3199	12/21/2018	Meat Processing; Poultry Processing	
M31996+P31996+V31996	Kaiser Foodline, LLC	1801 Reserve Street	Garland	TX	75042	(972) 705-9595	6/5/2013	Certification - Export; Meat Processing; Poultry Processing	
M46352	Kalaheo Jerky Co. LLC	1111 Dillingham Blvd E-9	Honolulu	HI	96817	(808) 651-1881	3/28/2018	Meat Processing	Kalaheo Jerky Co.
M45218	Kalapooia Valley Grassfed Processing	35854 Courtney Creek Dr	Brownsville	OR	97327	(541) 466-5866	4/17/2013	Meat Processing; Meat Slaughter	
M11201+P11201	Kallis German Buthcer Shop Inc.	2420 Tamiami Trail	Port Charlotte	FL	33952	(941) 627-1413	7/1/2007	Meat Processing; Poultry Processing	Kallis European Specialties
M54262	K & A Meats LLC	2231 MO-100	Labadie	MO	63055	(636) 451-6880	3/2/2018	Meat Slaughter	
P34508	Kam Fung Wong	4008 3rd Avenue	Brooklyn	NY	11232	(718) 965-6078	7/2/2012	Poultry Processing; Poultry Slaughter	
M6117+P6117	Kanab Custom Meats, Inc.	491 E. 400 #87	Kanab	UT	84741	(801) 644-2696	7/3/1995	Meat Processing; Poultry Processing	
M46002+P46002	Kanani Foods Inc. 2	3275 Pinks Place	Las Vegas	NV	89102	(702) 672-1979	7/21/2015	Meat Processing; Poultry Processing	
M3486B+V3486B	Kandu Industries Inc	1227 Barberry Drive	Janesville	WI	53545	(608) 755-4122	12/6/2010	Certification - Export; Identification - Meat; Identification - Poultry	

M3486+V3486	Kandu Industries, Inc.	1741 Adel Street	Janesville	WI	53546	(608) 755-4123	4/12/1990	Identification - Meat; Identification - Poultry	
M3600+V3600	Kansas City Cold Storage	8201 E. 23rd Street	Kansas City	MO	64129	(816) 222-0065	4/1/2014	Certification - Cysticercus; Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	Kansas City Cold Storage
M1775	Kansas City Sausage Company, LLC	1801 Maury Street	Des Moines	IA	50317	(515) 266-4100	3/13/2019	Meat Processing; Meat Slaughter	Kansas City Sausage Company, LLC, Pine Ridge Farms
M760	Kansas City Sausage Company, LLC	1831 Maury Street	Des Moines	IA	50317	(515) 266-4100	3/13/2019	Meat Processing	Kansas City Sausage Company, LLC, Pine Ridge Farms
M34835+P34835+V34835	Kansas City Sausage, LLC	8001 NW 106th Street	Kansas City	MO	64153	(816) 891-9600	4/9/2012	Certification - Export; Meat Processing; Poultry Processing	Smithfield Foods
V44827	Kansas Marine	621 Kohler Street	Los Angeles	CA	90021	(213) 612-0350	2/17/2012	Certification - Export; Identification - Meat; Identification - Poultry	
V34503	Kansas Marine Co.	555 NE 185th St., Suite 107	Maimi	FL	33179	(305) 650-8700	7/15/2009	Certification - Export; Identification - Meat; Identification - Poultry	
M694+P694	Kansas State University	Weber Hall -- Rm. 104	Manhattan	KS	66506	(785) 532-1248	1/15/1997	Meat Processing; Meat Slaughter; Poultry Processing	

M21006+P21006	Karlsburger Foods, Inc.	3236 Chelsea Rd. W	Monticello	MN	55362	(763) 295-2273	4/2/2007	Meat Processing; Poultry Processing	Karlsburger Kitchens
M6803+P6803	Karn Meats, Inc.	922 Taylor Ave.	Columbus	OH	43219	(614) 252-3712	11/4/1992	Meat Processing; Poultry Processing	
M21442+P21442	Kased Brothers' Halal Meats	7422 Highway 570 West	Summit	MS	39666	(601) 684-0319	7/14/2003	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
M33985+P33985	Kasia's Deli, Inc.	440 N. Oakley Blvd	Chicago	IL	60612	(312) 666-2900	4/21/2008	Meat Processing; Poultry Processing	
M45891+P45891	Kassian Farms LLC	500 East 132nd Street	Bronx	NY	10454	(718) 993-2020	6/28/2017	Meat Processing; Poultry Processing	
M8132+P8132	Katadyn North America Foods, LLC.	130 Cyber Ct.	Rocklin	CA	95765	(916) 624-6050	10/10/2019	Meat Processing; Poultry Processing	Alpine Aire Foods, Gourmet Reserves, KNA Foods, Natural High, Nutricopia, Richmoor, Store House Foods
M45526+P45526+V45526	Katie's Snack Foods	4094 Anson Drive	Hilliard	OH	43026	(614) 440-0780	6/12/2018	Meat Processing; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Processing - Rabbit	Katie's Beef Jerky, Katie's Premium Jerky and Snacks
M18388+P18388	Kayem Foods Inc.	14 Industrial Parkway	Woburn	MA	01801	(781) 933-3115	4/29/2019	Meat Processing; Poultry Processing	Al Fresco, Genoa , McKenzie Natural Artisan Deli
M7839+P7839	Kayem Foods Inc.	75 Arlington Street	Chelsea	MA	02150	(617) 889-1600	4/29/2019	Meat Processing; Poultry Processing	Al Fresco, DeCosta , Essem, Genoa , Jordan's, Kirschner, McKenzie Natural Artisan Deli, Meisterchef, Schonland's Foods, Triple M
M45918+P45918	KBBQ Meat Company	9843 Everest St.	Downey	CA	90242	(562) 818-5534	9/14/2017	Meat Processing; Poultry Processing	

M2540+P2540	KBDetroit, LLC	1939 Adelaide St.	Detroit	MI	48207	(313) 963-2900	8/2/2018	Meat Processing; Poultry Processing	CBC , Chicago Beef Company, Kay Packing, KBD, Inc.
P40169	KB Poultry Processing LLC	15024 Sandstone Dr.	Utica	MN	55979	(507) 932-9901	5/13/2010	Poultry Processing; Poultry Slaughter; Voluntary Processing - Poultry; Voluntary Slaughter - Poultry	
V40169A	KB Poultry Processing LLC	15024 Sandstone Dr.	Utica	MN	55979	(507) 932-9901	8/11/2016	Voluntary Processing - Poultry; Voluntary Processing - Rabbit; Voluntary Slaughter - Poultry; Voluntary Slaughter - Rabbit	
M46292	KB Quality Meats	312 N. 16th Street	Blair	NE	68008	(402) 426-3300	12/11/2017	Meat Processing; Meat Slaughter	The Blair Meat Market
V1158	K Brand Marine	650 NE 185th St.	Miami	FL	33179	(305) 936-1414	1/19/2017	Certification - Export; Identification - Meat; Identification - Poultry	
M13324	K & C Meat Processing	124 Durden	Navasota	TX	77868	(936) 825-6944	11/10/2004	Meat Processing; Meat Slaughter	
M46432+P46432	KD Latin Food Inc	7339 NW 79 Terrace	Medley	FL	33166	(786) 426-7967	11/9/2018	Meat Processing; Poultry Processing	
M32031+P32031	K-D Market Inc.	88 Mulberry Street	New York	NY	10013	(212) 334-4200	2/14/2013	Meat Processing; Poultry Processing	
M9684+P9684	Keck's Food Service	2796 Rte 328	Millerton	PA	16936	(570) 537-2515	11/21/2011	Meat Processing; Poultry Processing	
M34670	Keeter's Meat Company, LLC	901 S. Highway 87	Tulia	TX	79088	(806) 995-3413	10/10/2019	Meat Processing	
M46619	KeFruits llc	PR-887, Carolina Commercial Park Nave F	Carolina	PR	00985	(787) 306-2504	4/24/2020	Meat Processing	CaboRojo Steaks

M45804	Keith's Catfish Market	1797 White Road	Abbeville	AL	36310	(334) 495-4423	8/29/2018	Meat Processing	
V44784	Keller Packaging of Napoleon	P-314 Co Rd 12	Napoleon	OH	43545	(419) 592-2236	1/13/2012	Certification - Export; Identification - Meat; Identification - Poultry	
M8016+P8016	Kelley Foods, A Division of Ben E. Keith	1697 Lower Curtis Road	Elba	AL	36323	(334) 897-5761	1/27/2020	Meat Processing; Poultry Processing	Kelley Foods- A Divison of the Ben E. Keith Company
M4482+P4482	Kelley Meats LLC	8937 Beckwith Road	Taberg	NY	13471	(315) 337-4272	3/13/2017	Meat Processing; Meat Slaughter; Poultry Processing	
M7177+P7177	Kelly's Bar-B-Que, Inc.	1817 Alexander	Waco	TX	76708	(254) 753-2551	5/14/2004	Meat Processing; Poultry Processing	Kelly's Bar-B-Que
M18578+P18578	Kelly's Foods, Inc.	650 Carter Road	Winter Garden	FL	34787	(407) 654-0500	7/18/1994	Poultry Processing	
P46881	Kelly Turkeys USA, LLC	6975 Jarmans Gap Road	Crozet	VA	22932	(540) 724-1654	9/11/2015	Poultry Slaughter	Kelly Turkeys
M45847+P45847	Kencor Ethnic Foods, Inc.	Attn: Ms. Jean Enowmbitang 2 Enterprise LN	Canton	IL	61520	(309) 326-2106	5/22/2019	Meat Processing; Poultry Processing	
M4542+P4542	Kennedy Meat Market	280 Route 394	Randolph	NY	14772	(716) 358-2281	5/29/2013	Meat Processing; Meat Slaughter	
M6662+P6662	Kenosha Beef International	6009 Goshen Springs Rd.	Norcross	GA	30071	(770) 448-9101	4/6/2020	Meat Processing; Poultry Processing	Kenosha Beef
M10130+P10130	Kenosha Beef International, In	1821 Dividend Drive	Columbus	OH	43228	(614) 771-1330	5/18/1999	Meat Processing	
M425B+P425B	Kenosha Beef International Ltd	3111 152nd Avenue	Kenosha	WI	53144	(262) 859-2272	4/4/2008	Meat Processing; Poultry Processing	Birchwood Foods
M13471+P13471	Kenrick's Meat Co.	4324 Weber Rd.	St. Louis	MO	63123	(314) 631-2440	11/23/2004	Meat Processing; Poultry Processing	

M31898+P31898+V31898	Kensington Lockers Inc.	218 W. Highway 36	Kensington	KS	66951	(785) 476-2834	10/7/2004	Meat Processing; Meat Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	
M5694+P5694	Kent Quality Foods Inc.	703 Leonard NW	Grand Rapids	MI	49504	(616) 459-4595	2/15/1996	Meat Processing; Poultry Processing	
M5694A+P5694A	Kent Quality Foods, Inc.	3426 Quincy Street	Hudsonville	MI	49426	(616) 459-4595	12/12/2018	Meat Processing; Poultry Processing	
M6621A	Kentucky Farm Kitchens	3799 Pleasant Valley Road	Attalla	AL	35954	(256) 538-6082	4/10/2007	Meat Processing	
M9538+P9538	Ken Weaver Meats, Inc.	47 North Street P.O. Box 66	Wellsville	PA	17365	(717) 432-4146	12/18/2012	Meat Processing; Poultry Processing	
M8709	Kern Meat Co. Inc.	2225 Cherokee St.	St. Louis	MO	63118	(314) 664-4467	2/17/2010	Meat Processing	
M10259	Kern's Sausages Inc.	110 West Jefferson Street	Frankenmuth	MI	48734	(989) 652-2684	11/4/1996	Meat Processing	
M8768	Kerr's Custom Butchering	149 Cottage Rd	South Dayton	NY	14138	(716) 988-5940	5/7/2013	Meat Processing; Meat Slaughter	
M46288+P46288	Kerry	220 Terminal Avenue	Clark	NJ	07066	(908) 721-5000	7/3/2018	Meat Processing; Poultry Processing	
M13418+P13418	Kerry Inc	7401 Will Rogers Boulevard	Fort Worth	TX	76140	(817) 568-9000	1/11/2018	Meat Processing; Poultry Processing	
M54263+P54263	Kerry,Inc	176 Diana Way	Commerce	GA	30529	(706) 247-8555	4/6/2020	Meat Processing; Poultry Processing	
M34688+P34688	Kerry Ingredients & Flavours	The Renaissance Park 1751 Enterprise Drive	Sturtevant	WI	53177	(262) 321-2615	12/24/2008	Meat Processing; Poultry Processing	
M31624+P31624	Kerry Ingredients & Flavours Inc.	6574 Ryland Avenue	Vesper	WI	54489	(715) 569-4101	5/28/2008	Meat Processing; Poultry Processing	

M34253+P34253	Kerry Ingredients & Flavours, Inc.	341 S. Jefferson Ave	Fredericksburg	IA	50630	(563) 237-5311	4/14/2009	Meat Processing; Poultry Processing	
M9057+P9057	Kershenstine's Beef Jerky, Inc.	550 Industrial Park Road	Eupora	MS	39744	(601) 258-2049	9/22/2017	Meat Processing; Poultry Processing	
M8765+P8765	Kesslers Inc	1201 Hummel Avenue	Lemoyne	PA	17043	(717) 763-7162	11/3/2010	Meat Processing	
M18468+P18468	Kettle Cuisine Midco, LLC	330 Lynnway	Lynn	MA	01901	(617) 409-1100	9/14/2015	Meat Processing; Poultry Processing	
M816+P816	Kettle Range Meat Co. LLC	5501 W. State Street	Milwaukee	WI	53208	(414) 882-7000	3/14/2019	Meat Processing; Poultry Processing	
M1773+P4203	Kettle River Products	6342 Merchant Street	Askov	MN	55704	(320) 838-3400	1/6/2003	Meat Processing; Poultry Processing	Kettle River, Kettle River Pizza
M20498+P20498	Kevin's Quality Meats	451 North Grant Avenue	Kittanning	PA	16201	(724) 545-7877	2/5/2020	Meat Processing; Poultry Processing	
M10650+P10650+V10650	Key's Family Butcher Shop	2900 Oliver Springs Rd	Van Buren	AR	72956	(479) 474-1645	9/3/2019	Identification - Meat; Identification - Poultry; Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Processing - Rabbit; Voluntary Slaughter - Meat; Voluntary Slaughter - Rabbit	
M17341+P17341	KEYSTONE FOODS LLC	2281 Steele Station Road	Gadsden	AL	35906	(256) 413-6800	1/29/2019	Meat Processing; Poultry Processing	Key Farms, Keystone Foods, LLC

M15826+P15826+V15826	Keystone Meats Inc.	3585 Harding HWY	Lima	OH	45804	(419) 225-9600	11/17/1997	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Poultry	
M40315	Keystone Veal LLC	120 Monahan Avenue	Dunmore	PA	18512	(570) 445-3594	11/24/2015	Meat Processing	
M9379A+P9379A	K. Heeps Inc	5239 Tilghman Street	Allentown	PA	18104	(610) 530-8010	12/22/2010	Meat Processing; Poultry Processing	
M9379+P9379	K. Heeps Inc	721 North 17th Street	Allentown	PA	18104	(610) 530-8010	8/22/2012	Meat Processing; Poultry Processing	
M44836+P44836	Khuus Sausage, Inc.	1007 S. Primrose Avenue	Monrovia	CA	91016	(626) 695-7725	7/10/2019	Meat Processing; Poultry Processing	
V45844	KIA LLC	Ulupalakua Ranch Mobile Slaughter Unit	Kula	HI	96790	(808) 936-2409	7/6/2016	Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	
M46624+P46624	Kibberia Foods LLC	22 Shelter Rock Lane	Danbury	CT	06810	(475) 329-5922	6/27/2019	Meat Processing; Poultry Processing	
M44742+P44742	Kimia Kitchen	625 S. Santa Fe Street	santa Ana	CA	92705	(714) 543-1919	5/9/2016	Meat Processing; Poultry Processing	
M18862+P18862	Kim Son Food Co.	1088 Beecher Street	San Leandro	CA	94577	(510) 569-1088	11/27/2019	Meat Processing; Poultry Processing	None listed, None listed
M1580+P1580	Kim's Processing Plant Inc	417 Third Street	Clarksdale	MS	38614	(662) 627-7102	11/9/2004	Meat Processing; Poultry Processing	
M31911+P31911	King Cheese Corporation	229 Railroad	Monrovia	CA	91016	(626) 485-9004	10/27/2004	Meat Processing; Poultry Processing	
M2525+P2525	King Food Service, Inc.	Matt Cutkomp President 7810 - 42nd Street West	Rock Island	IL	61201	(309) 787-4488	8/29/2018	Meat Processing; Poultry Processing	King Food Service

M34007+P34007	King Kalibur LLC	W355 S8875 Godfrey Lane	Eagle	WI	53119	(262) 594-5508	6/30/2015	Meat Processing; Poultry Processing	
M18504+P18504	King Kold	311 N. Main Street	Englewood	OH	45322	(937) 836-2731	1/31/2001	Meat Processing; Poultry Processing	
M426+P17065	King Meat Services Inc.	4215 Exchange Ave.	Vernon	CA	90058	(626) 378-0097	4/16/2020	Meat Processing; Poultry Processing	
M1515B+P6121B	King's Command Foods, Inc.	770 North Center St.	Versailles	OH	45380	(937) 526-3553	8/11/2014	Meat Processing; Poultry Processing	
M1515A+P6121A	King's Command Foods, LLC	7622 South 188th Street	Kent	WA	98032	(425) 251-6788	7/12/1994	Meat Processing; Poultry Processing	
M48262	King's Fish Market, Inc.	578 Fish Market Rd.	Jonesville	LA	71343	(318) 339-9692	6/5/2017	Meat Processing	
M48204+P48204	Kingsland Food Processing Corporation	57-11 49th Place	Maspeth	NY	11378	(718) 669-7822	5/17/2018	Meat Processing; Poultry Processing	Kingsland Foods
M5067+P5067	Kingsland Meat Distr butors Inc.	10 Squirrelwood Road	Woodland Park	NJ	07424	(201) 636-2401	10/16/2015	Meat Processing; Poultry Processing	JMA Sausage & Meat Company
M5141+P5141	King Solomon Foods inc.	5600 1st Avenue Unit B	Brooklyn	NY	11220	(718) 492-0760	1/20/2015	Meat Processing; Poultry Processing	A. Stein Meats, Brooklyn Burger Meat Products Inc., King Solomon Foods
P45819	King & Sons Poultry Services, Inc.	8091 Horatio Harris Creek Road	Bradford	OH	45308	(937) 448-2448	10/28/2016	Poultry Processing; Poultry Slaughter	King's Poultry Farm
M27466	King's Pasties	622 East Main St	Lead	SD	57754	(605) 722-3875	8/21/2017	Meat Processing	
M2670+P2670	Kingsport	820 E. Sullivan Street	Kingsport	TN	37660	(423) 246-6197	11/29/2004	Meat Processing	
V45293	Kingston-Miami Trading Co.	1465 NW 21st Terrace	Miami	FL	33142	(305) 324-0231	10/17/2013	Certification - Export; Identification - Meat	

M44911+P44911+V 44911	Kinikin Processing	1032 6450 Rd	Montrose	CO	81401	(970) 240-4329	2/13/2018	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	
M34234	Kinners Kountry Sausage	590 SE Balboa Drive	Madison	FL	32340	(850) 973-4694	4/18/2007	Meat Processing	
M32029A+P32029A	Kiolbassa Provision Company	1545 South San Marcos	San Antonio	TX	78207	(210) 229-1094	9/24/2019	Meat Processing; Poultry Processing	
M32029+P32029	Kiolbassa Provision Company Inc.	1325 S. Brazos	San Antonio	TX	78207	(210) 226-8127	9/24/2019	Meat Processing; Poultry Processing	
M21585A+P21585A	Kiowa Locker System, LLC	611 Main	Kiowa	KS	67070	(620) 825-4538	9/30/2008	Meat Processing; Poultry Processing	Chieftain Brand Meats
M21585+P21585+V 21585	Kiowa Locker System, LLC	128 South 6th Street	Kiowa	KS	67070	(620) 825-4538	8/6/2001	Meat Processing; Meat Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	Chieftain Brand Meats
M5363	Kirby and Holloway Provision Co.	996 Jackson Ditch Rd.	Harrington	DE	19952	(302) 398-3705	4/5/2005	Meat Processing	
M8082+P8082	Kirby & Poe Slaughterhouse	581 Kirby Poe Road	Alvaton	KY	42122	(270) 843-1709	4/3/2019	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
M31727+P31727+V 31727A	Kiryas Joel Poultry Processing Plant	7 Dinev Road	Monroe	NY	10950	(845) 783-8085	1/17/2017	Certification - Export; Meat Processing; Poultry Processing; Poultry Slaughter	Alle, Fairway, Kedas, Kehilla , Kiryas Joel Meat and Poultry, Koshers Best, Orange County Poultry, Quality Halal Poultry, Quality Kosher , Tifereth

V34600	Kissimmee River Foods International, LLC	625 West Bridges Ave.	Auburndale	FL	33823	(863) 967-6644	3/17/2008	Certification - Export; Identification - Meat; Identification - Poultry	
M2052	Kissin Fresh Meats Inc.	140 E Richmond Street	Philadelphia	PA	19125	(215) 739-4242	1/27/2014	Meat Processing	
M45317+P45317	Kitchen Cuts LLC.	6045 District Blvd.	Maywood	CA	90270	(213) 792-1087	6/23/2014	Meat Processing; Poultry Processing	
M18797+P18797	Kitchen Fresh Foods, LLC	1375 Gruber Road	Green Bay	WI	54313	(920) 434-8874	1/10/2020	Meat Processing; Poultry Processing	
M8526	Kite's Hams, Inc.	3957 Wolftown-Hood Road	Wolftown	VA	22748	(540) 948-4742	3/19/2008	Meat Processing	Kite's Virginia Hams
M34588+P34588	KIWI KUISINE	4550 EISENHOWER AVENUE	ALEXANDRIA	VA	22304	(703) 823-2222	2/11/2008	Meat Processing; Poultry Processing	
M38561+P38561	KJPL Restaurants, Inc.	682 US Rt 202	Greene	ME	04236	(207) 577-1728	2/16/2011	Meat Processing; Poultry Processing	Harvest Ketltle Soups, Huricanes's Soup & Chowder
M7886+P7886	K & K Gourmet Meats Inc.	300 Washington Street	Leetsdale	PA	15056	(724) 266-8400	6/3/2015	Meat Processing; Poultry Processing	
M47146+P47146	K&K International Inc.	1815 W. 205th Street Suite 305	Torrance	CA	90501	(310) 533-8166	4/16/2020	Meat Processing; Poultry Processing	
P5584	KK & J, Inc.	2416 Q St.	Omaha	NE	68107	(402) 731-2266	10/18/2000	Poultry Processing	Cinek Poultry
M5439	Kleemeyer & Merkel Inc.	68 Britten Road P.O. Box 204	Green Village	NJ	07935	(973) 377-0875	11/27/2006	Meat Processing; Meat Slaughter	Green Village Packing Co.
M2426B+P2426B	Klement's Sausage Company, Inc.	2650 S. Chase Ave.	Milwaukee	WI	53207	(414) 744-2330	5/5/2014	Meat Processing; Poultry Processing	
M10136	KLP Specialty Food	8618 Fenkell	Detroit	MI	48238	(313) 345-6565	12/15/2011	Meat Processing	Empire Packing Co.
M18596+P18596	K&L Ranch Inc.	204 Albion Avenue	Paterson	NJ	07502	(973) 942-5683	12/13/2018	Meat Processing; Poultry Processing	Love Farms LLC - Fed. #45-4924471
M45286+P45286	KMB Foods Inc.	1010 S. Sierra Way	San Bernardino	CA	92408	(626) 483-6819	12/14/2016	Meat Processing; Poultry Processing	

M4989A+P4989A+V4989A	K & M Meat Packing Co., Inc.	2127 Airport Road	Rifle	CO	81650	(970) 625-4961	12/23/2016	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry	K & M Food Service, Inc., K & M Meat Company Inc., Primetime Steaks.com
M4989+P4989+V4989	K&M Meat Packing Co., Inc.	2443 E. 27th Street	Vernon	CA	90058	(323) 585-5318	12/2/2004	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Processing - Rabbit	K&M Food Service, Inc., K&M Meat Company Inc., Primetime Steaks.com
M6791+P6791+V6791	Knaus Sausage House	31 Main St., Hwy 15	Kimball	MN	55353	(320) 398-5485	6/21/2002	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry	Marketplace Foods
M1535+P96	Knauss Foods	625 East Broad Street	Quakertown	PA	18951	(215) 536-4220	9/18/2018	Meat Processing; Poultry Processing	
M18138+P18138	Knockum Hill Bar-B-Que	11185 Lafayette Rd.	Herndon	KY	42236	(270) 271-2262	11/17/2017	Meat Processing; Poultry Processing	KNOCKUM HILL BAR-B-QUE
M7958+P7958	Knott's Wholesale Foods	125 N. Blakemore Street	Paris	TN	38242	(731) 642-1961	8/28/2019	Meat Processing; Poultry Processing	
P46930+V46930	K&N's Foods USA, LLC	607 Phillips Street	Fulton	NY	13069	(315) 598-8080	7/1/2014	Certification - Export; Poultry Processing	
M20795+P20795+V20795	Koch Foods	4100 Port Union Rd.	Fairfield	OH	45014	(513) 874-3500	8/1/2000	Certification - Export; Meat Processing; Poultry Processing	Port Union Foods, Preferred Foods
M9141+P9141	Koch Foods	921 South Main Street	Forest	MS	39074	(601) 732-8911	6/26/2019	Poultry Processing	

P308	Koch Foods, Inc	162 Magnolia Street	Morton	MS	39117	(601) 732-8911	6/4/2019	Poultry Processing; Poultry Slaughter	
P19152+V19152	Koch Foods LLC	1620 Progress Parkway	Morristown	TN	37813	(423) 586-5722	9/13/2010	Poultry Processing	
P509	Koch Foods LLC	123 South Fairmont Avenue	Morristown	TN	37815	(423) 586-5722	2/4/2016	Poultry Processing; Poultry Slaughter	
P7487	Koch Foods, LLC	1826 Cappella Street	Chattanooga	TN	37408	(423) 266-0351	8/27/2019	Poultry Processing; Poultry Slaughter	
P6529	Koch Foods of Alabama	3500 West Blvd	Montgomery	AL	36108	(334) 281-0400	2/3/2016	Poultry Processing; Poultry Slaughter	
P1254+V1254	Koch Foods of Ashland, LLC	515 Tyson Road	Ashland	AL	36251	(256) 354-2155	8/9/2011	Certification - Export; Poultry Processing; Poultry Slaughter	
P19378	Koch Foods of Cumming Georgia	221 Meadow Drive	Cumming	GA	30040	(770) 844-8416	4/27/2009	Poultry Processing	Koch Foods of Cumming
P6666	Koch Foods of Gadsden, LLC	501 Paden Road	Gadsden	AL	35903	(256) 549-6200	2/4/2016	Poultry Processing; Poultry Slaughter	
P9181	Koch Foods of Gainesville GA	950 Industrial Blvd	Gainesville	GA	30503	(770) 536-8819	7/13/2006	Poultry Processing	
P19833+V19833	Koch Foods of Mississippi	410 Koch Drive Suite 200	Morton	MS	39117	(601) 732-3200	10/6/2004	Certification - Export; Identification - Poultry; Off-Premise Freezing - Poultry; Poultry Processing	
P34296	Koch Foods of Mississippi LLC	410 Koch Drive Suite 100	Morton	MS	39117	(601) 732-8311	9/24/2010	Poultry Processing	Koch Foods
P8437	Koch's Turkey Farm	416 Valley Road	Tamaqua	PA	18252	(570) 668-2882	5/14/2019	Poultry Processing; Poultry Slaughter	
M10001+P10001	Koegel Meats, Inc.	3400 West Bristol Road	Flint	MI	48507	(810) 238-3685	2/5/2004	Meat Processing; Poultry Processing	
M7788+P7788	Koenemann Sausage Co. Inc.	27090 Volo Village Rd.	Volo	IL	60073	(847) 345-7061	6/7/2018	Meat Processing; Poultry Processing	

M645+P2401	Konanyan Meat Company, Inc. / Western Gourmet	4525 Alger Street	Los Angeles	CA	90039	(818) 242-0393	4/11/2017	Meat Processing; Poultry Processing	Western Gourmet
V31640	Konoike - E Street, Inc.	901 East E St.	Wilmington	CA	90744	(310) 233-7300	9/20/2011	Certification - Cysticercus; Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry	
V19146	Konoike-Pacific	1420 Coil Ave.	Wilmington	CA	90744	(310) 518-1000	8/25/2004	Certification - Cysticercus; Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry	
I114	Konoike Pacific California, Inc.	1420 Coil Avenue	Wilmington	CA	90744	(310) 518-1000	4/6/2018	Imported Product	
M9364+P9364	Korte & Company Inc	364 East Berwick Street	Easton	PA	18042	(610) 253-9141	5/17/2000	Meat Processing; Poultry Processing	
M45314	Korte Meat Processing Inc.	810 Deal St.	Highland	IL	62249	(618) 654-3813	2/14/2020	Meat Processing; Meat Slaughter	
M10072+P10072	Kowalski Companies, Inc.	2270 Holbrook Avenue	Hamtramck	MI	48212	(313) 873-8200	9/30/1994	Meat Processing; Poultry Processing	Kowalski Company Inc, Kowalski Sausage Company Inc, Marquis Meats, Simply Sides
M2041+P657	Kraft heinz Company	1357 Isett Avenue	Muscatine	IA	52761	(563) 262-2222	3/24/2017	Meat Processing; Poultry Processing	Kraft Heinz Foods Company
M1869+P15703	Kraft Heinz Company	1301 Oberlin Road S.W.	Massillon	OH	44647	(330) 837-8331	10/10/2017	Meat Processing; Poultry Processing	
M537G	Kraft Heinz Company	1660 S. Second St.	Coshocton	OH	43812	(740) 622-6433	9/21/2015	Meat Processing	Kohrs Packing Company, Kraft Foods Group, Inc, Louis Rich Company, Oscar Mayer Foods Corporation

M15818A+P15818A	Kraft Heinz Foods Company	4601 C Street SW	Cedar Rapids	IA	52404	(319) 221-7238	4/12/2016	Meat Processing; Poultry Processing	Kraft Heinz Company, Quality Chef Foods
M4125+P4125+V4125	Kraft Heinz Foods Company	2450 White Road	Irvine	CA	92614	(310) 357-7946	10/2/2017	Certification - Export; Meat Processing; Poultry Processing	Todds
M45508+P45508	Kraft Heinz Foods Company	2340 Forest Lane	Garland	TX	75042	(972) 272-7511	11/1/2017	Meat Processing; Poultry Processing	
M537D+P537D	Kraft Heinz Foods Company	9401 Granite Way	Davenport	IA	52806	(563) 383-3711	8/8/2017	Meat Processing; Poultry Processing	Kraft Heinz Food Company
M537H+P537H	Kraft Heinz Foods Company	4600 Waco Road	Columbia	MO	65202	(573) 474-9477	12/14/2017	Meat Processing; Poultry Processing	
M537L+P537L	Kraft Heinz Foods Company	140 Spring Street	Avon	NY	14414	(585) 226-4400	11/5/2018	Meat Processing; Poultry Processing	
M537V+P537V	Kraft Heinz Foods Company	2504 North Industrial Road	Kirksville	MO	63501	(660) 627-1031	8/29/2016	Meat Processing; Poultry Processing	Kraft Foods Group, Inc., Kraft Heinz Company
M5850A+P5850A	Kraft Heinz Foods Company	7878 Airway Road	San Diego	CA	92154	(619) 661-5440	5/26/2016	Meat Processing; Poultry Processing	Delimex
M9070+P9070	Kraft Heinz Foods Company	3704 Louis Rich Road Suite # 901	Newberry	SC	29108	(803) 276-5015	11/24/2015	Meat Processing; Poultry Processing; Poultry Slaughter	Kraft Foods Group, Inc., Kraft Heinz Company

M13149+P13149+V13149	Krehbiels Specialty Meats Inc	1636 Mohawk Rd.	McPherson	KS	67460	(620) 241-0103	3/6/2006	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Processing - Rabbit; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry; Voluntary Slaughter - Rabbit	
M1523+P1523	Kronos Foods Corp.	1 Kronos Dr.	Glendale Heights	IL	60139	(224) 353-5353	10/2/2009	Meat Processing; Poultry Processing	
M2036	Kruse & Son, Inc.	235 Kruse Avenue	Monrovia	CA	91016	(626) 358-4536	5/20/1998	Meat Processing	
M429+P429	K & S Sausage	N22633 Antonissen Road	Niagara	WI	54151	(715) 251-1580	8/4/2011	Meat Processing; Poultry Processing	
M34592+P34592+V34592	KTF Protein Solutions Inc.	12139 state route 29	Saint Marys	OH	45885	(419) 753-2620	2/12/2018	Certification - Export; Meat Processing; Poultry Processing; Voluntary Processing - Meat	Bernards, Carter Creek Farms, Kuck farms
M17237+P17237	K. T.'s Kitchens, Inc.	1065 East Walnut St., Suite #C	Carson	CA	90746	(310) 764-0850	12/17/2003	Meat Processing; Poultry Processing	
I145	Kukui Meat	1713 Hau Street	Honolulu	HI	96819	(808) 533-4873	3/18/2016	Imported Product	
M44891+P44891	Kukui Meat Market	428 Kalihi Street	Honolulu	HI	96817	(808) 533-4873	10/30/2018	Meat Processing; Poultry Processing	
M12440+P12440	Kukui Sausage	813 Bannister Street	Honolulu	HI	96819	(808) 841-1884	4/14/2011	Meat Processing; Poultry Processing	

M12445+P12445	Kulana Foods, Ltd.	590-J W. Kawailani Street	Hilo	HI	96720	(808) 959-9144	4/13/2010	Meat Processing; Meat Slaughter	
M2967+P2967	Kuna Food Service	704 Kuna Industrial Drive	Dupo	IL	62239	(618) 286-4000	7/14/2008	Meat Processing; Poultry Processing	
M9424+P9424	Kunzler & Co., Inc.	640-662 Manor Street	Lancaster	PA	17603	(717) 299-6301	4/30/2008	Meat Processing; Poultry Processing	CCK Inc., Juniata Packing Co., Inc.
M4081	Kupelian Foods Inc.	146 Bergen Turnp ke	Ridgefield Park	NJ	07660	(201) 440-8055	10/18/1993	Meat Processing	
M46475+P46475+V46475	Kurzweils Country Meats	28612 S State Rt. T	Garden City	MO	64747	(816) 862-8463	9/5/2018	Meat Processing; Poultry Processing	
M20852+P20852	Kwik Trip, Inc.	2200 Palace Street	La Crosse	WI	54603	(608) 781-8988	5/31/2007	Meat Processing; Poultry Processing	
M46670+P46670+V46670	Kwik Trip, Inc. - Take Home Meals	910 2nd Avenue North	Onalaska	WI	54650	(608) 781-8988	4/12/2019	Meat Processing; Poultry Processing	
M15708+P15708	K & W Sausage	335 Wema Ave	Evansdale	IA	50707	(319) 233-4714	6/28/1988	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M30778+P30778	La Adelita Food Company Inc.	1000 E. Washington Boulevard	Los Angeles	CA	90021	(213) 746-9520	12/3/2014	Meat Processing; Poultry Processing	
M11154+P11154	La Autentica Foods LLC	2294-2298 West 78th St.	Hialeah	FL	33016	(305) 888-6727	10/26/2017	Meat Processing; Poultry Processing	Caserita, Goya, La Autentica Foods LLC, Las Milpa
M2382+P2382	Labatt Direct Source Meats Albuquerque	221 Airport Dr. NW	Albuquerque	NM	87121	(505) 831-1411	12/17/2019	Meat Processing; Poultry Processing	Labatt Food Service LLC, Labatt New Mexico LLC
M18726+P18726	La Bella Sausage	16170 Aviation Loop Drive	Brooksville	FL	34604	(352) 799-6301	10/22/2013	Meat Processing; Poultry Processing	

P19150+V19150	La Belle Farm Inc	504 Stanton Corners Road	Ferndale	NY	12734	(845) 295-0063	6/1/2005	Poultry Processing; Poultry Slaughter; Voluntary Processing - Poultry; Voluntary Processing - Rabbit; Voluntary Slaughter - Poultry; Voluntary Slaughter - Rabbit	
M20999+P20999	La Boucherie, Inc.	3323B Cypress Creek Parkway	Houston	TX	77068	(281) 583-8177	4/30/2020	Meat Processing; Poultry Processing	
M21356+P21356	La Buona Pasta	1781 B West 32nd Place	Hialeah	FL	33012	(305) 889-2989	8/17/2009	Meat Processing; Poultry Processing	Jim Group, Jim Group, Inc.
M11181+P11181	La Casa Sierra & Associetes, Inc.	6712 Hwy. 674 East	Wimauma	FL	33598	(813) 598-0094	10/18/2011	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
M51252	LaCoe's Custom Butchering LLC - Carey Plant	1511 Heart Lake Road	Scott Township	PA	18433	(570) 254-9431	5/9/2018	Meat Processing; Meat Slaughter	
M11134	Lacoronela Meat Processing	9566 NW 7th Ave.	Miami	FL	33150	(305) 691-2630	12/19/1997	Meat Processing	
M46052+P46052	Ladyfingers Caterers/Ladyfingers Gourmet To Go	627 E. Whitaker Mill Road	Raleigh	NC	27608	(919) 828-2270	2/9/2017	Meat Processing; Poultry Processing	Ladyfingers Gourmet To Go
M4827+P4827	La Espanola Meat, Inc.	25020 Doble St.	Harbor City	CA	90710	(310) 539-0455	7/3/1995	Meat Processing; Poultry Processing	
M46021+P46021	La Esperanza Carne Seca	4720 Durazno Avenue	El Paso	TX	79905	(915) 412-8316	9/18/2017	Meat Processing; Poultry Processing	
M17526+P17526	La Favorita Food Processing	9330 Brighton Blvd.	Henderson	CO	80640	(303) 295-1625	3/3/2003	Meat Processing; Poultry Processing	Mexico Foods TM
M4651+P4651	La Frieda Meats Co.	3701 Tonnell Avenue	North Bergen	NJ	07047	(212) 929-2420	11/17/2014	Meat Processing; Poultry Processing	La Frieda Wholesale, Pat La Frieda Meats

M51256+P51256	LaGustosa Food Products & Imports Co., Inc.	402 Franklin Avenue	Franklin Square	NY	11010	(516) 354-2992	2/27/2020	Meat Processing; Poultry Processing	Bayside Food Distributors
M38463+P38463	La Indi Poultry	15268 Proctor Ave Unit B	City of Industry	CA	91746	(626) 371-6766	2/4/2009	Meat Processing; Poultry Processing	
M8083+V8083	Laird Sheep Co.	301 East 4th Street	Benton	KY	42025	(270) 527-3821	3/27/1995	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Laird Meat Co, Laird Sheep Co.
M4079+P4079	LaJo Genuine Italian Inc.	1101 8th Avenue	Altoona	PA	16602	(814) 942-1452	5/5/2018	Meat Processing; Poultry Processing	
M7719+P7719	La Joya Products	3147 Whittier Blvd	Los Angeles	CA	90023	(213) 269-1827	4/13/2017	Meat Processing; Poultry Processing	
M51223	Lake City Fish & Caviar, LLC	834 US Highway 62	Grand Rivers	KY	42045	(270) 362-8308	8/22/2017	Meat Processing; Meat Slaughter	Lake City Fish Market
M19490+P19490	Lake Erie Frozen Foods Mfg. Co.	1830 Nankin Rd.	Ashland	OH	44805	(419) 289-9204	8/14/1995	Meat Processing; Poultry Processing	
P45379	Lake Foods	355 Industrial Park Rd	Hartwell	GA	30643	(770) 376-8003	3/12/2020	Poultry Processing	Red Bird Farms, Waukamountain
M5648+P5648+V5648	Lake Geneva Country Meats, Inc	5907 State Road 50 East	Lake Geneva	WI	53147	(262) 248-3339	2/13/2001	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Slaughter - Meat	

M45599+P45599+V45599	Lake Haven Custom Meat Processing, LLC	92850 Military Road	Sturgeon Lake	MN	55783	(218) 372-8300	7/29/2015	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Processing - Rabbit; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry; Voluntary Slaughter - Rabbit	
M48150	Lakes Farm Raised Catfish Inc	10280 Old Hwy 61 South Box 67	Dundee	MS	39626	(662) 363-1847	1/25/2016	Meat Processing; Meat Slaughter	
M1701+P5625	Lakeside Foods, Inc.	1055 West Broadway	Plainview	MN	55964	(507) 534-3141	5/12/1992	Meat Processing; Poultry Processing	
M34414+P34414	Lakeside Meats	206 S Main	Carlsbad	NM	88220	(505) 887-3646	8/15/2007	Meat Processing	
I26	Lakeside Refrigerated Services	2600 Oldmans Creek Road	Swedesboro	NJ	08085	(650) 813-1300	11/6/2018	Imported Product	
M46841+P46841+V46841	Lakeside Refrigerated Services	2600 Oldmans Creek Road	Swedesboro	NJ	08085	(650) 813-1300	10/25/2017	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry	
M46918+P46918	Lakeview Farms	1700 Gressel Dr.	Delphos	OH	45833	(419) 695-9925	2/27/2020	Meat Processing; Poultry Processing	
M5952+P5952	Lamberti Packing Company Inc.	207 Food Terminal Plaza	New Haven	CT	06511	(203) 562-0436	12/22/2015	Meat Processing; Poultry Processing	

M40312+P40312	La mina Meat& Provisions Corp.	119 Stockholm Street	Brooklyn	NY	11221	(718) 453-2626	9/26/2013	Meat Processing; Poultry Processing	
M20435A+P20435A	La Molisana	305 Congress Ave	Waterbury	CT	06708	(203) 574-1272	10/23/2008	Meat Processing; Poultry Processing	
M20435+P20435	La Molisana Sausage Company LLC	350 Congress Ave	Waterbury	CT	06708	(203) 574-1272	3/8/2012	Meat Processing; Poultry Processing	
M11145+P11145	La Montina Inc D/B/A El Tigre	1445 NW 22nd Street	Miami	FL	33142	(305) 324-0083	8/20/1999	Meat Processing	D.B.A./EL Tigre Meat & Provisions, El Tigre Meat, El Tigre Meat & Provisions
M4367+P4367	Lancaster Quality Pork, Inc.	5600 First Avenue Building A-25	Brooklyn	NY	11220	(718) 439-8822	1/24/2019	Meat Processing; Poultry Processing	Lancaster Meats, Pork Packers
M18691+P18691	Landes Fresh Meats, Inc	9476 Haber Rd	Clayton	OH	45315	(937) 836-3613	3/1/2013	Meat Processing; Poultry Processing	
M31763+P31763	Land Mark Products Inc.	2084 220th Street	Milford	IA	51351	(712) 338-2832	4/22/2020	Meat Processing; Poultry Processing	
M21480B+P21480B+V21480B	LandMark Snacks, LLC	700 Park St.	Beatrice	NE	68310	(402) 793-5820	3/18/2016	Certification - Export; Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Rabbit	
M500+P427	Land O' Frost	16850 Chicago Avenue	Lansing	IL	60438	(708) 474-7100	3/19/2010	Meat Processing; Poultry Processing	
M500R+P2535	Land O' Frost	10109 Columbia Ave	Munster	IN	46321	(219) 961-9696	1/11/2018	Meat Processing; Poultry Processing	
M500A+P501+V500A	Land O'Frost, Inc	911 Hastings Avenue	Searcy	AR	72143	(501) 268-2473	2/15/2007	Certification - Export; Meat Processing; Poultry Processing	
M500K+P500K	Land O'Frost, Inc.	3295 Nebo Rd.	Madisonville	KY	42431	(270) 326-4300	3/2/2018	Meat Processing; Poultry Processing	

M7622+V7622	Langdon Locker, LLC	324 6th St.	Langdon	ND	58249	(701) 256-2496	6/5/2002	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M45762+P45762	La Nonna Kitchen LLC	6130 S. Avalon Blvd Space #503	Los Angeles	CA	90048	(999) 999-9999	10/17/2019	Meat Processing; Poultry Processing	
M32056+P32056	Lao Khitsada Food, Inc.	11540 E. Washington Blvd., Suite A	Whittier	CA	90606	(562) 692-3943	4/20/2005	Meat Processing; Poultry Processing	
M21750+P21750	Lao Thai Nam	4444 West Illinois Avenue Suite 400	Dallas	TX	75211	(214) 331-1219	1/24/2003	Meat Processing	Number One Meat Ball Company
M45175	La Pachanga Foods Inc.	708 "L" Street	Modesto	CA	95354	(209) 499-1420	4/27/2016	Meat Processing	
M32064+P32064	LA PASTA INC	2727 Pittman Drive	Silver Spring	MD	20910	(301) 588-1111	8/18/2006	Meat Processing; Poultry Processing	
M21012+P21012	Lapid Food Inc	525 N. Howard St	Covina	CA	91722	(626) 732-4628	7/10/2009	Meat Processing; Poultry Processing	
M31797	La Quercia, LLC	400 Hakes Drive	Norwalk	IA	50211	(515) 981-1625	6/21/2006	Meat Processing	
I42	Laredo Cold Storage	1130 Black Diamond Circle	Laredo	TX	78045	(956) 267-9928	4/14/2015	Imported Product	
V48125	Laredo Cold Storage LLC	1130 Black Diamond Circle	Laredo	TX	78045	(956) 267-9928	6/9/2015	Certification - Export; Identification - Meat; Identification - Poultry	
M5976+P5976	LaRosa Products Inc	94 Brown Street	Hartford	CT	06114	(860) 296-1909	7/15/2019	Meat Processing; Poultry Processing	
M8305	Larry's Sausage Co., Inc.	1624 Middle River Loop	Fayetteville	NC	28312	(910) 483-5148	1/24/2005	Meat Processing; Meat Slaughter	
M46384	LaRuche Imports, Inc.	9314 Summerbell Lane	Houston	TX	77074	(713) 995-9090	7/11/2018	Meat Processing	
M11132+P11132	Las Americas Frozen Foods Inc	2181 N W 10th Ave	Miami	FL	33127	(305) 326-9300	6/20/2002	Meat Processing; Poultry Processing	

M45725+P45725	La Sultana Meats LLC	Calle Pablo Casals #74 Plaza del Mercado Local 27, 28, 29	Mayaguez	PR	00680	(787) 538-1287	2/13/2017	Meat Processing; Poultry Processing	
M34393+P34393	La Terra Fina USA, LLC	1300 Atlantic Street	Union City	CA	94578	(510) 404-5888	4/23/2018	Meat Processing; Poultry Processing	
M4692+P4692	Latina Boulevard Foods, LLC	1 Scrivner Drive	Cheektowaga	NY	14227	(716) 656-8400	1/14/2020	Meat Processing; Poultry Processing	Latina Food Service
M34126+P34126	Latin Flavors Enterprise Inc.	4801 N.W. 128 Street	Opa Locka	FL	33054	(305) 688-7601	1/25/2011	Meat Processing; Poultry Processing	
M45469+P45469	Latitude 36 Foods LLC	9111 Meridian Way	West Chester	OH	45069	(513) 805-4600	10/2/2019	Meat Processing; Poultry Processing	Hyde and Hyde
M34615+P34615	Latitude 36 Foods, LLC	300 El Sobrante Rd.	Corona	CA	92879	(951) 817-2300	9/12/2018	Meat Processing; Poultry Processing	DBAs HYDE AND HYDE
M9823+P9823	Laudermilch Meats Inc	724 West Main Street	Annville	PA	17003	(717) 867-1251	6/24/2015	Meat Processing; Poultry Processing	
M47050	La Unica Meat Market Corp.	4300 Broadway Avenue	Haltom City	TX	76117	(817) 831-2188	11/25/2019	Meat Processing	
M9730+P9730	Laurel Hill Provison Inc	1 Brewery Lane	Greensburg	PA	15601	(724) 834-1660	8/16/1993	Meat Processing; Poultry Processing	
M6407+P6407+V6407	Laurienti & LaBate Meat, Inc.	7326 North Washington Street	Denver	CO	80229	(303) 287-7277	12/15/1993	Meat Processing; Voluntary Processing - Meat	Paisano Sausage Co
M31879	Lawry's Wholesale, Inc.	2164 US 41 West	Marquette	MI	49855	(906) 226-5040	2/9/2005	Meat Processing	
M7331+P7331	Law's Market	213 South 10th Street	Clarksville	TN	37040	(931) 647-5383	11/29/2004	Meat Processing; Poultry Processing	
M34227+P34227	Lawson Foods Inc.	145 40th Street	Irvington	NJ	07111	(973) 375-2300	9/15/2009	Meat Processing; Poultry Processing	
M6572+P6572	Lawson Institutional Foods	6505 Mt. Zion Road	Waco	GA	30182	(770) 834-1124	7/28/1999	Meat Processing; Poultry Processing	

M13342+P13342	Laxson Provision Company	264 W. LaChappelle	San Antonio	TX	78204	(210) 226-8397	9/18/2002	Meat Processing; Poultry Processing	Alamo Brand, The Laxson Company, Tio Mario's
M5274+P5274	L.B. ORIENTAL FOOD PRODUCT CO., INC.	20 CARTER AVENUE	PAWTUCKET	RI	02861	(401) 727-3111	7/26/2011	Meat Processing; Poultry Processing	L & B FOODS, INC.
M2320+P2320	L & C Meat Co., Inc.	1136 South Vista	Independence	MO	64056	(816) 796-6100	9/25/1995	Meat Processing; Poultry Processing	
M46899	L. D. ARMORY AND COMPANY, INC	101 SOUTH KING STREET	HAMPTON	VA	23669	(757) 722-1915	3/15/2016	Meat Processing	
M40171+P40171	L&D Market Inc.	175 McClellan Highway	East Boston	MA	02128	(617) 567-9725	2/8/2010	Meat Processing; Poultry Processing	Meridian Food Market
M46585+P46585	Leader Meat Packing Corp.	254 Sykesville Road	Chesterfield	NJ	08515	(717) 823-3998	1/30/2019	Meat Processing; Poultry Processing	
M45081	Leader Slaughterhouse, LLC	1877 N. Imler Valley Road	Imler	PA	16655	(814) 239-0182	4/24/2019	Meat Processing; Meat Slaughter	Leader Meats Slaughterhouse LLC
M46167+P46167	Lean Culinary Services, LLC	2050 McKinley Street Bay 1	Hollywood	FL	33020	(561) 287-7900	1/23/2018	Meat Processing; Poultry Processing	DeliverLean
M31959	Lebanese Butcher Slaughter House Inc	241 West Shirley Avenue	Warrenton	VA	20186	(540) 347-4178	2/24/2017	Meat Processing; Meat Slaughter	
M48250+P48250	Le Chef Gourmet Foods	135 N. Kedzie	Chicago	IL	60612	(847) 770-8679	9/18/2019	Meat Processing; Poultry Processing	
M21660+P21660	Lechi Foods	10625 W. Fairmont Parkway	LaPorte	TX	77571	(713) 446-4778	5/18/2018	Meat Processing; Poultry Processing	Lechi Foods
M39898+P39898	Lecoq Cuisine Corporation	35 Union Avenue	Bridgeport	CT	06607	(203) 334-1010	3/12/2018	Meat Processing; Poultry Processing	
M18361+P18361	Leeann Chin, Inc.	1132 East Highway 13	Burnsville	MN	55337	(952) 890-9012	6/12/2007	Meat Processing; Poultry Processing	

M9687+P9687+V9687	Lee Bixler's Country Meats	1585 East Mountain Street	Hegins	PA	17938	(570) 682-3449	8/7/2008	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	
M11041+P11041	Lee Brothers Foodservicves, Inc.	660 East Gish Rd.	San Jose	CA	95113	(408) 275-0700	11/13/2007	Meat Processing	
M31822+P31822	Lee & Davis Meats, LLC	4794 Albany Hwy.	Waycross	GA	31503	(912) 283-2978	9/9/2015	Meat Processing; Poultry Processing	
P20958+V20958	Lee Kum Kee (USA) Foods Inc.	14515 Don Julian Road	City of Industry	CA	91746	(626) 336-3886	3/20/2001	Certification - Export; Identification - Poultry; Poultry Processing; Voluntary Processing - Poultry	
M12453+P12453	Lee's Chop Suey, Inc.	53 W. Lanikaula Street	Hilo	HI	96720	(808) 961-6742	10/23/1995	Meat Processing	
M18169+P18169+V18169	Lee's Meats & Sausage, Inc.	46754 271st Street	Tea	SD	57064	(605) 368-2161	11/22/2002	Meat Processing; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat	
M21544+P21544	Lee's Oriental Gourmet Inc.	99 E Washington Street	Shenandoah	PA	17976	(570) 462-9505	2/20/2013	Meat Processing; Poultry Processing	
M40059+P40059	Legendary Meats, LLC	1058 King Industrial Drive	Marietta	GA	30062	(678) 403-3800	5/3/2019	Meat Processing; Poultry Processing	

M45160+V45160	Lehigh Valley Meats LLC	6092 Sullivan Trail	Nazareth	PA	18064	(610) 759-4540	9/23/2016	Meat Processing; Meat Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	
M9520+P9520	Leidys, Inc.	266 West Cherry Lane	Souderton	PA	18964	(215) 723-4606	10/11/2016	Meat Processing; Meat Slaughter; Poultry Processing	Alderfer, LLC, ALL Holding Company, LLC
V40223A	LeMars Public Storage #3	1512 24th St. SW	LeMars	IA	51031	(712) 546-1644	4/3/2015	Certification - Export; Identification - Poultry	
V40233	LeMars Public Storage Inc.	1889 24thSt. SW	LeMars	IA	51031	(712) 546-1644	2/20/2015	Certification - Export; Identification - Poultry	LeMars Public Storage
M9542+P9542+V9542	Lemay and Sons Beef, LLC	116 Daniel Plummer Road	Goffstown	NH	03045	(603) 622-0022	10/6/2015	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M9784+P9784+V9784	Leona Meat Plant Inc	1961 Leona Road	Troy	PA	16947	(570) 297-3574	2/21/2012	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M8501+P8501+V8501	Leonetti's Food Distr butors, Inc.	5935 Woodland Avenue	Philadelphia	PA	19143	(215) 729-4200	10/31/2018	Food Inspection; Meat Processing; Poultry Processing	Leonetti's Frozen Foods, Inc.
M21565+P21565	Leon Nixon Catering	765 Virginia Road	Edenton	NC	27932	(252) 482-5660	3/23/2001	Meat Processing	

M765+P213	Leon's Fine Foods	2100 North Redbud Blvd.	McKinney	TX	75069	(972) 529-5050	2/8/2010	Meat Processing; Poultry Processing	Leon's Texas Cuisine
M51353+P51353	Leo's Gluten Free, LLC	10130 Pacific Ave.	Franklin Park	IL	60131	(847) 233-9211	6/21/2019	Meat Processing; Poultry Processing	
M46337+P46337	Lepe's Meats Inc.	3659 Standish Ave.	Santa Rosa	CA	95407	(707) 585-6388	3/28/2018	Meat Processing; Poultry Processing	
M2147+P2147	L.E. Roselli's Food Specialties Inc.	155 Church Road	Medford	NJ	08055	(609) 654-4816	7/26/2010	Meat Processing; Poultry Processing	
M6352+P6352	Leroux Meats and Deli, Inc.	624 Main St.	Holden	MA	01520	(978) 464-2930	12/28/2010	Meat Processing; Poultry Processing	Leroux Inc., Leroux Meats Inc., Roma Sausage Products
M46312+P46312	Leroy Meats	739 West State Street	Fox Lake	WI	53933	(920) 485-2554	8/13/2018	Meat Processing; Poultry Processing	
M1393+P836	Les Chateaux DeFrance Inc	1 Craft Avenue	Inwood	NY	11096	(516) 239-6795	7/8/2013	Meat Processing; Poultry Processing	
M19056+P19056	Let's Do Lunch, Inc.	310 West Alondra Blvd.	Gardena	CA	90248	(310) 523-3664	3/2/2004	Meat Processing; Poultry Processing	
M4049+P4049	Levan Bros.	620 Telegraph Road	Coatesville	PA	19320	(610) 383-7680	3/9/2011	Meat Processing; Poultry Processing	
M8001+P8001	Lewis Sausage Co., Inc.	1050 Old Savannah Rd., South	Burgaw	NC	28425	(910) 259-2642	9/22/2005	Meat Processing; Poultry Processing	
M4177+P4177	Leyen Food, LLC	14328 Lomitas Avenue	La Puente	CA	91746	(626) 333-8812	2/13/2017	Meat Processing; Poultry Processing	D & D poultry LLC
M2980+P2980	LG Foods LLC	180 S. Darrington Road	El Paso	TX	79928	(915) 852-1902	5/10/2012	Meat Processing; Poultry Processing	
M9572+P9572	Liberal Beef Company	10 West Terrace Street	Claremont	NH	03743	(603) 542-2391	3/4/1986	Meat Processing; Poultry Processing	
M5210+P5210	Liberty Bell Steak Co	3457 Janney Street	Philadelphia	PA	19134	(215) 537-4797	7/8/2009	Meat Processing; Poultry Processing	

M45431D+P45431D+I45431D	Liberty Cold Storage	1310 Remington Blvd.	Bolingbrook	IL	60490	(630) 866-2700	6/28/2017	Meat Processing; Poultry Processing	
V45431D	Liberty Cold Storage	1310 Remington Blvd.	Bolingbrook	IL	60490	(630) 866-2700	2/29/2016	Food Inspection; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V45969	Liberty Express Miami DBA USA Fish Handlers	3555 NW 77 Ave	Miami	FL	33122	(786) 641-5198	10/24/2016	Certification - Export; Identification - Meat	
M48137	Liberty Food and Wine Exchange	100 N. Sierra Suite 100	Reno	NV	89501	(775) 336-1091	4/30/2018	Meat Processing	
M18548+P18548	Li Chuen Company, Inc.	861 Grand Street	New York	NY	11211	(718) 302-8888	2/7/2013	Meat Processing; Poultry Processing	
M5452	Licini Brothers Food Company LLC	907 West Street	Union City	NJ	07087	201865113	7/12/2004	Meat Processing	Licini Bros. Provisions
M19009+P19009	LiDestri Foods Inc.	568 S. Temperance	Fresno	CA	93727	(559) 251-1000	9/15/2004	Meat Processing; Poultry Processing	
M18002+P20243+V18002	LiDestri Foods, Inc.	815 W Whitney Road	Fairport	NY	14450	(585) 377-7700	3/5/2004	Certification - Export; Meat Processing; Poultry Processing	
M44126+P44126+V44126	LiDestri Foods, Inc.	1020 Lee Road	Rochester	NY	14606	(585) 377-7700	6/19/2014	Certification - Export; Meat Processing; Poultry Processing	
V46268	Lieb Foods, LLC	2550 23rd Ave.	Forest Grove	OR	97116	(503) 359-9279	10/25/2017	Identification - Meat	
M47049+P47049	Lifestyle Foods Inc.	520 Gitts Run Road	Hanover	PA	17331	(717) 718-5423	2/3/2020	Meat Processing; Poultry Processing	
M46240	Light Hill Meats	3851 Cornersville Hwy	Lynnville	TN	38472	(931) 527-3198	4/15/2020	Meat Processing; Meat Slaughter	

M17999A+P17999A	Lighthouse Soups and Chowders	85 Newmarket Square	Boston	MA	02125	(617) 541-9046	11/23/2016	Meat Processing; Poultry Processing	Boston Salads and Provisions Co., Inc.
M15747+P15747	Liguria Foods, Inc.	1515 N 15th St	Humboldt	IA	50548	(515) 332-4121	7/9/2019	Meat Processing; Poultry Processing	
M40216+P40216	Lilly's Gastronomia Italiana Inc.	208 Main St	Everett	MA	02149	(617) 387-9666	3/16/2010	Meat Processing; Poultry Processing	
M18766+P18766	Lilly's Gastronomia Italian of Florida, Inc	370 Ansin Blvd. Unit 370	Hallandale	FL	33009	(954) 536-3653	11/8/2019	Meat Processing; Poultry Processing	
M9640+P9640+V9640	Lil' Ponderosa Abbatoir @ Rosenberry's	1711 Gabler Road	Chambersburg	PA	17201	(717) 264-6787	8/2/2011	Meat Processing; Meat Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M47108+P47108	Lil Smokehouse, LLC	1910 Broadway Drive	Hattiesburg	MS	39401	(601) 261-2765	1/15/2020	Meat Processing; Poultry Processing	
M11110	Limestone Meathouse	305 Limestone Road	Monticello	FL	32344	(850) 997-4446	9/23/2002	Meat Processing	
M5268+P5268	Lincoln Packing LLC	7 Industrial Road	Cranston	RI	02920	(401) 943-0878	7/27/2016	Meat Processing; Poultry Processing	Marcello Sausage Company
P48304	Lincoln Premium Poultry	1325 E. Cloverly Road	Fremont	NE	68025	(402) 704-2200	2/26/2018	Poultry Processing; Poultry Slaughter	
M1077+P1077	Lincoln Provision, Inc	824 W. 38th Place	Chicago	IL	60609	(773) 254-2400	7/1/2011	Meat Processing; Poultry Processing	Chicago Gourmet Steaks, Lincoln International , Rolling Hills Family Farms
M18746+P18746	Lindsay Foods, Inc.	2211 West National Ave.	Milwaukee	WI	53204	(414) 649-2500	10/28/2003	Meat Processing; Poultry Processing	

V40373A	Lineage Bedford Park 2, LLC	6901 W. 65th Street	Bedford Park	IL	60638	(773) 847-7500	1/28/2020	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry	
V19742	Lineage Columbia, LLC	1625 Down River Drive	Woodland	WA	98674	(360) 225-2100	5/21/2015	Certification - Export; Identification - Meat; Identification - Poultry	
I45	Lineage Logistics	7748 Palmetto Commerce Pkwy	North Charleston	SC	29420	(757) 617-9587	6/30/2016	Imported Product	Lineage Logistics
M45440+P45440+V45440	Lineage Logistics	5700 EM Copps Drive	Stevens Point	WI	54482	(715) 544-4565	8/13/2014	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry	
V19111B	Lineage Logistics	235 NW Industrial Blvd.	Macon	GA	31216	(478) 781-6565	8/30/2012	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M40373+P40373+V40373	Lineage Logistics Bedford Park 1, LLC	7035 W. 65th Street	Bedford Park	IL	60638	(773) 847-7500	2/16/2016	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	

V3610	Lineage Logistics DBA Millard Refrigerated Services	3105 E. Trail Rd.	Dodge city	KS	67801	(620) 225-7200	11/25/2014	Certification - Cysticercus; Certification - Export; Identification - Meat	
V40008	Lineage Logistics ICM LLC	450 Central Avenue	University Park	IL	60484	(708) 587-3600	7/24/2013	Certification - Export; Identification - Meat; Identification - Poultry	
V13535	Lineage Logistics LLC	10500 Railroad Drive	El Paso	TX	79924	(915) 821-7394	8/29/2016	Certification - Export; Identification - Meat; Identification - Poultry	
V3563	Lineage Logistics LLC	3141 East 44th Street	Los Angeles	CA	90058	(323) 583-3163	3/28/2018	Certification - Export; Identification - Meat; Identification - Poultry; Identification - Siluriformes	
V3563A	Lineage Logistics LLC	2045 East Vernon Avenue	Vernon	CA	90058	(951) 583-3163	3/28/2018	Certification - Export; Identification - Meat; Identification - Poultry; Identification - Siluriformes	
V3563D	Lineage Logistics LLC	4353 Exchange Ave.	Vernon	CA	90058	(323) 583-3163	3/28/2018	Certification - Export; Identification - Meat; Identification - Poultry; Identification - Siluriformes	
I36	Lineage Logistics, LLC	1780 West Beaver Street	Jacksonville	FL	32209	(904) 301-1400	2/23/2016	Imported Product	
I78	Lineage Logistics, LLC	1010 S. 146th St.	Burien	WA	98168	(425) 970-6950	3/30/2020	Imported Product	

M17993+I17993+V17993	Lineage Logistics, LLC	5501 Corrugated Road	Sandston	VA	23150	(804) 236-0690	11/2/2017	Certification - Export; Identification - Meat; Identification - Poultry; Imported Product; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M3144+P3144+V3144	Lineage Logistics, LLC	8001 E. 88th Ave.	Henderson	CO	80640	(303) 288-7211	6/4/2014	Certification - Export; Identification - Meat; Identification - Poultry	Millard Refrigerated Services
M45658+P45658+V45658	Lineage Logistics, LLC	1010 S. 146th St.	Burien	WA	98168	(425) 970-6950	7/22/2015	Certification - Export; Identification - Meat; Identification - Poultry	
V17223	Lineage Logistics, LLC	1251 Kingsland Dr.	Batavia	IL	60510	(630) 406-9532	7/5/2019	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry	
V18064	Lineage Logistics, LLC	209 Industrial Blvd	Attalla	AL	35954	(256) 538-2653	11/21/2014	Certification - Export; Identification - Meat; Identification - Poultry	Millard Refrigerated Services
V18273	Lineage Logistics, LLC	300 Industrial Park Drive	Richland	MS	39218	(601) 936-5954	6/21/2019	Certification - Export; Certification - Trichinae; Off-Premise Freezing - Egg Products; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	Lineage Logistics, LLC

V19840	Lineage Logistics, LLC	200 King Mill Road	McDonough	GA	30253	(770) 898-3104	5/1/2015	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V19934	Lineage Logistics, LLC	3776 Taylorsville Rd. Highway 90	Statesville	NC	28625	(704) 838-1117	12/11/2014	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V20716	Lineage Logistics, LLC	7201 Winstead Drive	Louisville	KY	40258	(502) 937-5041	11/21/2014	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	Millard Refrigerated Services
V3308	Lineage Logistics, LLC	607 Industry Road	Louisville	KY	40208	(502) 634-4753	12/26/2017	Certification - Export; Off-Premise Freezing Meat; Off-Premise Freezing - Poultry	

V40072	Lineage Logistics, LLC	367 Long Creek Road	Sunnyvale	TX	78182	(972) 203-8459	1/27/2015	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	Millard Refrigerated Services
V46466	Lineage Logistics, LLC	1985 Airpark Dr.	Springfield	OH	45502	(937) 322-4238	8/30/2018	Certification - Export	
V46744	Lineage Logistics, LLC	3269 E. 44th Street	Vernon	CA	90058	(323) 583-3163	6/14/2019	Certification - Export; Identification - Meat; Identification - Poultry; Identification - Siluriformes	
V46745	Lineage Logistics, LLC	2825 E. 44th Street	Vernon	CA	90058	(323) 583-3163	6/14/2019	Certification - Export; Identification - Meat; Identification - Poultry; Identification - Siluriformes	
V46746	Lineage Logistics, LLC	3211 E. 44th Street	Vernon	CA	90058	(323) 583-3163	6/14/2019	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Identification - Siluriformes	
V47024	Lineage Logistics, LLC	4231 Profit Drive	San Antonio	TX	78219	(210) 333-7577	10/16/2019	Certification - Export; Identification - Meat; Identification - Poultry	

I77+V77	Lineage Logistics PFS	1400 Los Palos Street	Los Angeles	CA	90023	(323) 430-8550	9/11/2019	Certification - Export; Identification - Meat; Identification - Poultry; Identification - Siluriformes; Imported Product	
M21934A+P21934A+V21934A	Lineage Logistics PFS LLC	900 East M St.	Wilmington	CA	90744	(310) 518-1800	12/20/2006	Certification - Export; Identification - Meat; Identification - Poultry	
I1	Lineage Logistics PFS, LLC	275 BLAIR ROAD	AVENEL	NJ	07001	(908) 282-6500	1/17/2020	Imported Product	
I19+V19	Lineage Logistics PFS, LLC	400 Polar Way	San Leandro	CA	94577	(510) 352-3900	4/9/2019	Certification - Export; Imported Product	PREFERRED FREEZER SERVICE
I31	Lineage Logistics PFS, LLC	2700 Trade Street	Chesapeake	VA	23323	(757) 558-4700	1/16/2020	Imported Product	
I34582+V34582	Lineage Logistics PFS, LLC	518 Forest Parkway	College Park	GA	30349	(404) 767-2210	11/6/2018	Certification - Export; Identification - Meat; Identification - Poultry	
I37	Lineage Logistics PFS, LLC	10060 Porter Road	La Porte	TX	77571	(281) 867-4500	1/31/2020	Imported Product	
I48	Lineage Logistics PFS, LLC	2500 S. Damen	Chicago	IL	60608	(773) 847-1800	1/27/2020	Imported Product	
I49	Lineage Logistics PFS, LLC	60 Commercial Street	Everett	MA	02149	(617) 387-2050	2/6/2020	Imported Product	
I50+V50	Lineage Logistics PFS, LLC	3200 E. Washington Blvd.	Vernon	CA	90058	(323) 261-4500	1/31/2019	Certification - Export; Identification - Meat; Identification - Poultry; Identification - Siluriformes; Imported Product	

I513	Lineage Logistics PFS, LLC	Lineage Logistics PFS, LLC 13700 NW 115th Avenue	Medley	FL	33178	(305) 885-7077	2/13/2020	Imported Product	
I517	Lineage Logistics PFS, LLC	900 East M Street	Wilmington	CA	90744	(310) 518-1800	4/13/2020	Imported Product	
I532+V532	Lineage Logistics PFS, LLC	360 Avenue P	Newark	NJ	07105	(973) 820-4022	1/16/2020	Certification - Cysticercus; Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Imported Product; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry; Off-Premise Freezing - Siluriformes	
I61	Lineage Logistics PFS, LLC	2350 S. Damen	Chicago	IL	60608	(773) 268-3400	1/27/2020	Imported Product	
I66+V51311	Lineage Logistics PFS, LLC	10585 Red Bluff Rd.	Pasadena	TX	77507	(281) 291-9100	1/31/2020	Certification - Export; Identification - Meat; Identification - Poultry; Imported Product; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
I680	Lineage Logistics PFS, LLC	7080 Express Lane	Houston	TX	77078	(832) 708-2200	1/24/2020	Imported Product	

I74+V74	Lineage Logistics PFS, LLC	604 Curt Maberry Road	Lynden	WA	98264	(360) 354-3900	11/2/2017	Certification - Export; Identification - Meat; Identification - Poultry; Identification - Siluriformes; Imported Product; Off-Premise Freezing - Egg Products; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry; Off-Premise Freezing - Siluriformes	
I81+V81	Lineage Logistics PFS, LLC	435-A Bergen Ave	Kearny	NJ	07032	(862) 400-0379	1/16/2020	Certification - Cysticercus; Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Identification - Siluriformes; Imported Product; Off-Premise Freezing - Egg Products; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry; Off-Premise Freezing - Siluriformes	
I89	Lineage Logistics PFS, LLC	5459 Doolittle Road	Jacksonville	FL	32254	(904) 477-9320	4/28/2020	Imported Product	
I93	Lineage Logistics PFS, LLC	3990 W.108th Street	Hialeah	FL	33018	(786) 510-1022	4/9/2020	Imported Product	

I94+V94	Lineage Logistics PFS, LLC	7750 Dynasty Drive	Dallas	TX	75241	(972) 225-1100	1/24/2020	Certification - Export; Identification - Meat; Identification - Poultry; Identification - Siluriformes; Imported Product; Off-Premise Freezing - Meat	
M31767+P31767+V31767	Lineage Logistics PFS, LLC	2500 S. Damen Ave.	Chicago	IL	60608	(773) 847-1800	1/27/2020	Identification - Meat; Identification - Poultry; Identification - Siluriformes	
M34552+P34552+V34552	Lineage Logistics PFS, LLC	2700 Trade Street	Chesapeake	VA	23323	(757) 558-4700	1/15/2020	Certification - Export; Identification - Meat; Identification - Poultry; Identification - Siluriformes; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	Lineage Logistics, Chesapeake
M34555+P34555+V34555	Lineage Logistics PFS, LLC	1780 West Beaver Street	Jacksonville	FL	32209	(904) 301-1400	1/20/2016	Certification - Export; Identification - Meat; Identification - Poultry; Identification - Siluriformes	

M40234+P40234+V40234	Lineage Logistics PFS, LLC	13700 NW 115th Ave	Medley	FL	33178	(305) 885-7077	4/26/2010	Certification - Cysticercus; Certification - Export; Certification - Trichinae; Food Inspection; Identification - Meat; Identification - Poultry; Identification - Siluriformes; Off-Premise Freezing - Siluriformes	
V34435	Lineage Logistics PFS, LLC	10060 Porter Road	LaPorte	TX	77571	(281) 867-4500	1/31/2020	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry; Off-Premise Freezing - Siluriformes	
V34705	Lineage Logistics PFS, LLC	2100 E 55th St.	Vernon	CA	90058	(323) 582-6333	4/14/2020	Certification - Export; Identification - Meat; Identification - Poultry	

V40439	Lineage Logistics PFS, LLC	555 Aleen Street	Houston	TX	77029	(713) 222-6300	1/24/2020	Certification - Export; Identification - Meat; Identification - Poultry; Identification - Siluriformes; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry; Off-Premise Freezing - Siluriformes	
V45128	Lineage Logistics PFS, LLC	7080 Express Lane	Houston	TX	77078	713222630	1/24/2020	Certification - Export; Identification - Meat; Identification - Poultry; Identification - Siluriformes; Off-Premise Freezing - Egg Products; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry; Off-Premise Freezing - Siluriformes	
V46518	Lineage Logistics PFS, LLC	2357 South Wood Street	Chicago	IL	60608	(773) 268-3400	1/27/2020	Identification - Siluriformes	
M19911+P19911+V 19911	Lineage Logistics Services LLC	7132 Ruppsville Road	Allentown	PA	18106	(774) 757-8079	6/19/1997	Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry; Poultry Processing	

M17054+P17054+V17054	Lineage Logistics Services, LLC	10070 Old Stage Hwy	Smithfield	VA	23430	(757) 357-0434	1/16/2020	Certification - Export; Identification - Meat; Identification - Poultry; Identification - Siluriformes; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	Lineage Logistics
M18435+P18435+V18435	Lineage Logistics Services, LLC	16271 Hwy 87 West	Tar Heel	NC	28392	(910) 862-7494	7/19/2012	Certification - Export; Certification - Trichinae; Identification - Meat; Off-Premise Freezing Meat	
V21857	Lineage Logistics Services, LLC	4100 Bandini Boulevard	Vernon	CA	90058	(323) 980-0556	2/25/2020	Certification - Export; Identification - Meat; Identification - Poultry	
V34796	Lineage Logistics Services, LLC	110 Plugs Drive	Decatur	AL	35640	(256) 301-0028	2/5/2020	Certification - Export; Food Inspection; Identification - Poultry; Off-Premise Freezing - Poultry	Decatur Cold Storage, Lineage RCS Decatur
V46473	Lineage Logistics Services, LLC	2318 East Burdeshaw Street	Dothan	AL	36303	(334) 702-5262	2/5/2020	Certification - Export; Identification - Poultry	
V48194	Lineage Logistics Services, LLC	1710 Pier B St.	Long Beach	CA	90813	(562) 637-7700	4/9/2020	Certification - Export; Identification - Meat; Identification - Poultry	
I58	Lineage Logistics - Vernon Area #2	3211 E. 44th Street	Vernon	CA	90058	(323) 923-2002	3/28/2017	Imported Product	
I80	Lineage Logistics - Vernon Area #8	2825 E. 44th Street	Vernon	CA	90058	(323) 583-3163	6/5/2019	Imported Product	

I6	Lineage Logistocs PFS, LLC	4901 Bandini Blvd.	Vernon	CA	90058	(323) 263-8811	4/8/2020	Imported Product	
V22073	Lineage Logistocs PFS, LLC	2050 E. 55th St.	Vernon	CA	90058	(323) 587-4600	4/13/2020	Certification - Export; Identification - Meat; Identification - Poultry	
M40170+V40170	LINK & CURE LLC	217 E. Main St. #105	Chattanooga	TN	37408	(423) 580-5570	6/24/2010	Meat Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Slaughter - Meat	LINK 41, Main Streets Meats
M46462	LINKO FOOD LLC	1443 CONCORD ST, S.	SOUTH SAINT PAUL	MN	55075	(651) 492-1686	10/24/2019	Meat Processing	
M46148+P46148	Lin's Farms LLC	1333 West 7900 South	West Jordan	UT	84088	(801) 792-4272	5/10/2018	Meat Processing; Poultry Processing	
M39895	Lioni Latticini, Inc.	555 Lehigh Avenue	Union	NJ	07083	(908) 686-6061	9/3/2010	Meat Processing	
M46301+P46301	Lion Productivities Holdings, LLC	2900 Alameda	El Paso	TX	79905	(915) 577-0779	10/30/2018	Meat Processing; Poultry Processing	Frontier Foods Meat Market
M44809+P44809	Lionshare LLC	213 E. Hamilton Street	Houston	TX	77076	(281) 888-5383	7/31/2012	Meat Processing; Poultry Processing	
M9900+P9900	Lipari's Sausage Inc.	220 Sixth Avenue	Hawthorne	NJ	07506	(973) 304-0137	5/31/2018	Meat Processing; Poultry Processing	JTB Inc., Royalty Meat & Poultry, LLC
M219+P219	Lisbon Sausage Co., Inc.	433 South Second St	New Bedford	MA	02741	(508) 993-7645	10/11/2011	Meat Processing; Poultry Processing	
M5985+P5985	Litchfield Prime Meats & Provisions LLC	205 East Street	Litchfield	CT	06759	(860) 567-5448	8/5/2011	Meat Processing; Poultry Processing	Litchfield Locker, LL Provisions
M8030B+P8030B	Little Kentucky Smokehouse	400 T. Frank Wathen Rd.	Uniontown	KY	42461	(270) 822-4350	10/1/2014	Meat Processing	
M15815+P15815	Little Lady Foods, Inc. DBA Miracapo Pizza Company	2323 Pratt Blvd.	Elk Grove Village	IL	60007	(847) 631-3500	2/22/2019	Meat Processing; Poultry Processing	Little Lady Foods

M18988+P18988	Little Town Jerky Co Inc.	6555 South Cedar Street	Falmouth	MI	49632	(231) 826-4222	1/24/2003	Meat Processing; Poultry Processing	
I154	Livingston International, Inc.	472 5th Street South	Pembina	ND	58271	(701) 825-1313	3/29/2018	Imported Product	Norman G. Jensen, Inc.
M20249+P20249	Livingston Meat Processing	8485 Greenville Road	Hopkinsville	KY	42240	(270) 269-2333	8/2/2019	Meat Processing; Meat Slaughter	
M9581	Livingston's Packing Co.	7648 Linesville Road	Jamestown	PA	16134	(724) 927-2255	5/17/2004	Meat Processing; Meat Slaughter	
M6266+P6266+V6266	LJD Holdings, Inc.	3491 S. TK Ave.	Boise	ID	83705	(208) 344-1183	10/23/2002	Certification - Export; Meat Processing; Poultry Processing; Voluntary Processing - Meat	B&D Foods
M40203	LJ's Beef Jerky LLC	4791 Pell Drive Unit 1	Sacramento	CA	95838	(916) 779-0375	12/7/2018	Meat Processing	
M12429+P12429	L. Kang Inc.	966 Robello Lane	Honolulu	HI	96817	(808) 832-9500	7/10/2018	Meat Processing; Poultry Processing	Keoki's Laulau
M45182	Llano Seco Meats	47 Loren Avenue	Chico	CA	95928	(530) 342-0839		Meat Processing	
M1879+P1879+V1879	Lloyd's Barbeque Company, LLC	1455 Mendota Heights Road	St. Paul	MN	55120	(651) 688-6000	5/1/1997	Certification - Export; Meat Processing; Poultry Processing	Hormel Foods Corporation
M1534+P2027	L & L Packing Company	527 W. 41st St.	Chicago	IL	60609	(773) 285-5400	8/7/1997	Meat Processing	L & L Provision Company, Quintessence Foods
M1065+P1065	L&M Enterprises, Inc.	Tun Joaquin Doi Road-Feddos Lane	Saipan	MP	96950	(670) 234-6735	9/11/2007	Meat Processing	Gusto Products
M17285	L. O. Bishop BBQ	10 L. O. Bishop Lane	Cherokee	AL	35616	(251) 360-2204	1/4/2005	Meat Processing	Bishop's Bar-B-Que
M8565	Locker Plant LLC	422 E South Street	Everett	PA	15537	(814) 652-2714	8/5/2008	Meat Processing; Meat Slaughter	
M46297	Lockhart Meat Company	7700 S US Hwy 89	Jackson	WY	83001	(307) 264-1799	6/8/2018	Meat Processing; Meat Slaughter	
M9799+P9865	Locustdale Meat Packing Company	277 Lavelle road	Locustdale	PA	17945	(570) 875-1270	10/18/2017	Meat Processing; Poultry Processing	

M4265+P4265+V4265	Locust Grove Farm	4725 State Route 40	Argyle	NY	12809	(518) 638-8591	8/15/1997	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Locust Grove Smokehouse
P39915+V39915	LOCUST POINT FARMS, LLC	430 LOCUST POINT ROAD	ELKTON	MD	21921	(410) 398-8765	3/26/2012	Food Inspection; Identification - Poultry; Poultry Processing; Poultry Slaughter; Voluntary Processing - Poultry; Voluntary Slaughter - Poultry	
M5658+P5658+V5658	Loeffel Meat Laboratory / Animal Science Department	A213 Animal Science 3940 Fair St.	Lincoln	NE	68583	(402) 472-6457	4/6/1988	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat	
M17307+P17307	Logan Food Company Inc.	4300 Wheeler Ave	Alexandria	VA	22304	(703) 212-6677	4/16/2020	Meat Processing; Poultry Processing	LOGAN SAUSAGE COMPANY
M17708+P17708+V17708	Logistic Services, LLC	2951 South 1st St.	Eldridge	IA	52748	(563) 285-7846	6/4/2007	Certification - Export; Identification - Meat; Identification - Poultry	
M44214+P44214+V44214	Loham, Inc.	3700 West Warner Ave. Unit B	Santa Ana	CA	92704	(714) 708-3331	10/21/2014	Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	Asia Grill Works,INC.
M4683+P4683	Loke Enterprises Inc.	124 W. Venango Street	Philadelphia	PA	19140	(215) 426-4103	1/9/2018	Meat Processing; Poultry Processing	

M4841+P4841	Lomas Enterprise, Inc	4158 E. Cesar E. Chavez Ave	Los Angeles	CA	90063	(323) 262-2185	6/21/2010	Meat Processing; Poultry Processing	Rex Meat Co.
I56	Londonderry Freezer Warehouse LLC	219 Rockingham Road	Londonderry	NH	03053	(603) 421-9525	8/7/2017	Imported Product	
M8777+P8777	London Manhattan Corp.	54-56 Little West 12th Street	New York	NY	10014	(212) 255-2135	8/19/2019	Meat Processing; Poultry Processing	Jansal Valley, London Meat Co., Milanos New York City, Tommy's Farm
M31772+P31772	Lone Star Bakery, Inc.	8100 Highway 87 East	China Grove	TX	78263	(210) 648-6400	3/12/2007	Meat Processing; Poultry Processing	
M2255	Lone Star Beef Processors, L.P.	2150 East 37th Street	San Angelo	TX	76903	(325) 658-9895	5/5/2016	Meat Processing; Meat Slaughter	
V34249	Lone Star Beef Processors, L.P.	3502 Pruitt Drive	San Angelo	TX	76903	(325) 658-5555	10/31/2006	Certification - Export; Identification - Meat	
V33935	Lone Star Cold Storage	401 North Grove Road	Richardson	TX	75081	(214) 239-2727	1/31/2006	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M2274+P2274	Lone Star Meats Ltd.	5202 East Ben White Blvd., Suite 200	Austin	TX	78741	(512) 478-3161	12/6/2018	Meat Processing	Lone Star Foodservice Ltd., Lone Star Foodservice., Inc.
M5916+P5916	Longhini LLC	41 Longhini Lane	New Haven	CT	06519	(203) 624-7110	2/27/2018	Meat Processing; Poultry Processing	
M1053+P4169	Longhorn Barbecue Production Center	10420 E. Montgomery	Spokane	WA	99206	(509) 922-0702	9/11/2014	Meat Processing; Poultry Processing	
V20741	Longhorn Warehouse, Inc.	1601 E. Fourth Avenue	El Paso	TX	79901	(915) 533-6202	10/30/2018	Certification - Export; Identification - Meat; Identification - Poultry	Frontier Foods & Cold Storage

M253	Long Prairie Packing Company, LLC	10 Riverside Drive	Long Prairie	MN	56347	(320) 732-2171	12/30/2014	Meat Processing; Meat Slaughter	American Foods Group
V48172	Lonsdale Packaging, Inc.	629 Industrial Dr. SE	Lonsdale	MN	55046	(507) 744-2376	4/7/2017	Certification - Export; Identification - Meat; Identification - Poultry	
M5484	Lopes Sausage Co.	304 EWalnut Street	Newark	NJ	07105	(973) 334-4306	10/26/2009	Meat Processing	Taste of Spain INC.
M20AE+P20AE+V20AE	Lopez Foods, Inc.	9500 N.W. 4th Street	Oklahoma City	OK	73127	(405) 789-7500	1/3/1996	Certification - Export; Meat Processing; Poultry Processing	Tennoak Farms
V46542	Lopez Foods, Inc.	600 N. Sara Rd.	Yukon	OK	73127	(405) 789-7500	12/6/2018	Certification - Export; Identification - Meat; Identification - Poultry	
M18714+P18714	Lord's Meats, Inc.	310 South Line Street	Dexter	GA	31019	(478) 875-3101	2/12/2004	Meat Processing	Lord's Sausage & Country Ham, Inc.
M21207+P21207+V21207	Lorentz Etc. Inc.	705 Cannon Industrial Blvd.	Cannon Falls	MN	55009	(507) 263-3618	6/6/2012	Certification - Export; Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Lorentz
M33916+P33916	Loris Cold Storage and Retail	2371 Main Street	Loris	SC	29569	(843) 756-1741	11/6/2013	Meat Processing; Meat Slaughter	
M38560+P38560	Los 7 Hermanos Corporation	6225 Southwest Freeway	Houston	TX	77074	(713) 723-7822	2/6/2014	Meat Processing	Chorizo Los 7 Michoacanos, Sausage of the 7 People of Michoacan
M17967+P17967	Los Altos Beef, Inc.	6717 Alameda Street	Huntington Park	CA	90001	(323) 726-9714	2/19/2020	Meat Processing; Poultry Processing	
M6070+P6070	Los Angeles Poultry	4816 Long Beach Avenue	Los Angeles	CA	90058	(213) 232-1619	6/10/1996	Poultry Processing	DeeDee's Poultry, Preferred Poultry, Sauschick

M400	Los Banos Abattoir	21104 W Hwy 152	Los Banos	CA	93635	(209) 826-2212	4/26/1990	Meat Processing; Meat Slaughter	
M27289+P27289	Los Cidrines.	Parque Industrial Zeno Gandia Carr. 129 Calle A, Lote A-2, Salida 77A	Arecibo	PR	00614	(787) 878-2788	11/14/2016	Meat Processing; Poultry Processing	
M5447+P20142	Los Galleguitos	147 48th Street	Union City	NJ	07087	(201) 865-4658	5/16/2006	Meat Processing; Poultry Processing	Los Galleguitos
M9344+P9344	Los Hernandez Tamales LLC	8100 Postma Road	Moxee	WA	98936	(509) 571-1394	1/22/2019	Meat Processing; Poultry Processing	
M46625	Los Mejores Tamales Production Corp.	1001 E 28th Street # B	Hialeah	FL	33013	(786) 991-5979	5/21/2019	Meat Processing	
M32076+P32076	Los Olivos	105 Bi-Country Blvd.	Farmingdale	NY	11735	(516) 932-5756	12/6/2006	Meat Processing; Poultry Processing	
M38432+P38432	Los Pasteles de La Abuela	Barrio Puerto Jobos C-73	Guayama	PR	00784	(787) 596-7027	4/3/2015	Meat Processing; Poultry Processing	Productos de la Abuela
M18526+P18526	Los Primos Meats Inc.	305 Maujer Street	Brooklyn	NY	11206	(718) 384-4300	10/25/2018	Meat Processing; Poultry Processing	
M1792	Los Tres Cochinitos	3917 Union Pacific Ave	Los Angeles	CA	90023	(213) 265-4205	2/25/1985	Meat Processing	
M18535+P18535	Lost River Meats	410 West Pine Street	Mackay	ID	83251	(208) 588-3085	2/15/2019	Meat Processing; Poultry Processing	
M11202+P11202	Los Vinaleros Catering	233 W 28th St	Hialeah	FL	33010	(305) 885-0231	1/29/2018	Meat Processing; Meat Slaughter; Poultry Processing	Los Vinaleros
P46183	Lotus Poulty	608 Monterey Pass Rd.	Monterey Park	CA	91754	(626) 576-8880	11/27/2019	Poultry Processing	
M46250+P46250	Lou G Siegel	58 Dobbin Street	Brooklyn	NY	11222	(212) 921-4433	9/24/2019	Meat Processing; Poultry Processing	5 Meals, Heavenly Kosher, Herris Gourmet, LGS, Weiss Kosher Cuisine, Zetko
M10165+P10165	Louie's Meats	2040 Cass Road	Traverse City	MI	49684	(616) 946-4811	2/25/2020	Meat Processing; Poultry Processing	Louie's Meat's

M2318+P2318+V2318	Louisa Food Products, Inc.	1918 Switzer Avenue	St Louis	MO	63136	(314) 868-3000	4/10/1990	Meat Processing; Poultry Processing	
M19224+P19224	Louis Spagnoli, Inc.	355 Food Center Drive Building B-22	Hunts Point	NY	10474	(718) 991-3099	2/22/2018	Meat Processing; Poultry Processing	
M44768+P44768+V44768A	Louisville Processing & Cold Storage	8001 Cane Run Road	Louisville	KY	40258	(502) 933-8824	1/23/2012	Animal Foods Inspection; Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	
M13492+P13492	Lovera Gro., Inc.	95 West 6th Street	Krebs	OK	74554	(918) 423-2842	5/27/2016	Meat Processing; Poultry Processing	
M828+P966	Lower Foods Inc.	700 South 200 West	Richmond	UT	84333	(800) 344-4543	11/26/2018	Meat Processing; Poultry Processing	Black Mountain Farms, Block & Barrel, Bridgerland Premuim Meats, Carne Azteca, Carver's Craft, Casa Solana, Cascade Gold Premuim Meats, Certified Angus Beef, Certified Hereford Beef, Copper Creek Farms, Cougar Canyon Ranch, Deli Craft, Double L Ranch Meats, Double R Ranch, High Creek Farms, Lower Foods, Inc., Lower Minute Meals, Nature's Craft, Northwest Reserve, Richmond Premium Meats, Rockin L Smoky BBQ Company, Smoke Craft, Western Pride
M32141+P32141	Lo Yumhmie Foods, LLC	901 West Wisconsin Avenue Suite B	Appleton	WI	54914	(920) 882-9839	9/10/2018	Meat Processing; Poultry Processing	

M21547+P21547	LPB, Inc.	220 West 1st Street	Earlham	IA	50072	(515) 758-9545	10/31/2018	Meat Processing; Poultry Processing	
M40074+P40074	L & R Fine Fashions, Inc.	13321 Garden Grove Blvd., Unit M	Garden Grove	CA	92843	(714) 996-2638	3/5/2010	Meat Processing; Poultry Processing	Kim Loan, Thi Loan
M27300	LRN Processors, Inc.	130 N Santa Fe Grade Rd.	Newman	CA	95360	(209) 862-0140	12/16/2013	Meat Processing; Meat Slaughter	
M4605+P4605	L & S Fargnoli Market, Inc.	935 Taft Avenue	Endicott	NY	13760	(607) 785-0283	1/19/2016	Meat Processing; Poultry Processing	Butcher Boys
M19682+P19682	LSG Sky Chefs	8680 Bear Road	Orlando	FL	32827	(407) 851-7590	2/22/2012	Meat Processing; Poultry Processing	LSG Sky Foods
M40331+P40331	LSG Sky Chefs	27550 E. 75th Ave.	Denver	CO	80249	(720) 325-1000	12/29/2014	Meat Processing; Poultry Processing	LSG Sky Chefs, LSG Sky Foods
M45710+P45710	LSG Sky Chefs	3555 S. 28th Street	Phoenix	AZ	85040	(602) 267-1975	4/5/2019	Meat Processing; Poultry Processing	
M47137+P47137	LSG Sky Chefs	452 Tower Road	Coraopolis	PA	15108	(412) 203-4423	2/24/2020	Meat Processing; Poultry Processing	
M51344+P51344	LSG Sky Chefs	6671 Lindbergh Dr.	Sacramento	CA	95837	(408) 544-0302		Meat Processing; Poultry Processing	
M2405+P2405+V2405	L.S.I., Inc.	1802 1st Ave North	Mankato	MN	56001	(507) 388-9082	9/21/2010	Certification - Export; Meat Processing; Poultry Processing	
M279A+P19254A	LSI, Inc.	39210 221st Street	Alpena	SD	57312	(605) 849-8800	4/12/2016	Certification - Export; Meat Processing; Poultry Processing	Jack Link's Beef Jerky, Lorrisa's Kitchen, World Kitchen
M279+P19254	LSI, Inc.	720 Main Street	Alpena	SD	57312	(605) 849-8800	4/8/2016	Meat Processing; Poultry Processing	Jack Link's Beef Jerky, Lorrisa's Kitchen, World Kitchen
V279A	LSI, Inc.	39210 221st Street	Alpena	SD	57312	(605) 849-8878	9/7/2018	Certification - Export	
M2585+P2585	L.S.I., Inc. - New Glarus	200 Industrial Dr	New Glarus	WI	53574	(608) 527-2131	2/3/2011	Meat Processing; Poultry Processing	Jack Links Snack Foods, Link Snacks, Inc., Sugar River Meats

M8183+P20504	L.S. Reyes Products	Dos Amantes Plaza, Unit 107 & 108 1350 Marine Corps Drive	Tumon	GU	96931	(671) 687-2985	6/17/2008	Meat Processing; Poultry Processing	
M20321+V20321	Luce's Maine Grown Meats	366 Embden Pond Road	North Anson	ME	04958	(207) 635-2817	4/20/2004	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M4876+P4876	Luck Nabeshima	1514 W. Olympic Blvd	Montebello	CA	90640	(213) 728-7164	4/7/1993	Meat Processing; Poultry Processing	
M18174+P18174	Lucksen Trading Co.	119 W. Live Oak Ave., #C	Arcardia	CA	91007	(626) 462-0063	5/18/2017	Meat Processing; Poultry Processing	
I28	Luen Fung Enterprises	Harmon Industrial Park	Harmon	GU	96931	(671) 646-7072	4/10/2017	Imported Product	
V32188	Luen Fung Enterprises	Harmon Industrial Park	Harmon	GU	96931	(671) 646-7072	5/10/2005	Certification - Export	
I64	Luen Fung Enterprises (Saipan), Inc.	Arnold Pale Highway, Middle Road, Gualo Rai Village	Saipan	MP	96950	(670) 234-7243	6/21/2018	Imported Product	
M15856+P15856	Luige's Frozen Pizza, Inc.	W3830 Hwy K	Belgium	WI	53004	(920) 994-4884	10/29/2008	Meat Processing; Poultry Processing	
M5788+P5788+V5788	Lumley Locker	109 Liberty Street	La Belle	MO	63447	(660) 213-3373	3/9/2004	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Lumley Locker
M5275+P5275	Lupo's Quality Deli	1219 Campville Road	Endicott	NY	13760	(607) 785-7760	11/20/2001	Meat Processing; Poultry Processing	Sam A. Lupo & Sons, Inc.
M13214+P13214	Luther's Smokehouse	102 6th Street	LeRoy	KS	66857	(620) 964-2222	12/18/2000	Meat Processing; Poultry Processing	

V19178	Luxfer Magtech Inc.	2940 Highland Avenue Unit 210	Cincinnati	OH	45212	(513) 772-3066	10/17/2014	Certification - Export; Identification - Meat; Identification - Poultry	Heater Meals Inc., Zestotherm
M20759+P20759	L & W Wholesale Meat Co.	420 Short Oak Street	Poplar Bluff	MO	63901	(573) 686-4948	7/28/2014	Meat Processing; Poultry Processing	
M46020+P46020	Lydia's Ladle, LLC	3601 Weber Road	St. Louis	MO	63125	(314) 771-4411	12/5/2016	Meat Processing; Poultry Processing	
M19717+P19717+V19717	Lynch BBQ Company	2486 171st Ave	Decorah	IA	52101	(563) 382-4420	12/6/1999	Certification - Export; Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry	
M2802	Lynn Beef Inc.	700 Monterey Pass Rd	Monterey Park	CA	91754	(213) 264-2825	1/22/1997	Meat Processing	Monterey Meat Co.
M1557+P9326+V1557	MacDonald Meat Company, Inc.	2709 Airport Way South	Seattle	WA	98134	(206) 623-7993	10/6/2011	Certification - Export; Certification - Trichinae; Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry	
M45853+P45853	Macelleria DeMaria LLC	500 Croton Avenue	Cortland Manor	NY	10567	(914) 737-2810	4/29/2019	Meat Processing; Meat Slaughter	

M18867	Macelo Central S.E. Inc.	State Road No. 723 Km. 2.8 Barrio Asomante	Aibonito	PR	00705	(787) 735-4525	4/29/2015	Meat Processing; Meat Slaughter	J.A. Processing
M45417+P45417+V45417	MacFarlane Pheasants Inc.	2821 South US Highway 51	Janesville	WI	53546	(608) 757-7881	9/29/2014	Certification - Export; Identification - Poultry; Voluntary Processing - Poultry	
M6551	Mack's Liver Mush, Inc.	6126 McKee Road	Shelby	NC	28150	(704) 434-6188	4/20/1999	Meat Processing	
M20211+P20211+V20211	Macmillan-Piper, Inc.	1509 Taylor Way	Tacoma	WA	98421	(253) 627-3767	10/28/2008	Identification - Meat; Identification - Poultry	
V46811	Macmillan-Piper, Inc.	2102 Milwaukee Way	Tacoma	WA	98421	(253) 272-0571	7/16/2019	Identification - Meat; Identification - Poultry	
M20210+P20210+V20210	Macmillian-Piper, Inc.	1762 6th Ave. S.	Seattle	WA	98134	(206) 340-2850	8/28/2008		
M18994+P18994	Macsei Industries Corp.	1784 E Vernon Ave.	Los Angeles	CA	90058	(213) 231-6111	12/5/2001	Meat Processing; Poultry Processing	
M19279+P19279	Mac's Farms Sausage Co., Inc.	209 Raleigh Rd.	Newton Grove	NC	28366	(910) 594-0095	1/11/2016	Meat Processing	
M34407+P34407	Mac's Meat Inc	1761 W Hadley Ave	Las Cruces	NM	88005	(575) 524-2751	8/7/2007	Meat Processing; Poultry Processing	
M18636+P18636	Mad Butcher Meat Co. Inc.	6480 Florin Perkins Rd.	Sacramento	CA	95828	(916) 383-4943	7/10/2019	Meat Processing; Poultry Processing	
M46563+P46563	Madina Traders Inc.	181 Shore Court	Burr Ridge	IL	60527	(773) 993-6494	4/29/2020	Meat Processing; Poultry Processing	Canaan Foods, Madina Foods
M54259+P54259	Maestri d'Italia Inc.	480 Oberlin Avenue Unit 8 South	Lakewood	NJ	08701	(415) 527-7460	2/9/2018	Meat Processing; Poultry Processing	
M13096+P13096	Magic Seasoning Blends, Inc.	9830 Hwy 10	Palmetto	LA	71358	(337) 623-4297	2/15/2011	Meat Processing; Poultry Processing	

M9383+P4034+V9383	Maglio Brothers, Inc	3632 South 3rd Street	Philadelphia	PA	19148	(215) 465-3902	3/20/2011	Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	Maglio Fresh Foods, Maglio Sausage Company
M46894+P46894	MAGNOLIA BEEF HOLDINGS LLC	137 INDUSTRIAL AVENUE	HASBROOK HEIGHTS	NJ	07604	(201) 426-0750	10/10/2019	Meat Processing; Poultry Processing	
M46494+P46494	Magnolia Food Co., LLC	78 Rebeschi Drive Suite 2	North Haven	CT	06473	(203) 249-8888	6/26/2019	Meat Processing; Poultry Processing	
M45782	Magnolia Processing Inc	5255 Hwy 4	Tunica	MS	38676	(662) 363-3600	1/26/2016	Meat Processing; Meat Slaughter	Pride of The Pond
M8091+P8091+V8091	Magnolia Provision Company Inc.	2013 Dutch Valley Drive	Knoxville	TN	37918	(865) 546-7702	6/18/2007	Meat Processing; Poultry Processing; Voluntary Processing - Meat	Beef Jerky Outlet, Crockett Creek Beef Jerky, Pap's Beef Jerky
M45973	Magro's Processing Inc.	3150 Stanton Ave.	Springfield	IL	62703	(217) 679-3161	7/14/2017	Meat Processing; Meat Slaughter	Magro's Meat & Produce
M51562+P51562	Mai Cuisine	48-55 36th Street	Long Island City	NY	11101	(718) 472-3043	9/25/2018	Meat Processing; Poultry Processing	GHG Logistics
M77B+P77B	Maid Rite Specialty Foods, LLC	307 Montdale Road	Scott Township	PA	18414	(570) 563-8235	4/28/2016	Meat Processing; Poultry Processing	
M118+P118	Maid-Rite Specialty Foods, LLC	107 Keystone Industrial Park	Dunmore	PA	18512	(570) 343-4748	3/26/2019	Meat Processing; Poultry Processing	
M77A+P77A	Maid-Rite Specialty Foods, LLC	151 Cedar Avenue	Scranton	PA	18505	(570) 346-3572	3/26/2014	Meat Processing; Poultry Processing	
M77+P77	Maid-Rite Specialty Foods, LLC	105 Keystone Industrial Park	Dunmore	PA	18512	(570) 343-4748	3/26/2014	Meat Processing; Poultry Processing	
V38528	Mailed updated Lineage Logistics PFS, LLC	4500 West Ann Lurie Place	Chicago	IL	60632	(773) 254-9500	1/24/2020	Identification - Meat; Identification - Poultry	

M12442+P12442	Maili Pasteles	1013A N. King St.	Honolulu	HI	96817	(808) 848-7700	12/12/2014	Meat Processing; Poultry Processing	
M46246+P46246	Maine-ly Poultry Inc.	248 Northport Avenue	Belfast	ME	04915	(207) 446-5173	7/5/2018	Meat Processing; Poultry Processing	
M47092+P47092	MainLine Foods LLC	1640 Sands Place SE Suite D	Marietta	GA	30067	(404) 465-1100	1/7/2020	Meat Processing; Poultry Processing	
M5652+P5652	Main Street Market	306 Main Street	Humphrey	NE	68642	(402) 923-1010	8/1/1994	Meat Processing; Meat Slaughter; Poultry Processing	City Meat Market
M17554+P17554	Main Street Wholesale Meats	210 Main Street	Farmingdale	NY	11735	(516) 249-8200	10/5/1989	Meat Processing; Poultry Processing	
M19915+P19915	Majestic Meat Company	70 West Bowers Way	Salt Lake City	UT	84115	(801) 486-4904	12/12/2017	Meat Processing; Poultry Processing	
M20156+P20156	Majesty Foods	2740 West 81st Street	Hialeah	FL	33016	(305) 817-1888	6/8/2010	Meat Processing; Poultry Processing	Latin Delights, Patty King
M19809+P19809	Major Products	40 Industrial Avenue	Little Ferry	NJ	07643	(201) 641-5555	12/19/2018	Meat Processing; Poultry Processing	
M21016+P21016	Major Products Co.	4425 Vandenberg Dr	North Las Vegas	NV	89081	(702) 838-4698	3/1/2004	Meat Processing; Poultry Processing	
M2197+P673+V2197	Major Products Co., Inc.	66 Industrial Avenue	Little Ferry	NJ	07643	(201) 641-5555	3/17/2009	Certification - Export; Meat Processing; Poultry Processing	
M45200+V45200	Makaweli Meat Company	1 Kaumakani Ave	Kaumakani Kauai	HI	96747	(808) 335-3133	4/3/2013	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M6844+P6844+V6844	Makowski's Real Sausage Company	2710 S. Poplar Ave.	Chicago	IL	60608	(312) 842-5330	4/5/2004	Certification - Export; Meat Processing; Poultry Processing	

M44893	Malafy's Meat Processing, LLC	287 Milan Hill Road	Red Hook	NY	12571	(845) 876-6306	1/15/2019	Meat Processing; Meat Slaughter	
M2678+P2678	Malcolms Meat Service Inc	538 Randolph St	Bristol	VA	24201	(540) 669-1107	9/19/1996	Meat Processing; Poultry Processing	
M9264+P9264+V9264	Malco's Buxton Meat Co	37101 SE Dunn Road	Sandy	OR	97055	(503) 668-4838	4/16/2009	Meat Processing; Meat Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	
I185	Malgor & Co.	Box 366	Catano	PR	00963	(787) 788-0303	1/19/2017	Imported Product	
M15702	Malone's Fine Sausage, Inc.	300 W. Walnut Street	Milwaukee	WI	53212	(414) 264-9894	8/11/2016	Meat Processing	Glorious Malone's Fine Sausage
M45243+P45243	Mama La's Kitchen, LLC	4802 Gulf FWY	Houston	TX	77023	(713) 237-9588	10/2/2019	Meat Processing; Poultry Processing	
M5761	Mama Toscano's Ravioli	2201 Macklind	St. Louis	MO	63110	(314) 776-2926	11/2/1998	Meat Processing	
M45322+P45322	Mama Vicky's Inc.	1113 Vanowen Street Unit C-D	North Hollywood	CA	91605	(818) 439-3332	7/6/2016	Meat Processing; Poultry Processing	
M9357	Mamula Meat Packing Co.	598 Chapel Road	Aliquippa	PA	15001	(724) 375-5845	1/11/2012	Meat Processing; Meat Slaughter	
M44132+P44132+V44132	Manas Ranch Custom Meats, Inc.	26797 State Highway 16	Esparto	CA	95627	(530) 787-1740	7/7/2011	Meat Processing; Poultry Processing; Voluntary Slaughter - Meat	Custom Meat Market, Manas Ranch Old Style
M7333+P7333+V7333	Manchester Farms, Inc.	5765 Lower Richlands Blvd.	Hopkins	SC	29061	(803) 783-9024	4/17/2007	Meat Processing; Poultry Processing; Poultry Slaughter; Voluntary Processing - Poultry; Voluntary Slaughter - Poultry	Odom Enterprises Inc

M5223A+P5223A+V5223	Manchester Packing Company	101 Reserve road	Hartford	CT	06114	(860) 548-1120	4/6/2009	Animal Foods Inspection; Meat Processing; Poultry Processing	Bogrer Meats, Bravo LLC, Connecticut Meat LLC
M8746+P8746	Manda Packing Company	2442 Sorrel Ave	Baton Rouge	LA	70802	(504) 344-7636	11/3/1999	Meat Processing; Poultry Processing	
M2006+P2006	Manea's Meats Company	114 2nd Avenue North	Sauk Rapids	MN	56379	(320) 253-8683	1/24/2007	Meat Processing; Poultry Processing	
M10795	Manger Packing Corp.	124 S. Franklintown Rd.	Baltimore	MD	21223	(410) 233-0126	10/8/1996	Meat Processing	
M18673A+P18673A	Manhattan Packing, Inc.	Urb. Industrial Reparada Calle A, Lote B	Ponce	PR	00716	(939) 358-5094	6/2/2015	Meat Processing; Poultry Processing	Mahattan Meats
M51230	Mann Fish Company, LLC	700 Tatunsville Hwy.	Benton	KY	42025	(219) 703-4659	8/31/2017	Meat Processing; Meat Slaughter	
M7168+P7168	Manuel's Odessa Tortilla & Tamale Factory, Inc.	1915 East 2nd Street	Odessa	TX	79761	(432) 332-6676	4/16/2012	Meat Processing; Poultry Processing	
M21906	Manzo's Kitchen, Inc	5348 Devonshire Avenue	St. Louis	MO	63109	(314) 481-5200	2/23/2010	Meat Processing	
M4181+P4181	Mao Foods, Inc.	1839 E 42nd Street	Los Angeles	CA	90058	(323) 234-9998	8/28/2018	Poultry Processing; Poultry Slaughter	
M46785	MAP Enterprises, Inc.	12325 Veterans Memorial Dr., #102	Houston	TX	77014	(281) 587-0266	7/10/2019	Meat Processing	Frutilandia No 6
M19465+P19465	Maple Grove Meats, Inc.	617 Rose Drive	Big Lake	MN	55309	(763) 263-6977	3/26/2012	Meat Processing; Poultry Processing	The Jerky Shoppe
P300	Maple Leaf Farms, Inc.	9166 North 200 East	Milford	IN	46542	(574) 453-4500	9/22/2017	Poultry Processing; Poultry Slaughter	
M31561+V31561	Maple Ridge Meats LLC	464 Stage Road	Benson	VT	05743	(802) 537-2811	3/3/2014	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Over The Hill Farm, The Meat Shop

M46942+P46942	Maple Wind Farm	1149 East Main Street	Richmond	VT	05462	(802) 233-8781	5/13/2019	Meat Processing; Poultry Processing; Poultry Slaughter	
M46243+P46243	Maplewood Foods, LLC	24 Camptown Road	Irvington	NJ	07920	(973) 375-2300	9/26/2017	Meat Processing; Poultry Processing	
M8854	Marathon Enterprises Inc.	787 East 138th Street	Bronx	NY	10454	(201) 935-3330	10/22/2019	Meat Processing	House of Weenies, Sabrett
M46070+P46070	Marble City Meats LLC	514 Odena Road North	Sylacauga	AL	35150	(205) 936-6120	4/24/2020	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
M5913A+P5913A	Marcacci Meats	1159 N. Delsea Drive	Vineland	NJ	08360	(856) 691-4848	9/8/2017	Meat Processing; Poultry Processing	
M1887+P1887	Marcel's Portion Pak, Inc	4111 N.W. 132 St. Building C	Opa-Locka	FL	33054	(305) 687-8015	1/10/1983	Meat Processing; Poultry Processing	
M45170+P45170+G45170	Marchiano's Bakery LLC	230 Krams Avenue	Philadelphia	PA	19127	(215) 509-6053	7/27/2016	Egg Product; Meat Processing; Poultry Processing	
M7857	Marcho Farms Inc.	519 Allentown Road	Souderton	PA	18964	(215) 721-7131	2/19/2020	Meat Processing; Meat Slaughter	Provimi Foods
M34709+P34709+V34709	Marengo Warehouse & Distribution Center	300 East Union Street	Marengo	IN	47140	(812) 365-9616	10/22/2019	Certification - Export	
M20547	Mareta's Ravioli, Inc.	303 Gary St. P.O. Box 163	Leonore	IL	61332	(815) 856-2621	8/20/1998	Meat Processing	
M320+P19705	Mariah Foods	1333 Indiana Ave	Columbus	IN	47202	(812) 378-3366	8/22/2002	Meat Processing; Poultry Processing	
M44168	Mariana's Meat Harvesting Corp.	Industrial Drive Lower Base	Saipan	MP	96950	(670) 235-3313	11/13/2014	Meat Processing; Meat Slaughter	
M5427	Marie Poggi Ravioli	193 Lincoln Avenue	Vineland	NJ	08360	(856) 692-4784	7/26/2004	Meat Processing	

M48087+P48087+V48087	Marin Sun Farms, Inc.	1522 Petaluma Blvd., N.	Petaluma	CA	94952	(707) 775-2416	4/18/2017	Meat Processing; Meat Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	
P1307	Mar-Jac Poultry-AL	3301 3rd Avenue P. O. Box 931	Jasper	AL	35501	(205) 387-1441	1/13/2014	Poultry Processing; Poultry Slaughter	Mar-Jac Poultry - AL
P32	Mar-Jac Poultry, Inc.	1020 Aviation Blvd	Gainesville	GA	30501	(770) 536-0561	6/28/2011	Poultry Processing; Poultry Slaughter	
P517	Mar-Jac Poultry-MS	1301 James Street P. O. Box 991	Hattiesburg	MS	39401	(601) 582-5433	1/14/2014	Poultry Processing; Poultry Slaughter	Mar-Jac Poultry - MS LLC
M46977+P46977	Marjo's Delight	224 Chandia St	Dededo	GU	96929	(671) 689-4481	8/26/2019	Meat Processing; Poultry Processing	
M45837	Market Fish Inc.	7129 S. State	Chicago	IL	60619	(773) 483-3233	1/2/2018	Meat Processing	
M46690+P46690	Market House Meats	1595 57th Street West	Northfield	MN	55057	(612) 339-7720	8/7/2019	Meat Processing; Poultry Processing	Market House Meats, The Fish Guys
M21924+P21924	MarketPlace Deli Products	1738 W Buckeye Road	Phoenix	AZ	85007	(602) 340-1112	12/5/2013	Meat Processing; Poultry Processing	
M17339+P17339+V17339	MarketPlace Deli Products Inc.	5639 N 54th Ave	Glendale	AZ	85301	(602) 763-2996	4/4/2001	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M8700+P8700	Marko's Distr buting, Inc.	Hwy 65 North	Princeton	MO	64673	(660) 748-3131	6/24/1999	Meat Processing	
M40041+P40041	Marksbury Farm Foods, LLC	7907 Nicholasville Road	Lancaster	KY	40444	(859) 548-2333	10/21/2016	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
M40236+P40236	Mark's Custom Meats	4101 Nittany Valley Drive	Howard	PA	16841	(814) 383-4520	3/11/2020	Meat Processing; Meat Slaughter; Poultry Processing	

M9265+P9265	Marks Meat Inc.	10290 S. Mulino Road	Canby	OR	97013	(503) 266-2048	3/15/2019	Meat Processing; Meat Slaughter; Poultry Processing	
M45232+P45232	Marne Specialties and Meats LLC	280 Ball Creek Rd	Kent City	MI	49330	(616) 890-5885	3/6/2020	Meat Processing; Poultry Processing	Paul's Gourmet Jerky
M871+P871	Marquez Brothers Mex Imports Inc	1328 Colegrove Avenue	Montebello	CA	90640	(213) 722-8103	9/8/2017	Meat Processing; Poultry Processing	Marquez Brothers International Inc
G1612+V1612	Marshall Egg Products Company	123 N. Miami Avenue	Marshall	MO	65340	(660) 886-3381	2/9/2017	Certification - Export; Egg Product	
M7107	Martinez Brand Cracklings LLC	515 S. Mesa	El Paso	TX	79901	(915) 532-3629	6/13/2011	Meat Processing	Martinez Brand Cracklings LLC
M20583+P20583	Martinez Distributors	3081 NW 74th Ave.	Miami	FL	33122	(305) 882-8282	5/6/2003	Meat Processing	
M13432A+P13432A	Martin Preferred Foods, L.P.	2017 White Street	Houston	TX	77007	(713) 869-6191	4/30/2015	Poultry Processing	
M13432D+P13432D	Martin Preferred Foods, L.P.	5566 Red Bird Center	Dallas	TX	75237	(214) 421-7344	6/11/2019	Meat Processing; Poultry Processing	
M13432+P13432	Martin Preferred Foods, L.P.	2002 White Street	Houston	TX	77007	(713) 869-6191	4/6/2020	Meat Processing; Poultry Processing	
M5993+P5993	Martin Rosol's, Inc.	45 Grove Street	New Britain	CT	06053	(860) 223-2707	3/19/2018	Meat Processing; Poultry Processing	
M6720	Martin's Pork Products, Inc.	6657 King Street	Falcon	NC	28342	(910) 980-1501	8/4/2011	Meat Processing; Meat Slaughter	
M5351+P5351	Martin's Specialty Sausage Company Inc.	150 Harmony Road	Mickleton	NJ	08056	(856) 985-6189	2/11/2002	Meat Processing; Poultry Processing	
I634	Marvel International inc	Amelia Distribution Center Beatriz St. #7 Sec. 4 and 5	Guaynabo	PR	00968	(787) 754-6430	6/19/2014	Imported Product	Marvel Specialties, Inc.
M6692+P6692	Marvel International, Inc.	Amelia Distribution Center Beatriz St. Lot 7, Sec. 4 & 5	Guaynabo	PR	00968	(787) 754-6430	4/26/2019	Meat Processing; Poultry Processing	Marvel Specialties, Inc.

M1221W+P8909W+V1221W	Mary Ann's Speciality Foods, Inc.	1511 East Second St.	Webster City	IA	50595	(515) 832-4740	12/13/2013	Meat Processing; Poultry Processing; Voluntary Processing - Meat	Kor-Bert/Specialty Foods
M46666+P46666	Maryland Packaging LTD	3610 Commerce Drive Suite 814	Halethorpe	MD	21227	(410) 540-9700	4/8/2019	Meat Processing; Poultry Processing	
M40310+P39928	Mary's Harvest Fresh Foods, Inc.	2705 NE Argyle Street	Portland	OR	97211	(503) 808-9444	8/10/2012	Meat Processing; Poultry Processing	
M18911	Mary's Ranch	16301 NW 122nd Ave.	Miami	FL	33018	(305) 558-9624	6/30/1997	Meat Processing; Meat Slaughter	Cabrera's Slaughterhouse
P34646	Masala Inc.	15225 Stagg Unit 6	Van Nuys	CA	91405	(323) 646-5251	3/5/2019	Poultry Processing	
P34646A	Masala Inc.	7800 Burnet Avenue Unit B	Van Nuys	CA	91405	(323) 646-5251	3/5/2019	Poultry Processing	
M6173	Masami Foods, Inc.	5222 Tingley Lane	Klamath Falls	OR	97603	(541) 884-1735	5/13/2010	Meat Processing; Meat Slaughter	
M21372+P21372	Mason Brothers Company	222 4th Street NE	Wadena	MN	56482	(218) 631-2220	5/13/2019	Meat Processing; Poultry Processing	
M45764+P45764	Massimo & Umberto, Inc	132 SW Third Ave	Dania Beach	FL	33004	(954) 993-0842	6/3/2016	Meat Processing; Poultry Processing	Ms. Pasta
M54246+P54246	Master Butcher, Inc.	104 South Ronks Road	Ronks	PA	17572	(717) 687-7177	2/12/2019	Meat Processing; Poultry Processing	
M46787	Master Food	3937 S. Lowe Ave.	Chicago	IL	60609	(773) 927-9296	7/19/2019	Meat Processing; Meat Slaughter	
M5101+P5101	Master Purveyors, Inc.	355 Food Center Drive Unit B-14	Bronx	NY	10474	(212) 929-7883	7/5/2018	Meat Processing; Poultry Processing	
M45888+P45888	Master Sausage LLC	4085H Lb Mcleod Rd.	Orlando	FL	32811	(407) 242-6460	2/6/2017	Meat Processing; Poultry Processing	
M45399+P45399	Masterson's Food & Drink Inc	1231 Lexington Road	Louisville	KY	40204	(502) 636-2511	1/15/2019	Meat Processing; Poultry Processing	
M48110+P48110	Mast Meats, LLC	405 US Highway 63	Queen City	MO	63561	(660) 766-2211	7/7/2015	Meat Processing; Meat Slaughter; Poultry Processing	Mast Meats, LLC

M46323	Mastrorocco's Meats	133 East 1st Avenue	Derry	PA	15627	(724) 454-1165	6/12/2018	Meat Processing	
M8711+P8711	Matador Processors, LLC	1820 N. Council	Blanchard	OK	73010	(405) 485-3567	6/15/2015	Meat Processing; Poultry Processing	
M18820+P18820	Mathew's Prime Meats Inc.	245-277 Route 109	West Babylon	NY	11704	(516) 798-2214	11/18/2004	Meat Processing; Poultry Processing	
I53	Matosantos Comercial	Calle A Lote #23 Cabo Caribe Industrial Park	Vega Baja	PR	00694	(787) 793-6900	12/10/2019	Imported Product	
M7696+P7696	Mattern Sausage	1003 N. Parker Street	Orange	CA	92867	(714) 628-9630	8/10/2005	Meat Processing; Poultry Processing	
M27268A+V27268A	Maui Cattle Company, LLC	250 Old Puuuene Ave	Puuuene	HI	96779	(808) 877-0044	11/30/2016	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M27268+V27268	Maui Cattle Company, LLC	106 W. Kane Street	Kahului	HI	96732	(808) 877-0044	3/19/2015	Meat Processing; Voluntary Processing - Meat	Maui Cattle Company LLC
M46131	Maui Crisps	362 Pakana Street Unit 101	Wailuku	HI	96793	(808) 298-0354	5/18/2018	Meat Processing	
M34771+P34771	Maurice Bonneau's Sausage Kitc	36 Main St	Lisbon Falls	ME	04252	(207) 353-5503	10/7/2008	Meat Processing; Poultry Processing	
M46025+P46025	Maverick Caterers, LLC	20 Railroad Avenue	Hackensack	NJ	07601	(201) 669-7785	6/25/2018	Meat Processing; Poultry Processing	
M46456+P46456	MawMaw's Chicken Pies	1710 Slate Road	Kernersville	NC	27284	(336) 416-2334	3/18/2019	Meat Processing; Poultry Processing	
M4600+P4600	Max Braun & Sons Inc.	94 Woodworth Ave	Yonkers	NY	10701	(914) 965-9100	2/19/2013	Meat Processing; Poultry Processing	
M46908+P46908	Max's Bakery and Kitchen	120 E. Grand Avenue	S. San Francisco	CA	94080	(650) 873-6297	1/17/2020	Meat Processing; Poultry Processing	
M6387+P6387	Mayabeque Products Corp.	7424 Bergenline Avenue	North Bergen	NJ	07047	(201) 869-0531	6/13/2007	Meat Processing; Poultry Processing	

M21595+P21595	Mayar's Halal Meat Processing	13196 North Bird St.	Livingston	CA	95334	(209) 394-7995	1/1/2006	Meat Processing; Meat Slaughter	
M46176	May's Custom Meat Processing LLC	376 Turkey Foot Road	Mill Run	PA	15464	(724) 455-7294	4/23/2018	Meat Processing; Meat Slaughter	
P39916	Mays Poultry	1874 Hwy 16 South	Taylorsville	NC	28681	(828) 632-2034	6/9/2009	Poultry Processing	
M45808+P45808	Mazzone Pasta LLC	170 Covington Drive	Bloomingdale	IL	60108	(847) 451-0005	2/28/2020	Meat Processing; Poultry Processing	
P18414	MB Consultants LTD	5190 Main Street	South Fallsburg	NY	12779	(845) 434-5051	6/30/2005	Poultry Processing; Poultry Slaughter	Al-Maaedah, Ambassador Brand, As-Salaam Poultry, DeBragga, Maplecrest, Master Purveyors, Murray's Chicken, Murray's Pride, NEMA, Real Halal, Unique Country, Zabeeha
V21531	MBM	7301 Trinity Boulevard	Fort Worth	TX	76118	(817) 595-4794	3/14/2001	Certification - Export; Food Inspection; Identification - Meat; Identification - Poultry	
V45296	MBM	4721 Mountain Creek Parkway	Dallas	TX	75236	(972) 283-7600	10/21/2013	Certification - Export; Identification - Meat; Identification - Poultry	
V31774	MBM Corporation	7401 Exchange Dr.	Orlando	FL	32809	(407) 857-3960	5/22/2004	Certification - Export; Identification - Meat; Identification - Poultry	
M9805+P9805	M. Buono Beef Co	3650 S 3rd Street	Philadelphia	PA	19148	(215) 463-3600	11/7/1993	Meat Processing; Poultry Processing	
V21273	McAllen Cold Storage, Ltd.	8101 South 23rd Street	McAllen	TX	78503	(956) 843-1004	7/8/2011	Certification - Export; Identification - Meat; Identification - Poultry	

M39949+P39949+V39949	McCain Foods Snack Plant.	3975 Tall Pine Drive	Plover	WI	54467	(715) 345-1926	8/21/2017	Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	
M18846+P18846	McCain Foods USA, Inc.	555 Hickory Farm Lane	Appleton	WI	54914	(920) 997-2828	9/22/2004	Meat Processing; Poultry Processing	McCain Snack Foods
M6270	McCary Meats	21981 Glade Road N	Basin City	WA	99343	(509) 269-4932	5/14/2013	Meat Processing; Meat Slaughter	
M9366+P9366+V9366	McDonald Meats Inc.	10445 W. Ridge Road	Girard	PA	16417	(814) 774-3507	3/12/2007	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Grettler Meats
M8915+P8915	McDonald's Meats, Inc.	8601 Main Ave	Clear Lake	MN	55319	(320) 743-2311	5/20/2008	Meat Processing; Meat Slaughter; Poultry Processing	
M13014+P13014	McGonigle's Market	1307 West 79th Street	Kansas City	MO	64114	(816) 444-4720	10/22/2003	Meat Processing	McGonigle's Market
M1162A+P5890A	M.C.I. Foods, Inc.	13013 Molette Street	Santa Fe Springs	CA	90670	(310) 635-5664	4/27/2009	Meat Processing; Poultry Processing	Cabo Primo, Los Cabos Mexican Foods
M1162+P5890	M.C.I. Foods, Inc.	12835 S. Atlantic Avenue	Compton	CA	90221	(310) 635-5664	2/10/2000	Meat Processing; Poultry Processing	Cabo Classics, Los Cabos Mexican Foods
M46727	McKimbells Clover LLC	1904 Jordan Hill Road	Griffin	GA	30223	(404) 919-8185	3/10/2020	Meat Processing; Meat Slaughter	
M46583+P46583	McLane Classic Foods, L.P.	3165 S. Burleson Blvd.	Burleson	TX	76028	(817) 914-2213	3/4/2019	Meat Processing; Poultry Processing	
V19976	McLane Foodservice	1100 Hardee's Drive	Aberdeen	MD	21001	(410) 273-0660	7/13/2016	Certification - Export	

V295	McLane Foodservice	3901 Scientific Drive	Arlington	TX	76014	(817) 419-4101	5/12/2011	Certification - Export; Identification - Meat; Identification - Poultry	
V31718	McLane Foodservice	2444 Tradeport Drive	Orlando	FL	32824	(800) 283-2121	3/22/2004	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry	
V31724	McLane Foodservice	600 Commerce Drive	Burlington	NJ	08016	(609) 239-5012	2/22/2005	Certification - Export; Identification - Meat; Identification - Poultry	
M19539+V19539	Mclane Foodservice Distr bution, Inc.	4301 West Valley Hwy Suite 400	Sumner	WA	98390	(253) 891-6943	9/19/2014	Certification - Export; Identification - Meat; Identification - Poultry	
M18564+P18564+V18564	McLane Foodservices	14813 Meridian Parkway	Riverside	CA	92518	(951) 867-3252	6/1/2006		
V46793	McLane Global	1902 Cypress Station Drive, Suite 200	Houston	TX	77090	(281) 210-3295	7/9/2019	Certification - Export	
M33971+V33971	McNees Meats and Wholesale LLC	6267 Old State Road	North Branch	MI	48461	(810) 688-2408	5/11/2006	Meat Processing; Meat Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	
M46602	McNeil Canyon Meat Inc	53775 E 2nd Rd	Homer	AK	99603	(907) 235-5456	2/13/2019	Meat Processing	
M31980+P31980	M & C Unico, Inc.	2041 Hawkins Circle	Los Angeles	CA	90001	(323) 589-4518	6/9/2006	Meat Processing	Tacos El Unico

M3220A+V3220A	MDV/Nash Finch Company	1133 Kingwood Avenue	Norfolk	VA	23502	(757) 857-9300	4/5/2002	Identification - Meat; Identification - Poultry	MDV/Nash Finch Company
M3220+V3220	MDV/Nash Finch Company	1187 Azalea Garden Road	Norfolk	VA	23502	(757) 857-0805	2/28/2006	Identification - Meat; Identification - Poultry	
M2652	Meacham Hams, Inc.	705 Onan Dyer Rd.	Sturgis	KY	42459	(270) 952-3141	3/28/2019	Meat Processing	
M6028+P6028	Meadow Farms Sausage Company	6215 S. Western Ave.	Los Angeles	CA	90047	(323) 752-2300	3/11/2019	Meat Processing; Poultry Processing	Manhatten Foods Company, Triple C Venture
M34208+P34208	MEAT BAR INC.	153-07 ROCKAWAY BLVD.	JAMAICA	NY	11434	(718) 527-1269	10/13/2010	Meat Processing; Poultry Processing	
M6810+P6810+I6810A+V6810	Meat By Linz	414 State Street	Calumet City	IL	60409	(708) 862-0830	11/12/2009	Meat Processing; Poultry Processing; Poultry Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M2212+P2212	Meatco Inc.	545 9th St.	Oakland	CA	94607	(510) 444-1411	6/3/2016	Meat Processing; Poultry Processing	
M51548+P51548	Meat Cooler, Inc.	849 Shrokman Road	Saltsburg	PA	15681	(724) 422-3588	3/17/2020	Meat Processing; Poultry Processing	
M45870	MEAT & FISH CO.	919 S. MCDOWELL	CHARLOTTE	NC	28204	(704) 910-2014	8/3/2016	Meat Processing	

M4266+P4266+V4266	Meat & Fisheries Processing Laboratory	State University of New York - Cobleskill 114 Rockland Lane	Cobleskill	NY	12043	(518) 255-5323	10/20/1998	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry; Voluntary Slaughter - Rabbit	
M8631	Meating Place Lorigo's Meating Place Inc.	185 Grant Street	Buffalo	NY	14213	(716) 885-3623	5/18/2016	Meat Processing	
M21816+P21816	Meat Masters, Inc.	2064 Candler Road	Decatur	GA	30032	(404) 289-5447	11/29/2001	Meat Processing; Poultry Processing	
M46260+P46260	Meat Masters Processing Co.	300 East Carpenter Ave.	Stockton	IL	61085	(847) 942-2277	12/12/2018	Meat Processing; Poultry Processing	
M45687+P45687	Meat Palace Corp.	640 Atkins Avenue	Brooklyn	NY	11208	(718) 666-4475	10/12/2016	Meat Processing; Poultry Processing	
M45705+P45705+V45705	Meat Processing Career Center	11446 St. Rt. 762	Orient	OH	43146	(614) 877-9418	9/23/2016	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Slaughter - Meat	
M31944+V31944	Meat Processing LLC	W5663 Gravel Road	Medford	WI	54451	(715) 748-3885	9/1/2004	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M4940+P4940	Meat Production Inc.	2095 Airport Rd.	Kalispell	MT	59901	(406) 755-3377	3/18/1991	Meat Processing; Poultry Processing	Stampede Packing Co.
M6962+P6962	Meat Science Laboratory, Univ. of IL	1503 S. Maryland Dr.	Urbana	IL	61801	(217) 333-1684	9/23/1992	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	

M11129+P11129	Meat Traders Inc.	6003 North 54th Street	Tampa	FL	33610	(813) 253-0865	3/15/2001	Meat Processing; Poultry Processing	Master Purveyors, Sir Steak
M46351	Meatworks	287 State Road	Westport	MA	02790	(774) 319-5616	8/27/2018	Meat Processing; Meat Slaughter	The Livestock Institute of Southern New England
M40311+P40311	Mecca Halal Poultry	36-27 32nd Street	Long Island City	NY	11106	(917) 755-9914	9/16/2010	Meat Processing; Poultry Processing	
M12432+P12432	Medeiros Farms, Inc.	4365 Papalina Road	Kalaheo	HI	96741	(808) 332-8211	5/1/2018	Meat Processing; Poultry Processing; Poultry Slaughter	
M20717+P20717	Medina Meats Inc	9706 Crow Road	Litchfield	OH	44253	(330) 725-1390	1/11/1999	Meat Processing; Poultry Processing	Home of Goldrush Meat Snacks, Medina Foods, Medina Meats
M18977	Mediterranean Foods Inc.	400 Long Lane	Upper Darby	PA	19082	(610) 622-5955	4/7/2020	Meat Processing	
M18661+P18661	Mega Meats	2824 Boston Post Rd	Bronx	NY	10469	(718) 231-2010	2/7/2008	Meat Processing; Poultry Processing	
M46835+P46835	Megas Yeeros, LLC	165 Chubb Avenue	Lyndhurst	NJ	07071	(646) 575-1781	12/6/2018	Meat Processing; Poultry Processing	
M45722+P45722	Me Gusta Gourmet Foods Inc.	28212 & 28218 Constellation Road	Valencia	CA	91355	(818) 897-7964	11/13/2015	Meat Processing; Poultry Processing	
V48237	Meis Trading Company	500 NE 185th St., Bay #1	Miami	FL	33179	(305) 705-3998	1/24/2017	Certification - Export; Identification - Meat; Identification - Poultry	
M27488A+P27488A	Mekong Fresh Meats, Inc.	905 South Parkview Circuit	Mosinee	WI	54455	(715) 693-1341	5/1/2017	Meat Processing; Poultry Processing	
M27488+P27488+V27488	Mekong Fresh Meats, Inc.	151120 Locker Road	Mosinee	WI	54455	(715) 693-1341	10/26/2018	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Poultry; Voluntary Slaughter - Poultry	

M46694	Melk LLC	1504 Max Hooks Road, Suite 1	Groveland	FL	34736	(855) 507-2782	6/27/2019	Meat Processing	
M10116+P10116	Mello Meats Inc.	272 Rex Blvd.	Auburn Hills	MI	48326	(586) 566-4661	11/9/2016	Meat Processing; Poultry Processing	Kubisch Sausage Co.
M913+P913	Mello's North End Manufacturers	63 North Court St	Fall River	MA	02720	(508) 673-2320	6/20/1991	Meat Processing; Poultry Processing	
M44167+P44167	Meloni's Butcher Block LLC	771 Rt168	Turnersville	NJ	08012	(856) 228-5000	4/13/2011	Meat Processing	
M27342+P27342	Melotte Distributing, Inc.	1442 Main Street	Green Bay	WI	54302	(920) 435-1986	10/11/2017	Meat Processing; Poultry Processing	
V27342A	Melotte Distributing, Inc.	300 Mahl k Lane	Denmark	WI	54208	(920) 863-2070	11/6/2006	Identification - Meat; Identification - Poultry	
I22+V22	Melrose Storage and Distr bution, Inc.	400 Kennedy Drive	Sayreville	NJ	08872	(732) 316-4740	8/21/2018	Certification - Export; Identification - Meat; Imported Product	
M31851+V31851	Mel's Custom Meat Processing LLC	602 Second Ave.	Romeo	CO	81148	(719) 843-5850	3/5/2015	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M44162+P44162	Melting Pot Foods, Inc.	439 Central Ave Suite # 116	Rochester	NY	14605	(585) 255-0775	3/3/2011	Meat Processing; Poultry Processing	The Pierogie Guy
V46241	Menasha Packaging Company	550 West North Frontage Rd.	Bolingbrook	IL	60440	(618) 501-6085		Identification - Meat; Identification - Poultry	
V46698	Menasha Packaging Company	2842 Spiegel Drive	Groveport	OH	43125	(614) 993-3133	5/30/2019	Identification - Meat; Identification - Poultry	
I621	Mendez & Co. Cold Storage Logistics	Diana Street Lot #5 Amelia Industrial Park	Guaynabo	PR	00968	(787) 245-7959	8/21/2017	Imported Product	

I327	Mendez & Co., Inc.	Las Palmas Industrial Park Calle 4 lot #10	Catano	PR	00962	(787) 788-1018	3/13/2003	Imported Product	
M8406+P8406+V8406	Mennella'a Poultry	100 George Street	Paterson	NJ	07503	(973) 345-1300	4/13/2015	Certification - Export; Meat Processing; Poultry Processing	
M7251C+P7251C	Mennonite Central Committee	930 16th Street	Henderson	NE	68371	(717) 859-1151	8/21/2014	Meat Processing; Poultry Processing	MCC
V7251X	Mennonite Central Committee	517 W. Trout Run Road	Ephrata	PA	17522	(717) 733-2847	4/22/2008	Certification - Export	
M7251B+P7251B	Mennonite Central Committee U.S.	200 S. Caddo	Hydro	OK	73048	(580) 819-0695	11/26/2012	Meat Processing; Poultry Processing	
M7251E+P7251E	Mennonite Central Committee U.S.	121 East 30th Street	North Newton	KS	67117	(717) 859-1151	11/14/2012	Meat Processing; Poultry Processing	
M7251F+P7251F	Mennonite Central Committee U.S.	3344 320th St. Various Locations in DM district	Wellman	IA	52356	(717) 859-1151	9/30/2015	Meat Processing; Poultry Processing	MCC
V7251Z	Mennonite Central Committee U.S.	121 East 30th Street	Newton	KS	67117	(316) 283-2720	12/20/2012	Certification - Export	
M51261+P51261	Mercado Meat Distr bution	560 North Tehama Street	Willows	CA	95988	(530) 517-0730	5/20/2019	Meat Processing; Poultry Processing	
V18762	Merchandise Warehouse Co. Inc.	1414 South West St.	Indianapolis	IN	46225	(317) 632-2525	9/20/1993	Certification - Export; Identification - Meat; Identification - Poultry	
V1103	Merchants Distr butors Inc.	5001 Alex Lee Blvd	Hickory	NC	28601	(828) 725-5000	10/12/2011	Certification - Export; Identification - Meat; Identification - Poultry	

V39922	Merchant's Market Group, LLC	200 Dr. Martin Luther King Jr. Blvd.	Riviera Beach	FL	33404	(561) 844-7000	3/7/2014	Certification - Export; Identification - Meat; Identification - Poultry	
I521	Merchants Terminal Corp. Delaware LLC	2 Dock View Drive	New Castle	DE	19720	302654340	2/12/2007	Imported Product	
I158	Merchants Terminal Corporation	7950 Oceano Avenue	Jessup	MD	20794	(410) 799-8700	5/9/2016	Imported Product	
V3720	Merchants Terminal Corporation	7950 Oceano Ave.	Jessup	MD	20794	(410) 799-8700	2/12/2001	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V38558	Merchants Terminal Corporation	4851 Holabird Ave.	Baltimore	MD	21224	(410) 342-9300	9/22/2009	Certification - Export; Identification - Meat; Identification - Poultry	
M11061+P11061+V11061	Meridian Meat and Sausage	119 East Bower	Meridian	ID	83642	(208) 888-5588	3/3/1982	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
P45911+V45911	Meridian Meat Packers	245 Blue Heron	Meridian	ID	83646	(208) 888-1877	7/22/2016	Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Processing - Rabbit; Voluntary Slaughter - Poultry; Voluntary Slaughter - Rabbit	

M907+P907+V907	Meritage Soups, LLC	18211 N.E. 68th Street Suite E-100	Redmond	WA	98052	(425) 284-6866	11/25/2011	Meat Processing	
M31915+P31915	MERRILL DISTRIBUTING, INC.	405 Kenny Drive	Wausaukee	WI	54177	(715) 536-4551	3/15/2017	Meat Processing; Poultry Processing	
M11122	Mesa Meat Processors Corp.	190 W 24 St	Hialeah	FL	33010	(305) 888-1914	12/18/1997	Meat Processing	Mambi
M45422+V45422	Messina Meats	1230 Highway 99 W.	Orland	CA	95963	(530) 865-4440	9/22/2014	Identification - Meat; Meat Processing; Meat Slaughter; Voluntary Slaughter - Meat	
M7447	Metrolina Meats	1005 Woodcrest Place	Indian Trail	NC	28079	(704) 821-1074	1/10/2003	Meat Processing	
M47105	Metropolitan Community College - Institute of Culinary Arts	5300 N 30th Street Bldg 22	Omaha	NE	68111	(531) 622-2400	1/9/2020	Meat Processing	
M38522+P38522	Metropolitan Foods	174 Delawanna Avenue	Clifton	NJ	07014	(973) 672-9400	4/21/2010	Meat Processing; Poultry Processing	Driscoll Foods
M20815+P492A	Metropolitan Poultry and Seafood Co.	1900 Stanford t.	Landover	MD	20785	(301) 772-0060	12/2/2015	Meat Processing; Poultry Processing	
P492	Metropolitan Poultry Co. Inc.	1920 Stanford Ct.	Landover	MD	20785	(301) 772-0060	9/5/1996	Poultry Processing	Metropolitan Meat, Seafood & Poultry Co.
M54628+P54628	Metz Culinary Management	1540 Northgate Blvd.	Sarasota	FL	34234	(941) 202-3512	1/9/2020	Meat Processing	
M21670+P21670	Meyer's Sausage Co, Inc	600 S. Main Street	Elgin	TX	78621	(512) 285-3331	7/22/2004	Meat Processing; Poultry Processing	
M18082+P18082	Meyer Wholesale	100 Caspian Avenue	Caspian	MI	49915	(609) 265-6138	3/19/1991	Meat Processing; Poultry Processing	
M48154+P48154	Mezban Foods	9125 Diplomacy Row	Dallas	TX	75247	(682) 331-6312	6/13/2016	Meat Processing; Poultry Processing	
M569+P569	MF Meats	2063 Allen Street Extension	Falconer	NY	14733	(716) 355-4111	5/22/2015	Meat Processing; Poultry Processing	Maplevale Farms Inc. LLC

M465+P465	MG Foods	1907 Gateway Blvd.	Charlotte	NC	28208	(704) 399-6460	3/1/2019	Meat Processing; Poultry Processing	
M51248+P51248	MG Foods	2002 E. Cotton Street	Longview	TX	75604	(903) 553-9433	3/18/2019	Meat Processing; Poultry Processing	
M7738+P7738	MGH Gourmet, Inc.	2910 E. Harcourt St	Rancho Dominguez	CA	90221	(310) 632-3300	3/16/2011	Meat Processing; Poultry Processing	
M8461	M & G Meats	2020 Sykesville Rd.	Westminster	MD	21157	(443) 375-7138	9/29/2014	Meat Processing; Meat Slaughter	
M21284A+P21284A	M. G. Trading Inc. / M. G. North America LLC	109 North 5th Street	Saddle Brook	NJ	07663	(973) 772-8303	5/11/2016	Meat Processing; Poultry Processing	
G1455	M.G. Waldbaum Company	120 Tower Street	Gaylord	MN	55334	(507) 237-4600	9/15/2017	Egg Product	Michael Foods Egg Products Company
G20865+V20865	M.G. Waldbaum Company	120 Tower Street	Gaylord	MN	55334	(507) 237-4600	6/30/2015	Certification - Export; Egg Product	Michael Foods Egg Products Company
M1127A+P1127A+G1127+V1127	M.G. Waldbaum Company	1009 S. Brooks Street	Lenox	IA	50851	(641) 333-4700	7/18/2012	Egg Product; Food Inspection; Meat Processing; Poultry Processing	Michael Foods Egg Products Company
M17634+P17634+V17634	M.G. Waldbaum Company	120 Tower Street	Gaylord	MN	55334	(507) 237-4600	3/13/2014	Certification - Export; Meat Processing; Poultry Processing; Voluntary Processing - Exotic	Michael Foods Egg Products
V1455	M.G. Waldbaum Company	120 Tower Street South	Gaylord	MN	55334	(507) 237-4600	6/29/2017	Certification - Export; Voluntary Processing - Egg Products	
M12441	M & H Kaneshiro Farms, Inc.	959-A Puu Road	Kalaheo	HI	96741	(808) 742-1308	7/25/2018	Meat Processing; Meat Slaughter	
M6653+P6653	Miami Beef Co., Inc.	4870 N.W. 157 Street	Miami	FL	33014	(305) 621-3252	4/5/2019	Meat Processing; Poultry Processing	
M46697+P46697	Miami Desserts Corp.	2445 W. 80th Street, Bay # 6	Hileah	FL	33016	(786) 580-5983	3/10/2020	Meat Processing	

M18098+P18098	Miami Purveyors Inc	7350 NW 8th St	Miami	FL	33126	(305) 262-6170	3/2/1992	Meat Processing; Poultry Processing	
M27399+P27399	MIBO Fresh Foods LLC	715 East 9th Street	Fort Worth	TX	76102	(817) 882-9600	1/10/2017	Meat Processing; Poultry Processing	MIBO Fresh Foods
M1009A+P17328A	Michael Angelo's Gourmet Foods	200 Michael Angelo Way	Austin	TX	78728	(512) 218-3500	12/11/2009	Meat Processing; Poultry Processing	Bottom Line Foods, Inc.
G1616	Michael Foods Egg Products Company	68 Spain Road	Klingerstown	PA	17941	(570) 425-2910	10/10/2017	Egg Product	
G31548	Michael Foods Egg Products Company	1260 Highway 18E	Britt	IA	50423	(641) 843-3100	4/6/2016	Egg Product	
G420D+V420D	Michael Foods Egg Products Company	101A North Oak Street	Wakefield	NE	68784	(402) 287-2211	1/4/2011	Certification - Export; Egg Product; Voluntary Processing - Egg Products	
G420+V420	Michael Foods Egg Products Company	105 N. Maint Street	Wakefield	NE	68784	(402) 287-2211	1/4/2011	Certification - Export; Egg Product; Voluntary Processing - Egg Products	M.G. Waldbaum, Michael Foods, Inc.
G46780	Michael Foods Egg Products Company	101 Delaware Street	Norwalk	IA	50211	(704) 989-7239	10/24/2019	Egg Product	
M19605+P19605	Michael Foods Egg Products Company	68 Spain Road	Klingerstown	PA	17941	(570) 425-2910	10/10/2017	Meat Processing; Poultry Processing	Michael Foods Egg Products Co.
M17982+P17982+V17982	Michael's Finer Meats, LLC	3775 Zane Trace Drive	Columbus	OH	43228	(614) 527-4900	2/29/2008	Certification - Trichinae; Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Processing - Rabbit	Michael's Finer Meats and Seafoods

M10306F+P10306F+V10306F	Michigan Brand Inc.	320 Heinlein Strasse	Frankenmuth	MI	48734	(989) 893-9589	9/28/2016	Animal Foods Inspection; Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry	
M10306+P10306+V10306	Michigan Brand, Inc.	1313 South Farragut Street	Bay City	MI	48708	(989) 893-9589	11/7/2016	Food Inspection; Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Slaughter - Exotic	
V38443	Michigan Natural Storage	449 Howard Avenue	Holland	MI	49424	(616) 392-7175	3/1/2017	Certification - Export; Identification - Meat; Identification - Poultry	
V18914	Michigan Natural Storage Co.	1200 Judd Avenue SW	Grand Rapids	MI	49509	(616) 241-1619	10/13/2011	Certification - Export; Identification - Meat; Identification - Poultry	
V45581	Michigan Produce Haulers	1340 Locust	Fremont	MI	49412	(231) 924-4600	7/24/2015	Identification - Meat; Identification - Poultry	
M10053+P10053	Michigan State University Dept of Animal Science	Anthony Hall 474 S. Shaw Lane, Room 1358	East Lansing	MI	48824	(517) 355-8452	4/3/2012	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	MSU Meat lab

M20935A+P20935A+V20935A	Michigan Turkey Producers Co-op, Inc.	1100 Hall Street SW	Grand Rapids	MI	49503	(616) 245-2221	5/28/2009	Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	
M20935+P20935	Michigan Turkey Producers Co-op, Inc.	2140 Chicago Drive SW	Wyoming	MI	49519	(616) 245-2221	8/14/2018	Meat Processing; Poultry Processing; Poultry Slaughter	
M11070+P11070+V11070	Mickelsen Pack	2011 Riverton Road	Blackfoot	ID	83221	(208) 785-0860	6/5/1997	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry	
M46859+P46859	Mickenzie Jerky, Inc.	309 Main Street, Ste 15	Hope Mills	NC	28348	(910) 423-7329	3/18/2020	Meat Processing; Poultry Processing	Uncle Zip's Beef Jerky
M33915	Mickey Brown, Inc.	263 Bergeron Street	Houma	LA	70364	(985) 879-3444	4/3/2018	Meat Processing	
M44741	Mickey's Wholesale Pizza	120 North Street	York	PA	17403	(717) 417-3088	5/5/2016	Meat Processing	
I153	Micronesian Brokers, Inc.	545 Chalan Machuate St.	Maite	GU	96910	(671) 477-0970	5/31/2016	Imported Product	
M45092+P45092	Micro Summit Processors	203 South Railroad St.	Micro	NC	27555	(252) 813-5753	7/27/2018	Meat Processing; Meat Slaughter; Poultry Processing	

M18669+P18669+V18669	Midamar Corporation	1105 60th Ave. S.W.	Cedar Rapids	IA	52404	(319) 362-3711	3/21/2014	Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing; Off-Premise Freezing - Egg Products; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry; Poultry Processing	
M8030A+P8030A	Mid-South Sales, LLC	410 T. Frank Wathen Rd.	Uniontown	KY	42461	(270) 822-2743	9/13/2012	Meat Processing; Poultry Processing	
M20882	Mids Spaghetti Sauce	620 Main St. N.	Navarre	OH	44662	(330) 879-5486	7/22/1999	Meat Processing	
M46597	Mid State Meat, LLC	199 Raley Drive	Sandersville	GA	31082	(478) 232-7690	6/26/2019	Meat Processing; Meat Slaughter	
M6366+P6366	Mid-Town Favorite Beef, LLC	87 Water Street (rear)	Fitchburg	MA	01420	(603) 692-4990	3/4/2016	Meat Processing; Poultry Processing	
I51	Midway International Logistics LLC	948 Bradley Street	Watertown	NY	13601	(315) 586-2994	9/25/2018	Imported Product	
P46715A+V46715A	Midway International Logistics LLC	948 Bradley Street	Watertown	NY	13601	(315) 586-2994	4/17/2018	Certification - Export	
M21169+P21169	Midway Meats	3280 Clodfelter Rd.	Winston-Salem	NC	27107	(336) 764-2684	3/14/2000	Meat Processing	Old World Meat Market
M46612+P46612+G46612	Midwest Kitchens	6950 51st Street	Kenosha	WI	53144	(773) 406-8784	4/1/2019	Egg Product; Meat Processing; Poultry Processing	
M48314+P48314	Midwest Kitchens, LLC	101 Ore Dock Road	Erie	PA	16507	(814) 746-0187	4/15/2019	Meat Processing; Poultry Processing	
P45912	Midwest Poultry Processing LLC	47422 State Hwy V	Rutledge	MO	63563	(660) 434-5868	8/28/2017	Poultry Processing; Poultry Slaughter	

M21328+P21328+V21328	Midwest Refrigerated Milwaukee, Inc.	11225 W. County Line Road	Milwaukee	WI	53224	(414) 410-8200	2/22/2018	Certification - Export; Identification - Meat; Identification - Poultry	
V21328A	Midwest Refrigerated Milwaukee, Inc.	8501 W Brown Deer Road	Milwaukee	WI	53224	(414) 410-8200	4/22/2020	Identification - Meat	
M34671+V34671	Midwest Refrigerated Services	1601 Fairfax Trafficway	Kansas City	KS	66115	(913) 621-1111	2/5/2009	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry	
M45874+P45874	Midwest Regional Processing LLC	1100 Wilburn Rd.	Sun Prairie	WI	53590	(608) 834-0891	12/14/2016	Meat Processing; Poultry Processing	
M40110	Midwest Research Swine, LLC	3413 11th Street East	Glencoe	MN	55336	(320) 864-9933	10/21/2015	Meat Processing; Meat Slaughter	Mrs. Pork
M46661+P46661	Miesfeld's Market	4811 Venture Drive	Sheboygan	WI	53083	(920) 565-6328	10/24/2019	Meat Processing; Poultry Processing	
M27293+P27293	Miiller's Llano Smokehouse and Mercantile	705 West Young	Llano	TX	78643	(325) 247-4450	7/13/2012	Meat Processing; Poultry Processing	
M4191+P4191	Mikailian Meat Products, Inc.	25310 Avenue Stanford	Valencia	CA	91355	(661) 257-1055	3/29/1983	Meat Processing; Poultry Processing	
M34837+P34837	Mike's Meat Market, LLC	18501 County Rd 27	Sterling	CO	80751	(970) 521-0430	5/25/2017	Meat Processing; Poultry Processing	
M45142+V45142	Mike's Meat Market, LLC	18501 County Road 27	Sterling	CO	80751	(970) 630-0432	2/5/2013	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Mike's Meat Market, LLC
M20894+P20894	Mike's Quality Meats Inc.	12110 Business Blvd.	Eagle River	AK	99577	(907) 696-1888	7/19/1999	Meat Processing; Poultry Processing	

M31847+P31847	Milagro Burritos, Inc.	536 Cherokee St.	Denver	CO	80204	(303) 534-1896	10/6/2010	Meat Processing; Poultry Processing	
M8409	Milano Importing Inc.	988 Main Street	Springfield	MA	01103	(413) 737-7367	6/12/1985	Meat Processing	
M4335+P4335	Milan Provision Co., Inc.	108-15 Roosevelt Avenue	Corona	NY	11368	(718) 335-3354	8/12/1994	Meat Processing; Poultry Processing	
M6022+P6022	Milan Salami Co.	1155 67th St.	Oakland	CA	94608	(510) 654-7055	7/1/1991	Meat Processing; Poultry Processing	
M46617+P46617	Milestones Foods	5366 Dixie Industrial Drive	Lake City	GA	30260	(678) 733-3738	2/13/2020	Meat Processing; Poultry Processing	
M18674+V18674	Millard Refrigerated Services	2350 South 98th Street	Edwardsville	KS	66111	(913) 441-0800	3/13/2012	Certification - Cysticercus; Certification - Export; Certification - Trichinae; Food Inspection; Identification - Meat; Identification - Poultry	Lineage Logistics
M19759+V19759	Millard Refrigerated Services	13039 Renfro Circle	Omaha	NE	68137	(402) 733-8370	12/16/2014	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry	Millard Refrigerated Services
M31793+P31793+V31793	Millard Refrigerated Services	2227 East Commerce Drive	Mount Pleasant	IA	52641	(319) 385-9948	12/18/2014	Identification - Meat; Identification - Poultry	

M3338+V3338	Millard Refrigerated Services	2710 Hwy 6 East	Iowa City	IA	52240	(319) 351-2090	12/21/2016	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Egg Products; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M3398+V3398	Millard Refrigerated Services	205 E. Roberts Street	Grand Island	NE	68803	(308) 381-2111	3/27/2020	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat	Millard Refrigerated Services
M3562+V3562	Millard Refrigerated Services	3600 NW 12th St.	Lincoln	NE	68521	(402) 474-2491	9/19/2014	Certification - Export; Certification - Trichinae; Identification - Meat	Millard Refrigerated Services
M40103+P40103+V40103	Millard Refrigerated Services	205 Robert Thompson Road	Centralia	WA	98531	(360) 807-8522	12/16/2009		
P13182+V13182	Millard Refrigerated Services	2523 Edward Babe Gomez Avenue	Omaha	NE	68107	(402) 733-8370	11/27/1989	Certification - Export; Identification - Meat; Identification - Poultry; Voluntary Processing - Egg Products	Millard Refrigerated Services

V17461	Millard Refrigerated Services	2901 1st Avenue	Greeley	CO	80631	(970) 353-2055	12/31/2014	Certification - Export; Food Inspection; Identification - Meat; Identification - Poultry	
V20230	Millard Refrigerated Services	8 K Ave.	Ottumwa	IA	52501	(641) 682-6780	7/20/2016	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V20944	Millard Refrigerated Services	5200 Gold Spike Drive	Fort Worth	TX	76106	(817) 626-2800	4/26/2006	Certification - Export; Identification - Meat; Identification - Poultry	
V3149	Millard Refrigerated Services	1650 E. Madison Ave.	Des Moines	IA	50313	(515) 265-9861	4/5/2016	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	

V3198	Millard Refrigerated Services	601 Industrial Drive	Denison	IA	51442	(712) 263-6191	2/17/2015	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	Millard Refrigerated Services
V34461	Millard Refrigerated Services	785 N. 2000 W.	Tremonton	UT	84337	(435) 257-9960	12/30/2014	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	Millard Refrigerated Services
V3363	Millard Refrigerated Services, Inc.	900 Millard Avenue	Friona	TX	79035	(806) 250-3942	4/26/2000	Certification - Export; Identification - Meat	
M48166+P48166	Millard Refrigerated Services, LLC	3251 De Forest Circle	Mira Loma	CA	91752	(951) 360-7970	5/18/2016	Meat Processing; Poultry Processing	
V45789	Millard Refrigerated Services, LLC	7748 Palmetto Commerce Pkwy	North Charleston	SC	29420	(757) 617-9587	4/18/2016	Certification - Export	Lineage Logistics
M44207+V44207	Mill Creek Meats and Processing	11521 E. Clarksville Road	Marshall	IL	62441	(217) 889-3363	12/6/2011	Meat Processing; Meat Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	
M8514+P8514	Miller Foods, Inc	308 Arch Road	Avon	CT	06001	(860) 673-3256	6/18/2018	Meat Processing; Poultry Processing	

M5841	Miller Ham Company	3345 Lemp Ave.	St. Louis	MO	63118	(314) 776-0190	8/2/2012	Meat Processing	
M802+P802	Miller Packing Co.	1122 Industrial Way	Lodi	CA	95240	(209) 339-2310	12/3/2009	Meat Processing	
M9903+P9903	Miller's Quality Meats, LLC	111 W. North Street	Butler	PA	16001	(724) 287-4010	11/6/2015	Meat Processing; Poultry Processing	
M7831+P7831+V7831	Milmar Food Group II, LLC	One 6 1/2 Station Road	Goshen	NY	10924	(845) 294-5400	1/22/2014	Certification - Export; Meat Processing; Poultry Processing	
M15768+P15768+V15768	Miltona Custom Meats & Sausages	242 Second St. West	Miltona	MN	56354	(218) 943-2681	8/14/2013	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M10040	Milton Chili Co.	511 East Whitcomb Ave	Madison Heights	MI	48071	(313) 585-0300	8/21/1989	Meat Processing	
M7968	Minard's Spaghetti Inn, Inc.	813 E. P ke Street	Clarksburg	WV	26301	(304) 623-1711	3/3/2016	Meat Processing	
M6433+P6433	Minder Meats	4921 Auto Center Blvd.	Bremerton	WA	98312	(360) 479-0880	9/30/1999	Meat Processing; Poultry Processing	Minder Meats Incorporated
M19541	Mineola Packing Co. Inc.	906 East Broad Street	Mineola	TX	75773	(903) 569-5355	7/5/2001	Meat Processing; Meat Slaughter	
M4255+P4255	Mineo & Sapio Meats	410 Connecticut Street	Buffalo	NY	14213	(716) 884-2398	10/16/2018	Meat Processing; Poultry Processing	
M18939	Mingua Brothers Beef Jerky	180 Cleveland Drive	Paris	KY	40361	(859) 987-9719	2/24/2010	Meat Processing	
M51308+P51308	Miniat Foods LLC	62 Adamson Industrial Boulevard	Carrollton	GA	30117	(470) 729-5000	3/3/2020	Meat Processing; Poultry Processing	Ed Miniat LLC
M4305+P4305	Mini Italia Sausage, Inc.	425 Hawkins Ave	Lake Ronkonkoma	NY	11779	(516) 467-1352	6/20/1989	Meat Processing; Poultry Processing	

M18530+P18530+V18530	Minnesota Freezer Warehouse	1907 14th St. NE	Austin	MN	55912	(507) 437-1982	5/1/1997	Certification - Export; Identification - Meat; Identification - Poultry	
V3573	Minnesota Freezer Warehouse	820 E. 13th St.	Albert Lea	MN	56007	(507) 373-1477	9/13/2017	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry	
M7777+P7777+V7777	Minnesota Meat Masters	800 Norway Drive	Annandale	MN	55302	(320) 274-1087	6/12/1998	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry	Colborn's Signature, Country Market, Cub Foods Smokehouse, Elliott's, Jerry's Foods, Jerry's Smokehouse
M5964+P5964	Minore's Meats Inc.	320 Whalley Avenue	New Haven	CT	06511	(203) 865-4119	3/14/2018	Meat Processing; Poultry Processing	
M15815A+P15815A+V15815A	Miracapo Pizza Company	1910 Swanson Court	Gurnee	IL	60031	(847) 631-3500	11/18/2008	Certification - Export; Food Inspection; Meat Processing; Poultry Processing	Little Lady Foods
M15815B+P15815B+V15815B	Miracapo Pizza Company	2241 Pratt Blvd.	Elk Grove Village	IL	60007	(847) 631-3500	11/18/2008	Certification - Export; Food Inspection; Meat Processing; Poultry Processing	Little Lady Foods
M27490+P27490	Mi Ranchito Foods, Inc.	606 Central Ave.	Bayard	NM	88023	(505) 537-3868	4/24/2019	Meat Processing; Poultry Processing	
M21622	Mi Ranchito, Inc.	100 8th Street	Passaic	NJ	07055	(973) 975-9818	11/4/2010	Meat Processing	
M1037+P17986	Miranda Brothers, inc.	317 Lindsey St	Fall River	MA	02720	(508) 672-0982	3/8/1991	Meat Processing; Poultry Processing	Michael's Provision

M44887+P44887	Mish Farms Meat Market Inc.	80 Oak Road	Gibsonia	PA	15044	(724) 449-6328	9/13/2012	Meat Processing; Poultry Processing	
M45535	Mishler Packing Co.	31320 E. US 12	Sturgis	MI	49091	(269) 506-2265	7/29/2015	Meat Processing	
M18502B+P18502B	Missa Bay LLC	101 Arlington Boulevard	Swedesboro	NJ	08085	(856) 241-0900	12/22/2014	Meat Processing; Poultry Processing	Ready Pac
M34316+P34316	Miss Essies Southern BBQ LLC	6064 South 300 W #11	Murray	UT	84107	(801) 263-6739	4/6/2007	Meat Processing; Poultry Processing	
M21251+P21251+V21251	Mission Mountain Food Enterprise Center	407 Main Street S.W.	Ronan	MT	59864	(406) 676-5907	5/21/2015	Meat Processing; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat	
M21918+P21918	Mississipi Food Services, Inc.	6689 Lauderdale Road	Toomsuba	MS	39364	(601) 632-4482	5/6/2002	Meat Processing; Poultry Processing	
M45533	Mississippi State University Meat Laboratory	315 Wise Center Drive	Mississippi State	MS	39762	(662) 325-2932	1/14/2015	Meat Processing; Meat Slaughter	
M48098+P48098+V48098	Mistica Foods	50 West Commercial Ave.	Addison	IL	60101	(630) 461-1375	12/10/2014	Certification - Export; Meat Processing; Poultry Processing	Little Chief, Mistica Ranch Meats, Tru-Native
M48098A+P48098A+V48098A	Mistica Foods LLC	8424 West 47th Street	Lyons	IL	60534	(212) 599-4700	1/11/2019	Certification - Export; Meat Processing; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry; Poultry Processing	
P18978	Misty Knoll Farms	1685 Main Street	New Haven	VT	05472	(802) 453-4748	1/9/2009	Poultry Processing; Poultry Slaughter	
P40345	Misty Lea Farm	1567 Jeff Adams Road	Pembroke	KY	42266	(270) 886-5690	8/27/2019	Poultry Processing; Poultry Slaughter	

M17961+P17961	Mitchell Foods, Inc.	HC 81 Bennet Branch Road	Baily Switch	KY	40906	(606) 545-6677	12/29/1998	Meat Processing	
M1396+P17562	Mitty's LLC	76 Granby Street	Bloomfield	CT	06002	(860) 242-8528	7/24/2019	Meat Processing; Poultry Processing	
M46173+P46173	MKM Enterprise, LLC dba Spoon & Ladle Soup Co	2629 Pelham Parkway Suite V	Pelham	AL	35244	(205) 747-3077	7/21/2017	Meat Processing	Spoon & Ladle Soup Co.
M46822+P46822	M. L. Mitchell & Son Meat Processing	401 Mitchell Street	Walnut Cove	NC	27052	(336) 591-7420	8/29/2018	Meat Processing; Meat Slaughter; Poultry Processing	
M12649+P12649	MMI Meats LLC.	339 35th Street	Newport News	VA	23607	(757) 380-5821	11/2/2015	Meat Processing	Miller Meats
M2946+P2946	M & M Packing	1600 Old St. Marys Rd.	Perryville	MO	63775	(573) 547-4575	9/11/2012	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	D & B Packing, M & M Meats
M5833+P5833	Mo-Ark Provision Co.	387 Old Hwy B	Poplar Bluff	MO	63901	(573) 785-9586	5/21/2019	Meat Processing; Poultry Processing	
M11168+P11168	Mobleys Custom Cut	6769 180th Street	McAlpin	FL	32062	(386) 963-5215	7/30/2013	Meat Processing; Meat Slaughter	
G46630	Modernist Pantry, LLC	25 Harold L Dow Highway	Eliot	ME	03903	(207) 200-3817	10/1/2019	Egg Product	
M4872+P4872+V4872	Modern Meat Co	1427 E. Highland Ave.	San Bernardino	CA	92404	(909) 882-2917	10/27/1992	Meat Processing; Poultry Processing	
M4985+P4985	Modesto Food Distr butors, Inc.	7601 El Camino Real	Colma	CA	94014	(650) 756-3603	8/17/2016	Meat Processing; Poultry Processing	
M46154	Mohn Fish Market	1140 Great River Road	Harpers Ferry	IA	52146	(563) 586-2269	8/28/2017	Meat Processing; Meat Slaughter	
M21699+V21699	Molokai Livestock Cooperative	3355 Maunaloa Highway	Ho'olehua	HI	96729	(808) 567-6994	2/13/2007	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	

M1647+P18352	Momence Real Estate, LLC	North and Elm Streets	Momence	IL	60954	(815) 472-2641	2/19/2008	Meat Processing; Meat Slaughter; Poultry Processing	Johnsonville Foods Company, Johnsonville Foods, Inc., Johnsonville Sausage, Johnsonville Sausage, Inc.
M20252+P20252	Mom's Wholesale Foods Inc.	930 Cass Street	New Castle	PA	16101	(724) 856-3049	3/11/2015	Meat Processing; Poultry Processing	
M17580+P17580	Mondongeria Torres Sanchez	Carretera 176 Kn.0 Hm.2 Camino Los Guayabos	Cupey Alto Rio Piedras	PR	00926	(787) 760-8434	5/28/1997	Meat Processing; Poultry Processing	Proceso Y Empaque De Carnes
M1874+P1874	Mondo & Sons	1150 Andover Park East	Tukwila	WA	98188	(206) 575-4400	6/18/2015	Meat Processing; Poultry Processing	Petschl's Quality Meats
M34483+V34483	Mongiello Italian Cheese Specialties	250 Hilldale Road	Hurleyville	NY	12747	(845) 436-4200	8/7/2015	Certification - Export; Meat Processing	Formaggio Italian Cheese Specialties
M18357A+P18357A	Monogram Appetizers, LLC	300 Moore Road	Plover	WI	54467	(715) 600-4657	11/20/2015	Meat Processing; Poultry Processing	
M18357+P18357	Monogram Appetizers, LLC	1434 Post Road	Plover	WI	54467	(715) 341-3191	11/20/2015	Meat Processing; Poultry Processing	
M2512+P2512	Monogram Frozen Foods	605 Kesco Dr.	Bristol	IN	46507	(574) 848-0344	10/12/2012	Meat Processing; Poultry Processing	Bristol Valley Foods, Burr Ridge Valley, Hinsdale Farms, King Cotton, Mid America Packing, Monogram Foods
M31566A+P31566A	Monogram Gourmet Foods	301 Ballardvale Street	Wilmington	MA	01887	(978) 253-6400	10/31/2018	Meat Processing; Poultry Processing	
M31566+P31566	Monogram Gourmet Foods	330 Ballardvale Street	Willmington	MA	01887	(978) 253-6400	11/22/2016	Meat Processing; Poultry Processing	Progress Gourmet
M394+P15727+V394	Monogram Meat Snacks, LLC	521 N. 5th Street	Chandler	MN	56122	(507) 677-2325	3/2/2006	Certification - Export; Meat Processing; Poultry Processing	

M795+P795+V795	Monogram Meat Snacks, LLC	200 Knauss Dr.	Martinsville	VA	24112	(276) 656-3500	10/14/2009	Animal Foods Inspection; Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	
M32027+V32027	Monogram Prepared Meats, LLC	1231 870th St.	Harlan	IA	51537	(712) 235-2665	1/24/2014	Certification - Export; Meat Processing	Brookfield Farms
M795B+P795B	Monogram Snacks	220 Mehler Lane	Martinsville	VA	24112	(901) 259-6201	4/5/2018	Meat Processing; Poultry Processing	
M34258	Monroe Meat Company LLC	2595 Grant Blvd.	Beatrice	AL	36425	(251) 575-4021	3/17/2017	Meat Processing	
M18288+P18288	Montalvan's Sales	2225 S. Castle Harbor Place	Ontario	CA	91761	(909) 930-5670	12/13/1995	Meat Processing; Poultry Processing	
M20549	Montana Valley Hams	7507 N. Montana Ave.	Helena	MT	59602	(406) 458-5140	8/23/2007	Meat Processing	
M18379+P18379	Montgomery Inn Commissary	30 Illinois Avenue	Cincinnati	OH	45215	(513) 821-6302	2/13/2015	Meat Processing; Poultry Processing	
M33845+V33845	Moonlight Meat Processing Inc	90 AJ Sutton Road	Williamsburg	KY	40769	(606) 515-8813	2/20/2018	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry	
M7400+P7400	Moonlite Bar-B-Q Inn, Inc.	2840 W. Parrish Avenue	Owensboro	KY	42301	(270) 684-8143	6/3/2016	Meat Processing; Poultry Processing	
M46446	Moon River Foods Inc	267 Baird Road P.O. Box 849	Indianola	MS	38751	(917) 386-7745	6/30/2018	Meat Processing; Meat Slaughter	
M4299	Moore's Wholesale Meats, Inc.	B20-21 Hunt's Point Co-op Market	Bronx	NY	10474	(718) 328-3255	1/13/2003	Meat Processing	Supreme Glatt Kosher

V39912	Moran Foods, LLC dba Save-A-Lot	4003 Amber Jack Road	Plant City	FL	33566	(336) 240-9176	4/3/2019	Certification - Export; Identification - Meat; Identification - Poultry	
M4102+P4102+V4102	Morasch Meats, Inc	4050 NE 158th	Portland	OR	97230	(503) 257-9821	11/29/2017	Animal Foods Inspection; Certification - Export; Certification - Trichinae; Meat Processing; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Processing - Rabbit	
M27446+P27446+V27446	More Than Gourmet	929 Home Ave.	Akron	OH	44310	(330) 762-6652	6/24/2011	Meat Processing; Poultry Processing; Voluntary Processing - Poultry	
V27446A	More Than Gourmet	3081 Gilchrist Rd.	Akron	OH	44305	(330) 762-6652	5/29/2009	Certification - Export; Identification - Meat; Identification - Poultry	
M6806+P1469	Morgan Foods, Inc.	90 W. Morgan Street	Austin	IN	47102	(812) 794-1170	10/14/1992	Meat Processing; Poultry Processing	
M4157+P4157	Morgan Meat Co., Inc.	36341 Irwin Rd.	Barstow	CA	92311	(619) 256-2221	2/28/1990	Meat Processing; Poultry Processing	
M46324+P46324	Morning Star Pastries, LLC	19 River Street	Fort Plain	NY	13339	(518) 993-2388	1/17/2020	Meat Processing; Poultry Processing	

M10646+P10646	Morrilton Packing Co.	51 Blue Diamond Drive	Morrilton	AR	72110	(501) 354-2474	3/11/2005	Meat Processing; Poultry Processing	Cedar Falls Brand, Ol' Dean Foods, Ozark Trails Brand, Petit Jean Meats
M18267	Morris Meat Packing	1406 S. 5th Ave.	Maywood	IL	60153	(708) 865-8566	3/12/2018	Meat Processing	
M18229	Morris Meat Packing Company, Inc.	1611 N. Division Street	Morris	IL	60450	(815) 942-9284	3/23/2016	Meat Processing; Meat Slaughter	
M45951+P45951	Morris Meat Plant 1239	7320 Lisbon Road	Morris	IL	60450	(815) 661-7028	6/18/2018	Meat Processing; Poultry Processing	
M21523+P21523	Morski Brands, Inc.	1530 LaDawn Dr.	Portage	WI	53901	(608) 742-2494	7/17/2015	Meat Processing; Poultry Processing	Dawn's Foods
M33863+P33863	Morty Pride Meats, Inc.	105 South Broad Street	Fayetteville	NC	28301	(910) 423-6328	2/2/2006	Meat Processing; Poultry Processing	
M6668+P6668	Morty Pride Meats, Inc.	3603 Clinton Rd.	Fayetteville	NC	28312	(910) 483-6004	4/23/1998	Meat Processing; Poultry Processing	
M46257	Mo's Chowder Vault	101 15th Street	Astoria	OR	97103	(971) 704-1751	10/13/2017	Meat Processing	Mo's Seafood & Chowder, Newport Pacific Corp.
M45149	Mo's Enterprises, INC	622 S.W. Bay Blvd	Newport	OR	97365	(541) 265-8178	2/19/2013	Meat Processing	Mo's Enterprises, Inc.
M45588+P45588	Mosul Kubba	1400 Axtell Dr. unit b	Troy	MI	48084	(248) 577-5058	2/22/2016	Meat Processing; Poultry Processing	
M5883+P5883	Mountain Meadows Lamb Corporation	4900 Clarkson Street	Denver	CO	80216	(303) 749-5291	4/26/2018	Meat Processing; Meat Slaughter; Poultry Processing	Superior Farms - Denver Division
M4146+P4146+V4146	Mountain Meat Packing Inc.	291 Lincoln Street	Craig	CO	81626	(970) 824-4878	4/29/2001	Animal Foods Inspection; Food Inspection; Meat Processing; Meat Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	

M4979+P4979+V4979	Mountain Meat Packing Inc.	951 17 1/4 Road	Fruita	CO	81521	(970) 858-9584	5/25/2000	Food Inspection; Meat Processing; Meat Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	
M46041+P46041	Mountain Pie CO, LLC	4635 Town Center Dr.	Colorado Springs	CO	80916	(719) 235-7234	10/3/2018	Meat Processing; Poultry Processing	
M17458+P17458	Mountain Products Inc.	47 Burdick Road	Lagrangeville	NY	12540	(845) 223-7900	3/12/2018	Meat Processing; Poultry Processing	Mountain Products Smokehouse
M20681+P20681+V20681	Mountain Ranch Smokehouse	5299 South 45000 West	Fruitland	UT	84027	(435) 548-2711	7/19/2000	Meat Processing; Voluntary Processing - Meat	
M3L	Mountain States / Rosen LLC	920 North 7th Avenue	Greeley	CO	80631	(970) 576-3600	6/13/2018	Meat Processing; Meat Slaughter	Rosen of Colorado
M19652	Mountain States Rosen LLC	920 North 7th Avenue	Greeley	CO	80631	(970) 576-3600	6/13/2018	Meat Processing	Rosen of Colorado
M13430+P13430	Mountain View Meats Company, Inc.	465561 Highway 100	Stilwell	OK	74960	(800) 284-4553	5/6/2019	Meat Processing; Poultry Processing	
M39904+P39904	Mountain View Packaging, LLC	3494 South TK Avenue	Boise	ID	83705	(208) 344-1183	6/3/2009	Meat Processing; Poultry Processing	
V7470A	Mountaire Farms	17263 NC Hwy 71 N	Lumber Bridge	NC	28357	(910) 843-5942	12/11/2013	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M1234+P1234	Mountaire Farms Inc.	1101 East Third Street	Siler City	NC	27344	(919) 663-0262	3/5/2018	Meat Processing; Poultry Processing; Poultry Slaughter	Mountaire Farms of North Carolina Corp.

M667+P667	Mountaire Farms Inc.	55 Hosier St. PO Box 710	Selbyville	DE	19975	(302) 436-8241	7/9/2018	Poultry Processing; Poultry Slaughter	Mountaire Farms of Delmarva
M7470+P7470	Mountaire Farms Inc. - NC Division	17269 NC Highway 71 North	Lumber Bridge	NC	28357	(910) 843-5942	12/16/2013	Poultry Processing; Poultry Slaughter	Mountaire Farms of North Carolina
P3	Mountaire Farms of Delaware, Inc.	29005 John J Williams Highway	Millsboro	DE	19966	(302) 934-1100	10/31/2017	Poultry Processing; Poultry Slaughter	
M46775+P46775	Mount Royal Market	1600 Woodland Avenue	Duluth	MN	55803	(218) 728-3665	3/16/2020	Meat Processing; Poultry Processing	
M18832A+P18832A	M&P Food Productions. LTD	830 39th Street	Brooklyn	NY	11232	(718) 438-6421	4/14/2020	Meat Processing	
M18832+P18832	M&P Production LTD	830 39th Street	Brooklyn	NY	11232	(718) 438-5197	4/14/2020	Meat Processing; Poultry Processing	
M54245	Mr. Basterma	6550 Industrial Avenue	Port Richey	FL	34668	(727) 631-7770	10/16/2018	Meat Processing	
M46664+P46664	Mr. B's Pizza	113 Riverview Drive	Waucoma	IA	52171	(319) 404-8606	12/5/2019	Meat Processing; Poultry Processing	
M13177A	M&R Creole Enterprise Inc	222 Distribution Dr.	Lafayette	LA	70501	(337) 233-3425	8/12/2004	Meat Processing	
M34380+P34380	Mr. Empanada Inc.	4029 W. South Ave.	Tampa	FL	33614	(813) 879-6233	2/5/2014	Meat Processing; Poultry Processing	
M48282	M & R Fish	417 Mcallister Rd.	Abbeville	AL	36310	(334) 441-5179	8/31/2017	Meat Processing	
M6479+P6479	Mr. J's Tamales & Chili, Inc.	11200 Alameda St.	Lynwood	CA	90262	(310) 537-3932	3/30/1988	Meat Processing; Poultry Processing	
M51257+P51257	MRK Foods, Inc.	9515 N. 2nd Street	Roscoe	IL	61073	(815) 623-6328	9/10/2019	Meat Processing; Poultry Processing	
M27263+P27263	Mr. Mudbug, Inc.	131 23rd Street	Kenner	LA	70062	(504) 465-9770	2/19/2020	Meat Processing; Poultry Processing	King Creole, MMi Culinary
M9764+P9764	Mr. Pastie	10 E. Bell Avenue	Pen Argyl	PA	18072	(610) 863-9091	4/10/2018	Meat Processing; Poultry Processing	Mr. Pastie

M19566A+P19566A	Mr. Pierogi	126 12th St	Brooklyn	NY	11215	(718) 499-7821	7/17/2007	Meat Processing; Poultry Processing	
M4235+P4235	Mr. Pizza Inc	430 East 23rd Street	Anderson	IN	46016	(675) 643-7472	3/25/2015	Meat Processing; Poultry Processing	
M40242	Mr. P's Jerky	1220 Biscayne Blvd Unit B	Deland	FL	32724	(386) 804-5258	5/4/2010	Meat Processing	
M1177+P588	Mrs. Grissom's Salads	2500 Bransford Avenue	Nashville	TN	37204	(615) 255-4137	11/4/2008	Meat Processing; Poultry Processing	Graces
M46830+P46830	Mrs. Pumpkins Muffin's Inc.	3645-B Reynolda Road	Winston-Salem	NC	27106	(336) 924-9797	6/1/2017	Meat Processing; Poultry Processing	
M1524+P1321	Mrs. Ressler's Food Products Co.	5501 Tabor Avenue	Philadelphia	PA	19120	(215) 744-4700	7/21/2016	Meat Processing; Poultry Processing	
M1640+P395	Mrs. Stratton's Salads	380 Industrial Lane	Birmingham	AL	35211	(205) 940-9640	10/13/1999	Meat Processing; Poultry Processing	USDA Inspector's Office Telephone 205-940-9646 ext. 205
M13180	Mrs Wheats Fabulous Foods, Inc	2519 Agriculture Street	New Orleans	LA	70122	(504) 944-2020	4/3/2013	Meat Processing	
M45014+P45014	Mrs. Williams Country Kitchen Inc.	749 Lakefield Road Unit E	Westlake Village	CA	91361	(805) 494-3385	6/10/2013	Meat Processing; Poultry Processing	
M20783+P20783	Mr Wok Foods Inc	3695 E Post Road	Las Vegas	NV	89120	(702) 740-5824	8/21/2006	Meat Processing; Poultry Processing	
M44055+P44055	MSI Express Inc	803 W Carrier Parkway	Grand Prairie	TX	75050	(972) 641-2416	3/25/2020	Meat Processing; Poultry Processing	
M1052	MSM Meat Company	1699 Hwy 27 N.	Colquitt	GA	39837	(229) 758-8600	9/2/2011	Meat Slaughter	
M5335+P629	MSN Corporation	431 Somerville Street	Manchester	NH	03103	(603) 623-3528	4/30/2018	Meat Processing; Poultry Processing	Budd Foods, Mrs. Budd's

V51285	MS Worldwide Logistics, Inc.	1118 Black Diamond Circle	Laredo	TX	78045	(956) 791-5402	8/28/2018	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M17696+P17696	Mt. Airy Meat Center, Inc.	133 Old Buck Shoals Rd.	Mt. Airy	NC	27030	(336) 786-2023	11/5/2008	Meat Processing; Poultry Processing; Poultry Slaughter	
M9270+P9270+V9270	Mt. Angel Meat Co.	11771 Bull Run Road	Mount Angel	OR	97362	(503) 845-6112	12/19/1995	Meat Processing; Meat Slaughter; Voluntary Processing - Poultry; Voluntary Slaughter - Poultry	
M19901+P19901	M. T. Animal Slaughtering Halal Meat Processing Plant	159 General Blount Drive Old Hwy. 42	Bassfield	MS	39421	(601) 943-5710	10/15/2018	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
I616	MTC Logistics	4851 Holabird Avenue	Baltimore	MD	21224	(410) 342-9300	5/9/2016	Imported Product	
M20891+P20891+V20891	Mt. McKinley Meat & Sausage	385 E. Inner Springer Loop Rd.	Palmer	AK	99645	(907) 745-5232	2/17/2010	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M18654C+P18654C	Mucca Inc.	1533 W. Rosecrans	Gardena	CA	90249	(714) 336-6060	3/5/2018	Meat Processing; Poultry Processing	Mucca
M19177+P19177	Mucci Food Products Ltd	7676 Ronda Drive	Canton	MI	48187	(734) 453-4555	5/27/2009	Meat Processing; Poultry Processing	Mama Mucci's Pasta
M12604+P12604	Mulberry Farms Inc.	1075 Airport Pkwy	Gainesville	GA	30501	(770) 534-0207	11/6/2014	Meat Processing; Poultry Processing	
I669	Mullica Hill Cold Storage	3 Gateway Boulevard	Pedricktown	NJ	08067	(856) 478-6300	9/9/2019	Imported Product	ARGO Merchants Pedricktown, USA

M34546+P34546+V34546	Mullica Hill Cold Storage dba AGRO Merchants Mullica Hill USA	P.O. Box 429 554 Franklinville Road	Mullica Hill	NJ	08062	(856) 478-6300	8/9/2017	Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	Agro Merchants
M34560+P34560+V34560	Mullica Hill Cold Storage Inc.	3 Gateway Boulevard	Pedricktown	NJ	08067	(856) 478-6300	11/18/2014	Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry; Poultry Processing	ARGO Merchants
I182	Mullica Hill Cold Storage, Inc.	540 Franklinville Rd.	Mullica Hill	NJ	08062	(856) 478-6300	8/10/2017	Imported Product	ARGO Merchants Mullica Hill, USA
V48211	Multimodal Logistics, Inc.	8501 Killam Industrial Blvd.	Laredo	TX	78045	(956) 790-9100		Certification - Export; Identification - Meat; Identification - Poultry	
M6840+P6840	Munsee Meats, Inc.	1621 Kilgore Ave. P.O. Box 2843	Muncie	IN	47307	(765) 288-3645	7/14/1995	Meat Processing; Poultry Processing	
P45342+V45342	Munsell's Poultry Processing, LLC	6131 Mason Road	Fowlerville	MI	48836	(517) 375-9908	7/18/2014	Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Slaughter - Poultry; Voluntary Slaughter - Rabbit	
M31575+P31575	Munsey Meats	1738 Buggy Road	Morristown	TN	37814	(423) 200-9037	5/16/2017	Meat Processing	

M9552A	Murazzi Provision Co Inc	123 Eley Street	Kingston	PA	18704	(570) 287-1112	6/13/2011	Meat Processing	
M18334+P18334	Murphy's Express Inc.	133 Newmarket Square	Boston	MA	02118	(617) 442-1775	2/4/2011	Meat Processing; Poultry Processing	J. Carter Veal Co., L & M Provision
M4070+P4070	Murray Berkowitz & Sons, Inc.	355 Food Center Drive E-11 Hunts Point Cooperative Market	Bronx	NY	10474	(718) 328-2000	6/4/2019	Meat Processing; Poultry Processing	
M46896	MURRAY L. NIXON FISHERY INC	1141 NIXON FISHERY ROAD	EDENTON	NC	27932	(252) 221-4115	2/25/2016	Meat Processing	
V46489	Murray Warehousing, Inc.	1115 Elaine Drive	Beloit	WI	53511	(563) 333-4581	9/18/2018	Identification - Meat; Identification - Poultry	
M4830+P4830	Murray Welfare Cannery	4373 South Main Street	Murray	UT	84107	(801) 266-1460	5/24/2013	Meat Processing; Poultry Processing	
M17292+P17292	Murvest Fine Foods	1280 SW 29th Ave	Pompano Beach	FL	33069	(954) 772-6440	10/24/2018	Meat Processing; Poultry Processing	
M44993+P44993	Musa Halal Slaughter House, LLC	6211 North 56th Street	Tampa	FL	33610	(813) 516-1713	4/26/2018	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
M8615+P8615	Musselman's Meats LLC	4030 Conrad Weiser Parkway	Womelsdorf	PA	19567	(610) 589-4622	2/28/2009	Meat Processing; Meat Slaughter; Poultry Processing	Hi-Way Meat Market
M540	Mutual Beef Co., Inc.	126 Newmarket Square	Boston	MA	02118	(617) 442-6364	3/20/2006	Meat Processing	Lincoln Brands, S.F. Downer Corp., Victoria Brand
M48268+P48268	Mutual Trading Co., Inc.	843 East 4th St.	Los Angeles	CA	90013	(213) 626-9458	6/26/2017	Meat Processing; Poultry Processing	
M7602+P7602+V7602	M&W Beef Packers Inc.	2511 MW Court	Mandan	ND	58554	(701) 663-2333	11/30/2005	Meat Processing; Poultry Processing; Voluntary Processing - Meat	Dakota Trails Beef Company

V34079	M & W Distribution Services	1785 Westgate Parkway	Atlanta	GA	30336	(404) 344-7187	6/22/2006	Certification - Export; Identification - Meat; Identification - Poultry	
M39998+P39998	My Bento & Catering	2219 North School Street #C	Honolulu	HI	96819	(808) 383-8115	2/11/2016	Meat Processing; Poultry Processing	
M7641+P7641+V7641	Myers Meats And Specialties	2452B 70th Ave NW	Parshall	ND	58770	(701) 743-4451	7/10/1996	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	Myers Meats And Specialities
M46389	My Favorite Cat, LLC	1308 S.Sandford Ave.	Sandford	FL	32771	(407) 878-1976	11/8/2018	Meat Processing; Meat Slaughter	
M34069+P34069	Myhall Food Corp.	2652 Durfee Avenue	El Monte	CA	91731	(626) 443-5388	12/21/2018	Meat Processing; Poultry Processing	
V46951	My Magic Kitchen, Inc. (DBA MagicKitchen.com)	11310 West 80th Street	Kansas City	KS	66106	(816) 492-3220	3/12/2018	Identification - Meat; Identification - Poultry	
M21677+P21677+V21677	My Own Meals, Inc.	5410 W. Roosevelt Rd.	Chicago	IL	60644	(773) 378-6505	7/9/2001	Identification - Meat; Identification - Poultry	
M2956	Nadler's Meats & Catering LLC	5527 Hwy 224	Wellington	MO	64097	(816) 240-8124	9/5/2017	Meat Processing	
M7656+P7656+V7656	Nagle Veal	1411 East Baseline	San Bernardino	CA	92410	(909) 383-7075	3/1/2007	Meat Processing; Poultry Processing; Voluntary Processing - Meat	Victoria Provisions
M51250	Najaf Halal Meat Company	55 Kidds Drive	Friendsville	PA	18818	(570) 553-2760	4/10/2018	Meat Processing; Meat Slaughter	
M46437+P46437	Najla's Speciality Foods, Inc.	8007 Vinecrest Ave Ste. 3	Louisville	KY	40222	(502) 412-4420	10/19/2018	Meat Processing	

M12448	Nakasone Slaughterhouse	43 B. Ulunui Pl.	Pukalani	HI	96768	(808) 572-8501	5/2/2008	Meat Processing; Meat Slaughter	Nakasone Meats Co.
M47078	Naked Beef Co.	21449 Spook Dr.	Trade Lake	WI	54840	(612) 562-1488	12/3/2019	Meat Processing; Meat Slaughter	
M31725+P31725	Nana's Kitchen, Inc	1313 Old Bay Road	Johnsburg	IL	60051	(224) 402-2815	6/14/2004	Meat Processing; Poultry Processing	
M44955+P44955	Nana's Original Stromboli, Inc.	5421 NE 14th Avenue	Fort Lauderdale	FL	33334	(954) 771-6262	3/7/2014	Meat Processing; Poultry Processing	
M8758+P8758	Napoli Meat & Sausage Company Co., Inc.	240 Sargent Drive	New Haven	CT	06511	(203) 865-2119	4/5/2018	Meat Processing; Poultry Processing	J. P. Flaherty Company Inc.
M5137A+P5137A	Nardone Brothers Baking Co., Inc.	420 New Commerce Boulevard	Wi kes Barre	PA	18706	(570) 823-0141	9/23/2015	Meat Processing; Poultry Processing	
M19440+P19440	Narvaez Beef Processing Plant	217 South Zapata Highway	Laredo	TX	78046	(956) 718-2333	7/14/2006	Meat Processing	
M9064+P9064	Nashville Restaurant Supply	1020 Indurstrial Drive	Pleasant View	TN	37146	(615) 876-2027	10/6/2003	Meat Processing; Poultry Processing	Nashville Resturant Supply
M45617+P45617+G45617	Nathan's Soup & Salad	900 Jefferson Road Bldg. 3	Rochester	NY	14623	(585) 424-4552	6/1/2016	Egg Product; Meat Processing; Poultry Processing	
M4233+P4233	National Beef Ohio, LLC	2208 Grant Rd	North Baltimore	OH	45872	(419) 257-5500	12/16/2019	Meat Processing; Poultry Processing	
M21679	National Beef Packing Co.	189 West Bypass	Moultrie	GA	31768	(229) 985-1599	12/9/2019	Meat Processing	
M208A	National Beef Packing Co., L.L.C.	1501 East 8th Street	Liberal	KS	67905	(620) 624-1851	1/13/2020	Meat Processing; Meat Slaughter	U.S. Premium Beef
M262	National Beef Packing Co., L.L.C.	2000 East Trail Street	Dodge City	KS	67801	(620) 227-7135	1/14/2020	Meat Processing; Meat Slaughter	Hyplains Beef, U.S. Premium Beef
M21526	National Beef Packing Co., LLC	1811 North Old Trail	Selinsgrove	PA	17870	(570) 743-4420	3/17/2020	Meat Processing	

M2966+P2966+V2966	National Beef Packing Food Service	100 Osage Avenue	Kansas City	KS	66105	(913) 371-1107	3/5/2012	Certification - Export; Meat Processing; Poultry Processing	Kansas City Steak Company, Kansas City Steakhouse Originals, Kansas City Steaks, Steakhouse Originals
M17683+V17683	National Cold Storage, Inc.	12775 Loring Drive	Bonner Springs	KS	66012	(913) 422-4050	4/20/2020	Off-Premise Freezing Meat	
M6939	National Coney Island Chili Co., Inc.	27947 Groesbeck Hwy.	Roseville	MI	48066	(313) 365-5611	3/19/2018	Meat Processing	National Chili Co., Inc.
M21340+P21340	National Custom Pkg., Inc.	13526 Blackie Road	Castroville	CA	95012	(831) 633-0203	12/13/2013	Meat Processing; Poultry Processing	
V44933	National DCP	20100 Independence Blvd.	Groveland	FL	34736	(407) 956-4500	8/21/2012	Certification - Export; Identification - Meat; Identification - Poultry	
G1264	National Food Corporation	16900 51st Ave. NE	Arlington	WA	98223	(360) 659-6251	4/21/2010	Egg Product	Pacific Egg Products
M22022+P22022+V22022	National Meat and Provision Company	321 West 10th Street	Reserve	LA	70084	(985) 479-4200	7/6/2007	Certification - Export; Meat Processing; Poultry Processing	
M8784+P8784	National Packing Corp.	538 Craven Street	Bronx	NY	10474	(718) 617-2595	12/4/2001	Meat Processing; Poultry Processing	
M8784A+P8784A	National Packing FL Inc.	2050 NW 95 Ave.	Miami	FL	33172	(786) 631-5974	8/14/2018	Meat Processing; Poultry Processing	
M6010T+P6010T+V6010T	National Steak Processors, LLC.	301 E 5th Ave	Owasso	OK	74055	(918) 274-8787	10/17/2016	Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	Boyle's Famous Corned Beef, Boyle's Famous Corned Beef Co., National Steak and Poultry, NSP, NSP Proteins, NSP Quality Meats

M1682A+P1682A+V1682A	Nation Pizza Products Limited	601 East Algonquin Road	Schamburg	IL	60173	(847) 397-3320	5/24/1995	Certification - Export; Meat Processing; Poultry Processing	
M5341+P5341	Nation's Best Meat Wholesalers, Inc.	D-7 Hunts Point Co-op Market	Bronx	NY	10474	(718) 328-5270	6/14/2013	Meat Processing; Poultry Processing	Broil-A-Brand, L. J. Campbell Wholesale Meats, Inc., Nations Best Deli Company, Inc.
M5541A+P5541A+V5541A	Native American Enterprises, LLC	230 N West St	Wichita	KS	67203	(316) 946-5522	12/4/2012	Meat Processing; Off-Premise Freezing - Meat; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Bar None Foods, LLC, Blockncleaver, LLC, LiL Brave Foods, LLC, McGreevys Meat, LLC, Native Homeland, LLC
V5541B	Native American Enterprises, LLC	3930 W. 29th St. S Suite 90	Wichita	KS	67217	(316) 946-5522	4/20/2020	Certification - Export; Identification - Meat; Off-Premise Freezing Meat; Off-Premise Freezing - Poultry	
M8876+P8876	NAT KAGAN MEAT & POULTRY, INC.	8 GREEN AVENUE	WOODRIDGE	NY	12789	(845) 434-4334	6/30/2009	Meat Processing; Poultry Processing	HUDSON VALLEY CATTLE COMPANY, INC., Nat Kagan Meat & Seafood, Inc., NEW YORK NATURAL
M48143+P48143	Natural Foodworks Group, LLC	4220 Carson St. Suite 102	Denver	CO	80239	(303) 481-7936	8/31/2018	Meat Processing; Poultry Processing	
M34265	Naturally New Mexico Food Products LLC	NM State Hwy 554, #1138B	El Rito	NM	87530	(505) 469-1350	5/15/2007	Meat Processing; Meat Slaughter	
M46559	Natural State Jerky LLC	1772 West Sunset Ave Suite 8A	Springdale	AR	72764	(479) 353-5964	12/18/2018	Meat Processing	
M51255+P51255	Natural State Processing	245 Quality Dr	Clinton	AR	72031	(501) 733-4005	10/26/2017	Poultry Processing; Poultry Slaughter	
M4038+P4038	Nature Fresh Farms, Inc.	1347 Tucker Terrace	Evington	VA	24550	(540) 297-9104	7/25/2018	Meat Processing; Poultry Processing	

M46523+P46523	NCF Foods, LLC	5899 Comstock Park Dr NW	Comstock Park	MI	49321	(616) 248-0603	8/5/2019	Meat Processing; Poultry Processing	
M46566+P46566	Nduja Artisans Company	906 Tower Rd.	Mundelein	IL	60060	(845) 797-1775	4/6/2020	Meat Processing; Poultry Processing	Tempesta Artisan Salumi
M2095+P2095	Nealey's Foods, Inc.	3348 S. Pulaski Rd.	Chicago	IL	60623	(312) 829-4614	8/25/2017	Meat Processing; Poultry Processing	Nealey's Foods, Inc.
M19336	Nebraska Beef Ltd.	4501 So. 36th Street	Omaha	NE	68107	(402) 733-7000	6/24/2005	Meat Processing; Meat Slaughter	
M19603ERR+V19603	Nebraska Cold Storage	600 East 39th Street	Hastings	NE	68901	(402) 461-4442	5/28/1996	Certification - Export; Identification - Meat; Identification - Poultry	
M27509V+P27509V+V27509	Nebraska Warehouse Company	10064 South 134th Street	Omaha	NE	68138	(402) 896-2200	5/23/2012	Certification - Export; Meat Processing; Poultry Processing	
M8341	Neese Country Sausage, Inc.	Anthony Rd. 117	Burlington	NC	27215	(336) 227-0211	12/15/1975	Meat Processing; Meat Slaughter	
M8341A	Neese Country Sausage, Inc.	1452 Alamance Church Road	Greensboro	NC	27406	(336) 275-9548	11/9/2009	Meat Processing	
M2478+P2478+V2478	Neesvig's, Inc.	4350 Duraform Lane	Windsor	WI	53598	(608) 846-1160	8/20/2007	Certification - Export; Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M2390+P2390	Negril, Inc.	815-J Central Ave	Linthicum	MD	21090	(410) 636-1666	1/29/2013	Meat Processing; Poultry Processing	Negril Foods
M44137+P44137+V44137	Nello's Specialty Meats	500 Schoeneck Avenue	Nazareth	PA	18064	(610) 759-0628	4/9/2013	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry	

M33927+P33927+V33927	Nelson's Meat Processing, LLC	2571 Yates Crossing Road	Milton	WV	25541	(304) 743-5400	6/23/2016	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M46997+P46997	Nepaley LLC	1900 N Austin Avenue # 20	Chicago	IL	60639	(224) 420-2310	2/25/2020	Meat Processing; Poultry Processing	
V34726	NEP Cold Storage Inc.	2701 Red Lion Road	Philadelphia	PA	19114	(215) 992-0900	3/17/2009	Certification - Export; Identification - Meat; Identification - Poultry	
I536	NEP Cold Storage, Inc.	2701 Red Lion Road	Philadelphia	PA	19114	(215) 934-6000	1/31/2017	Imported Product	
M40374+P40374	N.E. Pizza Corp.	112 Hull Avenue	Olyphant	PA	18447	(570) 947-0200	4/17/2012	Meat Processing; Poultry Processing	Lou's Pizza
V46101	Neptune Cold Storage	7337 NW 37th Ave.	Miami	FL	33147	(305) 694-1733	5/10/2013	Certification - Export; Identification - Meat; Identification - Poultry	
M51331	Neptune Foods	4510 S. Alameda St.	Vernon	CA	90058	(323) 232-8300	2/6/2018	Meat Processing	
I48240+V48240	Nerys Logistics, Inc.	9925 Airway Rd.	San Diego	CA	92154	(619) 616-2125	1/24/2018	Certification - Export; Identification - Meat; Identification - Poultry; Imported Product	
V3500	Nestle Distribution Company	555 Nestle Way	Breinigsville	PA	18032	(610) 391-7810	1/18/1995	Food Inspection; Identification - Meat	
M440R+P10R	Nestle Nutrition R&D Centers, Inc.	445 State Street	Fremont	MI	49413	(231) 928-2000	2/18/2009	Meat Processing; Poultry Processing	

M1137A+P695	Nestle Prepared Foods Company	5750 Harper Road	Solon	OH	44139	(440) 248-3600	3/10/2006	Meat Processing; Poultry Processing	Nestle Prepared Foods Company
M27333+P27333	Nestle Prepared Foods Company	One Nestle way	Jonesboro	AR	72401	(870) 268-4800	10/3/2014	Meat Processing; Poultry Processing	Lean Cuisine, Stouffer's
M7991+P7991	Nestle Prepared Foods Company	2123 Old Georgia Highway	Gaffney	SC	29340	(864) 487-7111	2/6/2006	Meat Processing; Poultry Processing	Buitoni Foods, Buitoni North America, Chef America East, Inc., Chef America, Inc., Nestle, Nestle Brands Company, Nestle Brands Foodservice Company, Nestle Prepared Foods Company, Nestle Prepared Foods Company, Inc., Nestle USA, Inc., Stouffer Foods
M9018+P9018	Nestle Prepared Foods Company	815 W Ray Klauck Way	Springville	UT	84663	(801) 491-8621	3/29/2018	Meat Processing; Poultry Processing	Lean Cuisine, Nestle, Nestle Brands Company, Nestle Brands Foodservice Company, Nestle Prepared Foods Company, Nestle Prepared Foods Company Inc, Nestle USA Inc, Stouffer Foods, Stouffer's
M9952+P9952	Nestle Prepared Foods Company	201 Airside Drive	Danville	VA	24540	(434) 822-4000	1/26/2010	Meat Processing; Poultry Processing	Buitoni, Contadina, Lean Cuisine, Nestle, Nestle Brands Foodservice, Nestle Frozen Food Company, Nestle Professional N America, Nestle Usa, Inc., Right For You, Stouffer Foods, Stouffers, Toll House
M1045+P316	Nestle Professional	2621 W. 25th Street	Cleveland	OH	44113	(216) 861-8350	5/2/2018	Meat Processing; Poultry Processing	Minor's
M705+P260	Nestle Professional North America	1401 Harris Drive	Trenton	MO	64683	(660) 359-3913	5/31/2018	Meat Processing; Poultry Processing	
M45537+P45537	Nestle R&D Center Inc.	29300 Cannon Road	Solon	OH	44139	(440) 264-2201	4/10/2017	Meat Processing; Poultry Processing	

M2461+P2461+V2461	Nestle USA, Inc.	940 South Whelen Avenue	Medford	WI	54451	(715) 748-5550	7/16/2010	Certification - Export; Meat Processing; Poultry Processing	DiGiorno Foods Company, Jack's Frozen Pizza, Inc., Nestle Pizza Division, Tombstone Pizza Corporation
M5754+P5754	Nestle USA, Inc.	401 West North Avenue	Little Chute	WI	54140	(920) 788-0605	7/16/2010	Meat Processing; Poultry Processing	DiGirorno Foods Company, Jack's Frozen Pizza, Inc., Nestle Pizza Division, Tombstone Pizza Corporation
M7721A+P7721A	Nestle USA - Prepared Foods Division, Inc.	150 Oak Grove Drive	Mt. Sterling	KY	40353	(859) 498-4300	12/2/2002	Meat Processing; Poultry Processing	
M20489	Nether's Pork Skins Inc.	2121 GA Hwy 256	Sylvester	GA	31791	(912) 776-6745	6/17/1999	Meat Processing	
M44200	Nettles Beef Processing Inc.	147 S.W County Road 240	Lake City	FL	32025	(386) 397-5053	7/19/2011	Meat Processing; Meat Slaughter	
M11159+P11159	Nettles Sausage Inc	190 SW County Road 240	Lake City	FL	32025	(386) 752-2510	7/21/2011	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
P9030	New American Poultry	8612 Younger Creek Drive	Sacramento	CA	95828	(916) 441-1466	11/16/2012	Poultry Processing; Poultry Slaughter	
M45471+P45471	New Angus, LLC	13 - 135th St., SW	Aberdeen	SD	57401	(605) 262-2333	1/15/2016	Meat Processing; Meat Slaughter	DemKota Ranch Beef
M7966A+P7966A	NEW B & M Meats, Inc.	21 COMMERCE ST.	Wilmington	DE	19801	(302) 655-5331	4/27/2016	Meat Processing; Poultry Processing	
M19132+P19132	New Boston Meats Co., Inc.	81 Newmarket Square	Boston	MA	02118	(617) 427-5772	12/7/1994	Meat Processing; Poultry Processing	
M2209+P975	New Braunfels Smokehouse	441 North Guenther	New Braunfels	TX	78130	(830) 625-7316	10/4/2017	Meat Processing; Poultry Processing	
G1256+V1256	Newburgh Egg Corp	17 Novogrodsky Road	Woodridge	NY	12789	(845) 434-8115	1/10/2017	Certification - Export; Egg Product	
M4537+P4537	New Castle Chili Co.	2815 Old Pittsburgh Road	New Castle	PA	16101	(724) 652-4454	2/1/2005	Meat Processing; Poultry Processing	

M21505+P21505	New Century Food Corporation	8533 F Terminal Road	Lorton	VA	22079	(703) 550-3438	5/27/2008	Meat Processing; Poultry Processing	Diet-to-Go
M18405A+P18405A	New Cheung's Meat Wholesale In	55-57 Montrose Ave	Brooklyn	NY	11206	(718) 963-4888	10/4/2002	Meat Processing; Poultry Processing	
G31546	New Day Farms, LLC	27322 State Route 739	Raymond	OH	43067	(937) 707-9858	3/30/2016	Egg Product	
G46493	New Day Farms, LLC	9300 Croton Road	Croton	OH	43031	(740) 893-2020	1/29/2019	Egg Product	
G31547	New Day Farms, LLC - Farm 3	27400 Coder-Holloway Rd.	West Mansfield	OH	43358	(937) 358-2593	5/2/2008	Egg Product	
M46719A+P46719A	New England Charcuterie	108 Clematis Drive Unit D	Waltham	MA	02453	(781) 693-9500	7/9/2019	Meat Processing; Poultry Processing	
M21183+P21183	New England Meat Packing, LLC	30 Furnace Hollow Road	Stafford Springs	CT	06076	(860) 684-3505	5/16/2018	Meat Processing; Meat Slaughter; Poultry Processing	
M2925+P2925	New Family Farms, LLC	50684 Main Street North	Eleva	WI	54738	(715) 287-4291	3/29/2018	Meat Processing; Poultry Processing	
M8979+P8979	New Geneva Meats & Processing Inc.	103 E. Main	Geneva	MN	56035	(507) 256-7214	3/15/2013	Meat Processing; Meat Slaughter; Poultry Processing	Dean's Smoke Shack, Geneva Meats
M44980+P44980	New Horizon Cuisine	1430 S.E. Cortina Drive, Suite 200	Ankeny	IA	50021	(515) 965-2294	4/22/2020	Meat Processing; Poultry Processing	
M47065+P47065	New Horizon Food, Inc.	7075 Newington Road Unit J	Lorton	VA	22079	(703) 344-4711	11/21/2019	Meat Processing	
M5489+P5489	New Jersey Veal Co., Inc.	43 Franklin Avenue P.O Box 1	Garfield	NJ	07026	(973) 478-8311	11/13/2000	Meat Processing	Christopher Quality Distributors Inc.
P4734	New Lee's Live Poultry Market Inc.	306 Johnson Avenue	BROOKLYN	NY	11206	(718) 383-4065	8/5/2016	Poultry Processing; Poultry Slaughter	
M45048+P45048	New Manna Food	102 Luisa Street	Tamuning	GU	96913	(647) 649-7774	11/13/2012	Meat Processing; Poultry Processing	

V44917	New Marco Foods Inc.	3251 E. 11th Ave.	Hialeah	FL	33013	(305) 836-0571	5/16/2012	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
P4602A	NEW MARKET POULTRY, LLC	145 EAST OLD CROSS ROAD	NEW MARKET	VA	22844	(540) 740-4260	10/13/2015	Poultry Processing; Poultry Slaughter	
M13272+P13272	New Mexico Food Distr butors	3041 University Blvd. SE	Albuquerque	NM	87106	(505) 888-0104	2/3/2016	Meat Processing; Poultry Processing	505 Southwestern, Blaske's Lotaburger, Bob's Burgers, Chile Products of New Mexico, Excelline Food Products, Fiesta's Restaurant & Cantina, Flagship Food Group, Foods of New Mexico, Frontier (Golden Pride), Little Anita's Mexican Food, Los Cuates, Mauro Enterprises Inc., Milly's Restaurant, NM Distributing, Pabilita's, Rio Grande Tortilla Factory, Senor Pino's, The Authentic New Mexican
M7232+P7232	New Mexico Mexican Foods	916 E. Amador	Las Cruces	NM	88001	(575) 526-7836	12/8/1989	Meat Processing; Poultry Processing	
M2796+P2796	New Moy's Meat Market, Inc.	427 39th Street	Brooklyn	NY	11232	(718) 567-0086	3/27/2017	Meat Processing; Poultry Processing	
M8961+P8961	New Munich Meats Inc	501 Main St Hwy 237 So.	New Munich	MN	56356	(320) 256-4436	3/5/2020	Meat Processing; Poultry Processing	

V27453	New Orleans Cold Storage & Warehouse Co, Ltd	3411 Jourdan Road	New Orleans	LA	70126	(504) 944-4400	5/7/2013	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
I682	New Orleans Cold Storage & Warehouse Co. Ltd.	1091 Remount Road	Charleston	SC	29406	(843) 747-4833	8/21/2012	Imported Product	NOCS South Atlantic
V44808	New Orleans Cold Storage & Warehouse Co. Ltd.	6300 Terminal Drive	New Orleans	LA	70115	(504) 944-4400	11/17/2014	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M2872+P2872	Newport Meat Northern California	48811 Warm Springs Blvd.	Fremont	CA	94539	(510) 438-8600	9/25/2017	Meat Processing; Poultry Processing	Newport Meat Company, Sysco Corporation
M17081+P17081	Newport Meat of Nevada	5420 S Valley View Blvd.	Las Vegas	NV	89118	(702) 364-5533	3/22/2017	Meat Processing; Poultry Processing	SYSCO DESERT MEAT & PROVISION
M1164+P17351	Newport Meat Pacific Northwest	16123 N.E. Airport Way	Portland	OR	97230	(503) 254-3000	2/21/2018	Meat Processing; Poultry Processing	Fulton Provision Company
M4195+P4195	Newport Meat Southern California, Inc.	16691 Hale Avenue	Irvine	CA	92606	(949) 474-4040	7/18/2018	Meat Processing; Poultry Processing	Newport Meat Company, Inc., Sysco Newport Meat Company, Inc.
V3688	Newport-St. Paul Cold Storage Co.	2233 Maxwell Ave.	Newport	MN	55055	(651) 459-5555	6/29/2017	Certification - Export; Identification - Meat; Identification - Poultry	

M18855+P18855	New Reynaldo's LLC	3301 E. Vernon Ave,	Vernon	CA	90058	(562) 803-3188	5/13/2008	Meat Processing; Poultry Processing	
M9307+P9307	New Royal Meat Co.	18019 Aurora Avenue North	Shoreline	WA	98133	(206) 725-4199	7/8/2010	Meat Processing	Oriental Kitchen, Royal Meat Co.
M38511+P38511+V38511	New S.B.L., Inc.	1001 W 45th St Ste A	Chicago	IL	60609	(773) 376-8280	11/1/2010	Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	
M21425+P21425	New S & N Meat Market, Inc	5726 First Avenue	Brooklyn	NY	11220	(718) 833-5132	7/6/2018	Meat Processing; Poultry Processing	
M18931+P18931	New Specialty Products, Inc.	1421 W. 47th St.	Chicago	IL	60609	(773) 847-0230	9/1/2009	Meat Processing; Poultry Processing	Barbeque Select, Barbeque Select
P9897	New Stockton Poultry	302 S San Joaquin St.	Stockton	CA	95203	(209) 466-9503	5/1/2001	Poultry Slaughter	New Stockton Poultry
M4826	New Temple Meat Co.	14202 Nelson Ave.	City of Industry	CA	91746	(626) 330-0082	12/17/2008	Meat Processing	
M32046	New World Services, Inc.	11229 E. Independence Blvd. Sutie H	Matthews	NC	28105	(704) 849-2660	5/29/2019	Meat Processing	A.A. Biltong, Matthews Meat Emporium, The South African Food Shop
I88	New XO Market/Wholesale	Gualo Rai, Middle Road	Saipan	MP	96950	(670) 235-9168	5/3/2019	Imported Product	
M51204+P51204	New York Beef Company, LLC	41 Stringham Road	Poughkeepsie	NY	12603	(845) 559-3171	11/15/2016	Meat Processing; Poultry Processing	
M18416+P18416+V18416	New York Food Service Inc.	355 Food Center Drive B1	Bronx	NY	10474	(718) 617-3000	10/28/2011	Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	US Beef
M45750+P45750	New York Meat and Fish Market	125-127 Saint Ann's Avenue	Bronx	NY	10454	(718) 294-7882	10/30/2018	Meat Processing; Poultry Processing	

M22070+P22070	New York Meat, Inc.	A-19 Hunt's Point Co-op Market	Bronx	NY	10474	(718) 542-4600	3/27/2018	Meat Processing; Poultry Processing	
M9027+P9027	NEW YORK STYLE SAUSAGE CO.	1228 REAMWOOD AVE.	SUNNYVALE	CA	94089	(408) 745-7675	9/13/2018	Meat Processing; Poultry Processing	
V45437	Nex-Xos Worldwide LLC	3922 Pembroke Rd	Pembroke Park	FL	33021	(305) 433-8376	2/27/2017	Certification - Export; Identification - Meat; Identification - Poultry	
P46730	NGF Processing LLC	367-A Mckenzie Rd	Petal	MS	39465	(601) 434-9081	9/24/2019	Poultry Processing; Poultry Slaughter	Nature's Gourmet Farm
M45348+P45348	NGPM Food Products	Road #14 Km 48.5 Barrio Asomante	Aibonito	PR	00705	(787) 648-4652	4/26/2019	Meat Processing; Poultry Processing	
M18657+P18657	Niagara Specialty Foods	2760 Elmwood Avenue	Kenmore	NY	14217	(716) 871-2418	10/17/2016	Meat Processing; Poultry Processing	
M45192+P45192	N bai Inc.	1705, 1709 and 1717 Chico Avenue	South El Monte	CA	91733	(626) 401-1923	1/6/2015	Meat Processing; Poultry Processing	
M46395	NIBBL'S Global LLC	5202 University Way NE	Seattle	WA	98105	(206) 953-0164	6/15/2018	Meat Processing	
M5900	N block's Pork Products	31 Jericho Road	Salem	NJ	08079	(856) 935-2233	4/21/2003	Meat Processing; Meat Slaughter	
M4465	Nicholas Meat LLC	508 E Valley Road	Loganton	PA	17747	(570) 725-3511	12/9/2010	Meat Processing; Meat Slaughter	
M22021+P22021+V22021	Nicky USA, Inc.	223 SE 3RD	Portland	OR	97214	(503) 234-4263	1/2/2003	Meat Processing; Poultry Processing; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry; Voluntary Slaughter - Rabbit	
M46227	Nicola's Pasta Fresca, LLC	735 Fairfield Avenue	Kenilworth	NJ	07033	(908) 245-3600	9/5/2017	Meat Processing	

M4743+P4743	Nicolosi Foods Inc.	2214 Summit Avenue	Union City	NJ	07087	(201) 863-8070	6/27/2006	Meat Processing; Poultry Processing	Berkshire Black, Cultural Cusine, Inc., Dan Rich, Nicolosi Fine Foods
M2117+P2117	Night Hawk Frozen Foods, Inc.	100 Night Hawk Circle	Buda	TX	78610	(512) 295-4166	9/21/2012	Meat Processing; Poultry Processing	
M20314+P20314	Nina Mia, Inc.	826 Enterprise Way	Fullerton	CA	92631	(714) 903-3211	4/8/2009	Meat Processing; Poultry Processing	Pasta Mia
M22104+P22104+V22104	Nital Trading Co. Inc	501 NE 183rd Street	North Miami	FL	33179	(305) 888-6820	1/19/2018	Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	
M8197+P8197	Nitsche's Sausage Co., Inc.	29616 Gratiot Avenue	Roseville	MI	48066	(586) 773-5270	2/12/2009	Meat Processing; Poultry Processing	Dearborn Brand E Side R Store
M21782+P21782	Nixon Family Restaurant, Inc.	327 River Rd.	Edenton	NC	27932	(252) 221-2244	10/15/2001	Meat Processing	
M5992	Noack's Meat Products, Inc.	1112 East Main Street	Meriden	CT	06450	(230) 235-7384	7/1/2016	Meat Processing	
M27472	Noah's Ark Processors, LLC	1009 West M. Street	Hastings	NE	68901	(402) 461-3412	3/5/2015	Meat Processing; Meat Slaughter	WR RESERVE
M34133+P34133+V34133	Noah's Ark Processors, LLC	1821 311th Ave.	Dawson	MN	56232	(320) 769-2020	2/23/2010	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Fishel's Glatt L'Mehadrin, Jack's Gourmet, Lakewood's Best, Solomon's Finest Glatt Kosher, Solomon's Glatt Kosher Meat
M40118+P40118	Nob Hill Pizza	155 South Boulevard	San Mateo	CA	94402	(415) 665-0500	9/9/2014	Meat Processing; Poultry Processing	

M19494+P19494+V19494	NOCS South Atlantic	1091 Remount Road	North Charleston	SC	29406	(843) 747-4833	9/1/1999	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V18815	N.O.C.S. West Gulf	9223 Highway 225 at Miller Cut-off	LaPorte	TX	77571	(281) 930-8002	8/27/2010	Certification - Cysticercus; Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
I15	NOCS West Gulf	9223 Hwy 225	La Porte	TX	77571	(281) 930-8002	7/17/2017	Imported Product	
M4722+P4722	Nodine's Smokehouse Inc.	65 Fowler Avenue	Torrington	CT	06790	(860) 489-3213	3/27/2018	Meat Processing; Poultry Processing	Ivy Mountain Products
M48256+P48256	NOLECHEK'S MEATS, INC.	104 NORTH WASHINGTON STREET	THORP	WI	54771	(715) 669-5580	2/3/2020	Meat Processing; Poultry Processing	
M19970	No Man's Land Foods, LLC	1015 East Main	Boise City	OK	73933	(580) 544-2038	9/26/2018	Meat Processing	
M45726	No Man's Land Foods, LLC	900 East Willow	Enid	OK	73701	(580) 747-4364	11/3/2017	Meat Processing	
M45745+P45745	Nonaka Corporation	725 Pale San Vitores Suite # 107	Tumon	GU	96913	(671) 777-0755	6/5/2018	Meat Processing; Poultry Processing	Bento Chef
M46974+P46974	Nonna Maresca Inc.	7330 NE 2nd. Avenue Unit 104	Miami	FL	33019	(305) 924-3299	10/2/2019	Meat Processing; Poultry Processing	

M44877+P44877	Nonna's Homestyle Foods	6814 Gravois Rd.	St. Louis	MO	63129	(314) 846-5156	3/29/2012	Meat Processing; Poultry Processing	
M20968+P20968+V20968	Nor-Am Cold Storage	1555 21st Street SW	Le Mars	IA	51031	(712) 548-4433	3/2/2015		
M19444+P19444+V19444	Nor-Am Cold Storage, Inc	3416 S. 2nd Street	Saint Joseph	MO	64504	(816) 232-9535	12/10/1999	Certification - Export; Food Inspection; Identification - Meat	Nor-Am Ice and Cold Storage
M20968B+P20968B	Nor-Am Cold Storage, Inc.	801 6th Street SW	Le Mars	IA	51031	(712) 548-4489	4/7/2017	Certification - Export; Food Inspection; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry	Pro-Visions Packing Co.
M34829+P34829+V34829	Nor-Am Cold Storage, Inc.	503 Front St. East	Detroit Lakes	MN	56501	(218) 844-5770	2/18/2009	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M3738+P3738+V3738	Nor-Am Cold Storage, Inc.	2700 Stockyards Expressway	Saint Joseph	MO	64501	(816) 232-6715	9/16/1999	Certification - Export; Food Inspection; Identification - Meat	Nor-Am Ice and Cold Storage

V44854	Nor-Am Ice and Cold Storage	9000 NE Underground Drive	Kansas City	MO	64161	(816) 232-6715	3/19/2012	Certification - Cysticercus; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V45412	Nor-Am Ice & Cold Storage	201 Main Street	Saint Joseph	MO	64501	(816) 232-6715	6/16/2014	Certification - Cysticercus; Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Egg Products; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V54250	Nor-Am Ice & Cold Storage, LLC	1301 Oak Street	Elwood	KS	66024	(816) 232-6715	11/20/2017	Certification - Cysticercus; Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Identification - Siluriformes; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry; Off-Premise Freezing - Siluriformes	

M20968A+P20968A+V20968A	Nor-Am Logistics, Inc.	481 County Road #9	Schuyler	NE	68661	(402) 352-1000	1/22/2004	Certification - Cysticercus; Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V3428	Nordica Warehouses, Inc.	801 South 6th Ave.	Sioux Falls	SD	57101	(605) 336-9152	5/1/1997	Certification - Export; Identification - Meat; Identification - Poultry	
M5520+P5520+V5520	Nordic Foods Inc.	4747 Speaker Road	Kansas City	KS	66106	(913) 281-1167	2/20/1998	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
V18869	Nordic Logistics and Warehousing LLC	1802 Rome Hwy	Rockmart	GA	30153	(770) 684-0886	6/16/2017	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V19147	Nordic Logistics and Warehousing LLC	25 Bonhomie Road	Hattiesburg	MS	39401	(601) 545-7666	6/23/2017	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	

I39	Nordic Logistics and Warehousing, LLC	220 Nordic Way	Pooler	GA	31322	(770) 871-2821	6/27/2017	Imported Product	AGRO Merchants Group
M45073+P45073+V45073	Nordic Logistics and Warehousing, LLC	220 Nordic Way	Pooler	GA	31322	(912) 988-5872	12/7/2012	Certification - Export; Identification - Meat; Identification - Poultry; Identification - Siluriformes; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry; Off-Premise Freezing - Siluriformes	Nordic Logistics and Warehousing, LLC DBA Agro Merchants Group
V17959	Nordic Logistics and Warehousing, LLC	275 Cold Storage Rd.	Lumberton	NC	28358	(910) 738-1131	1/2/2014	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V3757	Nordic Logistics and Warehousing, LLC	3485 Empire Blvd.	Atlanta	GA	30354	(404) 767-5007	7/1/2011	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	

V17754	Nordic Logistics and Warehousing LLC dba Agro Merchants Group	201 First Avenue	Forest	MS	39074	(601) 469-4444	3/19/2018	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V17941	Nordic Logistics and Warehousing, LLC "DBA" Agro Merchants Group	5610 David Cox Rd.	Charlotte	NC	28269	(704) 598-0777	5/30/2019	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V19470	Nordic Logistics and Warehousing, LLC DBA AGRO Merchants Group	403 Commerce Court	Goldsboro	NC	27534	(919) 751-5232	6/19/2017	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M3474+P3474+V3474	Nordic Logistics & Warehousing dba Agro Merchants Group	2400 Hodges Chapel Road	Benson	NC	27504	(919) 894-5191	4/8/1992	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	

V17879	Nordic Nashville, LLC dba ARGO Merchants Group	918 Arctic Drive	Lebanon	TN	37090	(615) 449-8059	6/30/2017	Certification - Export; Identification - Meat; Identification - Poultry	
P46672	Norman W. Fries	575 Industrial Park Road	Sylvania	GA	30467	(912) 739-3181	10/28/2019	Poultry Processing	Claxton Poultry Farms
P6505	Norman W. Fries, Inc.	8816 Highway 301 North	Claxton	GA	30417	(912) 739-3181	4/26/2011	Poultry Processing; Poultry Slaughter	Claxton Poultry Farms
M1074+P1074	Norpaco Inc.	80 Bysiewicz Drive	Middletown	CT	06457	(860) 632-2299	9/3/2013	Meat Processing; Poultry Processing	
M18527+P18527	Norsan Meats, Inc.	4824 N. Royal Atlanta Drive	Tucker	GA	30084	(770) 416-0161	10/15/2010	Meat Processing; Poultry Processing	Norsan Meats, Prime Meats
M18859+P18859+V18859	North American Bison, LLC	1658 Hwy 281	New Rockford	ND	58356	(701) 947-2505	3/29/2018	Certification - Export; Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M51553	North American Caviar Inc	78 Barhill Lane	Paris	TN	38242	(731) 540-9246	7/24/2018	Meat Processing; Meat Slaughter	
V45672	North American Cold Storage, Inc.	23202 Roemer Drive	Woodburn	IN	46797	(260) 632-0301		Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Egg Products; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M46010	North Cascades Meat Producers Cooperative	7229 300th St. NW	Stanwood	WA	98292	(360) 255-7112	5/10/2017	Meat Processing; Meat Slaughter	NCMPC, North Cascade Meat Producers Cooperative
M46247	North Country Charcuterie	1145 Chesapeake Ave., E & F	Columbus	OH	43212	(614) 406-6622	4/20/2020	Meat Processing	North Country Charcuterie

M5390A+P5390A+V5390A	North Country Smokehouse	19 Syd Clarke Drive	Claremont	NH	03743	(603) 543-0234	1/29/2018	Certification - Export; Meat Processing; Poultry Processing	
M7627+P7627	North Dakota State University Meat Laboratory	Animal and Range Sciences Department 1350 Albrecht Blvd.	Fargo	ND	58102	(701) 231-8107	1/15/2019	Meat Processing; Meat Slaughter; Poultry Processing	
M46706+P46706+V46706	Northeast Kingdom Processing LLC	796 Industrial Parkway	St. Johnsbury	VT	05819	(802) 748-2233	2/4/2020	Identification - Meat; Identification - Poultry; Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M45544	Northeast Prime Veal LLC	501 South Washington Avenue	Scranton	PA	18505	(570) 575-0397	3/14/2016	Meat Processing	
M981	Northern Beef Products, Inc.	625 E. 8th Street	Greeley	CO	80631	(970) 351-7364	11/3/1994	Meat Processing; Meat Slaughter	Hoffman's Meats
M40017+P40017+V40017	Northern Culinary Brands, LLC	190 Banker Road	Plattsburgh	NY	12901	(518) 324-6006	4/15/2016	Certification - Export; Meat Processing; Poultry Processing; Voluntary Processing - Meat	Vermont Culinary Brands LLC
M32084+P32084	Northern Lakes Seafd & Mts LLC	12301 Conant	Detroit	MI	48212	(313) 368-2500	3/8/2005	Meat Processing; Poultry Processing	
M4087+P4087	Northern Liberties Food Processors, Inc.	1400 S. Warfield Street	Philadelphia	PA	19146	(215) 877-8500	11/12/2015	Meat Processing; Poultry Processing	

P425+V425	Northern Pride, Inc.	401 Conley Avenue South	Thief River Falls	MN	56701	(218) 681-1201	6/8/2016	Certification - Export; Poultry Processing; Poultry Slaughter; Voluntary Slaughter - Poultry	
M19860+P19860	Northern Tier Bakery, LLC	625 2nd Street	Saint Paul Park	MN	55071	(952) 277-5256	9/8/1998	Meat Processing; Poultry Processing	Northern Tier Bakery , LLC., Speedway SuperAmerica LLC, Supermom's
M7789+P7789	North Fork Custom Meats, LLC	704 6th Street	Howard Lake	MN	55349	(320) 543-2285	8/23/2019	Meat Processing; Poultry Processing	
M8918+P8918	Northland Frozen Pizza, Inc.	712 Thiesse Drive	Brainerd	MN	56401	(218) 829-8520	8/30/2004	Meat Processing; Poultry Processing	Giovanni's Pizza, Little Bruno's Pizza
M4788+P4788+V4788	North Mountain Butcher Shop	4722 Enola Road	Newville	PA	17241	(717) 776-7823	2/2/2010	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat; Voluntary Slaughter - Rabbit	
M10062	Northside Noodle Company	609 Vulcan Street	Iron Mountain	MI	49801	(906) 779-2181	11/1/2011	Meat Processing	Crispinga's, LaRozina's, Ragazzo's
M33976+P33976	Northstar Foods, Inc.	2600 Delta Lane	Elk Grove Village	IL	60007	(847) 787-0210	3/13/2007	Meat Processing; Poultry Processing	
M44844	Northstar Packing, LLC	108 Harvestore Dr.	DeKalb	IL	60115	(847) 787-0210	2/11/2013	Meat Processing; Meat Slaughter	

M8948+P8948+V8948	NorthStar Purveyors, Inc.	105 N. 2nd Street	Grove City	MN	56243	(866) 967-0152	10/17/2019	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	Carlson Meat Processing
M27219+P27219	North State Provision	400 Railroad Street	Ahoskie	NC	27910	(252) 332-2174	8/5/2002	Meat Processing	
M18125+P18125+V18125	Northwestern Meat Inc	2100 N W 23rd Street	Miami	FL	33142	(305) 633-8112	1/7/2003	Certification - Export; Identification - Meat; Identification - Poultry	
I303	Northwestern Meat, Inc.	2100 N.W. 23 Street	Miami	FL	33142	(305) 633-8112	7/14/2009	Imported Product	
I3	Northwestern Selecta, Inc.	796 Calle C Mario Julia Industrial Park	San Juan	PR	00920	(787) 781-1950	11/20/2017	Imported Product	Numeat Packing, Inc.
V18487	Northwest Farm Food Cooperative	1370 S. Anacortes Street	Burlington	WA	98233	(360) 757-4225	3/27/1995	Identification - Meat; Identification - Poultry	
M46178+P46178	Northwest Gourmet Food Products, Inc.	600 SW 7th Street	Renton	WA	98057	(425) 793-5001	7/14/2017	Meat Processing; Poultry Processing	Northwest Gourmet Foods
M48158+P48158	Northwest Meat Company	351 N. Justine Street	Chicago	IL	60607	(312) 733-1418	7/22/2016	Meat Processing; Poultry Processing	
M34216+P34216	Northwest Premier Meats, LLC	19450 S.W. Cipole Road Suite 203	Tualatin	OR	97062	(503) 885-1155	12/14/2006	Meat Processing; Poultry Processing	

M11032+P11032+V11032	Northwest Premium Meats, LLC	137 N. Happy Valley Road	Nampa	ID	83687	(208) 466-9413	6/21/2012	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Processing - Rabbit; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry; Voluntary Slaughter - Rabbit	
M20239+P20239+V20239	Northwood Foods, LLC	1105 8th Street North	Northwood	IA	50459	(641) 324-1466	3/25/2008	Certification - Export; Meat Processing; Poultry Processing	
M20192+P20192+V20192	Northwoods Custom Meats, Inc.	111 Main St. E.	Remer	MN	56672	(218) 566-3933	12/27/2005	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M34687+P34687	Northwoods Locker LLC	267 100th Ave.	Clayton	WI	54004	(715) 948-2554	7/13/2018	Meat Processing; Meat Slaughter; Poultry Processing	Mike's Northwoods
M40332+P40332	No Time 2 Cook	6 County Road 1014	Oxford	MS	38655	(662) 832-4309	10/12/2010	Meat Processing; Poultry Processing	
M48146	Noxubee County Producers Inc	P O Box 700	Macon	MS	39341	(662) 726-2502	1/11/2016	Meat Processing; Meat Slaughter	Superior Catfish Products, Superior Fish Producst
M27277+P27277	Noxwell International, Inc.	5585 New Peachtree Road	Chamblee	GA	30341	(770) 451-2944	7/16/2013	Meat Processing; Poultry Processing	

M4027+P4027+V4027	NPC Processing Inc.	97 Executive Drive	Shelburne	VT	05482	(802) 660-0496	12/5/2012	Animal Foods Inspection; Meat Processing; Poultry Processing; Voluntary Processing - Meat	Angelina's, Custom Food Products, Danny Boy Brand, NPC Processing, Premium Pack Meats, Shannon Traditional Meats, Vt. Country Farms
M4486+P4486	N S Brandon Packing Inc.	28 Church Street	Otego	NY	13825	(607) 988-7723	11/17/2015	Meat Processing; Meat Slaughter; Poultry Processing	Steiner Packer Company
M46834+P46834	Nuchas, LLC	5905 JFK Boulevard	North Bergen	NJ	07347	(347) 688-8440	12/14/2016	Meat Processing; Poultry Processing	
M8926+P8926	Nueske Applewood Smoked Meats	1390 East Grand Ave.	Wittenberg	WI	54499	(715) 253-4000	8/5/2015	Meat Processing; Poultry Processing	Hillsdale Quality Meats, Nueske's Hillcrest Farm Meats, Nueske's Meat Products, Inc.
V20341	Nueske's Meat Products, Inc.	203 North Genesee Street	Wittenberg	WI	54499	(715) 253-2226	7/7/2006	Certification - Export; Identification - Meat; Identification - Poultry	
M13205A+P13205A	Nuevo Garcia Foods, LLC	1802 Jackson-Keller Road	San Antonio	TX	78231	(210) 349-6262	2/18/2020	Meat Processing; Poultry Processing	
M17991+P17991	Nuevo Mundo Foods LLC	42-12 Junction Blvd.	Corona	NY	11368	(718) 899-4536	4/13/2015	Meat Processing; Poultry Processing	
G1415	Nulaid Foods Inc.	200 W. 5th Street	Ripon	CA	95366	(209) 599-2121	7/1/1987	Egg Product	
M5369+P5369	Numeat Packing, Inc.	599 Calle 15 NW	San Juan	PR	00920	(787) 781-1950	2/9/2015	Meat Processing; Poultry Processing	
M40243+P40243+V40243	Nunez Foods	7007 NW 37th Ave.	Miami	FL	33147	(305) 693-1300	9/24/2010	Identification - Meat; Identification - Poultry	
V27393	Nuniwarmiut Reindeer & Seafood Products	Airport Road	Mekoryuk	AK	99630	(907) 827-8015	5/5/2003	Voluntary Processing - Meat; Voluntary Slaughter - Meat	

M31750A+P31750A	Nuovo Pasta Productions, Ltd.	1330 Honeyspot Road Ext.	Stratford	CT	06615	(203) 380-4090	3/12/2018	Meat Processing; Poultry Processing	
M20758+P20758	Nu-Pak, LLC	305 First Street	Boscobel	WI	53805	(608) 375-2322	10/10/2019	Meat Processing; Poultry Processing	Nu-Pak South
M45256+P45256	Nu-Pak, LLC	801 E. Prairie St.	Boscobel	WI	53805	(608) 375-2322	10/10/2019	Meat Processing; Poultry Processing	Nu-Pak North
M46913+P46913	Nurture Life, Inc.	6901C West 65th Street	Bedford Park	IL	60638	(646) 369-8387	2/14/2020	Meat Processing; Poultry Processing	
M46396+P46396	NutriFresh HPP Services LLC	145 Talmadge Road	Edison	NJ	08817	(732) 248-1925	7/10/2018	Meat Processing; Poultry Processing	
M45756+P45756	Nutrition, Inc.	6420 Belmont Ave.	Girard	OH	44420	(330) 953-1061	4/10/2017	Meat Processing; Poultry Processing	The Nutrition Group
M22061+P22061	NuVue Foods	8800 Conant	Hamtramck	MI	48211	(313) 921-7710	10/19/2012	Meat Processing; Poultry Processing	
P45068	NY Livestock Market Inc.	210 Varick Avenue	Brooklyn	NY	11237	(917) 302-8967	6/3/2014	Poultry Processing; Poultry Slaughter	
M20910+P20910	Nylund Food, Inc.	1 Superior Avenue	Crystal Falls	MI	49920	(906) 875-4440	9/26/2001	Meat Processing; Poultry Processing	
M18701+P18701	NYS DOCS, OFFICE OF NUTRITIONAL SERVICES/FOOD PRODUCTION CENTER	EVANS DRIVE, P.O. BOX 4110 BUILDINGS #50 & #55	ROME	NY	13422	(315) 339-6880	12/17/2009	Meat Processing; Poultry Processing	
P8369	Oaks Poultry Co., Inc.	172 Folly Lane	Stoystown	PA	15563	(814) 798-3631	4/28/2014	Poultry Processing	
M46772+P46772	Oak Tree BBQ	2791 15th Street	Spirit Lake	IA	51360	(712) 336-9000	12/6/2019	Meat Processing; Poultry Processing	
M51317	Oasis Seafood, Inc.	2710 Losee Rd. #4	North Las Vegas	NV	89030	(702) 364-0640	4/23/2018	Meat Processing	
M2334+P2334	Oberle Meats	21529 Hwy 32	St. Genevieve	MO	63670	(573) 883-5656	4/16/1998	Meat Processing	

M1831+P1831	Oberti Wholesale Foods, Inc.	14471 Griffith St.	San Leandro	CA	94577	(510) 357-8600	3/25/1996	Meat Processing; Poultry Processing	Oberti Meats
M2862A+P2862A	Oberto Snacks Inc.	22615 54th Avenue S.	Kent	WA	98032	(253) 437-6100	6/5/2018		Bavarian Meats, Cattleman's Cut, Denver Dan, Lowrey's, Oberto Brands, Oberto Sausage Company, Pacific Gold, Smokecraft
M2862B+P4837+V2862B	Oberto Snacks Inc.	7060 S. 238th Street	Kent	WA	98032	(253) 437-6100	9/20/2013	Meat Processing; Poultry Processing; Voluntary Processing - Meat	Bavarian Meats, Cattleman's Cut, Denver Dan, Lowrey's, Oberto Brands, Oberto Sausage Company, Pacific Gold, Smokecraft
M2862C+P2862C+V2862C	Oberto Snacks Inc.	22513 54th Avenue S.	Kent	WA	98032	(253) 437-6100	9/19/2014	Certification - Export; Identification - Meat; Identification - Poultry	Oberto Brands, Oberto Sausage Company, Oberto Snacks, Inc.
M1394+P502+V1394	OFD Foods, Inc.	770 29th Avenue SW	Albany	OR	97321	(541) 926-6001	4/15/1998	Animal Foods Inspection; Meat Processing; Poultry Processing	
M47192+P47192	OFD Foods, LLC	525 25th Ave SW	Albany	OR	97321	(541) 967-6514	3/23/2020	Meat Processing; Poultry Processing	Oregon Freeze Dry
M48234	Off The Dock Seafood, LLC	3511 Sky Harbor Cove	Memphis	TN	38118	(901) 547-7900	2/19/2020	Meat Processing	
M6797+P6797+V6797	Ogden Foods, LLC	4325 W. Ogden Ave.	Chicago	IL	60623	(708) 398-6600	3/21/2013	Certification - Export; Meat Processing; Poultry Processing	
M5867A+P5867A	Ohanyan's Bastirma & Soujouk	3296 W. Sussex Way	Fresno	CA	93722	(559) 243-0800	6/5/2012	Meat Processing; Poultry Processing	Ohanyan's, Inc.
M34569+V34569	Ohio Farms Packing Co. Ltd.	2416 E. West Salem Rd.	Creston	OH	44217	(330) 435-6400	4/4/2008	Certification - Export; Meat Processing; Meat Slaughter	
M46234	Okeechobee Fish Co LLC	7841 Hwy 78 West	Okeechobee	FL	34974	(863) 634-2941	4/3/2018	Meat Processing; Meat Slaughter	

M19520	O. K. Food Products	Rathbone Avenue	Valatie	NY	12184	(518) 758-2491	2/23/1996	Meat Processing	
M11509+P11509	OK Foods Inc	130 Quality Drive	Albertville	AL	35950	(256) 840-9923	1/12/2018	Meat Processing; Poultry Processing	
M21838+P21838	OK Foods Inc	5000 Hwy 431 South	Albertville	AL	35950	(256) 894-3339	1/29/2018	Meat Processing; Poultry Processing	
M1166+P7092+V11 66	OK Foods, Inc.	7300 SW 29th St.	Oklahoma City	OK	73179	(800) 643-2506	4/12/2011	Certification - Export; Meat Processing; Poultry Processing	
P165H	OK Foods, Inc.	200 Industrial Road	Heavener	OK	74937	(800) 643-2506	9/5/2018	Poultry Processing; Poultry Slaughter	
P165M+V165M	OK Foods, Inc.	100 Wilson Rock Road North	Muldrow	OK	74948	(918) 427-2500	9/12/2011	Certification - Export; Poultry Processing	Spring River Farms, Tenderbird
P165S+V165S	OK Foods, Inc.	3921 Reed Lane	Fort Smith	AR	72904	(800) 643-2506	9/12/2011	Certification - Export; Poultry Processing; Poultry Slaughter	
P165+V165	OK Foods, Inc.	4201 Reed Lane	Fort Smith	AR	72904	(479) 783-4186	9/12/2011	Certification - Export; Poultry Processing	
M13170+P13170+V 13170	Oklahoma City Meat Company	300 South Klien	Oklahoma City	OK	73108	(405) 235-3308	8/19/2016	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M526+P526	Oklahoma State University	Oklahoma Food & Agricultural Products Center Room 148	Stillwater	OK	74078	(405) 744-6071	3/1/2005	Meat Processing; Meat Slaughter; Poultry Slaughter	

M44788+P44788+V44788	Old Fashion Country Butcher	335 South 5th Street	Santa Paula	CA	93060	(805) 933-3968	3/13/2012	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Rabbit; Voluntary Slaughter - Meat; Voluntary Slaughter - Rabbit	
M44902+P44902	Old Fashioned Foods, Inc.	650 Furnace St.	Mayville	WI	53050	(920) 387-4444	1/17/2013	Meat Processing; Poultry Processing	
M27240+P27240+V27240	Old Hickory Smokehouse	1012 Veterans Drive	Lewisburg	TN	37091	(224) 628-5950	10/2/2014	Meat Processing; Poultry Processing	Calvary One, Myron Mixon Smoked Meats, Old Hickory Smokehouse
M44067	OLD LINE CUSTOM MEAT COMPANY LLC	1600 S. MONROE STREE	BALTIMORE	MD	21230	(410) 962-5530	1/10/2011	Meat Processing	OLD LINE MEATS
M13343+P13343	Old Santa Fe Trail, Inc.	7500 Central Avenue, SE	Albuquerque	NM	87108	(505) 255-7950	5/2/2005	Meat Processing	Route 66 Beef Jerky
M8126+P8126	Old Style Sausage	1219 Courtesy Road	Louisville	CO	80027	(303) 666-8240	5/10/2017	Meat Processing; Poultry Processing	Old Style Sausage
M6203A+P6203A	Old Trapper Smoked Products, Inc.	4071 24th Ave.	Forest Grove	OR	97116	(503) 359-5425	6/14/2018	Meat Processing; Poultry Processing	Mountain Man, Verboort
M6203+P6203	Old Trapper Smoked Products, Inc.	4115 24th Ave.	Forest Grove	OR	97116	(503) 359-5425	6/14/2018	Meat Processing; Poultry Processing	Mountain Man, Verboort
M2422+P2422	Old Wisconsin Sausage Co. Inc.	2413 Union Avenue	Sheboygan	WI	53081	(920) 458-4304	3/13/2000	Meat Processing; Poultry Processing	Old Wisconsin Food Products, Smokie Products
M2422B+P2422B	Old Wisconsin Sausage, Inc.	4036 Weeden Creek Road	Sheboygan	WI	53081	(920) 458-4304	5/8/2017	Meat Processing; Poultry Processing	
M34448+P34448	Old World Meat	226 North Basswood Ave.	Duluth	MN	55811	(218) 722-2333	2/28/2008	Meat Processing; Poultry Processing	
M595+P8447	Old World Provisions Inc.	82-88 Westerlo Street	Albany	NY	12202	(518) 465-7306	11/5/2012	Meat Processing; Poultry Processing	Jo-Mar Provisions, N. H. Pitchal Inc., State National Provisions

M7524+P7524	Old World Provisions Inc.	12 Industrial Park	Troy	NY	12180	(518) 465-7306	10/31/2012	Meat Processing	
M45292+P45292	Oliveros Distribution Commissary	145 S. KIlroy Road	Turlock	CA	95380	(209) 634-2000	5/24/2019	Meat Processing; Poultry Processing	
M40355	Olli Salumeria Americana	8505 Bell Creek Rd. Suites H, I, J	Mechanicsville	VA	23116	(804) 427-7866	10/31/2013	Meat Processing	
M45334+P45334+V45334	OLLI SALUMERIA AMERICANA	OLLI SALUMERIA AMERICANA 1301 ROCKY POINT DRIVE	OCEANSIDE	CA	92056	(804) 427-7866	5/14/2015	Certification - Export; Meat Processing; Poultry Processing	
M34056+P34056+V34056	Olsen Farms Meats	2450 Heine Road	Chewelah	WA	99109	(509) 935-6213	8/3/2017	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Smokey Ridge Meats
V18708	Olson Commercial Cold Storage	1340 West High St. P.O. Box 332	Defiance	OH	43512	(419) 784-4700	6/19/2009	Certification - Cysticercus; Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Poultry	
M21799	Olson Meat Plant	7301 Cutler Avenue	Orland	CA	95963	(530) 865-8111	10/17/2002	Meat Processing; Meat Slaughter	
M18743+P18743	Olympia Food Industries Inc	9501 Nevada Ave.	Franklin Park	IL	60131	(773) 735-2250	6/7/2016	Meat Processing; Poultry Processing	
M39928+P39930+V39928	Olympia Meats	123 SE 2nd Ave.	Portland	OR	97214	(503) 894-8275	1/11/2017	Meat Processing; Poultry Processing; Voluntary Processing - Meat	Olympia Provisions
M20862+P20862	Olympic Gold Meats, Inc.	540 W 15th St.	Long Beach	CA	90813	(562) 436-6155	12/19/2014	Meat Processing; Poultry Processing	

M2769+P2769	Omaha Beef Company Inc.	9 Maple Avenue	Danbury	CT	06810	(203) 748-2651	4/17/2018	Meat Processing; Poultry Processing	
M45834	Omaha, NE Premium Ground Beef, LLC	3001 L Street	Omaha	NE	68107	(402) 506-6440	3/29/2016	Meat Processing; Meat Slaughter	
M1198+P4230+V1198	Omaha Steaks International	4400 S. 96th Street	Omaha	NE	68127	(402) 331-1010	11/3/2004	Certification - Export; Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M13560+P13560	Omaha Steaks International	501 East 4th St.	Snyder	NE	68664	(402) 568-2399	7/22/1998	Meat Processing	
M1198A+P4230A+V1198A	Omaha Steaks International Inc.	9203 F St.	Omaha	NE	68127	(402) 593-4264	4/19/2000	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M1527+P13131	Omaha Variety Meats, LLC	706 Road B	Henderson	NE	68371	(402) 723-4701	11/30/2016	Meat Processing; Meat Slaughter; Poultry Processing	Henderson Meat Processors
M18876+P18876	OMH Cook Chill Production Center	145 Old Orangeburg Road	Orangeburg	NY	10962	(845) 365-6196	11/8/2006	Meat Processing; Poultry Processing	Cook Chill Production Center, NYS OMH Cook Chill Production Center
M2199+P2199	Omni Custom Meats, Inc.	151 Vanderbilt Court	Bowling Green	KY	42103	(270) 796-6664	8/2/2001	Meat Processing; Poultry Processing	
M18591+P18591	Onion Crock of Michigan	1221 McReynolds NW	Grand Rapids	MI	49504	(616) 458-2922	4/15/2004	Meat Processing; Poultry Processing	
M21902+P21902	Onofrio's Fresh Cut Inc.	222 Forbes Avenue	New Haven	CT	06512	(203) 469-5624	3/9/2017	Meat Processing; Poultry Processing	Gourmet Creations, Gourmet Kitchens, Onofrio's J & E Enterprises
M31652+P31652	On On Food Company	1130 5th Ave.	Oakland	CA	94606	(510) 251-9588	9/26/2005	Meat Processing; Poultry Processing	
P19402	Onorato & Co., Inc.	390 Swift #17	South San Francisco	CA	94080	(650) 794-9272	7/19/2012	Poultry Processing	
M46407	Open Range Beef, LLC	120 West Highway 20	Gordon	NE	69343	(308) 282-1125	9/6/2017	Meat Processing; Meat Slaughter	

M39970+P39970+V39970	Opportunities, Inc. of Jef Cty	930 Stewart Street	Madison	WI	53713	(608) 274-1894	7/22/2009	Identification - Meat; Identification - Poultry	
M32153A+P32153A+V32153A	Opportunities, Inc. of Jefferson County	662 Armour Road	Oconomowoc	WI	53066	(262) 569-8888	5/16/2005	Identification - Meat; Identification - Poultry	
M32153+P32153+V32153	Opportunities, Inc. of Jefferson County	200 East Cramer Street	Fort Atkinson	WI	53538	(920) 563-2437	4/21/2015	Identification - Meat; Identification - Poultry	
M39908+P39908+V39908	Optimus	1000 NW 159th Dr.	Miami Gardens	FL	33169	(305) 758-9288	7/7/2009	Identification - Meat; Identification - Poultry	Marky's
M4406+P4406	Orazio & Sons Meats	5600 First Avenue A-8 1/2	Brooklyn	NY	11220	(718) 439-4574	8/8/2011	Meat Processing	
V45415	Orca Bay Foods, LLC	900 Powell Avenue SW	Renton	WA	98057	(425) 687-4171	6/7/2018	Identification - Siluriformes	
M18389+P18389+V18389	Orchard Sausages, Inc.	340 Johnson Avenue	Brooklyn	NY	11206	(718) 381-9388	12/11/2013	Certification - Export; Meat Processing; Poultry Processing	
V21049	Orefield Cold Storage	3824 Rt 309	Orefield	PA	18069	(610) 973-2875	2/21/2012	Certification - Export; Identification - Meat; Identification - Poultry	
M9289+P9289	Oregon Beef Co.	1762 S. Adams Drive P.O. Box X	Madras	OR	97741	(503) 475-2288	3/1/1995	Meat Processing; Meat Slaughter	
V1394I	Oregon Freeze Dry, Inc.	32136 Hooska Avenue Building 62	Tangent	OR	97389	(541) 926-6001	6/25/2010	Certification - Export; Identification - Meat; Identification - Poultry	
M40201+P40201	Oriental Delight, LLC	1209 Baker Road Unit 514	Virginia Beach	VA	23455	(757) 961-4119	5/24/2018	Meat Processing; Poultry Processing	
M6796+P6796	Oriental Kitchen Corporation	223 N. Justine St.	Chicago	IL	60607	(312) 738-2850	12/16/2008	Meat Processing; Poultry Processing	

M51225+P51225	Oriental Recipes USA, LLC	11626 Clark St.	Arcadia	CA	91006	(909) 481-7514	5/25/2016	Meat Processing; Poultry Processing	
M33883+P33883	Original Fried Pies	I-35 at Hwy 77, Exit 51	Davis	OK	73030	(580) 369-7830	3/15/2012	Meat Processing; Poultry Processing	
V21745	Orion Food Systems, LLC	2904 Sencore Drive	Sioux Falls	SD	57107	(605) 332-6136	9/15/2017	Certification - Export; Identification - Meat; Identification - Poultry	
V31719	Orlando Provisions, LLC	7810 Kingspointe Pkwy, Ste 104	Orlando	FL	32819	(407) 251-4269	6/28/2005	Certification - Export; Identification - Meat; Identification - Poultry	
M38521+P38521	Ornna Brazilian Sausage Corp.	6840A Hanging Moss Rd	Orlando	FL	32807	(407) 671-0021	12/29/2009	Meat Processing; Poultry Processing	
M21905+P21905	Ortega's Meat Distr bution	2316 S. Fruit Ave.	Fresno	CA	93706	(559) 264-9009	9/14/2007	Meat Processing; Poultry Processing	
M15811	Oscar's Foods	6125 W. Belmont Ave.	Chicago	IL	60634	(773) 622-6822	4/20/2004	Meat Processing	
M4257+P4257	Oscar's Hickory House Inc.	22 Raymond Lane	Warrensburg	NY	12885	(518) 623-3431	4/15/2015	Meat Processing; Poultry Processing	Oscar's Adirondack Smokehouse, Oscars Smokehouse
M2865+P2865	Oscar's Wholesale Meat Co. Inc.	250 West 31st Street	Ogden	UT	84403	(801) 394-6472	2/2/2011	Meat Processing; Poultry Processing	Arnold's Wild Game Processing
M199O+P199O	Osceola Food, LLC	1027 Warren Avenue	Osceola	IA	50213	(641) 342-8000	9/8/2016	Meat Processing; Poultry Processing	Hormel Foods Corporation
M1044G+P136G	OSI Industries, LLC	2088 Geneva Dr.	Geneva	IL	60502	(630) 402-2300	7/20/2015	Meat Processing; Poultry Processing	On-Cor Frozen Foods, Redi-Serve Foods
M104I+P104I+V104i	OSI Industries, LLC	21876 North Highway 59	Oakland	IA	51560	(712) 566-1300	7/3/2008	Meat Processing; Poultry Processing	

M104+P104+V104	OSI Industries, LLC	711 Industrial Dr.	West Chicago	IL	60185	(630) 231-9090	4/11/2011	Certification - Export; Meat Processing; Poultry Processing	OSI West Chicago, a division of OSI Industries< LLC, Otto & Sons West Chicago, a Div. of OSI Indust., LLC
M104U+P104U	OSI Industries, LLC	4980 West 9470 South	West Jordan	UT	84081	(801) 280-0166	3/21/2019	Meat Processing; Poultry Processing	Otto & Sons West Jordan, a division of OSI Industries, LLC
M1300+P5615	OSI Industries, LLC	1200 Industrial Drive	Fort Atkinson	WI	53538	(920) 563-6391	5/12/2015	Meat Processing; Poultry Processing	
M2504+P2504+V2504	OSI Industries, LLC	4545 S. Racine Ave.	Chicago	IL	60609	(773) 847-2000	3/3/2006	Certification - Export; Meat Processing; Poultry Processing	OSI Food Company, A division of OSI Industries, LLC, Otto & Sons - Stockyards, Otto & Sons Stockyards, A division of OSI Industries, LLC
M251+P6930	OSI Industries, LLC	4900 South Major Avenue	Chicago	IL	60638	(708) 458-9300	10/28/2020	Meat Processing; Poultry Processing	Rose Packing Company, A Division of OSI Industries, LLC, Rose Packing Company, Inc., Rose Packing, a Division of OSI Industries, LLC
M51218	OSI Industries, LLC	1155 Mount Vernon Ave.	Riverside	CA	92507	(951) 823-5022	3/8/2016	Meat Processing	
M51237+P51237	OSI Industries, LLC	4201 S. Ashland Avenue	Chicago	IL	60609	(630) 692-2246	12/13/2016	Meat Processing; Poultry Processing	
G339+V339	Oskaloosa Food Products Corp.	543 Ninth Avenue East	Oskaloosa	IA	52577	(641) 673-3486	8/3/2009	Egg Product	
M17413+P17413	Ossian Packing Co. Inc.	3044 East 900 N	Ossian	IN	46777	(260) 622-4191	11/28/2003	Meat Processing; Poultry Processing	Hoosier Pride
M46295+P46295	Osso Good, LLC	5877 E. Brown Ave.	Fresno	CA	93727	(559) 981-2456	9/19/2019	Meat Processing; Poultry Processing	
M11116	Osteen Meat Service Inc.	7909 Hoboh Rd.	Clermont	FL	34711	(352) 394-6465	1/6/2020	Meat Processing; Meat Slaughter	
M13409+P13409	O'Steen Meat Specialties, Inc.	2126 N. Broadway	Oklahoma City	OK	73103	(405) 236-1952	1/21/1998	Meat Processing; Poultry Processing	
M10825	Ostrowski's of Bank St.	1801 Bank St.	Baltimore	MD	21231	(410) 732-1118	9/19/1996	Meat Processing	

M19083+P19083	O'Tasty Foods, Inc.	160 S. Hacienda Blvd.	City of Industry	CA	91745	(626) 330-1229	6/22/2005	Meat Processing; Poultry Processing	
P32143	Otto's Poultry Inc.	5622 Whitneyville Road	Middleville	MI	49333	(269) 795-7696	11/25/2013	Poultry Processing; Poultry Slaughter	Otto's Chicken
V47114	Outlook Group, LLC	8520 Martin Drive	Neenah	WI	54956	(920) 722-2333	1/23/2020	Identification - Meat	
M45977+P45977	Out of the Shell dba Yangs or Lings	9605 Klingerman Street	South El Monte	CA	91733	(626) 401-1923	10/14/2019	Poultry Processing	
M21869A+P21869A	Out of the Shell LLC.	212 W. Santa Fe St.	Pomona	CA	91767	(909) 596-3433	3/31/2006	Poultry Processing	Ling's, Out of the Shell
M21869+P21869	Out of the Shell, LLC.	9658 Remer St.	South El Monte	CA	91733	(626) 401-1923	11/21/2001	Meat Processing; Poultry Processing	
M1722+P2824+V2824	Overhill Farms, Inc.	3055 E. 44th St.	Vernon	CA	90058	(323) 582-5985	3/22/2017	AMS RTE Canada EV Program; Food Inspection; Meat Processing; Poultry Processing	
M6147+P6147+V6147	Overhill Farms, Inc.	2727 E. Vernon Avenue	Vernon	CA	90058	(323) 582-9977	6/3/2006	Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing; Voluntary Processing - Poultry	
M3093+V3093	Oversea Casing Company, LLC	601 South Nevada Street	Seattle	WA	98108	(206) 682-6845	7/21/1998	Animal Foods Inspection; Certification - Export; Identification - Meat; Identification - Poultry	

V27254	Oversea Dewied International LLC	5010 East I-10	San Antonio	TX	78219	(210) 661-6161	10/16/2019	Certification - Export; Identification - Meat	Oversea Casing Company LLC
M9287+V9287	Ovid Meat Co., LLC	115 Main Street	Ovid	CO	80744	(970) 463-5657	9/15/2011	Certification - Export; Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	D & L Meat Co.
M4532+P4532	Owasco Meat Co., Inc.	61 Oak Hill Rd	Moravia	NY	13118	(315) 497-1721	6/19/2013	Meat Processing; Meat Slaughter; Poultry Processing	
M21488+V21488	OWB Packers LLC	57 East Shank Road	Brawley	CA	92227	(760) 351-2700	11/22/2016	Certification - Export; Identification - Meat; Meat Processing; Meat Slaughter	
M454+P4988+V454	Owyhee Meat Company	3408 Industrial Road	Homedale	ID	83628	(208) 337-3648	10/11/1989	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
V27406	Oxford Trading	305 Myles Standish Boulevard	Taunton	MA	02780	(781) 320-3232	11/20/2019	Certification - Export; Identification - Meat; Identification - Poultry	
M45572+P45572	Ozark Meats Inc	HC 1 Box 45M	Grandin	MO	63943	(573) 593-4199	1/12/2018	Meat Processing; Meat Slaughter; Poultry Processing	

M21498+P21498	Ozark Mountain Poultry Inc.	750 West Easy Street	Rogers	AR	72756	(479) 878-4237	11/7/2018	Meat Processing; Poultry Processing	Forester Farmer's Market, OMP Foods, OMP Processing, Ozark Mountain Poultry, Inc.
P46091	Ozark Mountain Poultry, Inc.	1810 St. Louis Street	Batesville	AR	72501	(870) 569-2549	11/7/2018	Poultry Processing; Poultry Slaughter	Forester Farmer's Market, OMP Foods, OMP Processing, Ozark Mountain Poultry, Inc.
V34460	Ozburn -Hessey Logistics	90 King Mill Road	McDonough	GA	30253	(770) 898-4460	1/19/2010	Certification - Export; Identification - Meat; Identification - Poultry	
V3542	Pacific Agri-Products, Inc.	477 Forbes Blvd.	South San Francisco	CA	94080	(415) 873-0440	7/10/1996	Certification - Export; Identification - Meat; Identification - Poultry	
M34823+P34823+V34823	Pacific Coast Container	1830 13th Avenue SW	Seattle	WA	98134	(206) 223-0551	10/15/2008	Identification - Meat; Identification - Poultry	PCC Logistics
M34824+P34824+V34824	Pacific Coast Container	902 East 11th Street	Tacoma	WA	98421	(253) 572-9797	10/15/2008	Certification - Export; Identification - Meat; Identification - Poultry	PCC Logistics
I255	Pacific Coast Container, Inc.	737 Bay Street	Oakland	CA	94607	(510) 893-5420	9/30/2005	Imported Product	
M19209+V19209	Pacific Coast Container, Inc.	3629 Duwamish Ave. S.	Seattle	WA	98134	(206) 622-4030	10/15/2008	Certification - Export; Identification - Meat; Identification - Poultry	PCC Logistics
V21504	Pacific Coast Container, Inc.	1245 Watson Center Road	Carson	CA	90745	(310) 900-1800	3/24/2014	Certification - Export; Identification - Meat; Identification - Poultry	

M18611+P18611+V18611	Pacific Coast Containers	2099 7th St.	Oakland	CA	94607	(510) 763-8991	12/8/1992	Certification - Export; Identification - Meat; Identification - Poultry	
M21894+P21894	Pacific Coast Fruit	201 N.E. 2nd Avenue Suite 100	Portland	OR	97232	(503) 348-9663	6/7/2018	Meat Processing; Poultry Processing	
M34174+P34174	Pacific Coast Meat Inc.	753 Bryant Street	San Francisco	CA	94104	(415) 597-7262	5/20/2010	Meat Processing; Poultry Processing	
M22016+P22016	Pacific Foods of Oregon, LLC	19480 SW 97th Avenue	Tualatin	OR	97062	(503) 692-9666	1/3/2018	Meat Processing; Poultry Processing	Campbell Soup Company
M46411+P46411	Pacific Fresh Premium Meat	1199 Dock Street	Tacoma	WA	98402	(253) 627-2158	9/27/2013	Meat Processing; Poultry Processing	
I91	Pacific Grocers	196 Juan C. Fejeran	Barrigada	GU	96913	(671) 649-6978	7/2/2019	Imported Product	
I608	Pacific Produce Corporation	220 East Harmon Industrial Park Road	Tamuning	GU	96931	(671) 646-8082	5/23/2016	Imported Product	
M38478+P38478	Pacific Produce Corporation	220 East Harmon Industrial Park Road	Tamuning	GU	96931	(671) 646-5248	6/25/2009	Meat Processing	
M12435+P12435	Pacific Sausages Co. Inc.	1818 Republican St.	Honolulu	HI	96819	(808) 841-0091	11/15/2007	Meat Processing; Poultry Processing	
M8274+P8274	Pacific Seafood - Sacramento, LLC	1420 W. National Drive	Sacramento	CA	95834	(916) 419-5500	1/7/2020	Meat Processing; Poultry Processing	
M18811+P18811+V18811	Pacific Transload Systems	737 Bay Street	Oakland	CA	94607	(510) 893-5420	6/6/1997	Certification - Export; Identification - Meat; Identification - Poultry	
M19977+P19977	Packer Avenue Foods, Inc	700 Packer Avenue	Philadelphia	PA	19148	(215) 271-0300	12/13/2018	Meat Processing; Poultry Processing	
I34311	Paden Cold Inc.	5714 Curlew Dr.	Norfolk	VA	23502	(757) 410-3175	11/14/2018	Imported Product	

M34311+P34311+V34311	Paden Cold, Inc.	5714 Curlew Drive	Norfolk	VA	23502	(757) 410-3175	8/23/2007	Certification - Export	
M13136+P13136	Padrino Foods LLC	3210 Conflans Road	Irving	TX	75061	(214) 905-3444	7/11/2017	Meat Processing; Poultry Processing	
V47000	Pak Quality Foods LLC	12360 S Pipeline Road	Fort Worth	TX	76040	(817) 752-9050	10/3/2019	Certification - Export; Identification - Meat; Identification - Poultry	
V19747	Pak Quality Foods, L.P.	404 Pulliam	San Angelo	TX	76903	(325) 658-4244	5/22/2006	Certification - Export; Certification - Trichinae; Identification - Meat	
M9880	Palace Meat Co.	2447 W Church Ave.	Fresno	CA	93706	(559) 233-1124	7/21/2015	Meat Processing; Meat Slaughter	
M38546+P38546	Palace Meat Company	715 E. 500 S.	Salt Lake City	UT	84102	(801) 364-5621	5/18/2009	Meat Processing; Poultry Processing	
I79	Palama Holdings LLC	2029 Lauwiliwili Street	Kapolei	HI	96707	(808) 682-8305	12/14/2010	Imported Product	
M11077+P11077	Palama Holdings, LLC	2029 Lauwiliwili St.	Kapolei	HI	96707	(808) 682-8305	8/1/2017	Meat Processing; Poultry Processing	H&W Foodservice, Palama Meat Co.
M40113+P40113	Palava Fine Foods, LLC	11002 East Yale Avenue	Aurora	CO	80014	(303) 956-3098	8/4/2017	Meat Processing; Poultry Processing	
M9936A+P9936A	Palenque Provisions Corp	23 Grant Street	Linden	NJ	07036	(908) 718-1557	9/17/2013	Meat Processing; Poultry Processing	
M1487+P1487+V1487+V1487Z	Palermo Villa, Inc.	800 W. Maple Street	Milwaukee	WI	53208	(414) 982-6295	4/27/2018	Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	
M4104+P4104	Palisades Ranch	5925 South Alcoa Avenue	Vernon	CA	90058	(323) 581-6161	9/13/2016	Meat Processing; Poultry Processing	

M4548+P4548	Palmer Food Service	171 Weidner Road	Rochester	NY	14624	(585) 274-9799	5/20/2014	Meat Processing; Poultry Processing	
P211	Palmetto Pigeon Plant, Inc.	333 Broad Street	Sumter	SC	29150	(803) 775-1204	9/23/2010	Poultry Processing; Poultry Slaughter	
M474	Palmyra Bologna Company, Inc.	230 North College Street	Palmyra	PA	17078	(717) 838-6336	11/15/2018	Meat Processing	Seltzer's Smokehouse Meats
M474A	Palmyra Bolonga Company, Inc.	1035 Willow Street	Lebanon	PA	17042	(717) 273-9581	1/29/2015	Meat Processing	
M27383+P27383	Paloma Mexican Foods Corporation	13538 E. Imperial Hwy.	Santa Fe Springs	CA	90670	(562) 404-0527	7/28/2003	Meat Processing; Poultry Processing	Don Jose Chicharrones
I658	Palos Garza Forwarding	8417 Amparan Road	Laredo	TX	78045	(956) 417-2767	7/30/2013	Imported Product	
V44093	Palos Garza Forwarding, LLC	8417 Amparan Road	Laredo	TX	78045	(956) 725-5141	2/8/2011	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M21867	Palumbo's Meat Market	5170 Lake Street P.O. Box 0367	Sandy Lake	PA	16145	(724) 376-4535	2/24/2011	Meat Processing; Meat Slaughter	
M405A+P9029A	Pampanga Food Co.	1804 N Orangethorpe Park	Anaheim	CA	92801	(714) 773-0415	7/8/1997	Meat Processing; Poultry Processing	
M405+P9029	Pampanga Food Co. Inc.	1835 N Orangethorpe Park	Anaheim	CA	92801	(714) 773-0537	2/23/1995	Meat Processing; Poultry Processing	
M40030+P40030	Panapastry, LLC.	9001 NW 97th Terr Unit-M	Medley	FL	33178	(305) 883-1557	9/15/2009	Meat Processing; Poultry Processing	
M46076+P46076	Panbury's LLC	209 Edgewood Avenue	Atlanta	GA	30303	(404) 500-1279	8/14/2018	Meat Processing; Poultry Processing	
M46945+P46945	Pane Vita LLC	10 White Street	Rochester	NY	14608	(585) 203-9251	1/12/2016	Meat Processing; Poultry Processing	

M34289+P34289+V34289	Pangea Packing LLC	1865 S. Tenth St.	San Jose	CA	95112	(408) 286-6262	12/10/2007	Meat Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Processing - Rabbit	Bassian Farms
M9675+P9675	Panhandle Food Sales Inc.	Rt 18	Slovan	PA	15078	(724) 947-2216	3/2/2017	Meat Processing; Poultry Processing	Billy Boy's, Granny's Gourmet, Schiavo's Pasta
M7273	Panhandle State University	Lab-Harrison/Church St. PO Box 460	Goodwell	OK	73939	(580) 349-1518	2/1/2005	Meat Processing; Meat Slaughter	
M8271+P8271	Panizzera Meat Co. LLC	3905 Main St.	Occidental	CA	95465	(707) 874-9770	12/12/2019	Meat Processing; Poultry Processing	
M48230+P48230	Panna Cafe Express To Go, Inc	18330 Northeast 2nd Ave	Miami	FL	33179	(954) 707-6752	12/2/2016	Meat Processing; Poultry Processing	
M48219+P48219+V48219	Panola County Processing LLC	501 CR 407	Carthage	TX	75633	(903) 690-0430	7/3/2017	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M46322+P46322	Panorama Wellness Production, LLC	8877 S. 137th Cir. Suite 1	Omaha	NE	68138	(531) 200-3646	3/25/2019	Meat Processing; Poultry Processing	Eat Fit Go, Eat Fit Go Healthy Foods
M6016+P6016+V6016	Papa Cantella's Inc	3341 E. 50th Street	Vernon	CA	90058	(323) 584-7272	12/18/2014	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M1610	Papa Charlie's	1800 S. Kostner Ave.	Chicago	IL	60623	(773) 522-7900	6/4/2004	Meat Processing	Papa Charlie's Italian Beef
V20954	Papa John Food Service	2075 W. Obispo Avenue Suite 101	Gilbert	AZ	85233	(480) 497-8800	10/6/2007	Certification - Export; Identification - Meat; Identification - Poultry	

M44979+P44979	Papa Pasquale Ravioli and Pasta Company	7813 15th Ave	Brooklyn	NY	11228	(718) 232-1798	3/7/2014	Meat Processing; Poultry Processing	
G1028	Papetti's Hygrade Egg Products Inc.	One Papetti Plaza	Elizabeth	NJ	07206	(908) 282-7900	7/27/2011	Egg Product	
G1349	Papetti's Hygrade Egg Products Inc.	847 North Avenue	Elizabeth.	NJ	07201	(908) 282-7900	7/20/2011	Egg Product	Michael Foods Egg Products Company
G1610	Papetti's Hygrade Egg Products, Inc.	847 North Avenue	Elizabeth	NJ	07206	(908) 282-7900	9/29/2014	Egg Product	Michael Foods Egg Products Company
M31865+P31865+V31865	Paradise Locker Meats	405 W. Birch	Trimble	MO	64492	(816) 370-6328	7/28/2005	Certification - Trichinae; Meat Processing; Meat Slaughter; Poultry Processing	Fantasma's Finest, Paradise Locker Meats, Paradise Meats
V19082	Paramount Export Co.	4560 Loma Vista Ave.	Vernon	CA	90058	(323) 589-9660	6/11/2010	Certification - Export; Identification - Meat; Identification - Poultry	
M21445+P21445	Parayil Foods USA, LLC	438 Saint Pauls Avenue	Jersey City	NJ	07306	(201) 792-1199	3/21/2017	Meat Processing; Poultry Processing	
M4432	Parillo Sausage Company	90 Washington Street	Saratoga Springs	NY	12866	(518) 587-5040	2/17/1987	Meat Processing	
M6882+P6882	Park 100 Foods	519 West Spraker St.	Kokomo	IN	46901	(765) 457-9561	9/16/2004	Meat Processing; Poultry Processing	
M6798+P6798	Park 100 Foods, Inc	326 East Adams St.	Tipton	IN	46072	(765) 675-3480	7/15/1991	Meat Processing; Poultry Processing	Kingsford Industries, Inc, Kitch'n Fix'n, Tri-State Processing Co., Inc
M7761+P7761	Park 100 Foods, Inc.	205 Central Parkway	Morristown	IN	46161	(765) 763-6064	7/14/1997	Meat Processing; Poultry Processing	
M349+P6849	Parker House Sausage Company	4605 S. State St.	Chicago	IL	60609	(773) 538-1112	2/12/2014	Meat Processing; Poultry Processing	European Heritage, Krueger Sausage Company LLC
M18296A	Parks Family Meats, LLC	1618 Hwy 24 & 50	Warsaw	NC	28398	(910) 293-4614	11/28/2017	Meat Processing; Meat Slaughter	
M9728	Parma Sausage Products Inc	1734 Penn Avenue	Pittsburgh	PA	15222	(412) 391-4238	10/18/2017	Meat Processing	

M40363+P40363	Pascucci Family Pasta	4561 Mission Gorge Place Suite D	San Diego	CA	92120	(619) 285-8000	1/26/2011	Meat Processing; Poultry Processing	
M21214+P21214	Pasha USA LLC	390 Broadway	Bayonne	NJ	07002	(201) 339-9770	3/27/2007	Meat Processing; Poultry Processing	
M46570	Pasifika Povi LLC	8537 W. Magna Main St. #B	Magna	UT	84044	(801) 250-5103	1/4/2019	Meat Processing	
M1903+P1903	Pasou Foods, Inc.	1103 S Huntington St	Syracuse	IN	46567	(574) 457-4092	11/4/2009	Meat Processing; Poultry Processing	
M20600+P20600	Pasquale's Food Service Inc.	710 1st Ave N.	Humboldt	IA	50548	(515) 332-2356	11/22/2019	Meat Processing; Poultry Processing	
M8389+P8389+V8389	Pasqualichio Bros. Inc.	220 Valley View Drive	Jessup	PA	18434	(570) 346-7115	2/27/2017	Certification - Export; Meat Processing; Poultry Processing	
M45315+P45315	Passport Foods (SVC), LLC	2539 E. Philadelphia Street	Ontario	CA	91761	(909) 627-7312	3/9/2020	Meat Processing; Poultry Processing	Wing Hing
M21831	Pasta-Bilities	6894 Hawthorn Place	Indianapolis	IN	46220	(317) 842-3771	12/31/2003	Meat Processing	
M20384+P20384	Pasta Mami	1088 West Atlanta Street	Marietta	GA	30060	(770) 438-6022	10/17/2013	Meat Processing; Poultry Processing	
M1004+P1004	Pasta Urbana	Carr. #2 KM. 94.5 Bo. Yeguada	Camuy	PR	00627	(787) 599-0100	2/27/2015	Meat Processing; Poultry Processing	Artisan Kitchen, Fitted Nutrition, Lean-n-Fit, Power Foods by Fitted Nutrition, Productos Don Yummy, Virginia
M45346+P45346	Pastina Kitchen LLC	3200 Lenox Ave. Suite 5	Jacksonville	FL	32225	(904) 527-9512	4/12/2017	Meat Processing; Poultry Processing	
M34008+P34008	Pasty Central LLC	58542 Wolverine Street	Calumet	MI	49913	(906) 337-5979	9/7/2006	Meat Processing; Poultry Processing	
M12616+P12616	Patak Meat Products Inc.	4107 Ewing Road	Austell	GA	30106	(770) 941-7993	3/19/2008	Meat Processing; Poultry Processing	
M51187	Pataskala Meats	12397 Broad St.	Pataskala	OH	43062	(740) 739-3589	4/4/2017	Meat Processing; Meat Slaughter	

M851+P851	Patla Enterprises Inc.	190 E. State Street	Sherrill	NY	13461	(315) 367-0237	2/4/2014	Meat Processing; Poultry Processing	Joe's Jerky
M51563	Patriot Jerky, LLC	306 1st Street W.	Conover	NC	28613	(828) 850-9160	6/18/2019	Meat Processing	
M20965	Pat's Beef Jerky	401 Main	Liebenthal	KS	67553	(785) 222-3341	11/15/1999	Meat Processing	
M18380+P18380	Pat's Wholesale Meat & Pizza Supply	12456 South Western Avenue	Blue Island	IL	60406	(708) 388-7630	10/6/1999	Meat Processing; Poultry Processing	
M34715+P34715	Patterson TMP Operating LLC	8905 Forum Way	Fort Worth	TX	76140	(817) 546-3561	6/20/2019	Meat Processing; Poultry Processing	Patterson Food Processors, Texas Meat Packers
M34396	Patton's Sausage Company, Inc.	12019 Highway 21 South	Bogalusa	LA	70427	(985) 732-7320	2/27/2008	Meat Processing	
M18870+P18870	Paul Redlinski & Sons, Inc.	19 Sienkiewicz Place	Buffalo	NY	14212	(716) 892-5357	2/6/2015	Meat Processing	Redlinski Meats
M20805+P20805	Paulsen Foods, LLC	748 Donald Lee Hollowell Parkway NW	Atlanta	GA	30318	(404) 873-1804	7/21/2006	Meat Processing; Poultry Processing	Castleberry Provisions
M7706	Paumie's Porkies	219 East Commercial St.	Anaconda	MT	59711	(406) 563-2153	9/7/2016	Meat Processing	
M18583D+P18583D	Paxton Packing LLC	100 East Gate Drive	Danville	IL	61834	(217) 379-1705	3/30/2020	Meat Processing; Poultry Processing	
M18583+P18583	Paxton Packing, LLC	145 W. State Street	Paxton	IL	60957	(217) 379-1705	11/21/2018	Meat Processing; Poultry Processing	
V45280	Payco Foods Corporation	Road No.2 Km 15.1 Industrial Zone Corujo C Street No. 42	Bayamon	PR	00961	(787) 269-6615	8/1/2014	Certification - Export; Identification - Meat; Identification - Poultry	
I33	Payless Distr bution Center (PDC)	370 Mendioka Street	Dededo	GU	96929	(671) 477-9266	9/9/2016	Imported Product	
M6202+P6202	Payless Distr bution Center (PDC)	370 Mendioka Street	Dededo	GU	96929	(761) 477-8976	9/9/2016	Meat Processing; Poultry Processing	
M7762+P7762	Payton's Barbecue	119 E. Washington St.	Veedersburg	IN	47987	(217) 446-6077		Meat Processing; Poultry Processing	

I679	PCC Logistics	2602 Port of Tacoma Road	Tacoma	WA	98421	(253) 922-2423	7/20/2017	Imported Product	
V46422	PCC Logistics	2602 Port of Tacoma Road	Tacoma	WA	98421	(253) 922-2423	4/9/2014	Certification - Export; Identification - Meat; Identification - Poultry	
M5865+P5865	P&C Meats	36378 Industrial Way	Sandy	OR	97055	(503) 668-5082	7/16/2009	Meat Processing	U.S. Meat & Restaurant Supply
M9373	Peachey Foods & Locker LLC	85 South Penn Street	Belleville	PA	17004	(717) 935-2194	2/19/2020	Meat Processing; Meat Slaughter	
V34563	Peacock Cheese	5403 Santa Fe Ave.	Los Angeles	CA	90058	(323) 583-5400	1/28/2010	Certification - Export; Identification - Meat; Identification - Poultry	
V34563A	Peacock Cheese	200 Dr. Martin Luther King Jr. Blvd. Suite B	Riviera Beach	FL	33404	(305) 906-2231	11/14/2014	Certification - Export; Identification - Meat; Identification - Poultry	
V45072	Peacock Cheese	2300 NW 92nd Avenue	Doral	FL	33172	(305) 906-2231	10/24/2014	Certification - Export; Identification - Meat; Identification - Poultry	
M424+P424	Pearl Meat Packing Co., Inc.	27 York Avenue	Randolph	MA	02368	(781) 228-5100	4/4/2014	Meat Processing; Poultry Processing	
P51345	Pearl River Foods	1012 Progress Drive	Carthage	MS	39051	(601) 741-8032	2/11/2020	Poultry Processing	
P6510	Peco Foods, Inc	95 Commerce Drive P.O. Box 1905	Bay Springs	MS	39422	(601) 764-4392	5/21/2019	Poultry Processing; Poultry Slaughter	Peco Farms Inc
P18863+V18863	Peco Foods, Inc.	559 West Main Street	Brooksville	MS	39739	(662) 738-5771	7/12/1996	Certification - Export; Off-Premise Freezing Poultry; Poultry Processing; Poultry Slaughter	Peco Farms, Inc., Peco Foods Inc., Peco Foods of Mississippi Inc.

P45483	Peco Foods, Inc.	4114 Highway 67 South	Pocahontas	AR	72455	(870) 805-0372	5/5/2016	Poultry Processing; Poultry Slaughter	
P468	Peco Foods, Inc.	625 South Allen	Batesville	AR	72501	(870) 793-7511	3/1/2011	Poultry Processing; Poultry Slaughter	
P6504	Peco Foods, Inc.	3701 Reese Phifer Avenue	Tuscaloosa	AL	35401	(205) 345-3955	1/27/2020	Poultry Processing; Poultry Slaughter	
P6616+V6616	Peco Foods, Inc.	15292 Highway 21 South	Sebastopol	MS	39359	(601) 625-7432	7/28/2010	Certification - Export; Poultry Processing; Poultry Slaughter	
P890	Peco Foods, Inc.	1039 West Fulton Street	Canton	MS	39046	(601) 855-5001	2/5/2020	Poultry Processing; Poultry Slaughter	Peco Foods, Inc. Canton Division
M20659+P20659	Peco Foods of Mississippi	180 Commercial Parkway	Canton	MS	39046	(601) 855-0925	5/22/2019	Poultry Processing	
M18639+P18639	Pede Brothers Inc.	582 Duanesburg Road	Schenectady	NY	12306	(518) 356-3042	9/1/2010	Meat Processing; Poultry Processing	
V46361	Pederson Natural Farms, Inc.	1001 Santerre	Grand Prairie	TX	75050	(469) 332-3147	6/13/2018	Certification - Export; Identification - Meat; Identification - Poultry	
M19617+P19617+V19617	Pederson's Natural Farms, INC.	1207 South Rice Street	Hamilton	TX	76531	(254) 386-4790	6/24/2009	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry	
M7279+P7279	Pedro's Foods LLC	8207 Highway 87	Lubbock	TX	79423	(806) 745-9531	7/1/2016	Meat Processing; Poultry Processing	Pedro's Foods, LLC
M45139+P45139	Peer and Mariah Foods	Greenfield Facility 5593 W. US 40	Greenfield	IN	46140	(812) 669-1482	8/15/2014	Meat Processing; Poultry Processing	Mariah Foods, Peer Foods and Emge Foods
M20749+P20749	Peerless Meat Distr butors, Inc.	960 Ragland Road	Beckley	WV	25801	(304) 252-4731	3/10/2006	Meat Processing; Poultry Processing	

M13051+P13051	P.E. & F Inc. DBA DiMare's Specialty Foods	2363 59th St.	St Louis	MO	63110	(314) 781-2223	1/8/2013	Meat Processing; Poultry Processing	DiMare's Specialty Foods, Fazio's Itallian Specialty Foods
M46299+P46299	Pegasus Foods Inc.	1635 Innovation Dr.	Rockwall	TX	75032	(972) 961-5200	2/11/2020	Meat Processing; Poultry Processing	Pegasus Foods Inc.
M9919+P9919	Peking Food LLC	47 Stewart Avenue	Brooklyn	NY	11237	(718) 628-8080	2/4/2019	Meat Processing; Poultry Processing	
M202+P202+V202	Pel-Freez, LLC	219 N Arkansas Street	Rogers	AR	72756	(479) 636-4361	4/12/2012	Poultry Slaughter; Voluntary Processing - Meat; Voluntary Processing - Rabbit; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry; Voluntary Slaughter - Rabbit	
M8575+P8575+V8575	Pellegrino Food Products Co., Inc.	100 Lookout Street	Warren	PA	16365	(814) 723-3402	3/30/2007	Certification - Export; Meat Processing; Poultry Processing	
M44121+P44121	Pelleh Poultry Corp.	522 Happy Avenue	Swan Lake	NY	12783	(845) 425-4559	10/22/2015	Meat Processing; Poultry Processing; Poultry Slaughter	
M31827	Pel`Meni Inc.	1920 Main Street #10	Ferndale	WA	98248	(360) 305-2355	4/6/2006	Meat Processing	
M46579+P46579	Pelmeni Princess	1219 S. Park Hill Rd.	Tahlequah	OK	74464	(918) 822-4176	6/3/2019	Meat Processing	
M44072+P44072	Penaloza's Food, Inc.	21726 Hawaiian Avenue	Hawaiian Gardens	CA	90716	(323) 921-1348	8/31/2011	Meat Processing	
M6660+P6660	Pender Packing Company, Inc.	4520 NC Hwy 133	Rocky Point	NC	28457	(919) 675-3311	8/22/1992	Meat Processing; Poultry Processing	
M33970+P33970	Penguin Natural Foods, Inc.	5659 Mansfield Way	Bell	CA	90201	(323) 727-7980	2/8/2017	Meat Processing; Poultry Processing	

M959+P959+V959	Peninsula Foodservice	4167 LB McLeod Road	Orlando	FL	32811	(407) 999-0119	8/12/2011	Certification - Export; Meat Processing; Poultry Processing	
M8556A+P8556A	PEN LLC	121 Jalyn Drive	New Holland	PA	17557	(717) 351-4143	9/17/2019	Meat Processing; Poultry Processing	Pony Express Enterprises LLC
M34507+P34507	Penne Lane Pasta & Gourmet Foods, Inc.	1345 New York Avenue	Huntington Station	NY	11746	(631) 421-2100	4/22/2008	Meat Processing; Poultry Processing	Two Italian Girls
M7929	Penn's Hams	8812 Liberty Road	Campbellsville	KY	42718	(270) 465-5065	2/23/2006	Meat Processing	
M9844+P9844	Penn State Meat Lab	15 Meat Lab	University Park	PA	16802	(814) 865-1787	5/17/2017	Meat Processing; Meat Slaughter; Poultry Processing	
M9382	Pennsylvania Packinghouse	1600 Weirich Avenue	Washington	PA	15301	(724) 222-5476	9/9/2019	Meat Processing; Meat Slaughter	
M4160+P4160	People's Sausage Company, Inc.	1132 E. Pico Blvd.	Los Angeles	CA	90021	(213) 627-8633	3/29/2019	Meat Processing; Poultry Processing	
M21826+V21826	Peoria Packing, Ltd.	1307-9 W. Lake St.	Chicago	IL	60607	(312) 226-2600	1/25/2002	Certification - Export; Meat Processing	
M21651	Peoria Packing LTD	8372 North 12000 East Road	Grant Park	IL	60940	(815) 465-9824	5/1/2020	Meat Processing; Meat Slaughter	
M2576+P2576+V2576	Pepe's, Inc.	1325 W. 15th St.	Chicago	IL	60608	(312) 733-2500	4/5/2004	Meat Processing; Poultry Processing; Voluntary Processing - Egg Products; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Processing - Rabbit	Aventura Gourmet Mexican Foods, Mexus Gourmet Foods, Pepe's Wonderful Mexican Food
M18783	Pepsico Car bbean, Inc.	HWY #2 Km 56.7	Barceloneta	PR	00617	(787) 846-6060	7/18/2019	Meat Processing	Frito Lay, Pepsico Foods Caribbean

M34001+P34001+V34001	Percival Packing L.L.C.	710 West 5th Street	Scott City	KS	67871	(620) 872-7199	12/13/2011	Certification - Export; Food Inspection; Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M11507+P11507+V11507	Perdue Foods LLC	2300 Industrial Dr	Monterey	TN	38574	(931) 839-5000	10/31/2017	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry	Chef - Quik, Coleman Natural Foods, Gol-Pak, Harvestland
M2617+P2617	Perdue Foods LLC	1155 Candler Rd.	Gainesville	GA	30507	(770) 535-9252	12/11/2017	Meat Processing; Poultry Processing	Coleman Natural, Kings Delight, Lake Lanier Farms, Penn Valley, Petaluma Poultry, Sugar Lake Farms
M6402A+P6402A	Perdue Foods LLC	413 Jacks Lane	Mount Vernon	WA	98273	(360) 419-7857	12/21/2018	Meat Processing; Poultry Processing	Draper Valley Farms, Ranger, Roxy
P1042	Perdue Foods LLC	1500 Cader Lane	Petaluma	CA	94955	(707) 283-5821	1/16/2018	Poultry Processing	
P18285	Perdue Foods LLC	2047 Highway 9 West	Dillon	SC	29536	(843) 841-8000	10/26/2017	Poultry Processing; Poultry Slaughter	Carolina Fare, Coleman Natural Foods, Draper Valley Farms, Harvestland, Shenandoah, Shoreline Country Corner
P19112	Perdue Foods LLC	489 Cromwell Road	Cromwell	KY	42333	(270) 274-6000	10/31/2017	Poultry Processing; Poultry Slaughter	Coleman Natural Foods, Harvestland

P21234	Perdue Foods LLC	250 Ga Hwy 247 Spur	Perry	GA	31069	(478) 988-6000	1/11/2019	Poultry Processing; Poultry Slaughter	Carolina Fare, Chef's Choice, Coleman, Coleman Natural Foods, Cookin' Good, Gol Pak, Harvestland, Kirkland Signature, Pennysworth, Shenandoah
P286	Perdue Foods LLC	65 South 200 West	Washington	IN	47501	(812) 254-8562	11/3/2017	Poultry Processing; Poultry Slaughter	Chef-Quik, Gol-Pak, Harvestland
P2882	Perdue Foods LLC	2700 Lakeville Highway	Petaluma	CA	94955	(707) 763-1904	12/11/2017	Poultry Processing; Poultry Slaughter	
P33944	Perdue Foods LLC	240 GA Highway 247 Spur	Perry	GA	31069	(478) 988-5900	1/23/2019	Poultry Processing	
P6058	Perdue Foods LLC	1000 Jason Lane	Mount Vernon	WA	98273	(360) 419-7857	12/21/2018	Poultry Processing; Poultry Slaughter	Draper Valley Farms, Ranger, Roxy
M31899+P31899	Perdue Foods, LLC	2110 Industrial Parkway	Salisbury	MD	21802	(410) 543-3731	1/21/2014	Meat Processing; Poultry Processing	
P1318	Perdue Foods, LLC	255 N. Rehoboth Blvd.	Milford	DE	19963	(302) 424-2600	12/20/2016	Poultry Processing; Poultry Slaughter	Coleman Natural Foods
P764	Perdue Foods, LLC	521 Willow St.	Salisbury	MD	21801	(410) 543-3681	8/7/2018	Poultry Processing; Poultry Slaughter	
P7903	Perdue Foods, LLC	22520 Lankford Hiwy.	Accomac	VA	23301	(410) 543-3000	8/31/2018	Poultry Processing; Poultry Slaughter	CAROLINA FARE, CHEFS CHOICE, COLEMANS, COOKIN GOOD, COUNTRY CORNER, HARVESTLAND, KIRKLAND, PENNYSWORTH, PERDUE, SHENANDOAH, SHENANDOAH HALAL, SHORELINE, SIMPLY SMART
P1243	Perdue Foods, LLC.	416 S. Long Drive	Rockingham	NC	28379	(910) 997-8600	6/18/2018	Poultry Processing; Poultry Slaughter	Cookin Good, Open Nature, Shenandoah Foods, Shoreline Foods, Trader Joe's

P9099	Perdue Foods, LLC.	862 Harris Street NW	Concord	NC	28025	(704) 789-2423	8/25/2016	Poultry Processing	Chef's Choice, Coleman Natural Foods, Cook n' Good, Harvest Land, Shenondoah
P9197	Perdue Foods, LLC.	3539 Governor's Road	Lewiston Woodville	NC	27849	(252) 348-4200	3/13/2014	Poultry Processing; Poultry Slaughter	Chef's Choice, Cook 'n Good, HarvestLand, Pennyworth, Roundy's, Trader Joe's, Wegman's, Weis
P2178	PERDUE FOODS LLC	20621 Savannah Road	Georgetown	DE	19947	(302) 855-5555	8/22/2018	Poultry Processing; Poultry Slaughter	COLEMAN NATURAL FOODS
M2014+P369	PERDUE FOODS, LLC.	100 QUALITY STREET P.O.BOX 238	BRIDGEWATER	VA	22812	(410) 543-3000	3/13/2014	Meat Processing; Poultry Processing	HARVESTLAND FOODS INC, HARVESTLAND PRODUCTS INC, HOLIDAY TIME FOODS INC, PERDUE FOODS INC, PERDUE INC, SHENANDOAH, SHENANDOAH PRODUCTS INC, SHENANDOAH VALLEY FARMS
M45721+P45721	Perfecto Foods Inc.	4060 Gage Ave.	Bell	CA	90201	(213) 706-2142	6/14/2018	Meat Processing; Poultry Processing	
M19829+P19829	Perfect Pasta, Inc.	31 Fairbank Street (Unit A)	Addison	IL	60101	(630) 543-8300	11/13/1998	Meat Processing; Poultry Processing	Marco Foods Fresh Pasta MFG., Inc
M21765+P21765	Performance Food Group	4141 Lucius McCelvey Drive	Temple	TX	76503	(254) 778-4519	9/4/2009	Meat Processing	Performance Foodservice, PFG, Roma, Vistar
V21189	Performance Food Group	500 Metro Park Drive	McKinney	TX	75069	(972) 542-4264	5/17/2000	Certification - Export; Identification - Meat; Identification - Poultry	
V40273	Performance Food Group	4041 NE 54th Avenue	Gainesville	FL	32609	(352) 378-8844	7/28/2010	Certification - Export; Identification - Meat; Identification - Poultry	

M2365+P2365	Performance Food Group, Inc.	3737 N. Broadway	St. Louis	MO	63147	(314) 241-4800	4/9/2009	Meat Processing; Poultry Processing	Middendorf Meat Company, LLC, Performance Food Group Middendorf, Performance Foodservice Middendorf, PFG Middendorf, PFG Steaks. com
M19063+P19063	Performance Foodservice	3140 N. Gallagher Rd.	Dover	FL	33527	(813) 659-0811	7/1/2011	Meat Processing	
G1673	Perham Egg, LLC	515 4th Street NE	Perham	MN	56573	(218) 346-2500	4/15/2016	Egg Product	
M32150+P32150	Permac Enterprises	83 South Lake Street	Bergen	NY	14416	(585) 594-5816	12/19/2016	Meat Processing; Poultry Processing	
M5344+P5344	Perrulli's Custom Meats Inc.	1889 Rt #9, Bldg. 14, Unit 45	Toms River	NJ	08755	(732) 244-0470	5/18/2008	Meat Processing; Poultry Processing	Jersey Shore Brand
M1962+P1962	Perry Way Foods, LLC	1222 Perry Way	Watertown	WI	53094	(920) 261-1053	9/7/2016	Meat Processing; Meat Slaughter; Poultry Processing	Johnsonville Sausage, LLC, Perri Sausage Company, Perri Sausage, Inc., Sustainable Swine Resources
M8581+P8581	Peters Bros. Meat Market, Inc.	65 Penn Street PO Box 132	Lenhartsville	PA	19534	(610) 562-2231	1/5/2011	Meat Processing; Poultry Processing	
M18022+P18022	Peter's Wholesale Meat Corporation	148-09 Guy R. Brewer Blvd.	Springfield Gardens	NY	11434	(718) 659-6328	12/23/2013	Meat Processing; Poultry Processing	
M6636+P6636	Pete's Country Meats	953 Lexington Highway	Loretto	TN	38469	(931) 853-4378	8/2/2019	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	Pete's Country Meats, Pete's Meat Market, Pete's Meats, Pete's Meats Brand
M4172+P4172	Pete's Food Products	3701 Jefferson Blvd.	Los Angeles	CA	90016	(323) 735-7470	2/13/2002	Meat Processing; Poultry Processing	
M31820+P31820	Pete's Meat Service, LLC	1665 Main Street	Rudolph	WI	54475	(715) 435-3250	7/20/2012	Meat Processing; Meat Slaughter; Poultry Processing	
M19851+P19851	Petty Brothers Meats Inc.	320 Elm St. E.	Annandale	MN	55302	(320) 274-5615	10/10/2016	Meat Processing; Poultry Processing	Retail Meat Market

M39911+P39911+V39911	PFG-Empire	3595 NW 125th St.	Miami	FL	33167	(305) 953-4900	7/7/2009	Voluntary Processing - Poultry; Voluntary Processing - Rabbit; Voluntary Slaughter - Poultry; Voluntary Slaughter - Rabbit	Empire Seafood
M21795	PFG Hale	5262 Air Park Blvd	Morristown	TN	37813	(800) 733-4253	2/13/2002	Meat Processing	
M18727+P18727	PFG Specialty Inc.	350 Goolsby Blvd	Deerfield Beach	FL	33442	(954) 420-0071	7/23/2019	Meat Processing; Poultry Processing	Larry Kline Meats
M20761+P20761	PFG Virginia Foodservice	7422 Ranco Road	Richmond	VA	23228	(804) 266-0300	9/30/2009	Meat Processing	Performance Food Group Virgin, PFG Virginia Food Service
M17874+P17874	P&F MEAT MARKET	3904 IRONWOOD PLACE	LANDOVER	MD	20785	(301) 946-4015	1/9/2007	Meat Processing; Poultry Processing	
V45650	PFT Cold Storage	350 Garden Acres Dr.	Fort Worth	TX	76140	(800) 273-1686	7/16/2015	Identification - Meat; Identification - Poultry; Off-Premise Freezing - Egg Products; Off-Premise Freezing - Meat	
I46+V46	PG Distribution LLC	12120 River Bank Drive	Laredo	TX	78045	(956) 523-7258	3/29/2016	Certification - Export; Identification - Meat; Identification - Poultry; Imported Product; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M6036	P.G. Molinari & Sons Inc.	1401 Yosemite Avenue	San Francisco	CA	94124	(415) 822-5555	1/2/2002	Meat Processing	
M21086+P21086	Phayvanh Food Corporation	4233 Shilling Way	Dallas	TX	75237	(214) 337-4400	3/20/2007	Meat Processing; Poultry Processing	

M39891+P39891	P H Foods Inc	4013 Highway 80	Morton	MS	39117	(601) 732-8670	3/19/2013	Meat Processing; Poultry Processing	
M9586+P9586	Philadelphia Cheesesteak Company	520 East Hunting Park Avenue	Philadelphia	PA	19124	(215) 423-3333	4/17/2018	Meat Processing; Poultry Processing	Original Philly Cheesesteak Co.
P9917	Philadelphia Poultry Incorporated	346 N Front Street	Philadelphia	PA	19106	(215) 574-0343	1/19/1999	Poultry Processing	
M17767+P17767	Philadelphia Pre-Cooked Steak Company	4001 N. American Street	Philadelphia	PA	19140	(215) 426-4949	1/29/2018	Meat Processing; Poultry Processing	Philadelphia Cooked Steak Inc.
M1498	Phillips Brothers Country hams, Inc.	1523 S. Fayetteville St.	Asheboro	NC	27205	(336) 625-4321	3/28/2018	Meat Processing	
M51300+P51300	Phillips Processing Plant	2790 Ridge Road	Zanesville	OH	43701	(740) 453-3337	9/20/2017	Meat Processing; Meat Slaughter; Poultry Processing	
M19472A+P19472A+V19472A	Philly's Best Steak Co., Inc.	610 Industrial Park Drive	Yeadon	PA	19050	(610) 259-6000	1/26/2016	Certification - Export; Meat Processing; Poultry Processing	
M19472+P19472	Philly's Best Steak Company, Inc	619 Industrial Park Drive	Yeadon	PA	19050	(610) 259-6000	10/30/2017	Meat Processing; Poultry Processing	
M45427+P45427+V45427	Phil's Farm	5303 S. Whiteside Rd.	Hutchinson	KS	67501	(620) 669-8595	8/24/2016	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Processing - Rabbit; Voluntary Slaughter - Rabbit	
M8006+P6534	Phoenix II	723 Cowan Street	Nashville	TN	37207	(615) 742-4989	1/30/2019	Meat Processing; Poultry Processing	
M21607+P21607	Phuc Huong	2465 Alvin Ave.	San Jose	CA	95121	(408) 274-7368	4/20/2004	Meat Processing	
M7681+P7681	Phu Huong Food Company, Inc.	9008 E. Garvey Ave # H-I	Rosemead	CA	91770	(818) 282-4042	3/23/1987	Meat Processing	

P48278	Pia's Chicken Salad	2742 Melvin Road	Gilbertown	AL	36908	(251) 843-2500	6/19/2017	Poultry Processing	
I422	Piatkowski Riteway Meats Inc.	3555 Witmer Road	Niagara Falls	NY	14305	(716) 298-9865	9/12/2016	Imported Product	
M4662+P4662+V4662	Piatkowski Riteway Meats Inc.	3555 Witmer Road	Niagara Falls	NY	14305	(716) 298-9865	4/7/2016	Certification - Export; Meat Processing; Poultry Processing	
M46194+P46194	Piazza Produce LLC, d/b/a Cibus Fresh	15510 Stony Creek Way	Noblesville	IN	46060	(317) 750-4127	3/19/2019	Meat Processing; Poultry Processing	
I62+V62	Piazza's Seafood World, LLC	205 James Drive West	St. Rose	LA	70087	(504) 602-5050	6/7/2017	Identification - Siluriformes; Imported Product	
M18878+P18878	Piccinini Brothers, Inc	633 Ninth Avenue	New York	NY	10036	(212) 246-8277	10/12/2016	Meat Processing; Poultry Processing	
M4445+P4445	Picone Meat Specialties LTD	180 Jefferson Ave	Mamaroneck	NY	10543	(914) 381-3002	2/11/2009	Meat Processing; Poultry Processing	
M7975A+P7975A+V7975A	Piedmont Custom Meats, Inc.	430 NC HWY 49 South	Asheboro	NC	27205	(336) 628-4949	7/13/2017	Identification - Meat; Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M7975+P7975+V7975	Piedmont Custom Meats, Inc.	9683 Kerr Chapel Road	Gibsonville	NC	27249	(336) 584-8247	10/10/2000	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M45684	Piemonte Sausage	1805 South Philo Rd.	Urbana	IL	61801	(217) 377-2387	5/15/2019	Meat Processing	
M1854+P19980	Pierino Frozen Foods, Inc.	1695 Southfield Road	Lincoln Park	MI	48146	(313) 928-0950	1/22/1997	Meat Processing; Poultry Processing	

M20103+P20103	Pigeon Caterers, Inc	5900 S. Front St.	New Orleans	LA	70115	(504) 899-2460	6/15/2009	Meat Processing; Poultry Processing	Carnival Brands
M8003+P8003	Piggie Park Enterprises, Inc.	1600 Charleston Hwy	West Columbia	SC	29169	(803) 791-5887	3/8/1999	Meat Processing; Poultry Processing	Maurice's Gourmet Barbeque
M7424+P184	Pilgrim's Elberton Prepared Foods	1129 Old Middleton Rd.	Elberton	GA	30635	(706) 283-3821	1/11/2019	Meat Processing; Poultry Processing	Pilgrim's, Pilgrim's Pride
M25+P21	Pilgrim's Pride Corp of WV	214 S. Main Street	Moorefield	WV	26836	(304) 538-2381	7/31/2017	Meat Processing; Poultry Processing	CN PPC, ConAgra Poultry Company, Country Pride, Country Skillet, Eat Well Stay Healthy, Gold Kist, Gold Kist Farms, Hester Industries, Inc., Pierce Foods, PILGRIM'S, Pilgrim's Pride
M17980+P17980	Pilgrim's Pride Corporation	2050 Highway 15 South	Sumter	SC	29150	(803) 481-8555	10/24/2017	Poultry Processing; Poultry Slaughter	
M20728+P20728	Pilgrim's Pride Corporation	2500 East Lakeshore Dr.	Waco	TX	76705	(254) 412-5918	1/3/2020	Poultry Processing	
M322A+P322	Pilgrim's Pride Corporation	851 Sauk River Road	Cold Spring	MN	56320	(320) 240-6638	6/4/2019	Poultry Processing; Poultry Slaughter	GNP Company, Gold'n Plump Poultry LLC, JFC LLC
M390+P390	Pilgrim's Pride Corporation	1770 Promontory Circle	Greeley	CO	80634	(970) 506-8024	8/27/2018	Poultry Processing	JBS Swift
M56+P56	Pilgrim's Pride Corporation	330 CO-OP DRIVE	TIMBERVILLE	VA	22853	(540) 901-6100	10/25/2019	Meat Processing; Poultry Processing; Poultry Slaughter	Pilgrims/JBS, ROCKINGHAM POULTRY, INC., WAMPLER FOODS, INC.
M7091A+P7091A	Pilgrim's Pride Corporation	1000 Pilgrim's Street	Mount Pleasant	TX	75455	(903) 575-3600	4/27/2020	Meat Processing; Poultry Processing	Country Pride, Gold Kist Farms, Pierce , Pilgrim's, Sweet Georgia
M810+P810	Pilgrim's Pride Corporation	129 Potomac Avenue	Moorefield	WV	26836	(304) 538-7811	6/4/2019	Poultry Processing; Poultry Slaughter	Rockingham Poultry, Inc., Shen Valley Farms, Shen Valley Provisions Co., Wampler Foods, Inc., Wampler-Longacre, Inc.
P1201	Pilgrim's Pride Corporation	484 Zimmerman Road	Sanford	NC	27330	(919) 774-7333	2/1/2019	Poultry Processing; Poultry Slaughter	

P1272	Pilgrim's Pride Corporation	113 McNeil Drive	Douglas	GA	31533	(912) 383-3302	6/25/2019	Poultry Processing; Poultry Slaughter	
P1284	Pilgrim's Pride Corporation	654 Univeter Road	Canton	GA	30115	(678) 493-3000	5/14/2019	Poultry Processing; Poultry Slaughter	
P1353	Pilgrim's Pride Corporation	1591 Broad Street	Chattanooga	TN	37408	(423) 242-6615	5/21/2019	Poultry Processing; Poultry Slaughter	Country Pride, Rockingham, To-Ricos
P17340	Pilgrim's Pride Corporation	2653 State Route 1241	Hickory	KY	42051	(270) 251-7700	5/22/2019	Poultry Processing; Poultry Slaughter	Country Pride, Pierce Foods
P17500	Pilgrim's Pride Corporation	2045 Highway 244	Russellville	AL	35654	(256) 768-1894	10/4/2019	Poultry Processing; Poultry Slaughter	
P177	Pilgrim's Pride Corporation	949 Industrial Blvd.	Gainesville	GA	30503	(770) 533-4800	6/6/2019	Poultry Processing; Poultry Slaughter	Chris P Chicken, CN (PPC Child Nutri), Country Pride, County Post, Eat Well Stay Healthy, Fryer Kist, GK for the Student, GoldKist, Goldkist, GoldKist Farms, Independence County, Oven Kist, Pierce Foods, PP Select, Ro-Ricos, Rockingham, Shenandoah Valley, Wampler Foods
P192	Pilgrim's Pride Corporation	3500 Lake Guntersville Park Drive	Guntersville	AL	35976	(256) 571-0228	5/21/2019	Poultry Processing; Poultry Slaughter	Gold Kist, Gold Kist Farms, Kirkland's, Pilgrim's
P206+V206	Pilgrim's Pride Corporation	928 Martin Luther King Jr. Blvd.	Nacogdoches	TX	75961	(936) 564-6145	6/17/2013	Certification - Export; Poultry Processing; Poultry Slaughter	
P218	Pilgrim's Pride Corporation	1710 W. Frank Avenue	Lufkin	TX	75904	(936) 639-1174	8/17/2017	Poultry Processing; Poultry Slaughter	County Post, Pilgrim's, Pilgrim's Pride
P2632	Pilgrim's Pride Corporation	19740 US Hwy 90 West	Live Oak	FL	32064	(386) 362-2544	6/7/2019	Poultry Processing; Poultry Slaughter	Pilgrims Corporation
P40	Pilgrim's Pride Corporation	125 Industrial Blvd.	Ellijay	GA	30540	(706) 635-4991	5/14/2019	Poultry Processing; Poultry Slaughter	
P476	Pilgrim's Pride Corporation	616 Kingsbridge Road	Carrollton	GA	30117	(770) 832-7071	10/25/2018	Poultry Processing; Poultry Slaughter	

P529+V529	Pilgrim's Pride Corporation	209 North Third Street	Arcadia	WI	54612	(608) 323-2887	11/23/2004	Off-Premise Freezing Poultry; Poultry Processing; Poultry Slaughter	
P5787	Pilgrim's Pride Corporation	7088 Hwy 1 Bypass	Natchitoches	LA	71457	(318) 352-9600	5/20/2019	Poultry Processing; Poultry Slaughter	
P584	Pilgrim's Pride Corporation	1107 Monticello Road	Mount Pleasant	TX	75456	(903) 575-3600	5/20/2019	Poultry Processing; Poultry Slaughter	County Post
P6638	Pilgrim's Pride Corporation	4693 County Road 636	Enterprise	AL	36330	(334) 308-5259	5/21/2019	Poultry Processing; Poultry Slaughter	Gold 'N Plumb, Just Bare Chicken, Pierce Foods
P6719+V6719	Pilgrim's Pride Corporation	1300 Market Street	Chattanooga	TN	37402	(423) 242-6615	7/28/2011	Poultry Processing; Poultry Slaughter; Voluntary Processing - Poultry	Country Pride
P705	Pilgrim's Pride Corporation	401 South 3rd Street	DeQueen	AR	71832	(870) 584-5212	5/21/2019	Poultry Processing; Poultry Slaughter	Pilgrim's
P7091	Pilgrim's Pride Corporation	1000 Pilgrim Street	Mount Pleasant	TX	75455	(903) 434-1000	2/12/2020	Poultry Processing; Poultry Slaughter	
P843	Pilgrim's Pride Corporation	5901 W. Marshville Blvd	Marshville	NC	28103	(704) 624-4427	5/14/2019	Poultry Processing; Poultry Slaughter	Rockingham Poultry, Wampler Foods Inc.
P855	Pilgrim's Pride Corporation	898 Barber Street	Athens	GA	30601	(706) 425-7500	5/17/2019	Poultry Processing; Poultry Slaughter	
P855D	Pilgrim's Pride Corporation	880 Barber Street	Athens	GA	30601	(706) 425-7500	5/17/2019	Poultry Processing	
V22010	Pilgrim's Pride Distr bution Center	4840 US Highway 271 North	Pittsburg	TX	75686	(903) 434-1032	9/27/2010	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat	
I526	Pilot Watertower Cold Storage	2820 Soto Street	Vernon	CA	90058	(323) 980-7789	5/30/2012	Imported Product	

M2842+P2842	Pimax	2843 San Pablo Ave	Berkeley	CA	94702	(510) 848-3460	6/16/2005	Meat Processing; Poultry Processing	C & M Meat Co.
M18162+P18162	Pinata Foods, Inc.	3590 West 58th Street	Cleveland	OH	44102	(216) 281-8811	7/30/2003	Meat Processing; Poultry Processing	Festa Food Co
M46606+P46606	Pineland Farms Natural Meats	92 Creamery Lane	New Gloucester	ME	04260	(207) 688-4808	3/2/2020	Meat Processing; Poultry Processing	
M11144+P11144	Pinellas Provision Corporation	201 16th North Street South	St Petersburg	FL	33705	(727) 822-2701	3/27/2012	Meat Processing; Poultry Processing	CENTERPOINT MEATS & PROVISIONS, Pinellas Wholesale Meats
P39	Pine Manor Inc.	9622 West County Road 350 North	Orland	IN	46776	(260) 829-6550	9/25/2002	Poultry Processing; Poultry Slaughter	Crystal Valley Foods, Crystal Valley Poultry, Fawn River Poultry, Katie's Best, Miller Amish Country Farms, Miller Amish Country Foods, Miller Amish Country Poultry, Miller Poultry, Orland Poultry, Pine Manor, Pine Manor Farms, Pine Manor Foods, Pine Manor Poultry
G46528	Pine Valley Ranch LLC	21638 St. Rt 116	Spencerville	OH	45887	(419) 305-6865	4/5/2019	Egg Product	
M38453+P38453	Pinn-Oak Ridge Farm LLC	N5784 Johnson Road	Delavan	WI	53115	(262) 728-9629	1/8/2009	Meat Processing; Meat Slaughter	
M46336+P46336+V46336	Pioneer Meats, Inc.	31 Pioneer Trail	Big Timber	MT	59011	(406) 932-4555	2/21/2018	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Beef of Montana, Meats of Montana
M372	Pioneer Packing Company, Inc.	510 Napoleon Rd.	Bowling Green	OH	43402	(419) 352-5283	11/8/2013	Meat Processing; Meat Slaughter	
M2509	Pioneer Wholesale Meat, Inc.	1000 W. Carroll Ave.	Chicago	IL	60607	(312) 243-6180	3/31/2004	Meat Processing	
M15728+P15728	Pirom's Inc.	501 South High St.	Lancaster	OH	43130	(740) 654-0424	7/18/1991	Meat Processing	

M27389+P27389+V27389	Pitman Farms	1078 North Avenue	Sanger	CA	93657	(559) 875-9300	1/31/2017	Certification - Export; Poultry Processing; Poultry Slaughter	
M751+P1049	Pitman Farms Inc. (Moroni Turkey Processing)	350 South 300 West	Moroni	UT	84646	(435) 436-8211	7/16/2018	Meat Processing; Poultry Processing; Poultry Slaughter	Norbest, LLC, Pitman Farms Utah Division
M751A+P1049A	Pitman Farms Inc. (Salina Processing Plant)	160 South 500 West	Salina	UT	84654	(435) 529-3715	7/10/2018	Meat Processing; Poultry Processing	
V21415	PJ Food Service	2880 N. HWY 360	Grand Prairie	TX	75050	(972) 660-6200	9/5/2013	Certification - Export; Identification - Meat; Identification - Poultry	
V21693	PJ Food Service	9600 Delegates Dr.	Orlando	FL	32837	(407) 851-3595	7/7/2006	Certification - Export; Identification - Meat; Identification - Poultry	
M46809+P46809	P & J Meat Market Corp	211 Miller Street	Newark	NJ	07114	(973) 504-8130	7/2/2013	Meat Processing; Poultry Processing	
M1429+P1429+P7176	Plains Meat Co. LTD	812 Avenue G	Lubbock	TX	79401	(806) 765-5595	6/22/2006	Meat Processing	
P244	Plainville Brands, LLC	304 S. Water Street	New Oxford	PA	17350	(717) 624-6943	6/26/2019	Poultry Processing; Poultry Slaughter	
P9905A	Plainville Brands, LLC	4540 Steelway Boulevard South	Liverpool	NY	13090	(315) 975-0075	4/29/2019	Poultry Processing	Plainville Farms
M6248+P6248	Plano Jerky	697 S. Plano Street	Porterville	CA	93257	(559) 781-3487	10/27/2010	Meat Processing	
M10227+P10227	Plath's Meats Inc.	116 South Third Street	Rogers City	MI	49779	(989) 734-2232	12/22/2010	Meat Processing; Poultry Processing	
M18019+P18019	Plenus Group Inc.	101 Phoenix Ave	Lowell	MA	01852	(978) 970-3832	12/13/2007	Meat Processing; Poultry Processing	Boston Chowda Company, East Coast Gourmet

M20722+P20722+V20722	Plumrose USA	2650 23rd Ave	Council Bluffs	IA	51501	(732) 624-4040	3/26/2018	Certification - Export; Meat Processing; Poultry Processing	
M26C+P26C	Plumrose USA	3210 21st Avenue	Council Bluffs	IA	51501	(732) 624-4040	5/12/2017	Meat Processing; Poultry Processing	
V6902A	Plumrose USA	220 West Ewing Ave.	South Bend	IN	46613	(574) 232-8552	2/2/2010	Certification - Export; Identification - Meat; Identification - Poultry	
M17280+P17280+V17280	Plumrose USA Inc.	14 Jonergin Drive	Swanton	VT	05488	(802) 868-7314	8/24/2017	Certification - Export; Meat Processing; Poultry Processing	
M26A+P423	Plumrose USA, Inc.	100 Plumrose Drive	Booneville	MS	38829	(732) 624-4040	6/2/2017	Meat Processing; Poultry Processing	Plumrose USA
M6902	Plumrose USA, INC.	24402 County Road 45	Elkhart	IN	46516	(574) 295-8190	10/23/2018	Meat Processing	
M34092+V34092	Plumrose USA, INC. a division of JBS USA FOOD CO.	125 Coley Road	Tupelo	MS	38801	(662) 840-6831	5/15/2017	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Meat Processing	
M4037+P4037	Plymouth Beef Company, Inc.	355 Food Center Drive	Bronx	NY	10474	(718) 589-8600	3/26/2002	Meat Processing; Poultry Processing	
M46334	Plymouth Meats, LLC	6 Allread Drive	Terryville	CT	06786	(860) 582-1500	3/19/2019	Meat Processing; Meat Slaughter	
M17217A+P6403A	Plymouth Poultry Co.	3416-B St. N.W., Suite C	Auburn	WA	98001	(206) 676-6314	9/27/2011	Meat Processing; Poultry Processing	
M12456+P12456	PNJ Sausage Hawaii Corporation	46-163 Malina Pl.	Kaneohe	HI	96744	(808) 235-8012	5/14/2018	Meat Processing; Poultry Processing	

M4763+P4763	P&N Packing Inc.	11627 Route 187	Wyalusing	PA	18853	(570) 746-1974	3/2/2020	Meat Processing; Meat Slaughter; Poultry Processing	
M13525+P13525	Poche's	3015-A Main Hwy	Breaux Bridge	LA	70517	(337) 332-2108	8/17/2006	Meat Processing; Poultry Processing	Floyd Poche Enterprises Ltd., Poche's Market & Restaurant, Poche's Smokehouse
M6261+P6261	Pocino Foods	14250 Lomitas Rd.	City of Industry	CA	91746	(626) 958-8000	12/5/2013	Meat Processing; Poultry Processing	
M6961+V6961	Pohlmans Meat Processing Plant	6150 West Evans Drive	Terre Haute	IN	47802	(812) 898-2090	6/29/1993	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M17344	Polancic's Meats and Tenderloins, Inc.	412 West Norris Dr.	Ottawa	IL	61350	(815) 433-0324	6/8/1989	Meat Processing	
M6474+P6474	Polidori Meat Processors Inc.	3800 Dahlia Street	Denver	CO	80207	(303) 455-5701	5/2/2017	Meat Processing; Poultry Processing	Polidori Sausage
M12630+P12630	Po k's Meat Products, Inc.	1801 Simpson Highway 49	Magee	MS	39111	(601) 849-9997	3/9/2011	Meat Processing	Brown packing Company, Hickory Hollow Farms
M7189+P7189+V7189	Ponderosa Meat and Provisions	1264 S Virginia Street	Reno	NV	89502	(775) 322-4063	10/4/2017	Meat Processing; Poultry Processing; Voluntary Processing - Meat	J.O.M Inc
M6252+P6252	Pontrelli & Laricchia LLC	6080 Malburg Way	Vernon	CA	90058	(213) 583-6690	5/20/2019	Meat Processing; Poultry Processing	
M51194+P51194	Popkoff's	18901 Railroad street	City of Industry	CA	91748	(805) 368-7211	1/13/2016	Meat Processing; Poultry Processing	Pinched
M46015	Pork Dynasty, Inc.	15138 Bellaire Blvd.	Houston	TX	77083	(832) 606-1946	7/7/2016	Meat Processing	
M1321+P6879+V1321	Porkie Co. Of Wis., Inc.	3113 East Layton Avenue	Cudahy	WI	53110	(414) 483-6562	5/19/2004	Certification - Export; Meat Processing; Poultry Processing	

M2926	Pork King Packing, Inc.	8808 S. Rt. 23 P.O. Box 253	Marengo	IL	60152	(815) 568-8024	5/20/2004	Meat Processing; Meat Slaughter	
M4396+P4396	Pork King Sausage, Inc.	F-22 Hunts Point Coop Market	Bronx	NY	10474	(718) 542-2810	4/1/2013	Meat Processing; Poultry Processing	
M8332+P8332	Porter Road Butcher Meat Company	1402 Hopkinsville St.	Princeton	KY	42445	(270) 365-5008	2/18/2015	Meat Processing; Meat Slaughter	
M46370+P46370+V46370	Porthos Packaging LLC	600 Green Lane Suite A	Union	NJ	07083	(973) 344-0565	5/16/2018	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat; Voluntary Slaughter - Rabbit	
M20838+P20838	Portillo's Hot Dogs, LLC	1060 Frontenac Road	Aurora	IL	60504	(630) 236-5625	12/24/2015	Meat Processing; Poultry Processing	Portillo's Food Service, LLC
M45251+P45251	Portillo's Hot Dogs, LLC	380 S. Rolwing Road	Addison	IL	60101	(630) 236-5625	12/24/2015	Meat Processing; Poultry Processing	Portillo's Food Service, LLC
M1780+P17610	PORTION MEAT ASSOCIATION, INC.	356 Valley Street	Providence	RI	02908	(401) 421-2438	10/13/2016	Meat Processing; Poultry Processing	
V46742	Port Logistics Terminal Operations, LLC	4207 Maritime Blvd.	Tampa	FL	33605	(813) 349-2323	6/11/2019	Certification - Export	
V39993	Port of Palm Cold Storage	1800 MLK Jr. Blvd	Rivera Beach	FL	33404	(561) 881-7256	10/10/2019	Certification - Export; Identification - Meat; Identification - Poultry	
V39993A	Port of Palm Cold Storage	1800 Dr. Martin Luther King Jr. Blvd.	Riviera Beach	FL	33404	(561) 881-7256	8/28/2019	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry	Caribbean Foods Service , Foods USA

I51264+V51264	Port of Wilmington Cold Storage	1 Shipyard Boulevard	Wilmington	NC	28412	(910) 726-1174	8/24/2016	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Imported Product; Off-Premise Freezing - Egg Products; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M4793	Port Oram Foods Inc.	43 Roberts Street	Wharton	NJ	07885	(201) 361-6837	10/5/1993	Meat Processing	
M46875+P46875	Pot Pie, LLC	203 Stone Ridge Lane	Asheville	NC	28804	(828) 545-0664	10/31/2017	Meat Processing; Poultry Processing	
M46767	Pott's Meats	320 Potts Rd	Wartrace	TN	37183	(931) 389-9450	6/14/2019	Meat Processing; Meat Slaughter	
M1015+P1015	Poultry Holdings, LLC	247 Empire Drive	Mifflintown	PA	17059	(717) 436-5921	9/9/2019	Meat Processing; Poultry Processing; Poultry Slaughter	Alle, Empire Kosher, Galil, Kosher Valley, Malchus, Pyramid
P533	Poultry Holdings, LLC	220 North Center Street	Fredericksburg	PA	17026	(717) 820-4513	11/14/2019	Poultry Processing; Poultry Slaughter	Freebird
M4089+P4089+V4089	Poultry Products of Manchester, LLC	11 Bemis Road	Hooksett	NH	03106	(603) 263-1643	6/1/2015	Food Inspection; Meat Processing; Poultry Processing	
M39909+P39909+V39909	Poultry USA, Inc.	6960 NW 36th Avenue	Miami	FL	33147	(305) 525-3512	9/4/2015	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Poultry	

M51306+V51306	Powell Meat Company LLC	117 Rives Rd	Clinton	MO	64735	(660) 383-9001	8/28/2017	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Processing - Rabbit; Voluntary Slaughter - Meat; Voluntary Slaughter - Rabbit	
M6463+V6463	Praire Meats, LLC	29429 CR "R"	Brush	CO	80723	(970) 380-5153	10/3/2011	Meat Processing; Meat Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	Brush Locker
M40221+P40221+V40221	Prairie Harvest Ltd	350 Hillsview Road	Spearfish	SD	57783	(605) 642-5676	8/26/2011	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M6496+P6496+V6496	Prairie Meats LLC	128 S. Clayton Street	Brush	CO	80723	(970) 842-2660	3/6/2013	Meat Processing; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	Brush Locker
M833J+P833J+V833J	Prasek's Hillje Smokehouse	237 CR 357	El Campo	TX	77437	(979) 543-8312	1/18/2018	Meat Processing; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat	

M833+P833+V833	Prasek's Hillje Smokehouse Inc.	29714 US 59 HWY	El Campo	TX	77437	(979) 543-8312	10/17/2011	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M1383+P677	Praters Foods	2206 114th Street	Lubbock	TX	79423	(806) 745-2727	4/8/2011	Meat Processing; Poultry Processing	Prater's Foods
V34081	Prefco Distribution, LLC	1190 West Loop North	Houston	TX	77055	(713) 880-9393	8/17/2006	Certification - Cysticercus; Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M7162	Preferred Beef Group	910 East Industrial	Booker	TX	79005	(806) 658-4561	2/12/2007	Meat Processing; Meat Slaughter	
I67	Preferred Freezer of Elizabeth, LLC	150 Bayway Avenue	Elizabeth	NJ	07202	(973) 854-9400	6/29/2017	Imported Product	
V34570	Preferred Freezer Servces of Philadelphia, LLC	3101 S. 3rd Street	Philadelphia	PA	19148	(215) 271-5600	11/14/2019	Identification - Meat; Identification - Poultry	
V40016	Preferred Freezer Services of Boston Harbor, LLC	60 Commercial Street	Everett	MA	02149	(617) 387-2050	2/13/2018	Certification - Export; Identification - Meat; Identification - Poultry	
I17	Preferred Freezer Services of Philadelphia LLC	3101 South 3rd Street	Philadelphia	PA	19148	(215) 271-5600	7/10/2019	Imported Product	

V46879	Preferred Freezer Services of Woodbridge	275 Blair Road	Avenel	NJ	07001	(732) 340-1600	6/30/2015	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Egg Products; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M5370+P987+V5370	Preferred Meal Systems Inc.	5600 First Avenue Building C	Brooklyn	NY	11220	(718) 439-8900	6/15/2010	Meat Processing; Poultry Processing; Voluntary Processing - Meat	The Maramont Corporation
M1000+P7521+V1000	Preferred Meal Systems, Inc	4135 Birney Avenue	Moosic	PA	18507	(570) 457-8311	11/16/2011	Meat Processing; Poultry Processing; Voluntary Processing - Meat	The Maramont Corporation
M45184+P45184	Preferred Meal Systems, Inc.	5469 Ferguson Drive	Commerce	CA	90022	(323) 446-6090	7/30/2019	Meat Processing; Poultry Processing	Preferred Meals
M6926+P6926	Preferred Meal Systems, Inc.	5240 E. St. Charles Road	Berkeley	IL	60163	(708) 318-2500	8/16/2016	Meat Processing; Poultry Processing	Preferred Meals, The Maramont Corporation
M45597+P45597	Premier Custom Foods	756 Pawnee Ave	Kansas City	KS	66105	(913) 225-9505	10/4/2018	Meat Processing; Poultry Processing	
I655+V976	Premier Distr bution Center, LLC	841 N. Industrial Park Avenue	Nogales	AZ	85621	(520) 761-3481	9/30/2011	Certification - Export; Imported Product	
M17620+P17620	Premiere Brand Meats	3555 Iron Court	Shasta Lake	CA	96019	(530) 275-4500	4/20/2004	Meat Processing; Poultry Processing	
M51310+P51310	Premier Food Management LLC	100 Lock Street	Cincinnati	OH	45215	(573) 541-0222	8/8/2019	Meat Processing; Poultry Processing	
M22054+P22054	Premier Foods	700 North 17th Avenue	Phoenix	AZ	85007	(602) 252-2263	8/5/2002	Meat Processing; Poultry Processing	Acme Meat Co

M46954+P46954	Premier Meat Processing LLC	36-16 23rd Street	Astoria	NY	11106	(917) 642-8740	8/24/2015	Meat Processing; Poultry Processing	Epic Foods
V44964	Premier Refrigerated Warehouse, LLC	1101 Northeast 23rd Street	Fort Worth	TX	76164	(817) 546-0912		Identification - Meat; Identification - Poultry	
M4780+P4780	Premio Foods Inc.	50 Utter Avenue	Hawthorne	NJ	07506	(973) 427-1106	2/5/2019	Meat Processing	D&F Meats , Garden State Sausage, Maglio Appetito
M7834+P7834	Premio Foods, Inc.	609 10th Street	Union City	NJ	07087	(201) 864-3410	6/19/2017	Meat Processing	Appetito Provision Co., Casa D'Oro, D & B Meats, Family Pride, Pisa, Villa Capri Meats
M21069	Premium Iowa Pork, LLC	108 1st Avenue South	Hospers	IA	51238	(712) 752-8666	12/30/2013	Meat Processing; Meat Slaughter	
M15833+P15833	Premium Meats, Inc.	241 Logan Ave, N.E.	Warren	OH	44483	(216) 394-8651	2/22/1988	Meat Processing; Poultry Processing	
M18237+P18237	Premium Protein Processors, LLC	578 US Hwy 1 South	Cheraw	SC	29520	(843) 537-7426	7/15/2019	Meat Processing; Poultry Processing	
M4102A+P4102A+V4102A	Pressure Safe LLC	23365 NE Halsey	Wood Village	OR	97024	(503) 252-2480	9/18/2012	Animal Foods Inspection; Certification - Export; Certification - Trichinae; Meat Processing; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Processing - Rabbit	
P22000	Prestage Foods, Inc.	P.O. Box 9 4470 Highway 20 East	St Pauls	NC	28384	(910) 865-6611	12/6/2016	Poultry Processing; Poultry Slaughter	

M51340+V51340	Prestage Foods of Iowa	3183 Hwy 17	Eagle Grove	IA	50533	(515) 448-2737	6/11/2019	Certification - Export; Identification - Meat; Meat Processing; Meat Slaughter	Boone River Farms, Boone River Foods, Boone Valley Farms, Boone Valley Foods, Prestage Farms , Prestage Farms of Iowa, Prestage Foods
P46047	Prestige Farms	3460 Empire Blvd.	Atlanta	GA	30354	(800) 290-5807		Poultry Processing	
M7900+P7900	Prestige Farms, Inc.	7120 Orr Road	Charlotte	NC	28213	(704) 596-2824	6/21/1994	Poultry Processing	
M8403+P8403	Preston St. Poultry	941 South Preston Street	Louisville	KY	40203	(502) 587-6751	7/9/2019	Poultry Processing	
M4485+P4485	PREVITES MEATS AND PROVISIONS	1350 WASHINGTON STREET	WEYMOUTH	MA	02188	(617) 472-9830	5/29/2008	Meat Processing; Poultry Processing	
M5281A+P5281A	PRG Packing Corp.	294 S.W. Harvey Greene Drive	Madison	FL	32340	(718) 328-0059	10/17/2011	Meat Processing; Poultry Processing	Ferris, Stahl-Meyer Foods, Inc. , Stahl-Meyer Packing Corp.
V39973A	PriceSmart	11441 NW 107th Street	Miami	FL	33178	(305) 805-9374	3/29/2017	Identification - Meat; Identification - Poultry	
M39973+P39973+I39973+V39973	Price Smart, Inc.	10800 NW 100th Street Suite 21	Miami	FL	33178	(305) 770-3663	12/18/2012	Identification - Meat; Identification - Poultry	
M18506+P18506	Pride Of Florida	13518 NE 258 th CT	Raiford	FL	32083	(386) 431-2324	2/16/2006	Meat Processing; Poultry Processing	
M20788+P20788+V20788	Primal Custom Cutting LLC	603 Washington Avenue Building #8	South Amboy	NJ	08879	(732) 525-2255	12/19/2011	Meat Processing; Poultry Processing; Voluntary Processing - Meat	J. Vrola
M19786+P19786	Prima Sausage Co Inc	7950 NW 76th Ave	Medley	FL	33166	(305) 836-4461	7/11/2006	Meat Processing	
M5200+P5200+V5200	Prime Food Distr butor, Inc.	80 Seaview Boulevard	Port Washington	NY	11050	(516) 723-2200	2/3/2014	Certification - Export; Meat Processing; Poultry Processing	Bryant & Cooper (Prime Meats), Butcher's Brand, Kostra & Co, LLC, Lobel's, Mosner Family Brands, Peter Luger Enterprises, Smith & Wollensky

M9122+P9122	Prime Food Inc.	6 South Drive	Cartersville	GA	30120	(404) 386-3773	9/3/2014	Meat Processing; Poultry Processing	
M19099+P19099	Prime Food Processing Corp.	300 Vandervoort Ave.	Brooklyn	NY	11211	(718) 963-2323	3/21/2003	Meat Processing; Poultry Processing	
M21210+P21210	Prime Foodservice Inc.	53 Foodmart Road	Boston	MA	02118	(617) 268-2400	7/11/2017	Meat Processing; Poultry Processing	SM Sneider Co.
M20401+P20401	Prime Foods, Inc.	5213 Monroe Pl.	Hyattsville	MD	20781	(301) 209-0077	1/17/2008	Meat Processing; Poultry Processing	
M51291+P51291	Prime Foods, LLC	Prime Foods, LLC 885 American Way	Boonville	IN	47601	(812) 897-4183	2/24/2020	Meat Processing; Poultry Processing	
M44922	Prime Fresh Foods, LLC	1110 East Front Street	Goldthwaite	TX	76844	(325) 938-0102	1/27/2020	Meat Processing; Meat Slaughter	
V39946	Prime Line Distr butors Inc.	2800 SW 42nd. St.	Ft. Lauderdale	FL	33312	(954) 925-4500	4/22/2014	Certification - Export; Identification - Meat; Identification - Poultry	
M51216	Prime Line Inc	9109 Binnsville Rd	Scooba	MS	39358	(662) 476-8659	1/26/2016	Meat Processing; Meat Slaughter	
M9165+P9165	Prime Pak Foods	2076 Memorial Park Road	Gainesville	GA	30504	(770) 536-8708	4/2/2012	Meat Processing; Poultry Processing	
M45856+V45856	Prime Pork LLC	2850 Highway 60 East	Windom	MN	56101	(507) 303-7500	8/21/2017	Certification - Export; Meat Processing; Meat Slaughter	Comfrey Farm Prime Pork
M18951+P18951+V18951	Prime Snax Inc.	1750 South 500 West Suite 700	Salt Lake City	UT	84115	(801) 977-0742	7/16/2006	Meat Processing; Poultry Processing; Voluntary Processing - Meat	Arizona Jacks, Chipper Snax, Desert Star, Field Trip, Krave, Perky Jerky
M46760+P46760	Prime South Meats	1109 Straightway Ave	Nashville	TN	37206	(615) 593-7083	12/20/2019	Meat Processing; Poultry Processing	
M2296+P2296	Primo Smokehouse & Kitchen, LLC	1609 Eubank Blvd.	Ballinger	TX	76821	(800) 367-1721	9/27/2019	Meat Processing; Poultry Processing	

M19518+P19518+V19518	Prism Team Services	3656 Perlman Drive	Stockton	CA	95206	(209) 983-9980	2/3/1999	Identification - Meat; Identification - Poultry	
M17124+P17124	Prison Industry Authority/Mule Creek State Prison	4001 Hwy 104 Meat Processing, C Yard	Ione	CA	95640	(209) 274-4911	8/17/2015	Meat Processing; Poultry Processing	
M31884+P31884+V31884	Pritzlaff Wholesale Meats, Inc	17025 W. Glendale Drive	New Berlin	WI	53151	(262) 786-1151	8/13/2015	Meat Processing; Poultry Processing; Voluntary Slaughter - Meat	
M21217A+P21217A	Procesadora La Hacienda, Inc.	Bo. Cerro Gordo Carr 183 Int 916 Zona Industrial Lote#1	San Lorenzo	PR	00754	(787) 734-4178	9/9/2016	Meat Processing; Poultry Processing	
M1213+P1213	Procesos Boricuas Inc.	Road #2 KM 17.7 Barrio Candelaria	Toa Baja	PR	00949	(787) 740-1829	2/24/2016	Meat Processing; Poultry Processing	Dona Elvira Pollo Asado, Food4You, Martin's BBQ, Rotisserie Chicken
M45989+P45989	Processadora La Esperanza Inc.	Road 156 Km 14.6 Barriada La Vega#43	Barranquitas	PR	00794	(787) 923-7864	12/21/2018	Meat Processing; Poultry Processing	
M45788	Processors, Inc.	1093 Henderson Hwy.	Breaux Bridge	LA	70517	(337) 228-7545	12/17/2018	Meat Processing	Guidry's Catfish, Inc., Ocean Select Seafood, L.L.C.
M45932+P45932	Productos Dany Inc.	Road 129 km 13.8 Barrio Bayaney	Hatillo	PR	00659	(787) 436-9394	9/19/2016	Meat Processing; Poultry Processing	
M31947+P31947	Productos El Gauchito LLC	Ave Minillas NM 16 Local 4 Santa Juanita	Bayamon	PR	00956	(787) 244-8364	6/28/2016	Meat Processing; Poultry Processing	
M18850+P18850	Productos Elizabeth Inc.	Road #167 Ramal 816 Km 2.0 Sector Montellano (Interior)	Barrio Nuevo	PR	00956	(787) 730-2292	2/4/2020	Meat Processing; Poultry Processing	
M12610+P12610	Productos El Jibarito	Carr. 619 Km 1.5 Bo. Chucillas	Morovis	PR	00687	(787) 862-2328	5/25/2017	Meat Processing; Poultry Processing	Cafetin Los Amigos

M7360+P7360	Productos La Aguadillana, Inc.	Carr. 467 Km 1.4 Bo. Borinquen	Aguadilla	PR	00603	(787) 891-5720	2/27/2017	Meat Processing; Poultry Processing	Bonanza, Coronado, Fiesta Campesina, Goya , Great Value, La Abuelita, River Cane Valley , Taino
M40270	Productos La Finca Inc.	#61 Quilinchini Avenue	Sabana Grande	PR	00637	(787) 873-3177	8/9/2016	Meat Processing	Chicharrones Econo, Chicharrones Jukiao
M21855+P21855	Productos La Hortaliza	Road 402 Km 48 Int. Barrio Pindes Abajo	Anasco	PR	00610	(787) 826-0519	2/19/2002	Meat Processing; Poultry Processing	
M34385+P34385	Productos Real	1100 Pendale	El Paso	TX	79907	(915) 594-4488	8/2/2013	Meat Processing; Poultry Processing	Productos Real
M12622+P12622	Productos Tere	Rd. 475 Km 1.9 Barrio Llanadas, Sector 21	Isabela	PR	00662	(787) 872-3315	4/27/2020	Meat Processing; Poultry Processing	Naive, Patria, Productos La Aguadillana Inc.
V45751	Progressive Distr butors USA LLC	11450 NW 122nd Street	Medley	FL	33178	(931) 334-5264	11/24/2015	Certification - Export; Identification - Meat; Identification - Poultry	
M34774+P34774	Progressive Food Products	1773 W. County Rd. 54	Tiffin	OH	44883	(419) 447-5382	8/12/2009	Meat Processing; Poultry Processing	
M199P+P199P+V199P	Progressive Processing, LLC	1205 Chavenelle Court	Dubuque	IA	52002	(563) 557-4500	5/8/2017	Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	Progressive Processing, LLC
M39957+P39957+V39957	Promo International, Inc.	11800 NW 102 Rd Suite 1	Medley	FL	33178	(305) 436-9220	8/10/2017	Identification - Meat; Identification - Poultry	
M34415+P34415	Pronto Express 107	2424 E. HWY 66	Gallup	NM	87301	(505) 863-3380	3/2/2017	Meat Processing	
M46049+P46049+V46049	Proportion Foods, LLC	101 Chisholm Trail Road	Round Rock	TX	78681	(512) 735-9800	3/13/2017	Certification - Export; Meat Processing; Poultry Processing	

M45053+P45053	ProPortion Foods, LLC	3501 E. Vernon Avenue	Vernon	CA	90011	(323) 231-7777	11/7/2016	Meat Processing; Poultry Processing	ProPortion Foods, LLC
M39944+P39944+V39944	Prosperity Foodservice Group LLC	10241 NW 21 Street	Doral	FL	33172	(305) 599-8892	9/24/2010	Identification - Meat; Identification - Poultry	
M48094+P48094	Protein Provisioners, LLC	3776 Dunlap Street	Arden Hills	MN	55122	(612) 270-7251	3/22/2019	Meat Processing; Poultry Processing	Protein Provisioners, Riff's Smokehouse, Riff's Smokehouse, Inc
M17284+P17284	Protenergy-Bay Valley Foods	904 Woods Rd.	Cambridge	MD	21613	(410) 901-8625	12/23/2014	Meat Processing; Poultry Processing	
M6002+P6002	Provena Foods, Inc.	251 D'Arcy Parkway	Lathrop	CA	95330	(209) 858-5555	2/2/2007	Meat Processing; Poultry Processing	
M6729+P6729	Provimi de Puerto Rico, Inc.	Road 634 KM 0.3 Bo. Franquez	Morovis	PR	00687	(787) 858-1921	10/20/2009	Meat Processing; Meat Slaughter; Poultry Processing	
M8984A+P8984A	Provimi Foods, Inc.	920 East Pearl Street	Seymour	WI	54165	(920) 833-6861	1/22/2018	Meat Processing; Poultry Processing	
M8984+P8984	Provimi Foods, Inc.	W2103 County Road VV	Seymour	WI	54165	(920) 833-6861	1/22/2018	Meat Processing; Poultry Processing	
V46283	Provisioners Warehouse and Transportation Services	660 South Othello St.	Seattle	WA	98108	(206) 447-7624	12/12/2017	Certification - Export; Identification - Meat; Identification - Poultry	
M19908+P19908	Pruski's Market, Inc.	10140 Highway 87 South	Adkins	TX	78101	(210) 649-2151	6/29/2006	Meat Processing; Poultry Processing	
M27274+P27274	P&S Bakery, Inc	3279 E. western Reserve Rd.	Poland	OH	44514	(330) 707-4141	12/17/2004	Meat Processing; Poultry Processing	
M2736	P&S Ravioli	2001 South 26th Street	Philadelphia	PA	19145	(215) 465-8888	2/23/2010	Meat Processing	

M2752+P2752	P.S. Select Foods, Inc	Bldg. E 1,2,3 Hunts Point Coop. Market 355 Food Center Drive	Bronx	NY	10474	(718) 589-7000	9/12/2013	Meat Processing; Poultry Processing	Plaut & Stern, Inc.
M8868	PT Farm LLC	500 Benton Rd	North Haverhill	NH	03774	(603) 787-9199	11/7/2012	Meat Processing; Meat Slaughter	
M17938+P17938	Publix Supermarkets, Inc., Deli Plant	3045 New Tampa Highway	Lakeland	FL	33815	(863) 688-1188	9/9/1995	Meat Processing; Poultry Processing	
M22018+P22018	Pucci Foods	25447 Industrial Blvd.	Hayward	CA	94545	(650) 826-0727	8/7/2017	Meat Processing; Poultry Processing	
M4999+P4999	Pudliner Packing	167 Norton Road	Johnstown	PA	15906	(814) 539-5422	5/20/1999	Meat Processing; Meat Slaughter; Poultry Processing	
M19208	Puerto Rico Pork Products	State Road #420 KM 7.0 Ward Cerro Gordo	Moca	PR	00676	(787) 877-1237	7/30/1999	Meat Processing	
M45858	Puget Sound Processing, LLC	18241 Pendleton St. SW	Rochester	WA	98579	(253) 254-1903	11/18/2016	Meat Processing; Meat Slaughter	
V45502	Pulama Lanai	Palawai Basin TMK 249.002.001	Lanai City	HI	96763	(808) 565-3000	12/3/2014	Voluntary Processing - Meat; Voluntary Slaughter - Meat	
G1486	Pulaski County Breaker Plant	8596 W. 700 South	Francesville	IN	47946	(219) 335-2087	7/16/2014	Egg Product	
M5414+P5414	Pulaski Meat Products Company Inc.	123 N.Wood Avenue	Linden	NJ	07036	(908) 925-5380	9/14/2010	Meat Processing; Poultry Processing	
M19263A+P19263A	Pulmuone Foods USA, Inc.	5755 Rossi Lane	Gilroy	CA	95020	(714) 361-0815	4/22/2013	Meat Processing; Poultry Processing	
M47090+P47090	Pupusas San Miguel, LLC	19800 FM 362 Rd.	Waller	TX	77484	(832) 421-0375	1/2/2020	Meat Processing; Poultry Processing	
M3028+V3028	Purchase Order of Miami Inc.	3724 NW 72 St.	Miami	FL	33147	(305) 696-2190	4/7/2010	Certification - Export; Identification - Meat; Identification - Poultry	

M4705+P4705	Purdy & Sons, LLC	816 County Road 24	Sherburne	NY	13460	(607) 674-9360	2/20/2020	Meat Processing; Poultry Processing	
M45608+P45608	Pure Country Harvest LLC	2721 W. Peninsula Drive	Moses Lake	WA	98837	(509) 989-1347	3/17/2016	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	Verns Moses Lake Meats Inc.
M45357+P45357	Purely Gourmet Meat Co.	4345 W. Division St.	Chicago	IL	60651	(708) 299-5656	2/26/2015	Meat Processing; Poultry Processing	Purely Meat Co.
M34806+P34806	PurFoods, LLC	12485 Commissioner Drive	North Jackson	OH	44451	(641) 236-9650	1/4/2018	Meat Processing; Poultry Processing	Mom's Meals, Mom's Meals NourishCare, PureFoods Fresh Start
M45257+P45257	PurFoods, LLC	810 Blakely CIrcle	Grinnell	IA	50112	(641) 236-9650	1/5/2018	Meat Processing; Poultry Processing	Mom's Meals, Mom's Meals NourishCare, PureFoods Fresh Start
P5933	Puritan Foods Co., Inc.	17 Foodmart Road	Boston	MA	02118	(617) 269-5650	2/21/2017	Poultry Processing	Pure Pack
M38441	P&Z Fine Foods LLC	7100 Jackson Street	Paramount	CA	90723	(323) 266-5701	1/30/2018	Meat Processing	
P2603+V2603	Quail International Inc.	1940 Hwy 15 South	Greensboro	GA	30642	(706) 453-2376	8/22/2005	Poultry Processing; Poultry Slaughter; Voluntary Processing - Poultry; Voluntary Slaughter - Poultry	Plantation Quail Mountain Valley Farm
M2748A+P2748A	Quaker Maid Meats	650 Morgantown Road	Reading	PA	19611	(610) 376-1500	2/1/2017	Meat Processing; Poultry Processing	Butcher Shop, Heritage 100% Sirloin Burgers, Heritage Angus Burgers, Heritage Ribye, Philly Gourmet Patties, Philly Gourmet Shaved Steak

M2748+P2748	Quaker Maid Meats Inc.	521 Carroll Street	Reading	PA	19611	(610) 376-1500	5/6/2009	Meat Processing; Poultry Processing	Heritage Italian Style Angus Beef Meatballs, Heritage Premium Beef Finely Sliced Ribeye Steak, Heritage Three Cheese Angus Beef Meatballs, Heritage Tomato Basil Angus Beef Meatballs, Mama Lucia Meatballs, Mama Lucia's Homestyle Meatballs, Murry's Family of Fine Foods, Philly Gourmet , Philly Steaks, Philly-Gourmet Homestyle Patties (Turkey) Est. # P-2130, Quaker Maid Steaks, Steak-Umm Steaks
V359	Quaker Valley Foods Int'l	2701 Red Lion Road	Philadelphia	PA	19114	(215) 992-0900	5/2/2011	Certification - Export	
M5070+P5070	Quality Beef Company	25 Bath Street	Providence	RI	02908	(401) 421-5668	6/15/2015	Meat Processing; Poultry Processing	Quality Food Company
M48287+P48287+V48287	Quality Custom Meats, LLC	507 East Hwy 34	Howard	SD	57349	(605) 772-6562	7/10/2017	Certification - Export; Meat Processing; Poultry Processing	
V32187	Quality Distributors	165-K Guerrero St. Harmon Ind'l Pk	Harmon	GU	96910	(671) 649-9788	5/10/2005	Certification - Export	
M34064+P34064	QUALITY FOOD DISTRIBUTOR, iNC.	4152 CAMERON STREET	LAS VEGAS	NV	89103	(702) 251-7800	3/6/2020	Meat Processing; Poultry Processing	
M19435+P19435+V19435	Quality Food Processors LLC	710 S. Hwy. 59	Denison	IA	51442	(712) 263-2277	10/11/2017	Certification - Export; Meat Processing; Poultry Processing	
M46873+P46873	Quality Foods From The Sea	173 Knobbs Creek Drive	Elizabeth City	NC	27909	(252) 338-5455	9/24/2015	Meat Processing; Poultry Processing	
M46635	Quality Meat, Inc.	485 N. 3rd E.	Aberdeen	ID	83210	(208) 397-6328	3/14/2019	Meat Processing; Meat Slaughter	

M8951+P8951+V8951	Quality Meats and Culinary Specialties	6800 Dix	Detroit	MI	48209	(313) 554-2500	8/3/2010	Meat Processing; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	Mark's Quality Meats and Culinary Specialties
M2063+P2063+V2063	Quality Meats and Seafood	700 Center St.	West Fargo	ND	58078	(701) 282-0202	1/29/2007	Meat Processing; Poultry Processing; Voluntary Processing - Meat	Quality Meats & Seafood
M5813	Quality Meats, Inc.	104 Willow Road	Schleswig	IA	51461	(712) 676-2210	4/12/2017	Meat Processing	L & K Packing, Inc., Samha Foods Co., LLC
M7679+P7679+V7679	Quality Meats of Montana	55 Wyttenhove Lane	Miles City	MT	59301	(406) 232-0689	6/13/2002	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M19222+P19222	Quality Meats Processors	Ave. Luis Munoz Marin, Esq. Georgetty Oscar Cash & Carry - Est.19222	Caguas	PR	00726	(787) 743-9191	3/10/2009	Meat Processing; Poultry Processing	Coronado, Frigorifico y Almacen del Turabo, Inc., La Brada, Oscar Super Cash & Carry, Wholesale Traiding, Inc.
M13025+P13025	Quality Pork International Inc.	10404 F Plaza	Omaha	NE	68127	(402) 339-1911	1/9/2018	Meat Processing; Poultry Processing	

M46072+P46072+V46072	Quality Pork International Inc. - West Point	126 W. Grant St.	West Point	NE	68788	(402) 598-4059	5/4/2018	Animal Foods Inspection; Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry	
M1620	Quality Pork Processors	711 Hormel Century Parkway	Austin	MN	55912	(507) 434-6300	8/21/2017	Meat Processing; Meat Slaughter	
M20374+P20374+V20374	Quality Refrigerated Services	3301 G Street	Omaha	NE	68107	(402) 738-1118	9/13/2004	Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Q.P.S., Q.R.S., Quality Processing Services
M31690+P31690+V31690	Quality Refrigerated Services, Inc.	225 West 21 Street	Spencer	IA	51301	(712) 262-1366	8/4/2017	Certification - Export; Certification - Trichinae; Meat Processing; Off-Premise Freezing - Egg Products; Poultry Processing	Q.P.S., Quality Processing Services

V3131	Quality Refrigerated Services, Inc.	2626 Polar Road	Worthington	MN	56187	(507) 372-2184	5/19/2015	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry	
M5666+P5666+V5666	Quality Sausage Company LLC	1925 Lone Star Drive	Dallas	TX	75212	(214) 634-3400	12/11/2019	Certification - Export; Meat Processing; Poultry Processing	Quality Sausage Company
M17642+P17642	Quality Snack Foods, Inc.	3750 W. 131st St.	Alsip	IL	60803	(708) 377-7120	5/12/2009	Meat Processing; Poultry Processing	
M34029+P34029	Quality Star Products, Ltd.	3930 Miller Park Drive	Garland	TX	75042	(972) 272-8079	8/23/2006	Meat Processing; Poultry Processing	
M47037+P47037	Quality Steak Inc.	210 Park Drive	Voorhees	NJ	08042	(856) 498-0808	10/23/2019	Meat Processing; Poultry Processing	Quality Foods
M46170+P46170+V46170	Quapaw Food Services Authority	59100 E. 66 Road	Miami	OK	74354	(918) 533-3671	9/1/2017	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M45510+P45510+G45510	Queen City Fresh Foods, LLC	S-3538 California Road	Orchard Park	NY	14127	(716) 662-1788	11/7/2019	Egg Product; Meat Processing; Poultry Processing	Pine Hill Fresh Foods
M6838+P6838	Queen City Sausage & Provision, Inc	1136 Straight Street	Cincinnati	OH	45214	(513) 541-5581	12/16/2015	Meat Processing; Poultry Processing	
M4178+P4178	Quentin Meat Co.	13044 Park Street	Santa Fe Springs	CA	90670	(562) 801-4157	6/8/2012	Meat Processing; Poultry Processing	

M18963+P18963	Quincy Street, Inc.	13350 Quincy Street	Holland	MI	49424	(616) 399-3330	10/3/2016	Meat Processing; Poultry Processing	Home Kitchen, Indiana Kitchen, Indiana Packers, Indiana Packers Co., Indiana Packers Corp., Indiana Packers Corporation, Itoham Foods, Inc., Pyramid Incorporated, Pyramid, Inc., Quincy Quality Meats, Quincy Street, Quincy Street Meats, Quincy Street Quality Meats
M21282+P21282	Quintero's Meat Co. Inc.	4413 Durazno	El Paso	TX	79905	(915) 351-2471	11/20/2012	Meat Processing	
M39991+P39991+V39991	Quirch Foods	7600 NW 82 Place	Miami	FL	33166	(305) 691-3535	8/12/2009	Identification - Meat; Identification - Poultry	
I625	Quirch Foods Carr bean, Inc.	918 Calle Escorial URB, Industrial Mario Julia	San Juan	PR	00920	(787) 775-6150	1/11/2018	Imported Product	
V39991A	Quirch Foods Co.	2292 Sand Lake Rd.	Orlando	FL	32809	(407) 826-3660	5/31/2013	Certification - Export; Identification - Meat; Identification - Poultry	
I193	Quirch Foods Company	7600 NW 82 Place	Medley	FL	33166	(305) 691-3535	12/9/2019	Imported Product	
V45349	Quirch Foods Company - Chicago	8424 W. 47th St.	Lyons	IL	60534	(708) 853-1200		Certification - Export; Identification - Meat; Identification - Poultry	
M20946+P20946	Raandom Corp.	725 E. Edna Pl.	Covina	CA	91723	(626) 339-3963	10/2/2007	Meat Processing; Poultry Processing	Don Pedro's Meat
M13079+P13079	Rabe's Quality Meat	13075 Renfro Circle	Omaha	NE	68137	(402) 895-5399	4/20/2006	Meat Processing	
M34657+P34657	Rachael's Food Corporation	749 Meadow Street	Chicopee	MA	01013	(800) 447-6537	2/5/2015	Meat Processing; Poultry Processing	

M8378	Rachel's Table	37H Lark Industrial Parkway	Greenville	RI	02828	(401) 949-5333	11/5/2015	Meat Processing	Troinos
M2846+P2846+V2846A	Raemco Inc., dba Far West Meats	7759 Victoria Avenue	Highland	CA	92346	(909) 864-1990	5/20/2016	Animal Foods Inspection; Meat Processing; Poultry Processing	Far West Meats
M7527+P7527	Rafka Foods Incorporated	2424 Broadhead Road	Aliquippa	PA	15001	(412) 475-3565	6/21/2016	Meat Processing	Rafka Foods
M8570A+P8570A+V8570A	Ragozzino Foods Inc.	71 Chamberlain Highway	Meriden	CT	06451	(203) 238-2553	2/26/2015	Certification - Export; Meat Processing; Poultry Processing	
M8570+P8570	Ragozzino Foods, Inc	10 Ames Avenue	Meriden	CT	06451	(203) 238-2553	6/8/2015	Meat Processing; Poultry Processing	
M21334+P21334	Rainbow Organic Farms Co.	208 Sherman Street	Uniontown	KS	66779	(620) 756-4745	8/19/2008	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	Good Natured Family Farms
M10047+P10047+V10047	Rainbow Packing Inc.	3532A 18th Road	Escanaba	MI	49829	(906) 786-7098	4/24/2000	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M33967+P33967	Rajbhog Foods (NJ), Inc.	50-60 Amity Street	Jersey City	NJ	07304	(201) 395-9400	2/27/2008	Meat Processing; Poultry Processing	Bombay Kitchen
V44188	Ralex International Corp.	2122 NW 99th Avenue	Miami	FL	33172	(305) 597-9024	6/7/2011	Certification - Export; Identification - Meat; Identification - Poultry	

M265+P265	RALPH & PAUL ADAMS, INC.	103 S RAILROAD AVENUE	BRIDGEVILLE	DE	19933	(920) 563-2431	9/3/2015	Meat Processing; Poultry Processing	GREENSBORO PACKERS, HABBERSETT, JONES DAIRY FARM, RALPH & PAUL ADAMS SCRAPPLE
M51557+P51557	Ralph's Packing Company	500 W. Freeman Ave.	Perkins	OK	74059	(405) 547-2464	12/10/2018	Meat Processing; Poultry Processing	
M18957	Ralphs Ranches, Inc.	1825 West Ball Mountain Road	Macdoel	CA	96058	(530) 398-4184	4/6/1995	Meat Processing; Meat Slaughter	
M27326	Ramarc Foods, Inc.	4513 South Halsted Street	Chicago	IL	60609	(773) 268-3352	10/8/2004	Meat Processing	
M17480+P17480	Ramar International Corp	539 Garcia Ave Suite. E	Pittsburg	CA	94565	(925) 452-4267	6/12/2015	Meat Processing; Poultry Processing	
M17480A+P17480A	Ramar International Corporation	335 Central Avenue	Pittsburg	CA	94565	(925) 432-4267	6/12/2015	Meat Processing; Poultry Processing	
M46578+P46578	Ram Country Meats	350 West Pitkin Street	Fort Collins	CO	80523	(970) 491-7093	1/16/2019	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
M11027+V11027	Rammell Valley Pack	7080 N. 3000 W.	Tetonia	ID	83452	(208) 456-2546	9/8/1999	Meat Processing; Meat Slaughter; Voluntary Processing - Poultry; Voluntary Slaughter - Poultry	Rammell Valley Pack
M6246+P6246	Ramona's Food Group	13633 S. Western Avenue	Gardena	CA	90249	(310) 323-1950	4/4/2017	Meat Processing; Poultry Processing	
V45571	Rana Meal Solutions	1546 Hecht Rd	Barlett	IL	60523	(646) 428-4508	11/9/2016	Certification - Export; Identification - Meat; Identification - Poultry	
M44870+P44870	Rana Meal Solutions, LLC	550 Spitzer Rd.	Bartlett	IL	60103	(630) 297-9619	2/8/2019	Meat Processing; Poultry Processing	

M40264+P40264+V40264	Rancher's Legacy Meat Co.	4301 White Bear Parkway	Vadnais Heights	MN	55110	(651) 366-6560	5/6/2016	Meat Processing; Poultry Processing; Voluntary Processing - Meat	Heritage Ranch, Ranchers Best, Ranchers Legacy, Ranchers Legacy Meats, Unger Meat Co.
M40336	Rancher's Pride Meats, Inc.	5054 Design Avenue	Zullinger	PA	17272	(717) 749-5553	5/11/2017	Meat Processing; Meat Slaughter	Rancher's Pride Halal Meats, LLC
M13353+P13353	Ranch House Meat Company, LLC	303 San Saba Avenue	Menard	TX	76859	(325) 396-4536	11/14/2011	Meat Processing; Poultry Processing	
M2439+P2439+V2439	Ranchland Packing Co.	1201 Centennial Ave.	Butte	MT	59701	(406) 782-6371	5/22/1986	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M4159A+P4159A	Randall Foods, Inc.	2900 Ayers Ave.	Vernon	CA	90058	(323) 261-6565	10/18/2017	Meat Processing; Poultry Processing	
M4159+P4159	Randall Foods, Inc.	2905 E. 50th St.	Vernon	CA	90058	(323) 587-2383	3/11/2014	Meat Processing; Poultry Processing	
M10669+P10669	Randall Meat Company, Inc.	500 B. A bert Pike	Hot Springs	AR	71913	(501) 623-5587	12/8/2005	Meat Processing; Poultry Processing	
M6590	Randolph Packing Co., Inc.	403 West Balfour Ave.	Asheboro	NC	27203	(336) 672-1470	11/16/1995	Meat Processing; Meat Slaughter	
M7779+P7779+V7779	Randolph Packing Company	275 Roma Jean Parkway	Streamwood	IL	60107	(630) 830-3100	3/4/2004	Certification - Export; Meat Processing; Poultry Processing	
M8947+P8947	Randy's Foods, LLC	1910 5th St. NW	Faribault	MN	55021	(507) 334-7177	6/5/2015	Meat Processing; Poultry Processing	Randy's, Randy's Frozen Meats, LLC, Randy's Good Stuff, Randy's Pizza
M35	Rantoul Foods LLC	205 Turner Drive	Rantoul	IL	61866	(217) 892-4178	5/14/2018	Meat Processing; Meat Slaughter	Agar Foods LLC
V44170	RANTOUL INVESTMENTS	200 TURNER DRIVE	RANTOUL	IL	61866	(217) 892-4178	8/3/2011	Certification - Export; Identification - Meat	

M17586	Rapacki & Sons, LLC	633 N. Queens Avenue	Lindenhurst	NY	11757	(631) 884-2060	3/22/2006	Meat Processing	
V20768	Rapa Independent North America Casings Inc.	2025 Conneticut Road	Plattsburgh	NY	12903	(518) 561-0513	6/30/1999	Certification - Export; Identification - Meat	
V46224	Rase Forwarding LLC	1020 E. Highlowe Dr.	Hidalgo	TX	78557	(956) 843-7800	9/6/2017	Certification - Export	
M7877A+P7877A+V7877	Rastelli	300 Heron Drive	Logan Township	NJ	08085	(856) 468-4135	9/28/2005	Meat Processing; Poultry Processing	Rastelli's Fine Foods
V7877B	Rastelli Global	504 Sharptown Road	Swedesboro	NJ	08085	(856) 803-1100	8/16/2005	Certification - Export; Identification - Meat; Identification - Poultry	
M13564+P13564	Rath, Inc.	908 E. Apache Trail Rd.	Apache	OK	73006	(580) 588-3064	2/29/2016	Meat Processing; Poultry Processing	
V48124	Rava Forwarding	514 Nafta Blvd.	Laredo	TX	78045	956724660	6/9/2015	Certification - Cysticercus; Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry	
M5860+P5860	Raven Brand Products	10870 14th Avenue	Armona	CA	93202	(209) 584-3948	12/19/1990	Meat Processing; Poultry Processing	
M1975+P1975	Raw Basics LLC	4074 S. Kinnickinnic Ave.	St. Francis	WI	53235	(414) 481-9900	8/20/2014	Meat Processing; Poultry Processing	Supreme Meats
M32026+P32026	Raw Seafoods, Inc.	481 Currant Road	Fall River	MA	02720	(508) 673-0111	11/29/2016	Meat Processing; Poultry Processing	J. Scott Foods

M46367+P46367+V46367	Raybern Foods, LLC	184 Bryan Blvd.	Shannon	MS	38868	(662) 269-6500	5/7/2018	AMS RTE Canada EV Program; Certification - Export; Food Inspection; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	
M32131	Ray Chavez Distr butor Corp.	3400 NW 62nd St.	Miami	FL	33147	(305) 696-4677	6/13/2014	Meat Processing	
M34769	Rayfield Meat Center	4450 Hwy 109 South	Wadesboro	NC	28170	(704) 694-4384	8/4/2008	Meat Processing	Rayfield Meat Center
M9305+P9305	Ray's Wholesale Meats, Inc.	2113 S. 3rd. Avenue	Union Gap	WA	98903	(509) 575-0729	11/7/2007	Meat Processing; Poultry Processing	
M1821+P1821	RBR Meat Co., Inc.	5151 Alcoa Ave.	Vernon	CA	90058	(323) 826-2155	11/27/2000	Meat Processing; Poultry Processing	
M4739+P4739	RC Fine Foods	139 Stryker Lane	Hillsborough	NJ	08844	(908) 359-5500	4/14/2015	Meat Processing; Poultry Processing	
P1174+V1174	RCF, LLC	641 Holly Street NE	Decatur	AL	35601	(256) 686-3601	10/25/2013	Identification - Poultry; Poultry Processing	Gemstone Foods LLC
M13533+P13533	RCG Foods of Texas, Inc.	2215 Myrtle Avenue	El Paso	TX	79901	(915) 838-1889	6/14/2018	Meat Processing; Poultry Processing	
M1244+P8142	R.C. Provisions Inc.	1010 Victory Place	Burbank	CA	91502	(323) 489-6168	10/30/2001	Meat Processing; Poultry Processing	
V40279	RCS Empowers, Inc.	2110 North 15th Street	Sheboygan	WI	53081	(920) 458-8261	7/15/2010	Identification - Meat; Identification - Poultry	
M19764+P19764	R-Dub Foods	430 S. Anderson Street	Los Angeles	CA	90033	(323) 980-5223	11/20/1997	Meat Processing; Poultry Processing	R. W. Zant - Delizous Farms, R. W. Zant Co.
M13126+P13126	Readfield Meats, Inc.	2130 East William Joel Bryan Parkway	Bryan	TX	77802	(979) 776-5685	6/30/2017	Meat Processing; Poultry Processing	Readfield Meats, Readfield Meats Co., Ruffino Meats & Food Service, Ruffino's Meats

M6232B+P6232B	Ready Foods	5905 East 42nd Avenue	Denver	CO	80216	(303) 468-3454	2/18/2015	Meat Processing	Ready Foods, Inc.
M6232+P6232+V6232	Ready Foods, Inc.	4000 Dahlia St	Denver	CO	80216	(303) 892-5861	11/9/2010	Meat Processing; Poultry Processing	Marcos Mexican Foods
M27497+P27497	Ready Pac Produce, Inc.	4401 Foxdale Avenue	Irwindale	CA	91706	(626) 856-8686	12/2/2003	Meat Processing; Poultry Processing	
M32081+P32081	Ready Pac Produce, Inc.	148 Riverview Park Rd	Jackson	GA	30233	(770) 504-7100	1/31/2005	Meat Processing; Poultry Processing	
M48088+P48088	Reams Family Foods, Inc.	1101 Coulee Rd.	Hudson	WI	54016	(715) 386-9291	2/26/2014	Meat Processing; Poultry Processing	RJ's Meats & Groceries
M8665+P8665	Rebhan R&W Meat Co. Inc.	3532 South Broadway	St. Louis	MO	63118	(314) 773-1515	4/13/1999	Meat Processing	
M45119+P45119	Red Barn Meats Inc.	9095 Briot Road	Croghan	NY	13327	(315) 346-1254	5/15/2019	Meat Processing; Meat Slaughter; Poultry Processing	
M8139+P8139	Red Bird Farms Dist. Co.	2520 South Raritan	Englewood	CO	80110	(303) 934-2200	4/18/2013	Meat Processing	Colorado Fresh, Grace Foods, Red Bird Farms
M33987+P33987	Red Bowl Food Corporation	6904 8th Ave	Brooklyn	NY	11228	(718) 496-3886	3/27/2012	Meat Processing; Poultry Processing	
V46186	Red Cloud Food Services	218 Space Park South	Nashville	TN	37211	(615) 678-1742	7/26/2017	Certification - Export	
M1721+P6404	Redondo's LLC	94-140 Leokane Street	Waipahu	HI	96797	(808) 671-5444	9/18/2009	Meat Processing; Poultry Processing	
M34403+P34403	Red Rock Beef Jerky	602 West Highway 66	Gallup	NM	87301	(505) 863-5155	10/29/2008	Meat Processing	
M46069+P46069	RED'S ALL NATURAL, LLC.	803 NORTH DERBY LANE	NORTH SIOUX CITY	SD	57049	(605) 956-7337	1/15/2019	Meat Processing; Poultry Processing	
M19776+P19776	Red Smith Foods, Inc.	4145 S.W. 47th Ave.	Davie	FL	33314	(954) 581-1996	4/8/2011	Meat Processing; Poultry Processing	S.W. (Red) Smith, Inc.
M32051+P32051	Redstar Food Service, Inc.	128 Gibbs St. Suite B	Pomona	CA	91767	(909) 397-7500	1/17/2020	Meat Processing; Poultry Processing	

M45352	Red Table Meat Co. LLC	1401 Marshall Street NE Suite 100	Minneapolis	MN	55413	(612) 232-3793	4/11/2019	Meat Processing	
M6066+P6066+V6066	Redwood Meat Co., Inc.	3114 Moore Avenue	Eureka	CA	95501	(707) 442-3797	6/27/2012	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M9237+P9237+V9237	Reed and Hertig Packing Co	90266 Hwy 101	Warrenton	OR	97146	(503) 861-2237	4/4/1996	Meat Processing; Poultry Processing; Voluntary Processing - Poultry	
M46951	Reed Brook Custom Meats LLC	1385 Ellis Creek Road	Waverly	NY	14892	(607) 565-9630	9/6/2016	Meat Processing; Meat Slaughter	Reed Brook Meats LLC
M9026+P9026	Reeds Gourmet Meat Co.	1210 66th street	Sacramento	CA	95819	(916) 638-0733	2/25/2013	Meat Processing; Poultry Processing	Reeds Meats
M46552	Reel Cajun Foods LLC	930 Joplin Ave	Baton Rouge	LA	70802	(225) 448-5613	10/25/2019	Meat Processing	
M12461+P12461	Regal Food, Inc.	3040 Ualena St.	Honolulu	HI	96819	(808) 834-4423	8/15/2010	Meat Processing; Poultry Processing	The Pizza Shop
M18349+P18349	Reggio's Pizza, Inc.	340 West 83rd Street	Chicago	IL	60620	(773) 488-1411	11/21/2018	Meat Processing; Poultry Processing	
M48159+P48159+V48159	Regional Food Bank of Oklahoma	3355 South Purdue	Oklahoma City	OK	73179	(405) 972-1111	6/28/2016	Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	
M45031+P45031+V45031	Registry Steaks & Seafood Ltd.	6800 Santa Fe Drive, Unit M	Hodgkins	IL	60525	(708) 458-3100	1/10/2013	Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	Cheesewich Factory, Rosaty Packaging

P8289	Reichardt Duck Farm, Inc.	3770 Middle Two Rock Road	Petaluma	CA	94952	(707) 762-6314	1/30/2017	Poultry Processing; Poultry Slaughter	
M19941W+P19941W+V19941W	Reichel Foods Inc.	6101 Bandel Rd. NW	Rochester	MN	55901	(507) 424-2986	1/1/1998	Identification - Meat; Identification - Poultry	
V19941	Reichel Foods, Inc.	3706 Enterprise Dr. NW	Rochester	MN	55902	(507) 289-7264	6/15/2017	Identification - Meat; Identification - Poultry	
M33+P33+V33	Reinhart Foodservice LLC	225 John Hancock Road	Taunton	MA	02780	(508) 821-2060	1/28/2013	Identification - Meat; Meat Processing; Poultry Processing	
M5526+P5526	Reinhart FoodService, LLC	1600 St. James Street	LaCrosse	WI	54603	(608) 782-2660	3/21/2005	Meat Processing; Poultry Processing	
M8373+P8373	Reiter Provisions	59 Brownell Drive	Wilcox	PA	15870	(814) 929-5168	4/23/2018	Meat Processing; Poultry Processing	
M27361+P27361	Reliable Brothers	185 Cohoes Ave	Green Island	NY	12183	(518) 273-6732	12/5/2002	Meat Processing; Poultry Processing	Reliable Brands Inc.
M5138	Reliable Wholesale Meats	826 Washington Ave	New York	NY	10014	(212) 242-3408	1/22/2007	Meat Processing	High Line Meats
M46140	Reliant Fish Co.	7701 Assateague Drive	Jessup	MD	20794	(410) 799-7555	10/28/2019	Meat Processing	
G1881+V1881	Rembrandt Enterprises, Inc.	409 North Wood Street	Neosho	MO	64850	(417) 451-2050	2/2/2017	Certification - Export; Egg Product	Rembrandt Foods
G1944	Rembrandt Enterprises, Inc.	1800 Park Ave. East	Renville	MN	56284	(320) 329-8182	9/13/2016	Egg Product	Rembrandt Foods
G21040	Rembrandt Enterprises, Inc.	13780 450th Street	Thompson	IA	50478	(641) 584-2050	1/28/2020	Egg Product	Rembrandt Foods
G21931	Rembrandt Enterprises, Inc.	1419 480th St.	Rembrandt	IA	50576	(712) 286-6000	1/28/2020	Egg Product	
M9457+P9457+V9457	Rendulic Packing Company	800 Manning Avenue	McKeesport	PA	15132	(412) 678-9541	9/26/2013	Certification - Export; Meat Processing; Meat Slaughter; Poultry Processing	MRG

M17644A+P17644A+V17644A	Request Foods Inc.	12875 Greenly Street	Holland	MI	49424	(616) 786-0900	9/26/2014	Meat Processing; Poultry Processing; Voluntary Processing - Poultry	
M17644+P17644+V17644	Request Foods Inc.	3460 John F. Donnelly Drive	Holland	MI	49424	(616) 786-0900	3/6/2000	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry	
M199D+P199D+V199D	Research & Development, Hormel Foods Corporate Services, LLC	2 Hormel Place	Austin	MN	55912	(507) 437-5611	9/27/2016	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M13520+P13520	Reser's Fine Foods	3167 S. E. 10th	Topeka	KS	66607	(785) 233-6431	3/15/2012	Meat Processing; Poultry Processing	
M1801+P874	Reser's Fine Foods	11251 Hwy 903	Halifax	NC	27839	(252) 536-5750	5/31/2007	Meat Processing; Poultry Processing	Mrs. Giles, Mrs. Kinser's
M13125+P13125	Reser's Fine Foods, Inc.	3139 Southeast 10th Street	Topeka	KS	66607	(785) 233-6431	2/9/2017	Meat Processing; Poultry Processing	
M2851+P2851	Reser's Fine Foods, Inc.	6999 NW Century Blvd.	Hillsboro	OR	97124	(503) 643-6431	12/3/2015	Meat Processing; Poultry Processing	
M46320+P46320	Reser's Fine Foods, Inc.	3728 SE 6th St	Topeka	KS	66607	(785) 233-6431	2/12/2018	Meat Processing; Poultry Processing	
M45099+P45099+V45099	Responsible Transportation LLC	22034 200th Street	Sigourney	IA	52591	(641) 622-3220	10/28/2013	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Rabbit	Iowa Meat Company, Keokuk Hills Beef, Thunder Ridge Beef Company

V44190	Restaurant Depot, LLC/DBA Jetro Cash & Carry	2041 NW 21st Avenue	Miami	FL	33127	(305) 324-4414	6/16/2011	Certification - Export; Identification - Meat; Identification - Poultry	
M45479+P45479	Rettland Farm LLC	2776 Baltimore Pike	Gettysburg	PA	17325	(717) 253-2799	9/13/2018	Meat Processing; Poultry Processing; Poultry Slaughter	
M34153	Revels Barbcue Center, Inc.	685 Highway 15-401 East	Bennettsville	SC	29512	(843) 862-1207	2/8/2019	Meat Processing	
M45430+P45430	Revere Meat Co.	132 Royal Dr.	Forest Park	GA	30297	(678) 814-2165	4/14/2015	Meat Processing; Poultry Processing	
M8935+V8935	RF Acquisition Corp.	13845 Cemetery Rd. P.O. Box 365	Wapakoneta	OH	45895	(419) 738-8975	1/29/2001	Certification - Export; Meat Processing	Whitefeather Foods, Inc.
P46255	RFC LLC dba Gemstone Foods LLC	700 South Wood Avenue	Florence	AL	35630	(256) 712-3232	9/11/2017	Poultry Processing	Gemstone, Gemstone Foods, RCF, RCF LLC
M8971+P8971+V8971	R Four Meats	24 S.W. 2nd Street	Chatfield	MN	55923	(507) 867-4180	12/8/2015	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M34825+P34825	RFS Cheese, LLC	466 17th Avenue	Monroe	WI	53566	(608) 426-6085	4/12/2019	Meat Processing; Poultry Processing	Fairplay Packaging, LLC, RFS Cheese, LLC
P6247	R & G Fine Foods, Inc.	19441 Business Center Dr. #129	Northridge	CA	91324	(818) 341-9981	10/26/2010	Poultry Processing	
M8392+P8392	R. G. Gunnoe Farms, LLC	2115 Oakridge Drive	Charleston	WV	25311	(304) 343-7686	7/8/2004	Meat Processing; Poultry Processing	
M5300	Rhode Island Beef & Veal Inc.	60 Armento Street	Johnston	RI	02919	(401) 232-7220	12/11/2013	Meat Processing; Meat Slaughter	
M47109	Rhode Island Shellfish Company	1670 Main Street	West Warwick	RI	02893	(401) 744-0311	3/30/2020	Meat Processing	

M33954+P33954	RHOSEY LLC Rhosey, LLC	1677 McDonald Avenue	Brooklyn	NY	11230	(718) 382-1226	8/8/2016	Meat Processing; Poultry Processing	Rose Gourmet
I539	R.H. Services, Inc.	5930 Shull Street	Bell Gardens	CA	90201	(562) 776-5206	9/20/2019	Imported Product	
M9691+P9691	Ricci's Italian Sausage, Inc.	500 Pine Hollow Road Ken Mawr Plaza	McKees Rocks	PA	15136	(412) 490-9531	5/19/2015	Meat Processing; Poultry Processing	
M20153+P20153	Rice Field Corporation	14500 E. Valley Boulevard	City of Industry	CA	91746	(626) 968-6917	4/16/2002	Meat Processing; Poultry Processing	Great River Foods, Valley Star Corp.
M32053A+P32053A	Richandre, Inc.	1170 Sandhill Ave.	Carson	CA	90746	(310) 346-9856	6/1/2006	Meat Processing; Poultry Processing	
M46581+P46581	Richard's Cajun Foods Corp	1186 East Ebey	Church Point	LA	70525	(337) 684-6309	2/25/2020	Meat Processing; Poultry Processing	
M13587+P13587	Richard's Cajun Foods Corp.	329 South Main Street	Church Point	LA	70525	(337) 684-6300	2/25/2020	Meat Processing; Poultry Processing	
M51240+P51240	Richelieu Foods Inc	120 Palatine Road	Wheeling	IL	60050	(224) 676-5867	2/12/2018	Meat Processing; Poultry Processing	
M5699+P5699+V5699	Richelieu Foods, Inc.	121 Industrial Drive	Beaver Dam	WI	53916	(920) 885-8044	8/8/2017	Certification - Export; Meat Processing; Poultry Processing	
M21391+P21391+V21391	Richmond Wholesale Meat Co	2920 Regatta Blvd.	Richmond	CA	94804	(510) 233-5113	12/5/2014	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry	Gina Gallina, Penny Hen, Richmond Cold Storage, Richmond Peak Quality
M1260+P7454+V1260+V1260ERR	Rich Products Corporation	349 West Main Street	Gallatin	TN	37066	(615) 867-0664	11/9/2010	Certification - Export; Meat Processing; Poultry Processing	Byron's BBQ, Rich Products
M45387+P45387	Rich Products Corporation	21511 Division St.	Crest Hill	IL	60403	(815) 773-4705	11/5/2015	Meat Processing	

M5336+P5336	Rich Products Corporation	1910 Gallagher Drive	Vineland	NJ	08360	(856) 696-5600	1/10/2007	Meat Processing; Poultry Processing	
V1260A	Rich Products Corporation	720 Butler Avenue	Murfreeboro	TN	37127	(615) 866-0664	1/13/2017	Certification - Export	
V45958	Rich Products Corporation	2356 Fleetwood Drive	Riverside	CA	92509	(951) 779-8161	7/25/2017	Certification - Export; Identification - Meat; Identification - Poultry	
M8264+P8264	Richwood Meat Co.	2751 N. Santa Fe Drive	Merced	CA	95348	(209) 722-8171	3/28/2019	Meat Processing; Poultry Processing	Blackwood Farms , Champion Meat , Chef's Pride
M17704+P17704	Rick's Barbecue, Inc	2366 Hwy 43 S.	Leoma	TN	38468	(931) 852-2525	8/2/2019	Meat Processing; Poultry Processing	Rick's Barbecue, Rick's Barbecue Wholesale, Springdale Packing Co.
M32154+P32154	Rico Mexican Market	700 So 545 West	Salt Lake City	UT	84101	(801) 533-9923	4/25/2005	Meat Processing; Poultry Processing	
M46683+P46683	Rico Pastel, LLC	Carretera 725 km 2.6 interior Barrio Llanos sector El Toronjo	Aibonito	PR	00705	(787) 636-1926	9/19/2019	Meat Processing; Poultry Processing	
M13575+P13575+V13575	Ridgeway Freezer Inc	Exit 99 I-35 and A Hwy	Ridgeway	MO	64481	(660) 872-6716	7/15/2002	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry	Thomas Farm Quality Meats
M44099+P44099	Ridley's Family Markets	621 Washington Street S.	Twin Falls	ID	83301	(208) 324-4633	2/15/2011	Meat Processing; Poultry Processing	
M335	Riley's Jerky	203 Kinder Avenue	Greenville	CA	95947	(530) 284-6313	12/2/2016	Meat Processing	
M7704+P7704	Riley's Meats	134 W. Park St.	Butte	MT	59701	(406) 723-3850	1/1/1980	Meat Processing; Poultry Processing	

M45686+P45686	Rio Bravo Distr bution	1220 East Jackson St.	Phoenix	AZ	85034	(602) 900-5180	4/16/2016	Meat Processing; Poultry Processing	
M21863A+P21863A	Rio Grande Pak Foods	4100 W. Ursula Avenue	McAllen	TX	78503	(956) 682-2804	7/16/2015	Poultry Processing	
P19456A	Rio Star Foods, Inc.	3251 West Commerce Street	Dallas	TX	75212	(214) 630-4455	8/21/2017	Poultry Processing	
M9447	RI Provision Co.	5 Day Street	Johnston	RI	02919	(401) 831-0815	9/7/2016	Meat Processing	
M39999+P39999	Rite Stuff Foods	2155 S. Lincoln Avenue	Jerome	ID	83338	(208) 324-8410	3/1/2012	Meat Processing	
M46162+P46162	River Bear American Meats	3821 Steele St. Unit F	Denver	CO	80205	(720) 534-0321	11/15/2018	Meat Processing; Poultry Processing	
M46075	River Ridge Meats, LLC	226 Industrial Lane	Independence	VA	24348	(276) 773-2191	3/14/2017	Meat Processing	
M44796+P44796+V44796	River Run Foods, Inc.	50 Blue Hill Road	Northumberland	PA	17857	(570) 452-7564	9/4/2012	Certification - Export; Meat Processing; Poultry Processing	
M27335+P27335	Riverside Foods Inc.	2511 Wilson Street	Two Rivers	WI	54136	(920) 793-4511	6/25/2018	Meat Processing; Poultry Processing	
M27335A+P27335A	Riverside Foods, Inc.	2520 Wilson Street	Two Rivers	WI	45241	(920) 793-4511	6/25/2018	Meat Processing; Poultry Processing	
M20981+P20981	Riverside Meats	298 Landfill Road	Trenton	NC	28585	(252) 448-4047	2/5/2020	Meat Processing; Meat Slaughter	
M18780+P18780	R. L. Schreiber, Inc.	710 Hendrickson Drive	Lebanon	KY	40033	(954) 972-7102	3/31/2015	Meat Processing; Poultry Processing	
I530	RLS Cold Storage, Inc.	2185 Main Road	Newfield	NJ	08344	(856) 694-2828	5/26/2011	Imported Product	
V19087	RLS Cold Storage of Pittston PA., Inc.	1075 Oak Street	Pittston	PA	18640	(570) 654-6971	8/4/2016	Certification - Export; Identification - Meat	
M9156S+P9156S	R. L. Zeigler Co. Inc.	One Plant Street P. O. box 367	Selma	AL	36702	(334) 874-9041	11/22/2004	Meat Processing; Poultry Processing	
M124	R M Felt's Packing Company	35497 General Mahone Blvd	Ivor	VA	23866	(757) 859-6131	4/3/2002	Meat Processing	

M17789B+P17789B	RMH Foods, LLC	375 Erie Avenue	Morton	IL	61550	(309) 266-1500	2/1/2018	Meat Processing; Poultry Processing	HEB, Home Delivery, Publix, Sandridge - Morton Facility, Schnuck's, Schwans, Whole Foods
M34077+P34077+V34077	Roadrunner Home Bake, Inc.	6005 Duniway Street	Gladstone	OR	97027	(503) 655-1854	6/19/2006	Certification - Export; Meat Processing	Roadrunner Pizza
M45670	Roanoke Packing Company	1004 Chestnut Street	Roanoke	AL	36274	(334) 863-8938	10/29/2019	Meat Processing; Meat Slaughter	
M2159+P2159	Rob-Dav Distr butors Inc.	1251 Yardville Allentown Road	Allentown	NJ	08501	(609) 259-6335	3/8/2011	Meat Processing; Poultry Processing	
M8272	Roberts Corned Meats, Inc	1030 Bryant Street	San Francisco	CA	94103	(415) 621-2624	5/13/2010	Meat Processing	
M2261+P2261	Robertson's Hams, Inc.	110 N. Wanda Street	Marietta	OK	73448	(580) 276-3395	3/3/2003	Meat Processing; Poultry Processing	
M21572+P21572+V21572	Robert Winner Sons Inc.	8544 St. Rt. 705	Yorkshire	OH	45388	(419) 582-4321	2/12/2018	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	Winner's Meats
M5552+P5552	Roca, Inc.	5275 S. Archer Ave.	Chicago	IL	60632	(312) 421-4555	5/18/2017	Meat Processing; Poultry Processing	El Superior, Old Fashioned Meat Co.
M9503+P9503	Rocca's Italian Foods	520 South Mill Street	New Castle	PA	16105	(724) 654-3344	1/10/2009	Meat Processing; Poultry Processing	
M1992+P18769	Rochelle Foods, Inc.	1001 South Main St.	Rochelle	IL	61068	(815) 562-4141	5/8/2012	Meat Processing; Poultry Processing	Geo. A. Hormel & Company
M4071+P4071	Rochester Meat Company	900 Jefferson Road	Rochester	NY	14623	(585) 271-2161	1/14/2020	Meat Processing; Poultry Processing	Latina Food Service
M8999+P8999	Rochester Meat Company	1825 7th St. N.W.	Rochester	MN	55901	(507) 529-4700	9/5/2007	Meat Processing; Poultry Processing	Directional Foods

M1160+P9207	Rocker Bros. Meat & Provision Inc.	405 Centinela Ave.	Inglewood	CA	90302	(310) 672-0139		Meat Processing; Poultry Processing	
M5987+P5987	Rocko Meats	12623 Catoctin Furnace Circle	Thurmont	MD	21788	(301) 271-7030	9/5/1996	Meat Processing; Poultry Processing	
M4976+P4976+V4976	Rocky Mountain Food Factory , Inc.	2825 Raritan St.	Englewood	CO	80110	(303) 761-3330	2/8/1984	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M20247+V20247	Rocky Mountain Natural Meats	9757 Alton Way	Henderson	CO	80640	(303) 287-7100	7/16/1998	Certification - Export; Meat Processing; Voluntary Processing - Meat	
M7246A+P7246A	Rodriguez Foods Ltd.	2901 Decatur Avenue	Fort Worth	TX	76082	(817) 626-3961	7/26/2005	Meat Processing; Poultry Processing	
M45179+P45179	Roger's Poultry	2004 E. 67th Street	Los Angeles	CA	90001	(323) 585-0802	2/27/2014	Meat Processing; Poultry Processing	
M6090+P6090	Roger's Poultry	2020 E 67th St.	Los Angeles	CA	90001	(323) 585-0802	3/15/2013	Meat Processing; Poultry Processing	
M8025+P8025	Roger Wood Foods, Inc.	7 Alfred Street	Savannah	GA	31408	(912) 652-9600	6/12/2013	Meat Processing; Poultry Processing	Savannah Sausage Company
M44075+P44075+V44075	Rojo's Famous Inc.	19901 1st Ave. S. Suite 406	Normandy Park	WA	98148	(206) 592-6581	9/7/2011	Certification - Export; Meat Processing; Poultry Processing	Glow Foods Inc., Rojo's Famous Inc.
M32090+P32090	Rolls Enterprises, Inc.	609 E. Gilbreath Street	Graham	NC	27253	(919) 444-9581	2/20/2015	Meat Processing; Poultry Processing	Kerala Curry
V34165	Roma Food Enterprises, Inc.	7520 Chancellor Dr.	Orlando	FL	32809	(407) 857-2440	3/9/2007	Certification - Export; Identification - Meat; Identification - Poultry	

M34661+P34661	Roma Jean Packing Company	500 Bird St.	Elgin	IL	60123	(847) 697-2333	12/3/2019		Allonco Inc., Roma Packing Company DBA Allonco Meats subsidiary of Randolph Packing Co.
M1183+P1183	Roma Packing Co., Inc.	2354 S. Leavitt St.	Chicago	IL	60608	(773) 927-7371	3/4/2016	Meat Processing; Poultry Processing	
M10821+P10821	Roma Sausage Company	6801 Eastern Ave., Suite 230	Baltimore	MD	21224	(410) 627-0786	4/27/2010	Meat Processing; Poultry Processing	Dolce Vita
M20957+P20957	ROMA SAUSAGE, INC.	2029 BLEECKER STREET	UTICA	NY	13501	(315) 792-1445	11/9/2000	Meat Processing; Poultry Processing	
M44946+P44946	Romeo Foods Inc	7807 15th Avenue	Brooklyn	NY	11228	(718) 331-5911	6/1/2017	Meat Processing; Poultry Processing	
M32049+P32049	Ron's Home Style Foods	12530 Burdine St.	Houston	TX	77085	(713) 640-2082	2/27/2019	Meat Processing; Poultry Processing	
M21180+P21180	Root's Poultry, Inc.	3721 W. State St.	Fremont	OH	43420	(419) 332-0041	12/13/2004	Meat Processing; Poultry Processing	
G1219	Rose Acre Farms	2143 215th Road	Guthrie Center	IA	50115	(641) 747-2407	8/27/2009	Egg Product	Guthrie Center Breaker Plant, Guthrie Center Dryer Plant, Guthrie Center Egg Farm
M21874+P21874	Rosemead Processing Meats, Inc.	2508 Lee Avenue	South El Monte	CA	91733	(626) 361-7440	5/31/2018	Meat Processing; Poultry Processing	
M30775+P30775	Rose Meat Services	4561 Loma Vista Ave	Vernon	CA	90058	(323) 586-1133	6/5/2017	Meat Processing; Poultry Processing	
M19884+P19884+V19884	Rosie's Snacks, Inc.	231 Saint Albans Road	Swanton	VT	05488	(802) 868-2877	8/11/2008	Meat Processing; Poultry Processing; Voluntary Processing - Meat	Rosie's Vermont Beef Jerky
M4286A+P4286A+V4286A	Rosina Food Products Inc.	75 Empire Drive	West Seneca	NY	14224	(716) 668-0123	5/14/2013	Certification - Export; Meat Processing; Poultry Processing	Celentano Food Products Inc., Chip Steaks Co. Inc

M4286+P4286+V4286	Rosina Food Products. Inc.	75 Industrial Parkway	Cheektowaga	NY	14227	(716) 668-0123	6/5/2013	Certification - Export; Food Inspection; Meat Processing; Poultry Processing	
M7317+P7317	Ross and Ross Grocery	103 W. 3rd Street	Tompkinsville	KY	42167	(270) 487-5536	1/23/1987	Meat Processing	
V40267	Rotex Food Services, Inc.	1717 SW 1st Way, Bay #2	Deerfield Beach	FL	33441	(954) 520-1030	6/8/2010	Certification - Export; Identification - Meat; Identification - Poultry	
M46046+P46046	Roth Premium Foods, LLC	1830 Jet Stream Drive	Colorado Springs	CO	80921	(719) 219-0775	2/2/2017	Meat Processing; Poultry Processing	
M45477+P45477	Rotisystems Inc.	7800 Edgewater Drive	Oakland	CA	94621	(510) 780-0300	4/3/2015	Meat Processing; Poultry Processing	
M2475+P2475	Roundman's Smokehouse	412 North Main Street	Fort Bragg	CA	95437	(707) 964-5438	2/28/2005	Meat Processing; Poultry Processing	
M33997+P33997	Roundy's Supermarkets, Inc.	5500 - 52nd Street	Kenosha	WI	53144	(414) 231-6902	4/7/2017	Meat Processing; Poultry Processing	RCK Foods
M46654	Rovira Biscuit Corporation	Mercedita Industrial Pasrk Lote F	Ponce	PR	00717	(787) 651-2482	3/17/2020	Meat Processing	
M32158+P32158+V32158	Royal Butcher, LLC	882 VT Route 12A	Braintree	VT	05060	(802) 728-9901	6/10/2011	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
I95	Royal Foods Distr bution	2026 Martin Avenue	Santa Clara	CA	95050	(408) 368-2636	1/23/2020	Imported Product	
M20585+P20585	Royal Frozen Food	5423 W Pico Blvd.	Los Angeles	CA	90019	(323) 938-8666	9/8/2014	Meat Processing; Poultry Processing	

M7749+V7749	Royal Gorge Packing	2980 Ute	Canon City	CO	81212	(719) 275-6911	7/5/1995	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Rick's Processing
P17336	ROYAL POULTRY, INC.	90 LIBERA STREET	CRANSTON	RI	02920	(401) 944-1898	3/3/1997	Poultry Processing	
M8069+P8069	Royal Sausage Company, Inc.	1620 19th Street South	Pell City	AL	35128	(205) 884-1040	6/29/2010	Meat Processing; Poultry Processing	Royal
M1081+P289	R & R Provision Company Inc.	1242 Northampton Street	Easton	PA	18044	(610) 258-5366	12/3/2019	Meat Processing; Poultry Processing	
M4972+P4972+V4972	R&R Quality Meat Inc.	7149 Eastside Rd.	Anderson	CA	96007	(530) 243-9454	1/9/2009	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry	
M676+P676+V676	RRR Meat Processing	90 Muskoday Trl.	Buckley	MI	49620	(231) 269-3538	1/18/2017	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	
M21510+P21510	RRT Distributors Coporation	Carr 175 Km 11 Hm 0 Bo. Carraizo	Trujillo Alto	PR	00976	(787) 760-0215	9/22/2009	Meat Processing; Poultry Processing	
M44772+P44772+V44772	RSB Foods	442 Plasters Avenue	Atlanta	GA	30324	(678) 995-5771	10/22/2013	Identification - Meat; Meat Processing; Poultry Processing; Voluntary Processing - Meat	Pre-Made Paleo, Right Choice Foods, RSB Foods

I72	RSF Inc. DBA Freezpak Logistics	760 B Port Carteret Drive	Carteret	NJ	07008	(973) 523-1899	8/22/2017	Imported Product	Freezpak Logistics
M1425	Rudolph Foods Company	1050 Progress Circle	Lawrenceville	GA	30043	(770) 339-6952	5/19/2000	Meat Processing	
M525+P2854	Rudolph Foods Company Inc.	920 West 4th Street	Beaumont	CA	92223	(909) 388-2202	8/1/2016	Meat Processing; Poultry Processing	Rudolph Foods Company
M7446+P7446	Rudolph Foods Company, Inc	607 Hwy 42	New Hebron	MS	39140	(601) 694-2030	3/26/2009	Meat Processing; Poultry Processing	
M1055+V1055	Rudolph Foods Company, Inc.	6575 Bellefontaine Rd.	Lima	OH	45804	(419) 648-3611	1/31/2002	Certification - Export; Meat Processing	
M218+V218	Rudolph Foods Company, Inc.	3660 Pipestone Road	Dallas	TX	75212	(214) 638-2204	2/29/2016	Certification - Export; Meat Processing	
M46427+P46427	Rudy's Meat Provisioners, LLC	5834 NE Glisan St.	Portland	OR	97213	(360) 773-1674	2/10/2015	Meat Processing; Poultry Processing	
M17523A+P17523A	Ruiz Food Products, Inc.	2410 Texoma Drive	Denison	TX	75020	(903) 465-3951	10/1/2008	Meat Processing; Poultry Processing	
M17523+P17523	Ruiz Food Products, Inc.	501 S. Alta Avenue	Dinuba	CA	93618	(559) 591-5510	10/27/2016	Meat Processing; Poultry Processing	
M31779+P31779+V31779	Ruiz Food Products, Inc.	4002 South K St.	Tulare	CA	93274	(559) 591-5510	11/21/2016	Certification - Export; Poultry Processing	
M45694+P45694	Ruiz Food Products, Inc.	2557 Florence Harllee Blvd.	Florence	SC	29506	(843) 758-6649	8/3/2016	Meat Processing; Poultry Processing	
P22065	RUMBLEWAY FARM	592 MCCAULEY ROAD	CONOWINGO	MD	21918	(410) 658-9731	9/5/2002	Poultry Processing; Poultry Slaughter	
M1940+P17937+V1940	Ruprecht Company	1301 Allanson Road	Mundelein	IL	60060	(312) 829-4100	7/1/2011	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M48207+P48207	Ru's Pierogi	295 Niagara Street	Buffalo	NY	14201	(716) 235-8243	10/11/2017	Meat Processing; Poultry Processing	

M6281+P6281+V6281	Russak's Cured & Smoked Products	1407 Boyd St	Los Angeles	CA	90033	(323) 264-5106	3/15/2013	Meat Processing; Poultry Processing; Voluntary Processing - Meat	Russak's Gold Crown Label, United Dressed Beef
M17050+P17050	Russ' Commissary	3440 128th Avenue	Holland	MI	49424	(616) 399-7084	3/22/2011	Meat Processing; Poultry Processing	Timberwood Farms
M45204A+P45204A	Russ Davis Wholesale - Crazy Fresh	6085 Claude Way E.	Inver Grove Heights	MN	55076	(651) 645-2720	1/11/2018	Meat Processing; Poultry Processing	
M45204+P45204	Russ Davis Wholesale - Crazy Fresh	2805 West Service Road	Eagan	MN	55121	(651) 289-2355	3/19/2018	Meat Processing; Poultry Processing	
M45204B+P45204B	Russ Davis Wholesale, Inc.	1 Crazy Fresh Place	Pueblo	CO	81001	(651) 412-5817	8/22/2018	Meat Processing; Poultry Processing	
M40228+P40228	Russian Style Ravioli Inc.	2716 W. 15th Street	Brooklyn	NY	11224	(718) 265-0007	6/19/2019	Meat Processing; Poultry Processing	
M21711+P21711	Russo Bros. Inc.	1710 US 41 West	Ishpeming	MI	49849	(906) 485-5250	3/13/2009	Meat Processing; Poultry Processing	Becco's
M20986	Russo Wholesale Meats	12306 S. Cicero Ave.	Alsip	IL	60803	(708) 385-0500	2/15/2000	Meat Processing	
M18615+P18615	Rutgers University-Food Innovation Center-North	120 New England Avenue	Piscataway	NJ	08854	(732) 445-6130	7/26/2018	Meat Processing; Poultry Processing	Bran Zan Holding, CRAMTD (Combat Rations Advanced Manufacturing Technology Demostration), Dewy Meadow Foods, Famous Samosas, Flavor Solutions, Food Tex (Food Technology Extension), Pinnacle, Shahnawaz
M34763+P34763	Rutger University Food Innovation Center	450 East Broad Street	Bridgeton	NJ	08302	(856) 459-1125	5/7/2009	Meat Processing; Poultry Processing	
M13206+P13206	Rutledge Meat Processing	RR 1	Rutledge	MO	63563	(660) 883-5358	2/3/2009	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
M5502	Ruwaldt Packing Co.	6510 E. Ridge Rd.	Hobart	IN	46342	(219) 942-2911	8/15/2002	Meat Processing; Meat Slaughter	

M44892+P44892	R. Walters Foods Limited Liability Company	144 Pine Street	Danvers	MA	01923	(978) 646-8950	1/24/2019	Meat Processing; Poultry Processing	Meninno Brothers Foods
M21695+P21695	R. Whittingham & Sons	4134 W. 127th St.	Alsip	IL	60803	(708) 371-1650	11/28/2001	Meat Processing; Poultry Processing	
M40440+P40440	RYC Foods, LLC	402 Menchaca Street	San Antonio	TX	78207	(210) 731-8854	8/10/2012	Meat Processing	
V45405	Ryder Logistics	813 Hamrick St.	Gaffney	SC	29340	(864) 488-9700	5/28/2014	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V38523	Ryder System Inc	180 Oak Grove	Mt. Sterling	KY	40353	(859) 499-2132	4/20/2009	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V46950	Ryder System, Inc.	2407 Great Dane Lane	Jonesboro	AR	72401	(870) 934-8000	5/12/2014	Certification - Export; Identification - Meat; Identification - Poultry	
V20645	RYZ, Inc.	3815 Durazno, Suite B	El Paso	TX	79905	(915) 533-1668	12/13/2016	Certification - Export; Identification - Meat; Identification - Poultry	
V45731	Sabanero Inc.	1432 NW 82nd Ave.	Miami	FL	33126	(305) 482-9817	11/6/2015	Certification - Export	

V45987	Saddle Creek Corporation	105 Eagle Vista Parkway	Atlanta	GA	30336	(404) 346-6000	12/8/2016	Certification - Export; Identification - Meat; Identification - Poultry	
M2088+P2088	Sadler's Smokehouse, LLC	1206 N. Frisco	Henderson	TX	75652	(903) 657-7230	3/13/2020	Meat Processing; Poultry Processing	
M46856+P46856	Safa Halal Meat's	213 Central Road	Fredericksburg	VA	22401	(703) 499-3313	9/18/2014	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
V46791	Safe Food X-Ray LLC	2490 S Broadway	Green Bay	WI	54304	(715) 600-4657	7/8/2019	Identification - Meat; Identification - Poultry; Identification - Siluriformes	
M48315+P48315+V48315	Safety Fresh Foods LLC	802 South Street	Plymouth	WI	53073	(515) 979-9081	1/8/2019	Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	
I628	Safeway Freezer Storage, LLC	97 North Mill Road	Vineland	NJ	08360	(856) 691-9696	5/26/2011	Imported Product	
M40283+P40283+V40283	Safeway Fresh Food, LLC	215 N. Mill Road	Vineland	NJ	08360	(856) 691-9696	7/11/2019	Certification - Export; Meat Processing; Poultry Processing	
M5155A+P5155A	Sahlen Packing Co., Inc.	327 Howard Street	Buffalo	NY	14206	(716) 852-8677	6/7/2018	Meat Processing; Poultry Processing	
M5155+P5155+V5155	Sahlen Packing Company, Inc.	318 Howard Street	Buffalo	NY	14206	(716) 852-8677	11/16/2013	Certification - Export; Meat Processing; Poultry Processing	

M4799+P4799	Sahr's Poultry Farm	2068 Curry Road	Schenectady	NY	12303	(518) 355-2210	11/19/2002	Meat Processing; Poultry Processing	
M31587	Saigon Eggrolls LTD	11920 Beechnut Street	Houston	TX	77072	(281) 988-7496	8/17/2006	Meat Processing	
M157+P158+V157	Sailer's Food Market and Meat Processing	600 W. Winter Ave.	Elmwood	WI	54740	(715) 639-2191	9/7/2017	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	
M5495+P5495	Saker Shoprites Inc	1911 Pennsylvania Avenue	Linden	NJ	07036	(908) 925-1550	5/2/2018	Meat Processing; Poultry Processing	Dearborn Farms, Dearborn Markets, World Class International Kitchens, World Class Kitchens
M4273+P4273	SALARINO'S ITALIAN FOOD INC.	110 JAMES STREET	CANASTOTA	NY	13032	(315) 697-2551	4/20/2006	Meat Processing; Poultry Processing	BASILIO-BUDA SAUSAGE COMPANY
M7420+V7420	Salatin & Cloud, LC	256 Charles Street	Harrisonburg	VA	22802	(540) 434-4415	9/12/2008	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	T & E Meats, True & Essential Meats
M40169	Salazar Natural Meats, Inc.	20756 County Road M	Manassa	CO	81141	(719) 580-5264	6/1/2012	Meat Processing; Meat Slaughter	Salazar Beef, Salazar Meats
M5425	Salem Halal Meat Packaging, LLC	705 Salem Quinton Road	Salem	NJ	08079	(856) 935-1234	8/23/2016	Meat Processing; Meat Slaughter	
M46252+P46252	Sally Lings Foods	1 Village Square	Clifton	NJ	07011	(201) 888-6392	10/5/2017	Meat Processing; Poultry Processing	
M32009+P32009	Salm Partners, LLC	590 Woodrow Street	Denmark	WI	54208	(920) 863-5559	12/4/2017	Meat Processing; Poultry Processing	Fence Line Farm
M47164+P47164	Salm Partners, LLC	625 Hager Road	Denmark	WI	54208	(920) 863-5559	3/23/2020	Meat Processing; Poultry Processing	

M45438	Salt Blade, LLC	9530 Aurora Ave N Suite 103	Seattle	WA	98103	(206) 355-4719	8/12/2014	Meat Processing	
M19916+P8117+V19916	Salt Lake Fine Foods	2685 South Main	Salt Lake City	UT	84115	(801) 484-5295	5/5/2003	Meat Processing; Poultry Processing; Voluntary Processing - Meat	Main Street Quality Meats, Quality Meats
M45622+P45622	Salt Marsh Foods, LLC	149 Potter Street	New Bedford	MA	02740	(774) 206-6615	6/24/2019	Meat Processing; Poultry Processing	Salt Marsh Foods
M44755	Salume Beddu	10875 Indian Head Blvd.	St. Louis	MO	63132	(314) 353-3100	5/22/2018	Meat Processing	
M4019+P4019	Salumeria Biellese Inc.	376-378 8th Avenue	NYC	NY	10001	(212) 736-7376	4/8/2010	Meat Processing; Poultry Processing	
M4019A+P4019A	Salumeria Biellese LLC	234 Park Street	Hackensack	NJ	07601	(212) 736-7376	9/16/2008	Meat Processing	
M347	Salumeria Oldani, LLC	2201 Edwards St.	St Louis	MO	63110	(314) 772-2125	10/17/2014	Meat Processing	
M31747	Salumi Artisan Cured Meats, LLC	7032 S. 188th St.	Kent	WA	98032	(206) 437-0933	10/30/2017	Meat Processing	
M51334	Salumi di Casa	460 Willis Road	Madison	VA	22727	(540) 948-4356	1/25/2019	Meat Processing	
M8732+P8732	Salutare Foods, LLC	10989 Gravois Ind. Ct.	St Louis	MO	63128	(314) 843-2553	2/1/2016	Meat Processing; Poultry Processing	Lucia Pizza Company
M21776+P21776	Samak Smokehouse	1937 E Mirror Lake Hwy	Kamas	UT	84036	(435) 783-4880	12/6/2004	Meat Processing; Poultry Processing	
M34738	Sam Butcher Shop	4601 State Route 3	Ellis Grove	IL	62241	(618) 859-3888	9/22/2009	Meat Processing; Meat Slaughter	
P9970	Sammy's Poultry LLC	2316 Norman Road	Lancaster	PA	17601	(717) 278-0760	6/3/2019	Poultry Processing	
M46926+P46926	Samossa Bites	35-27 31st Street	Long Island City	NY	11106	(718) 606-9150	3/18/2015	Meat Processing; Poultry Processing	
V45281	Sam's Club 6217	8425 NW 13 Terr.	Miami	FL	33126	(305) 463-9187	9/9/2013	Certification - Export; Identification - Meat; Identification - Poultry	
M34746	Samthong Meat Market	6235 Franklin Blvd	Sacramento	CA	95824	(916) 427-5267	1/10/2011	Meat Processing	

P1525	Samuel Holmes, Inc.	25 Foodsmart Rd	Boston	MA	02118	(617) 269-5740	1/2/2008	Poultry Processing	N.B.P. (New Boston Poultry)
M602	San Antonio Packing Company	1922 South Laredo	San Antonio	TX	78207	(210) 224-5441	8/20/2009	Meat Processing	
M12455+V12455	Sanchez Slaughterhouse	873-A Kamalu Road	Kapaa Kauai	HI	96746	(808) 822-4848	10/30/1995	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M45950	Sanders Meat Service	1220 South Avenue	Turlock	CA	95380	(209) 632-8427	8/24/2017	Meat Processing	
M1600+P671	Sanderson Farms Foods Division	4418 Mangum Drive	Flowood	MS	39232	(601) 939-9790	5/9/2019	Poultry Processing	Covington Farms, Spring Farms
P18557	Sanderson Farms, Inc.	4039 River Ridge Road	Summit	MS	39666	(601) 684-9375	5/20/2016	Poultry Processing; Poultry Slaughter	Covington Farms
P19688+V19688	Sanderson Farms, Inc.	2000 Shiloh Avenue	Bryan	TX	77803	(979) 361-3410	5/3/2016	Certification - Export; Poultry Processing; Poultry Slaughter	Covington Farms
P320	Sanderson Farms, Inc.	2535 Sanderson Drive	Laurel	MS	39440	(601) 428-5261	5/20/2016	Poultry Processing; Poultry Slaughter	
P32182	Sanderson Farms, Inc.	700 Hwy 133 South P.O. Box 2648	Moultrie	GA	31768	(229) 891-4061	2/5/2019	Poultry Processing; Poultry Slaughter	Covington Farms
P34308	Sanderson Farms, Inc.	301 Aviation Parkway	Waco	TX	76705	(254) 412-3800	2/12/2019	Poultry Processing; Poultry Slaughter	Covington Farms
P40183	Sanderson Farms, Inc.	2081 Sanderson Way	Kinston	NC	28504	(252) 522-9145	5/17/2016	Poultry Processing; Poultry Slaughter	
P51179+V51179	Sanderson Farms, Inc.	320 Sanderson Farms Pkwy	Palestine	TX	75803	(903) 723-2112	5/3/2016	Certification - Export; Poultry Processing; Poultry Slaughter	
P7264+V7264	Sanderson Farms, Inc.	13111 Hwy 190 West	Hammond	LA	70401	(985) 345-3565	6/24/2013	Certification - Export; Poultry Processing; Poultry Slaughter	
P45910	SANDERSON FARMS, INC	2076 NC HIGHWAY 20	St Pauls	NC	28384	(910) 274-0220	1/6/2017	Poultry Processing; Poultry Slaughter	

P247	Sanderson Farms, Inc. (Procesing Div)	28163 Highway 28 East	Hazlehurst	MS	39083	(601) 894-3721	1/30/2019	Poultry Processing; Poultry Slaughter	
P522	Sanderson Farms, Inc. (Processing Div)	1111 North Fir Ave	Collins	MS	39428	(601) 765-8211	5/20/2016	Poultry Processing; Poultry Slaughter	
P46374	Sanderson Farms, Inc. Tyler Processing Division	13523 FM 2015	Tyler	TX	75708	(903) 630-9343	1/7/2019	Poultry Processing; Poultry Slaughter	Sanderson Farms, Inc.
M2447+P2447	Sandridge Food Corporation	133 Commerce Dr	Medina	OH	44256	(330) 725-2348	2/1/2018	Meat Processing; Poultry Processing	Melch's, Sandridge Gourmet Salads
M38455+P38455	Sandy Trail Farm Inc.	15152 Sandy Trail	Kerrick	TX	79051	(806) 727-4777	5/25/2010	Meat Processing; Meat Slaughter; Poultry Processing	
M9825+V9825	Sanford Butcher Shop	578 Lebanon Street	Sanford	ME	04073	(207) 324-2800	7/21/2008	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M19191A+P19191A	San Francisco Foods, LLC	14054 Catalina Street	San Leandro	CA	94577	(510) 357-7343	12/5/2001	Meat Processing; Poultry Processing	
M27302+P27302	San Francisco Soup Company	451 6th Street	San Francisco	CA	94103	(415) 896-1585	6/6/2007	Meat Processing; Poultry Processing	
M596+P596	San Gennaro Foods, Inc.	19255 80th Ave. S	Kent	WA	98032	(253) 872-1900	1/25/2017	Meat Processing; Poultry Processing	
M21556+P21556	San Guiseppe Salami Co. by Giacomo	2172 N. Hwy 87	Elon	NC	27244	(336) 586-7003	2/6/2008	Meat Processing; Poultry Processing	
M2828	SAN JOSE VALLEY VEAL, INC	1820 RICHARD AVENUE	SANTA CLARA	CA	95050	(408) 727-4404	7/28/1983	Meat Processing	
I76+V76	San Luis International Cold Storage Services LLC	4832 E. Vaughan Street Suite F	San Luis	AZ	85349	(928) 627-8893	4/24/2018	Certification - Export; Imported Product	

M32019+P32019	San Miguel	1625 Gobel Way, Suite A	Modesto	CA	95351	(209) 541-1753	6/27/2005	Meat Processing; Poultry Processing	
I113	San Rafael Distr buting, Inc.	1270 N. Industrial Park Avenue, Suite C	Nogales	AZ	85621	(520) 281-0566	5/30/2012	Imported Product	
V19096	San Rafael Distr buting, Inc.	1270 N. Industrial Park Avenue Suite C	Nogales	AZ	85621	(520) 281-0566	5/31/2012	Certification - Export	
M4118+P4118	Santa Fe Importers, Inc.	1401 Santa Fe Ave.	Long Beach	CA	90813	(562) 437-7775	3/5/2002	Meat Processing; Poultry Processing	
M51234+P51234	Santora Foods LLC	2928 Walden Avenue	Depew	NY	14043	(716) 685-3500	11/1/2016	Meat Processing; Poultry Processing	
M6152+P6152	S.A. Piazza & Associates, LLC	15815 SE Piazza Avenue	Clackamas	OR	97015	(503) 657-3123	9/13/2001	Meat Processing; Poultry Processing	
V34821	Saputo Cheese USA Inc.	13190 Velp Ave.	Green Bay	WI	54313	(920) 321-5526	3/11/2016	Identification - Meat; Identification - Poultry	
M2852+P2852	Sara Sausage	P.O. Box 645 581 County Line Road	Palmer Lake	CO	80133	(719) 488-0530	6/24/1991	Meat Processing; Poultry Processing	
M1667+P1667	Sargento Foods Inc.	One Persnickety Place	Kiel	WI	53042	(920) 893-8484	1/10/2020	Meat Processing; Poultry Processing	
M2772	S & A Sausage Co., Inc.	923 Elm Street	Reading	PA	19600	(215) 374-9705	8/30/1976	Meat Processing	
M34606+P34606	Saugatuck Kitchens LLC	125 Bruce Avenue	Stratford	CT	06615	(203) 334-1099	3/12/2018	Meat Processing; Poultry Processing	
M18718+P18718	Sausage Factory	5425 W. Pico Blvd.	Los Angeles	CA	90019	(323) 935-2440	2/21/1998	Meat Processing; Poultry Processing	Vd Sausage
M13467+P13467	Sausage Warehouse, LLC	212 Market Street	Pittsburg	TX	75686	(903) 856-3362	4/25/2016	Meat Processing	
M18318+P18318	Sausage World, inc.	5363 Lawrenceville Hwy	Lilburn	GA	30047	(770) 925-4493	2/1/2009	Meat Processing; Poultry Processing	

M7483+P7483	Saval Foods Corporation	4600 Pulaski Highway	Baltimore	MD	21224	(410) 276-2373	2/14/2003	Meat Processing; Poultry Processing	Deli Brands of America
I35	Save Logistics	Carr. 165 Zona Ind. Amelia; Local 2 Edif. Desarrollos Multiples	Guaynabo	PR	00968	(787) 798-4819	2/15/2019	Imported Product	
M6313+P6313	Savenor's Supply Co., Inc.	92 Kirkland St	Cambridge	MA	02138	(617) 695-9151	8/15/2001	Meat Processing; Poultry Processing	
M51326+P51326	Savignano Foods Corp.	107 S. Jefferson Street	Orange	NJ	07050	(973) 673-3355	10/10/2017	Meat Processing; Poultry Processing	Andrea Foods Inc.
M13346+P13346	Savoie's Sausage & Food Products, Inc	1742 Hwy 742	Opelousas	LA	70570	(337) 942-7241	3/22/2010	Meat Processing; Poultry Processing	
M46463+P46463	SavorCrafters LLC	Road 642 km 11.1 Barrio Florida Adentro	Florida	PR	00650	(787) 505-3952	4/24/2020	Meat Processing; Poultry Processing	
M6460+P6460+V6460	Scanga Meat Company	9250 County Road 156	Salida	CO	81201	(303) 539-3511	5/13/1985	Meat Processing; Meat Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M31816+P31816	Schad Meats Inc.	2615 Cummins St.	Cincinnati	OH	45225	(513) 251-6991	3/4/2020	Meat Processing; Poultry Processing	
M45826	Schafer Fisheries, Inc.	2112 Sandridge Rd	Thomson	IL	61285	(815) 259-4300	8/2/2018	Meat Processing	
M44107+P44107+V44107	Schenker Logistics	102 Wanamaker Ave	Ontario	CA	91761	(909) 605-7800	3/8/2011	Certification - Export; Identification - Meat; Identification - Poultry	
V20184	Schenker Logistics, Inc.	1005 Railhead Drive	Fort Worth	TX	76177	(817) 837-4140	10/12/2011	Certification - Export; Identification - Meat; Identification - Poultry	

M6056+P6056	Schenk Packing Company, Inc.	8204-288th Street NW	Stanwood	WA	98292	(206) 629-3939	8/18/1994	Meat Processing; Meat Slaughter; Poultry Processing	
M6056A+P6056A	Schenk Packing Company Warehouse	1321 S. 6th Street	Mount Vernon	WA	98273	(206) 336-2128	8/12/1994	Meat Processing; Poultry Processing	
M9778+P9870	Schiff's Food Service	7 Stauffer Industrial Park	Taylor	PA	18517	(570) 562-3100	6/25/2019	Meat Processing; Poultry Processing	Main Entree
M9783+P8422	Schiff's Restaurant Service, Inc.	3410 North Main Avenue	Scranton	PA	18508	(570) 343-1294	11/22/2019	Meat Processing; Poultry Processing	Schiff's Cash and Carry, Schiff's Marketplace
P242+V242	Schiltz Foods, Inc.	7 West Oak Street	Sisseton	SD	57262	(605) 698-7651	6/7/2010	Certification - Export; Poultry Processing; Poultry Slaughter	
M5411+P5411	Schmalz European Provision Inc.	66 Fadem Road	Springfield	NJ	07081	(973) 379-4662	8/20/2007	Meat Processing; Poultry Processing	
M2105+P2105	Schmitz Diversified Corp.	410 Hester St.	San Leandro	CA	94577	(510) 562-7050	11/20/1995	Meat Processing	Kurt Schmitz Jr. Inc.
M45806+P45806	Schneider's Fish and Seafood Corp.	2150 Old Union Road	Cheektowaga	NY	14227	(716) 668-6165	2/6/2017	Meat Processing; Poultry Processing	Schneider's Premium Seafood
M5338+P5338	Schonwetter Enterprises Inc.	41 Lark Street	Cohoes	NY	12047	(518) 237-0171	10/26/2017	Meat Processing; Poultry Processing	Bilinski Sausage Manufacturing Company
M44950+P44950+V44950	Schrader Farms Meat Market	1937 Somerville Road	Romulus	NY	14541	(607) 869-6328	9/24/2013	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
V40109	Schratter Foods, Inc dba Corman Ship Supplies	11421 NW 107th Street Suite 1	Miami	FL	33178	(201) 303-2825	10/3/2016	Certification - Export; Identification - Meat; Identification - Poultry	

M1698+P787+V1698	Schreiber Processing Corporation	56-20 59th Street	Maspeth	NY	11378	(718) 894-2000	7/27/2000	Meat Processing; Poultry Processing; Voluntary Processing - Meat	Alle Processing Corp, Meal Mart, Schreiber Caterers, We "R" Kosher
M4132+P4132	Schreiner's Fine Sausages Inc.	3417 Ocean View Blvd.	Glendale	CA	91208	(818) 244-2945	8/28/2012	Meat Processing; Poultry Processing	
M44217	Schrock's Slaughter House	4141 Pigeon Run Rd.	Gladys	VA	24554	(434) 283-5400	9/8/2011	Meat Processing; Meat Slaughter	
M5659+P5659+V5659	Schubert's Smokehouse Packing Co., Inc.	700 South Breese Street	Millstadt	IL	62260	(618) 476-1133	5/15/2003	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Processing - Rabbit; Voluntary Slaughter - Meat	Schubert Smokehouse & Packing Co., Inc.
M2720A	Schuster Meat Corp	E-15 Hunts Point Co-op Market	Bronx	NY	10474	(718) 589-1818	6/3/2014	Meat Processing	
M2720	Schuster Meats Corporation	D-22 Hunts Co-op Market	Bronx	NY	10474	(718) 589-1818	4/21/2014	Meat Processing	
M2078+P2078	Schwab & Company	1111 Linwood Blvd	Oklahoma City	OK	73106	(405) 235-2376	6/17/2008	Meat Processing; Poultry Processing	
M7645K+P7645K	Schwan's Food Company Global Supply Chain, Inc.	7605 Empire Drive	Florence	KY	41042	(859) 371-0500	8/13/2019	Meat Processing; Poultry Processing	
M1999A+P2015+V1999A	Schwan's Global Supply Chain, Inc.	1604 Superior Road	Marshall	MN	56258	(507) 537-8464	2/1/2005	Certification - Export; Meat Processing; Poultry Processing	
M5516+P5516	Schwan's MaMa Rosa's	1910 Fair Road	Sidney	OH	45365	(937) 498-4511	7/31/2017	Meat Processing; Poultry Processing	
M48232	Schweid and Sons	4280 Stacks Road	College Park	GA	30349	(201) 912-3594	11/7/2016	Meat Processing	

M19734+P19734	Scimeca's Sausage Co.	1615 E. 8th Street	Kansas City	MO	64016	(816) 483-7444	11/19/1996	Meat Processing; Poultry Processing	Scimeca's Famous Italian Sausage, Scimeca's Sausage Co.
M40021+P40021	Scobee Foods, Inc.	1812 Corinth Street	Dallas	TX	75215	(214) 421-0898	9/8/2009	Meat Processing; Poultry Processing	
M17795	Scooters Natural Meats	315 Maple St.	Brunsville	IA	51008	(712) 533-6266	4/12/2019	Meat Processing	
M10038+P10038+V10038	Scotts Hook & Cleaver Inc.	8713 South 38th Street	Scotts	MI	49088	(269) 626-8891	3/17/2014	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry; Voluntary Slaughter - Rabbit	Pease Packing Corporation
M6076+P6076+V6076	Scotty's Country Smokehouse	4491 North Haroldsen Drive	Idaho Falls	ID	83401	(208) 529-9851	11/24/1997	Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Processing - Rabbit	Glenwood Smoked Products, Inc.
M45647+P45647	Screamin' Ridge Farm Inc.	57 Maple Lane	Montpellier	VT	05602	(802) 461-5371	4/16/2018	Meat Processing; Poultry Processing	Joe's Kitchen, Joe's Kitchen at Screamin' Ridge Farm
M9199+P9199	SCR International Corp.	266 Bethesda Church Road	Fairmont	NC	28340	(910) 628-6365	1/6/2017	Meat Processing; Meat Slaughter; Poultry Processing	

M19223+V19223	SCS LL, LLC	502 10th Ave. N.	Algona	WA	98001	(253) 272-0900	7/2/1998	Certification - Export; Identification - Meat; Identification - Poultry	
M19168+P19168+V19168	Scs Refrigerated Services	2302 Milwakee Way	Tacoma	WA	98421	(253) 779-2463	1/25/1999	Certification - Export; Identification - Meat; Identification - Poultry	
V47094	SDV Logistics, LLC	9555 Plaza Circle, Suite A	El Paso	TX	79927	(915) 540-4994	1/6/2020	Certification - Export	
M13597+V13597	Seaboard Foods	2700 NE 28th Street	Guymon	OK	73942	(580) 338-9600	2/4/2009	Certification - Export; Meat Processing; Meat Slaughter	
V45356	Seaboard Solutions, Inc.	7860 NW 80th Street	Miami	FL	33166	(305) 863-4432	2/7/2014	Certification - Export; Identification - Meat; Identification - Poultry	
M46071+V46071	SEABOARD TRIUMPH FOODS	5555 SEABOARD TRIUMPH PARKWAY	SIOUX CITY	IA	51111	(712) 226-7800	9/20/2017	Certification - Export; Meat Processing; Meat Slaughter	Seaboard Farms, Seaboard Foods, Seaboard Foods, LLC
M442	Seabrite Corp.	574 Ferry Street	Newark	NJ	07105	(973) 589-4757	5/15/2015	Meat Processing	Corte & Co., Corte or Corte, Corte Provisions
M51347A	Sea Farms, Inc.	9809 Ditch Bank Road	Hayes	VA	23072	(804) 725-9113	3/10/2020	Meat Processing; Meat Slaughter	
M19225+P19225+V19225	Seafreeze Ltd. Partnership to Seafreeze Acquisition, LLC	206 S.W. Michigan Street	Seattle	WA	98106	(206) 767-7350	1/19/2012	Certification - Export	Seafreeze Cold Storage

V48311	Seafrigo Coldstorage Chicago Inc.	4464 W. 44th St.	Chicago	IL	60632	(201) 770-1143		Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Egg Products; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
I70+V70	Seafrigo Coldstorage Miami Inc	3200 NW 67th Avenue Suite 230	Miami	FL	33122	(201) 770-1143	4/3/2018	Certification - Export; Identification - Meat; Identification - Poultry; Imported Product; Off-Premise Freezing - Egg Products; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V46840	Seafrigo NA ColdStorage, Inc. dba: AIRFRIGO USA, INC	735 Dowd Ave	Elizabeth	NJ	07201	(201) 770-1143	8/29/2016	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
I258	Seaonus Cold Storage	2625 West 5th Street	Jacksonville	FL	32254	(904) 486-6059	2/24/2016	Imported Product	
M3283+P3283+V3283	Seaonus Cold Storage - Jacksonville LLC	2625 West 5th Street	Jacksonville	FL	32254	(904) 486-6059	3/14/2012	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	

V27492	Seaonus Refrigerated Services	1000 Alabama State Docks Blvd.	Mobile	AL	36652	(251) 433-7399	3/15/2012	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
I339	Seaonus Refrigerated Services - Jacksonville LLC	2701 Talleyrand Avenue	Jacksonville	FL	32206	(904) 486-6065	1/20/2015	Imported Product	
M6153+P6153	Seaport Meat Co	2533 Folex Way	Spring Valley	CA	91977	(619) 239-0880	7/21/2003	Meat Processing; Poultry Processing	
M19376+P19376	Seattle Egg Roll Corp	106-B Lake Avenue South	Renton	WA	98055	(425) 226-6256	6/22/1995	Meat Processing; Poultry Processing	
M44215+P44215	Sea Watch International	242 S. Rehoboth Blvd.	Milford	DE	19963	(302) 422-3400	8/31/2011	Meat Processing; Poultry Processing	Heinz
M663+P663	Sea World	Amelia Industrial Park Diana St Lot 36	Guaynabo	PR	00968	(787) 273-1011	5/18/2018	Meat Processing; Poultry Processing	
I663	Sea World Inc	Calle Diana Lot #36	Guaynabo	PR	00968	(787) 273-1011	6/24/2016	Imported Product	
M8596	Sechrist Bros., Inc.	32 E. Main Street	Dallastown	PA	17313	(717) 244-2975	1/25/2016	Meat Processing	
M27388+P27388	Second Bite Foods Inc	4218 Valley Industrial Blvd S	Shakopee	MN	55379	(452) 455-1350	4/23/2015	Meat Processing; Poultry Processing	Stone Gate Foods
M27226+P27226	Second Harvest Food Bank of Middle Tennessee, Inc.	331 Great Circle Road	Nashville	TN	37228	(615) 329-3491	4/23/2003	Meat Processing; Poultry Processing	
M6744+P6744	Segarra's Sausage	Road #420 Km1 Hm 6 Bo Voladora	Moca	PR	00676	(809) 877-7624	1/24/1996	Meat Processing; Poultry Processing	

M20131+P20131+V 20131	S&E Gourmet Cuts Inc. DBA: Country Archer	379 E. Industrial Road	San Bernardino	CA	92408	(909) 370-0155	11/22/2013	Certification - Export; Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Processing - Rabbit	Country Archer
M34037+P34037	Select Brands L.L.C.	3638 W. Division	Springfield	MO	65802	(417) 863-0404	6/7/2006	Meat Processing; Poultry Processing	
M51354+P51354	Select Cut Meat Processing	1835 S. Canal St.	Chicago	IL	60616	(773) 234-3080	10/16/2018	Meat Processing; Poultry Processing	Bright Butcher, Smart Cut, Tasty Char Siu
M10757	Select Meats, Inc.	203 E. 29th St.	Kannapolis	NC	28081	(704) 933-7550	2/1/2000	Meat Processing; Meat Slaughter	
M13377+P13377	Selecto Pork Skin Company	7220 Avenue F	Houston	TX	77011	(713) 928-2294	5/15/2017	Meat Processing; Poultry Processing	
P40155	Selim Halal Food Corporation	37-14 56th Street	Woodside	NY	11377	(646) 338-8002	4/8/2013	Poultry Processing	
M45690+P45690	Selim's Doner Kebap House L.P.	11999 Plano Road, Suite 190	Dallas	TX	75243	(469) 567-3816	9/10/2015	Meat Processing; Poultry Processing	
M21468A+P21468A	S. E. Meats Inc	400 Industrial Drive	Birmingham	AL	35209	(205) 905-7910	3/11/2020	Meat Processing; Poultry Processing	
M45643+P45643	Sendjoeskcbbq, LLC	11916 S. Strang Line Road	Olathe	KS	66062	(913) 722-3366	5/11/2016	Meat Processing; Poultry Processing	SendJoeskcbbq,LLC
V34110	Seneca Foods Corporation	437 South Williams Street	Cambria	WI	53923	(920) 348-2200	12/19/2016	Identification - Meat; Identification - Poultry	
P38466	Sensenig Turkey Farm LLC	465 Reifsnyder Road	Lititz	PA	17543	(717) 625-0193	7/17/2018	Poultry Processing; Poultry Slaughter	

M15772+P15772+V15772	Sensient Flavors LLC	79 State Street	Harbor Beach	MI	48441	(989) 479-0801	2/6/2015	Certification - Export; Food Inspection; Meat Processing; Poultry Processing	
M34429+P34429	Seoul Soondae Inc.	12916 Athens Way	Los Angeles	CA	90061	(562) 889-0124	5/11/2009	Meat Processing	
M46433	SeraTec Inc.	800 1/2 J St.	Heyburn	ID	83336	(208) 650-8440	5/24/2018	Meat Processing; Meat Slaughter	
M45042+P45042	Serdika Foods, LLC	705 Thomas Dr.	Bensenville	IL	60106	(708) 415-6985	8/20/2015	Meat Processing; Poultry Processing	Serdika Foods
M2375+P2375	Serenade Foods, Division of Maple Leaf Farms, Inc	9179 North 200 East	Milford	IN	46542	(574) 453-4500	9/11/2017	Meat Processing; Poultry Processing	Maple Leaf Farms, Inc.
M5912+P5912	Serra Sausage LLC	100 W. Park Avenue	Vineland	NJ	08360	(856) 692-8032	12/17/2004	Meat Processing; Poultry Processing	
V19874	Serv Cold Acquisitions	1301 North Three Notch Street	Troy	AL	36081	(334) 566-6776	6/3/2016	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M45783+P45783+V45783	Service Cold Storage / Port Everglades Frozen Storage LLC	3220 SW 2nd Ave.	Fort Lauderdale	FL	33315	(954) 761-7772	1/27/2016	Certification - Export	Port Everglades Frozen Storage LLC, Service Cold Storage
M4123+P4123	Serv-Rite Meat Company, Inc.	2515 San Fernando Road	Los Angeles	CA	90065	(213) 227-1911	8/17/2015	Meat Processing; Poultry Processing	
M8275+P8275+V8275	Settlers Jerky Inc.	307 Paseo Sonrisa	Walnut	CA	91789	(909) 444-3999	7/9/2019	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M18736	Seugling Meat Packing Inc.	9 Mandeville Avenue	Pequannock	NJ	07440	(973) 694-3156	8/20/2007	Meat Processing; Meat Slaughter	

M46877+P46877	Seven Hills Abattoir	1803 Holiday Street	Lynchburg	VA	24501	(434) 825-6177	9/15/2015	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
M38493+P38493+V38493	Seven Nation Food Company	389 East 3rd Street	Mount Vernon	NY	10550	(914) 665-1504	5/26/2015	Certification - Export; Food Inspection; Identification - Meat; Meat Processing; Poultry Processing	
M5342A+P5342A	Seviroli Foods	601 Brook Street	Garden City	NY	11530	(516) 222-6220	5/26/2015	Meat Processing; Poultry Processing	
M1999+P2229+V1999	SFC Global Supply Chain, Inc.	3019 Scanlan Ave.	Salina	KS	67401	(785) 825-1671	3/26/2013	Certification - Export; Meat Processing; Poultry Processing	
M5630D+P5630D	SFC Global Supply Chain, Inc.	612 Georgia Avenue	Deer Park	TX	77536	(713) 740-7200	10/18/2016	Meat Processing; Poultry Processing	
M5630+P5630	SFC Global Supply Chain, Inc.	1251 Scarborough Lane	Pasadena	TX	77506	(713) 740-7200	10/18/2016	Meat Processing; Poultry Processing	
M31699+P31699	S&F Foods Inc.	29411 Beverly Road	Romulus	MI	48174	(734) 728-1600	1/7/2004	Meat Processing; Poultry Processing	Big Bambino's
M21187+P21187+V21187	Shaffer Vension Farms, Inc.	4659 State Route 147	Herndon	PA	17830	(570) 785-5521	10/7/2013	Certification - Export; Meat Processing; Poultry Processing; Voluntary Processing - Meat	Shaffer's, Stone Valley Farms
M46505+P46505	Shahi Foods LLC	2575 S. Decatur Blvd.	Las Vegas	NV	89102	(702) 870-0860	1/31/2019	Meat Processing; Poultry Processing	
M45652+P45652	Shah's Halal Food & Products Inc.	138 - 62 94th Avenue	Jamaica	NY	11435	(718) 298-5580	4/7/2016	Meat Processing; Poultry Processing	

M34692+P34692	Shaker Valley Foods, Inc	3304 W. 67th Place	Cleveland	OH	44102	(216) 961-8600	5/18/2017	Meat Processing; Poultry Processing	
M34450	Shakespeare's Pizza, Inc.	3911 Peachtree Dr.	Columbia	MO	65203	(573) 447-1202	8/2/2007	Meat Processing	
M34467+P34467+V34467	Shamrock Food Company	5199 Ivy Street	Commerce City	CO	80022	(303) 227-8174	3/28/2019	Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry	Gold Canyon Meat Co.
M6239+P6239+V6239	Shamrock Foods Company	2540 N 29th Ave.	Phoenix	AZ	85009	(602) 233-6400	7/25/2001	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
V44747	Shamrock Foods Company	12400 Riverside Drive	Mira Loma	CA	91752	(951) 685-6314	5/16/2017	Certification - Export; Identification - Meat; Identification - Poultry	
M19212+P19212	Shanghai Egg Rolls Co.	211 First Ave.	Beckley	WV	25801	(304) 252-4929	11/20/2001	Meat Processing; Poultry Processing	
M18004+P18004	Shanghai Ravioli Corporation	25 Howard Street	Roxbury	MA	02119	(617) 989-3833	2/21/2019	Meat Processing; Poultry Processing	
M45732+P45732	Shape Lovers LLC	5485 NW 79th Ave.	Miami	FL	33166	(305) 264-4473	7/28/2016	Meat Processing; Poultry Processing	
M19628+P19628	Sharon McGuigan Inc	35 Mount Pleasant Drive	Aston	PA	19014	(610) 361-8100	8/6/2015	Meat Processing; Poultry Processing	
M34478+P34478+V34478	Sharpy's Food Systems, LLC.	26245 Broadway Avenue	Oakwood Village	OH	44146	(440) 232-9601	8/5/2008	Meat Processing; Poultry Processing; Voluntary Processing - Meat	Savory Food Creations

M51243	Shaw Bakers, LLC	320 B. Shaw Road	South San Francisco	CA	94080	(650) 273-1440	11/21/2016	Meat Processing	
M48189+P48189	Shaw's Soutthern Belle frozen Foods, Inc	821 Virgina St.	Jacksonville	FL	32208	(904) 768-1591	10/25/2017	Meat Processing; Poultry Processing	
M4153+P4153	Shelton Poultry Inc.	204 N Loranne Ave.	Pomona	CA	91767	(909) 623-4361	1/3/2001	Poultry Processing	
V4153A	Shelton's Poultry, Inc. 2	201 N. Lorrane Avenue	Pomona	CA	91767	(909) 623-4361	11/1/2012	Certification - Export; Identification - Poultry	
P46826	SHENANDOAH VALLEY ORGANIC	862 N. Liberty Street	Harrisonburg	VA	22802	(540) 433-8400	5/31/2016	Poultry Processing; Poultry Slaughter	
G1126A	Shepherds Processed Eggs	3502 West 6400 South	Spanish Fork	UT	84660	(801) 798-2593	5/15/2018	Egg Product	
G1126B	Shepherds Processed Eggs	3465 West 6400 South	Spanish Fork	UT	84660	(801) 798-2593	5/15/2018	Egg Product	
M34302+P34302	Sherwood Food Distr butors, L.L.C.	12499 Evergreen Rd.	Detroit	MI	48228	(313) 659-7300	7/25/2017	Meat Processing; Poultry Processing	
V39925	Sherwood Food Distr butors, LLC	12345 NW 38th Ave (f/k/a Don Greene Blvd.)	Opa-Locka	FL	33054	(305) 687-0000	8/8/2017	Certification - Export; Identification - Meat; Identification - Poultry	
M9602+P9602	Shields Meats & Produce, Inc.	US Route 1 South 125 York St	Kennebunk	ME	04043	(207) 985-3141	4/5/2004	Meat Processing; Poultry Processing	
M46018+P46018	Shiners Stash Jerky Company	3950 Springs Road	Conover	NC	28613	(336) 466-6629	12/2/2016	Meat Processing; Poultry Processing	
M34327+V34327	Shin Provision, Inc.	4625 W. 19th St.	Cicero	IL	60804	(312) 972-1972	8/26/2014	Food Inspection; Identification - Meat; Meat Processing	
V46695	Shippers Warehouse Three	300 Interstate West	Lithia Springs	GA	30122	(214) 275-1027	6/5/2019	Certification - Export; Identification - Meat; Identification - Poultry	

V47063	Shippers Warehouse Three	9250 S. Main Street	Jonesboro	GA	30236	(214) 275-1027	11/20/2019	Identification - Meat	
M18894	Shirk's Meats	4342 John Green Rd	Dundee	NY	14837	(607) 243-5581	6/15/2015	Meat Processing; Meat Slaughter	
M17390+P17390	Shoals Provision Inc.	4144 Parkway Drive	Florence	AL	35630	(256) 764-1851	1/4/2005	Meat Processing; Poultry Processing	
M46946+P46946	Shop Packaging, LLC	49 Hassey Street	New Bedford	MA	02740	(508) 736-8510	8/15/2018	Meat Processing; Poultry Processing	
M45062+P45062	Shorty's Sandwich Shop	3767 E. Broadway #8	Phoenix	AZ	85040	(480) 735-4971		Meat Processing; Poultry Processing	
M10800	Shriver Meats	16436 Four Points Bridge Rd.	Emmitsburg	MD	21727	(301) 447-2255	6/1/1993	Meat Processing; Meat Slaughter	
M10808+P10808	Shuff Meat Inc.	12247 Baugher Rd.	Thurmont	MD	21788	(301) 271-2231	3/6/1996	Meat Processing; Meat Slaughter; Poultry Processing	
M40367+P40367	Shuler Meats, Inc.	124 Shuler Road	Thomasville	NC	27360	(336) 476-6477	9/28/2010	Meat Processing; Poultry Processing	
M33788+P33788	Siberoni	2845 S.E. 131st Avenue	Portland	OR	97236	(503) 830-5230	12/12/2005	Poultry Processing	
M13201+P13201	Siegi's Sausage House, Inc.	8106 S. Sheridan Rd	Tulsa	OK	74133	(918) 492-8988	4/15/2010	Meat Processing; Poultry Processing	The Sausage Factory, Siegi's Sausage Factory
M19409+P19409	Siemer Distributing Co., Inc.	1400 Commerce Drive	New Lexington	OH	43764	(740) 342-3230	4/13/1999	Meat Processing; Poultry Processing	
M1438+P1727+V1438	Sierra Meat and Seafood	1330 Capital Blvd.	Reno	NV	89502	(775) 322-4073	11/22/2017	Meat Processing; Poultry Processing; Voluntary Processing - Meat	DSP
M20748+V20748	Sig International, Iowa, Inc.	826 Main street P.O.Box 309	Boyden	IA	51234	(712) 725-2172	1/22/2001	Certification - Export; Certification - Trichinae; Identification - Meat; Meat Processing; Meat Slaughter	

V44982	Sigma Alimentos International, Inc.	1009 Black Diamond	Laredo	TX	78045	(956) 417-2695		Certification - Export; Identification - Meat; Identification - Poultry	
M34530+P34530	Signature Sauces	7169 E. Pleasant Valley Rd	Independence	OH	44131	(216) 642-4600	7/29/2011	Meat Processing; Poultry Processing	Signature Sauces
M6086+P6086	Silva Sausage Co.	5935 Rossi Lane	Gilroy	CA	95020	(408) 293-5437	10/14/2010	Meat Processing; Poultry Processing	
M2498+P2498	Silver Creek Specialty Meats Inc.	153 West 28th Aven	Oshkosh	WI	54902	(920) 232-3581	5/17/2013	Meat Processing; Poultry Processing	
M4771+P4771	Silver Springs Farms, Inc.	640 Meetinghouse Road	Harleysville	PA	19438	(215) 256-4321	11/3/2016	Meat Processing; Poultry Processing	Philly's Best
M9491+P9491	Silver Star Meats, Inc.	1720 Middletown Road	McKees Rocks	PA	15136	(724) 695-1330	4/8/2015	Meat Processing; Poultry Processing	Alfrey's Sausage Company Inc., Overbrook Brand
M45344+P45344	Silver State Meats	6560 S. Tioga Way Suite 130	Las Vegas	NV	89113	(702) 464-5084	10/18/2019	Meat Processing; Poultry Processing	
M19523+P19523	Simmons' Barbecue Inc	2200 Gilbreath Street	Guntersville	AL	35976	(256) 582-7675	2/29/1996	Meat Processing; Poultry Processing	
M48147	Simmons Farm Raised Catfish, Inc	2628 Erickson Road	Yazoo City	MS	39194	(662) 746-5687	1/11/2016	Meat Processing; Meat Slaughter	
M20287+P20287	Simmons Prepared Foods, Inc.	2101 Twin Circle Drive	Van Buren	AR	72956	(479) 410-3036	10/23/2019	Meat Processing; Poultry Processing	Blue Ribbon Farms, Simmons Foods, Inc, Simmons Industries, Inc., Simmons Poultry Farms, Inc.
M5837+P5837	Simmons Prepared Foods, Inc.	#5 Main Street	Van Buren	AR	72956	(479) 474-7056	10/23/2019	Meat Processing; Poultry Processing	Blue Ribbon Farms, Simmons Foods, Inc, Simmons Industries, Inc., Simmons Poultry Farms, Inc
P1949	Simmons Prepared Foods, Inc.	9802 S. Hwy 59	Gentry	AR	72734	(479) 524-8151	8/30/2019	Poultry Processing; Poultry Slaughter	Simmons Foods, Inc., Simmons Prepared Foods

P486	Simmons Prepared Foods, Inc.	1001 East Main Street	Siloam Springs	AR	72761	(479) 524-8151	10/23/2019	Poultry Processing	Blue Ribbon Farms, Simmons Foods, Inc, Simmons Industries, Inc., Simmons Poultry Farms, Inc.
P5840	Simmons Prepared Foods, Inc.	8425 Suite A Hwy 45	Fort Smith	AR	72916	(479) 646-7757	2/28/2020	Poultry Processing	Blue Ribbon Farms, Simmons Foods, Inc, Simmons Industries, Inc., Simmons Poultry Farms, Inc.
P727+V727	Simmons Prepared Foods, Inc.	10700 South State Hwy 43	South West City	MO	64863	(417) 762-3271	11/7/2006	Certification - Export; Food Inspection; Identification - Poultry; Poultry Processing; Poultry Slaughter	Blue Ribbon Farms, Simmons Foods, Inc., Simmons Industries, Inc., Simmons Poultry Farms, Inc.
M8690+P8690+V8690	Simon Kohn Enterprises Inc.	10405 Old Olive St.	Creve Coeur	MO	63141	(314) 569-0727	2/11/2010	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	King Kold Foods
M6561A	Simpson's Meats	606 High Street	Maryville	TN	37804	(865) 980-8228	9/5/2018	Meat Processing	
M48221+P48221	Sindbad Yummy Food Inc.	8775 Los Coaches Rd. #4	El Cajon	CA	92021	(619) 387-6162	8/5/2019	Meat Processing; Poultry Processing	
P18860	Sing Wah Live Poultry Mkt Inc	114 Sackett Street	Brooklyn	NY	11231	(718) 625-7253	4/11/2006	Poultry Processing; Poultry Slaughter	
M8691+P8691	Sinzenard International Food Manufacturers LLC	4201 Hereford St	St. Louis	MO	63109	(314) 481-9009	4/5/2005	Meat Processing; Poultry Processing	Curry in a Hurry, Mama's Pride, Maria & Son, Tita's Pride of the Orient
G1223	Siouxpreme Egg Products	321 2nd Ave. SW	Sioux Center	IA	51250	(712) 722-4787	8/18/2015	Egg Product	Sonstegard Foods Company
M812+V812	Sioux Preme Packing Co.	2800 Murray Street	Sioux City	IA	51111	(712) 252-0500	10/10/2017	Certification - Export; Meat Processing	Coleman Natural Foods, Maxi Margo, Natural Food Holdings, Niman Ranch Inc., Perdue Premium Meat Company, LLC, Prairie Grove Farms of Iowa, LLC, Sioux-Preme Pork Products

M5537	Sioux-Preme Packing Co.	4241 US 75 Ave	Sioux Center	IA	51250	(712) 722-2555	3/12/2019	Meat Processing; Meat Slaughter	Coleman Natural Foods, Maxi Margo, Natural Food Holdings, Niman Ranch, Inc, Perdue Premium Meat Company, LLC, Prairie Grove Farms of Iowa, LLC, Sioux-Preme Pork Products
M8333+P8333	Sir Pizza of Tennessee, Inc	830 Old Salem Road	Murfreesboro	TN	37129	(615) 896-9660	9/17/2003	Meat Processing	Fortner Foods Commissary
M17331	Sisavath Meatball Co.	802 Broadway	Rockford	IL	61104	(815) 968-9484	10/5/2000	Meat Processing	
M20842+P20842	Sisq Distributing Inc.	1313 N. Foothill Drive	Yreka	CA	96097	(530) 842-1616	2/26/2013	Meat Processing; Poultry Processing	
M20793	Sister Schubert's Homemade Rolls, Inc.	P.O. Box 112 50 Industrial Parkway	Luverne	AL	36049	(334) 335-2232	4/25/2013	Meat Processing	Inspectors' Office (800) 557-6557 Ext. 4828
M45867+P45867	Sisters' Pantry	507 West Main Street	Lyons	CO	80540	(303) 823-6968	5/6/2016	Meat Processing; Poultry Processing	
M46909+P46909	S & J Food Sales LLC	1600 North Main	Frederick	OK	73622	(580) 305-3222	8/16/2019	Meat Processing; Poultry Processing	Granna's
M20552+P20552+V20552	SK Food Group	5555 Quail Manor Ct Suite 100	Reno	NV	89511	(775) 284-2639	8/9/2007	AMS RTE Canada EV Program; Certification - Export; Food Inspection; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	

M45367+P45367+V45367	SK Food Group	3301 Toy Road	Groveport	OH	43125	(614) 295-2416	1/18/2017	AMS RTE Canada EV Program; Certification - Export; Food Inspection; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	
M51295+P51295+V51295	SK Food Group	790 South 75th Ave.	Tolleson	AZ	85353	(623) 760-9650	2/24/2020	AMS RTE Canada EV Program; Certification - Export; Food Inspection; Meat Processing; Poultry Processing	
M34177+P34177	Sklenar k's Smoked Meats, Inc.	108 S. Robinson Street	Miles	TX	76861	(325) 468-3501	9/4/2009	Meat Processing; Meat Slaughter; Poultry Processing	
M31744+P31744	Skoglund Meats and Locker, Inc.	14 2nd Ave NE	West Bend	IA	50597	(515) 887-4531	4/22/2020	Meat Processing; Poultry Processing	
M45682+P45682	Sky Blue Enterprises LLC.	1001 West 45th St. Ste B-1	Chicago	IL	60609	(347) 822-5942	12/20/2017	Meat Processing; Poultry Processing	
M34754+P34754	Sky Chefs Inc	545 Johnson Avenue Suite 10	Bohemia	NY	11716	(631) 582-1144	8/1/2012	Meat Processing; Poultry Processing	Constance Food Group, LSG Sky Chefs, LSG Sky Foods, Norris Food Services
M4215+P4215	Skylark Meats, LLC	4430 S. 110th St.	Omaha	NE	68137	(402) 592-0300	7/31/2015	Meat Processing; Poultry Processing	American Foods Group, LLC, Green Bay Dressed Beef, LLC
M1691	Skyline Chili, Inc.	4180 Thunderbird Lane	Fairfield	OH	45014	(513) 874-1188	2/2/2016	Meat Processing	Cincinnati Recipe, Inc.

M19300+P19300+V 19300	Skyline Provisions	374 E. 167th Street	Harvey	IL	60426	(708) 459-3727	7/13/2017	Identification - Meat; Meat Processing; Poultry Processing; Voluntary Processing - Exotic	Chicago Premier Meats, Chicago Steaks, D&S Meats, Prince Meats
M46575	Slab Factory of Plano, LLC	801 18th Street	Plano	TX	75074	(972) 881-1133	3/26/2019	Meat Processing	The Texas Slab Factory
M46248+P46248	Slagel Family Meats, Inc.	117 W Krack Street	Forrest	IL	61741	(815) 657-8160	5/17/2019	Meat Processing; Poultry Processing	
M21198	Slaughter House Inc.	151-24 Beaver Road	Jamaica	NY	11433	(345) 708-8888	6/19/2014	Meat Processing; Meat Slaughter	
M46073+P46073+V 46073	Slice of Life Foods LLC	1945 Pama Ln.	Las Vegas	NV	89119	(702) 957-4242	4/17/2017	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M46851+P46851	SLM Gyro & Donor, LLC	52 Springfield Ave	Springfield	NJ	07081	(862) 600-0420	11/8/2017	Meat Processing; Poultry Processing	
M20232+P20232	Slovacek Foods, LP	9500 Slovacek Road	Snook	TX	77878	(979) 272-8625	7/17/2019	Meat Processing; Poultry Processing	Slovacek Sausage Company, Slovacek's
M21616	SME Foods, LLC	70 Aberdeen Road	York	PA	17406	(717) 852-8515	5/28/2013	Meat Processing	Big John's Beef Jerky
M45555+P45555+G 45555	Smiles Asian Taste	5333 Arville Street, Suite #101	Las Vegas	NV	89118	(702) 636-6665	7/9/2015	Egg Product; Meat Processing; Poultry Processing	Smiles Asian Taste
P40189	Smiling Rooster Farm LLC	60 Hunter Road	Lambertville	NJ	08530	(609) 737-1146	6/26/2012	Poultry Processing	Smiling Rooster Farm
M4901+P4901	Smithco Meats, Inc.	15509 Main Street	Sumner	WA	98390	(253) 863-5157	4/26/2013	Meat Processing; Poultry Processing	
M45814	Smithermans Catfish Co	446 County Road 55	Clanton	AL	35046	(205) 245-3455	8/17/2018	Meat Processing	

M31552+P31552+V31552	Smithfield Distr bution, LLC	2228 Industrial Road	Crete	NE	68333	(402) 826-3660	9/19/2014	Certification - Export; Identification - Meat; Identification - Poultry	
M51556+V51556	Smithfield Distr bution, LLC	16261 NC-87 W.	Tar Heel	NC	28392	(918) 818-6211	8/21/2018	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V47009	Smithfield Distr bution, LLC	2895 Principio Parkway East	North East	MD	21901	(913) 333-1100	9/25/2019	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat	
M45171+P45171+V45171	Smithfield Farmland Corp	121 Harwood Drive	Newport News	VA	23603	(757) 357-8907	6/27/2013	Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	Armour Eckrich Meats LLC, Farmland, Farmland Foods, Inc., John Morrell & Co., Patrick Cudahy, LLC, Smithfield, Smithfield Farmland Sales Corp., Smithfield Foods, Inc., Stefano Foods, Inc., The Smithfield Packing Company, Inc.

M123+P1448	Smithfield Fresh Meats Corp.	401 North Church Street	Smithfield	VA	23430	(757) 357-1555	1/3/2018	Meat Processing; Poultry Processing	Agar Foods, Ark Valley, Armour, Armour Eckrich Meats, LLC, Armour Eckrich Meats, LLC., Armour Food Company, Carando, Cook's Ham, Cook's Ham, Inc., Country Lean, Cumberland Gap, Cumberland Gap Provision, Curly's, Curly's Foods, Decker Food Company, Eastbay packing Co., Eckrich, Farmland, Farmland, Farmland Foods, Inc., Farmland Foods, Inc., Farmstead, Golden Crisp Premium Foods, Gwaltney, Gwaltney of Smithfield, Ltd., Hancock's Old Fash. Country H, Hancock's Old Fashioned Count, Healthy Ones, Hickory Hills, Hunter Krey Packing Co., Hunter Packing Co., John Morrell, John Morrell & Co., Jordan's of VA Ham Co, Kneip, Krakus, Krakus Foods International, Kretschmar, Kretschmar Brands, Inc., Kretschmar Deli, Krey Packing Co., Lakes Meat Group, Lakeview, Lundy Packing Company, Lundy's, Lykes Meats Group, Maple River Brand, Margherita, Mohawk Packing, Mohawk Provision, Inc., Moseys, Moyer Packing Co., North Side Foods, Northside Foods, OhSe, Old Almanance, Old Farm, Old Smokehouse, Olde Kentucky, Partridge Meats, Inc., Patrick Cudahy, Peyton Packing Co., Inc., Pine Mountain, PowerPak, Premium

									Farms, Premium Farms, Premium Pet Health, Premium Standard Farms, Pruden Packing Co., PSF Holdings, Pure Farms, Quick-To-Fix, Racorn, Inc., Rath Blackhawk, Inc., Rodeo Meats, Rodeo Meats, Inc., Roegelein, Schneider Corporation, Selective Petfood Services, Inc., Smithfield Farmland Corp., Smithfield Farmland Sales Corp., Smithfield Foods, Smithfield Ham & Products, In, Smithfield International, Smithfield Packaged Meats, Smithfield Packing Co., Inc, Smithfield, Inc, Spring Hill Brand, Stadler's Country Ham, Inc., Stefano Foods, Stefano Foods, Inc., Stefano's, Sunnyland, Sweet Applewood Farms, Inc., The Smithfield Packing Co., Inc., Tiffany Springs Packing Co., Tobin's First Prize Meat Co., Inc., V, W. Joyner, Valleydale, Inc., Vallydale Foods, Inc., Village Butcher, Williamsburg, Windsor

M18079+P27232	Smithfield Fresh Meats Corp.	15855 Hwy 87 West	Tar Heel	NC	28392	(910) 862-5265	3/18/2019	Meat Processing; Meat Slaughter	814 America, Aberdeen, Agar Foods, American Farms, Ark Valley, Armour, Armour Eckrich Meats, LLC, Armour Food Company, Carando, Clougherty Packing, LLC, Cook's Ham, Cook's Ham, Inc., Country Lean, Curly's, Curly's Foods, Decker Food Company, Eastbay Packing Co., Eckrich, Farmer John, Farmland, Farmland Foods, Inc., Farmstead, FJ Foodservice, LLC, Golden Crisp Premium Foods, Gwaltney, Healthy Ones, Hunter Krey Packing Co., Hunter Packing Co., Jamestown, John Morrell, John Morrell & Co., Kneip, Krakus, Krakus Foods International, Kretschmar, Kretschmar Brands, Inc., Kretschmar Deli, Krey Packing Co., Lakeview, Lundy's, Maple River Brand, Margherita, Mohawk Packing, Mohawk Provision, Inc., Moseys, Moyer Packing Co., Northside Foods, OhSe, Partridge Meats, Inc., Patrick Cudahy, Patrick Cudahy, LLC, Peyton Packing Co., Inc., Premium Farms, Premium Pet Health, Premium Standard Farms, Pruden Packing Co., Pure Farms, Quick-To-Fix, Racorn, Inc., Rath Blackhawk, Inc., Rodeo Meats, Rodeo Meats, Inc., Roegelein, Saag's Products, LLC, Selective Petfood Services, Inc.,

									Smithfield, Smithfield Farmland Corp, Smithfield Farmland Sales Corp., Smithfield Foods, Smithfield Foods, Inc., Smithfield Fresh Meats, Smithfield Fresh Meats Corp., Smithfield Fresh Meats Sales Corp., Smithfield Packaged Meats Corp., Smithfield Packaged Meats Sales Corp., Smithfield Packing Co., Smithfield Pet, Spring Hill Brand, Stefano Foods, Stefano's, Sweet Applewood Farms, Inc, The Smithfield Packing Co., Incorporated, Tiffany Springs Packing Co., Tobin's First Prize Meat Co., Inc., Valleydale, Inc., Village Butcher, Windsor

M20441	Smithfield Fresh Meats Corp.	1260 South Pioneer Road	Salt Lake City	UT	84104	(800) 956-0337	2/20/2019	Meat Processing	814 America, Aberdeen, Agar Foods, American Farms, Ark Valley, Armour, Armour Food Company, Armour-Eckrich Meats LLC, Carando, Clougherty Packing, LLC, Cook's Ham, Cook's Ham, Inc, Country Lean, Curly's, Curly's Foods, Decker Food Company, Eastbay Packing Co., Eckrich, Farmer John, Farmland, Farmland Foods, Inc, Farmstead, FJ Foodservice, LLC, Golden Crisp Premium Foods, Gwaltney, Healthy Ones, Hunter Krey Packing Co., Hunter Packing Co., Jamestown, John Morrell, John Morrell & Co, Kneip, Krakus, Krakus Foods International, Kretschmar, Kretschmar Brands, Inc., Kretschmar Deli, Krey Packing Co., Lakeview, Lundy's, Maple River Brand, Margherita, Mohawk Packing, Mohawk Provision, Inc., Moseys, Moyer Packing Co, Northside Foods, OhSe, Partidge Meats, Inc., Patrick Cudahy, Patrick Cudahy, LLC, Petyon Packing Co., Inc., Premium Pet Health, Premuim Farms, Premuim Standard Farms, Pruden Packing Co., Pure Farms, Quick-to-Fix, Racorn, Inc., Rath Blackhawk, Inc., Rodeo Meats, Rodeo Meats, Inc., Roegelein, Saag's Products, LLC, Selective Petfood Services, Inc.,

									Smithfield, Smithfield Farmland Corp., Smithfield Farmland Sales Corp., Smithfield Foods, Smithfield Foods, Inc., Smithfield Fresh Meats, Smithfield Fresh Meats Corp., Smithfield Fresh Meats Sales Corp., Smithfield Packaged Meats Corp., Smithfield Packaged Meats Sales Corp., Smithfield Packing Co., Smithfield Pet, Spring Hill Brand, Stefano Foods, Stefano's, Sweet Applewood Farms, Inc, The Smithfield Packing Company, Incorporated, Tiffany Springs Packing Co., Tobin's First Prize Meat Co., Inc., Valleydale, Inc., Village Butcher, Windsor

M221A+P9932	Smithfield Fresh Meats Corp.	601 N. Church Street	Smithfield	VA	23430	(757) 357-3131	2/27/2019	Meat Processing; Meat Slaughter	814America, Aberdeen, Agar Foods, American Farms, Ark Valley, Armour, Armour Eckrich Meats, LLC., Armour Food Company, Carando, Clougherty Packing, LLC, Cook's Ham, Cook's Ham, Inc., Country Lean, Curly's, Curly's Foods, Decker Food Company, Eastbay Packing Co., Eckrich, Farmer John, Farmland, Farmland Foods, Inc., Farmstead, FJ Foodservice, LLC, Golden Crisp Premium Foods, Gwaltney, Gwaltney, Healthy Ones, Hunter Krey Packing Co., Hunter Packing Co., Jamestown, John Morrell, John Morrell & Co., Kneip, Krakus, Krakus Foods International, Kretschmar, Kretschmar Brands, Inc., Kretschmar Deli, Krey Packing co., Lakeview, Lundy's, Maple River Brand, Margherita, Mohawk Packing, Mohawk Provision, Inc., Moseys, Moyer Packing Co., Northside Foods, OhSe, Partridge meats, Inc., Patrick Cudahy, Patrick Cudahy, LLC, Peyton Packing Co., Inc., Premium Farms, Premium Pet Health, Premium Standard Farms, Pruden Packing Co, Pure Farms, Quick-To-Fix, Racorn, Inc., Rath Blackhawk, Inc., Rodeo Meats, Rodeo Meats, Inc., Roegelein, Saag's Products, LLC, Selective Petfood Services, Inc.,

									Smithfield, Smithfield Farmland Corp., Smithfield Farmland Sales Corp., Smithfield Foods, Smithfield Foods, Inc, Smithfield Fresh Meats, Smithfield Fresh Meats Corp., Smithfield Fresh Meats Corp., Smithfield Fresh Meats Sales Corp., Smithfield Packaged Meats Corp., Smithfield Packaged Meats Sales Corp., Smithfield Packing Co., Smithfield Pet, Spring Hill Brand, Stefano Foods, Stefano's, Sweet Applewood Farms, Inc., The Smithfield Packing Co., Incorporated, Tiffany Springs Packing Co., Tobin's First Prize Meat Co., Inc., Valleydale, Inc., Village Butcher, Windsor

M320M+V320	Smithfield Fresh Meats Corp.	22123 Highway 5	Milan	MO	63556	(660) 265-4061	8/10/2010	Certification - Export; Meat Processing; Meat Slaughter	814 America, Aberdeen, Agar Foods, Agar Foods, American Farms, Ark Valley, Armour, Armour, Armour Eckrich Meats LLC, Armour Foods Company, Carando, Clougherty Packing, LLC, Cook's Ham, Cook's Ham, Cook's Ham, Inc., Country Lean, Curly's, Curly's Foods, Decker Food Company, Decker Food Company, Eastbay Packing Co., Eckrich, Farmer John, Farmland, Farmland Foods, Inc., Farmstead, FJ Foodservice, LLC, Golden Crisp Premium Foods, Gwaltney, Healthy Ones, Healthy Ones, Hunter Krey Packing Co., Hunter Packing Co., Hunter Packing Co., Jamestown, John Morrell, John Morrell, John Morrell & Co., Kneip, Krakus, Krakus, Krakus Foods International, Krestchmar Deli, Kretschmar, Kretschmar Brands, Inc., Kretschmar Deli, Krey Packing Co., Lakeview, Lundy's, Maple River Brand, Margherita, Margherita, Mohawk Packing, Mohawk Provision, Inc., Moseys, Moyer Packing Co., Northside Foods, OhSe, Partridge Meats, Inc., Patrick Cudahy, Patrick Cudahy, Patrick Cudahy, LLC, Patrick Cudahy, LLC, Peyton Packing Co., Inc., Premium Farms, Premium Pet Health, Premium Standard Farms, Pruden Packing Co., Pruden Packing Co., Pure

									Farms, Pure Farms, Quick-To-Fix, Racorn, Inc., Rath Blackhawk, Inc., Rodeo Meats, Rodeo Meats, Rodeo Meats, Inc., Roegelein, Saag's Products, LLC, Selective Petfood Services, Inc., Smithfield, Smithfield Farmland Corp., Smithfield Farmland Corp., Smithfield Foods, Smithfield Foods, Smithfield Foods, Inc., Smithfield Fresh Meats, Smithfield Fresh Meats, Smithfield Fresh Meats Corp., Smithfield Fresh Meats Sales Corp., Smithfield Packaged Meats, Smithfield Packaged Meats Corp., Smithfield Packaged Meats Sales Corp., Smithfield Packing Co., Smithfield Pet, Spring Hill Brand, Stafano Foods, Stefano Foods, Stefano Foods, Inc., Stefano's, Stefano's, Sweet Applewood Farms, Inc, Sweet Applewood Farms, Inc, The Smithfield Packing Company, Inc., Tiffany Springs Packing Co., Tiffany Springs Packing Co., Tobin's Frist Prize Meat Co., Inc., Valleydale, Inc., Village Butcher, Windsor

M413	Smithfield Fresh Meats Corp.	424 East Railroad Street	Clinton	NC	28328	(910) 299-3000	3/1/2019	Meat Processing; Meat Slaughter	814 America, Aberdeen, Agar Foods, American Farms, Ark Valley, Armour, Armour Eckrich Meats, LLC, Armour Food Company, Carando, Clougherty Packing, LLC, Cook's Ham, Cook's Ham, Inc., Country Lean, Curly's, Curly's Foods, Decker Food Company, Eastbay Packing Co., Eckrich, Farmer John, Farmland, Farmland Foods, Inc., Farmstead, FJ Foodservice, LLC, Golden Crisp Premium Foods, Gwaltney, Healthy Ones, Hunter Krey Packing Co., Hunter Packing Co., Jamestown, John Morrell, John Morrell & Co., Kneip, Krakus, Krakus Foods International, Kretschmar, Kretschmar Brands, Inc., Kretschmar Deli, Krey Packing Co., Lakeview, Lundy's, Maple River Brand, Margherita, Mohawk Packing, Mohawk Provision, Inc., Moseys, Moyer Packing Co., Northside Foods, OhSe, Partridge Meats, Inc., Patrick Cudahy, Inc., Patrick Cudahy, LLC, Peyton Packing Co., Inc., Premium Farms, Premium Pet Health, Premium Standard Farms, Pruden Packing Co., Pure Farms, Quick-To-Fix, Racorn, Inc., Rath Blackhawk, Inc., Rodeo Meats, Rodeo Meats, Inc., Roegelein, Saag's Products, LLC, Selective Petfood Services, Inc.,

									Smithfield , Smithfield Farmland Corp., Smithfield Farmland Sales Corp., Smithfield Foods, Smithfield Foods, Inc., Smithfield Fresh Meats, Smithfield Fresh Meats Corp., Smithfield Fresh Meats Sales Corp., Smithfield Packaged Meats Corp., Smithfield Packaged Meats Sales Corp., Smithfield Packing Co., Smithfield Pet, Spring Hill Brand, Stefano Foods, Stefano's, Sweet Applewood Farms, Inc., The Smithfield Packing Co., Incorporated, Tiffany Springs Packing Co., Tobin's First Prize Meat Co., Inc., Valleydale, Inc., Village Butcher, Windsor

M717CR+P717CR	Smithfield Fresh Meats Corp.	2223 Industrial Road	Crete	NE	68333	(800) 222-7578	2/20/2019	Meat Processing; Meat Slaughter; Poultry Processing	814 America, Aberdeen, Agar Foods, American Farms, Ark Valley, Armour, Armour Food Company, Armour-Eckrich Meats LLC, Carando, Clougherty Packing, LLC, Cook's Ham, Inc., Cook’s Ham, Country Lean, Curly's Foods, Curly’s, Decker Food Company, Eastbay Packing Co., Eckrich, Farmer John, Farmland, Farmland Foods, Inc., Farmstead, FJ Foodservice, LLC, Golden Crisp Premium Foods, Gwaltney, Healthy Ones, Hunter Krey Packing Co., Hunter Packing Co., Jamestown, John Morrell, John Morrell & Co., Kneip, Krakus, Krakus Foods International, Kretschmar, Kretschmar Brands, Inc., Kretschmar Deli, Krey Packing Co., Lakeview, Lundy's, Maple River Brand, Margherita, Mohawk Packing, Mohawk Provision, Inc., Moseys, Moyer Packing Co., Northside Foods, OhSe, Partidge Meats, Inc., Patrick Cudahy, Patrick Cudahy, LLC, Petyon Packing Co., Inc., Premium Farms, Premium Pet Health, Premium Standard Farms, Pruden Packing Co., Pure Farms, Quick-To-Fix, Racorn, Inc., Rath Blackhawk, Inc., Rodeo Meats, Rodeo Meats, Inc., Roegelein, Saag's Products, LLC, Selective Petfood Services, Inc.,

									Smithfield, Smithfield Farmland Corp., Smithfield Farmland Sales Corp., Smithfield Foods, Smithfield Foods, Inc., Smithfield Fresh Meats, Smithfield Fresh Meats Corp., Smithfield Fresh Meats Sales Corp., Smithfield Packaged Meats Corp., Smithfield Packaged Meats Sales Corp., Smithfield Packing Co., Smithfield Pet, Spring Hill Brand, Stefano Foods, Stefano's, Sweet Applewood Farms, Inc, The Smithfield Packing Co., Incorporated, Tiffany Springs Packing Co., Tobin's First Prize Meat Co., Inc., Valleydale, Inc., Village Butcher, Windsor

M717M	Smithfield Fresh Meats Corp.	1220 North 6th Street	Monmouth	IL	61462	(800) 298-4682	2/22/2019	Meat Processing; Meat Slaughter	Hunter Packing Co., 814 America, Aberdeen, Agar Foods, American Farms, Ark Valley, Armour, Armour Food Company, Armour-Eckrich Meats LLC, Carando, Clougherty Packing, LLC, Cook's Ham, Cook's Ham Inc., Country Lean, Curly's, Curly's Foods, Decker Food Company, Eastbay Packing Co., Eckrich, Farmer John, Farmland, Farmland Foods, Inc., Farmstead, FJ Foodservice, LLC, Golden Crisp Premium Foods, Gwaltney, Healthy Ones, Hunter Krey Packing Co., Jamestown, John Morrell, John Morrell & Co., Kneip, Krakus, Krakus Foods International, Kretschmar, Kretschmar Brands, Inc., Kretschmar Deli, Krey Packing Co., Lakeview, Lundy's , Maple River Brand, Margherita, Mohawk Packing, Mohawk Provision, Inc., Moseys, Moyer Packing Co., Northside Foods, OhSe, Partridge Meats, Inc., Patrick Cudahy, Patrick Cudahy, LLC, Peyton Packing Co., Inc., Premium Farms, Premium Pet Health, Premium Standard Farms, Pruden Packing Co., Pure Farms, Quick-to-Fix, Racorn, Inc., Rath Blackhawk, Inc., Rodeo Meats, Rodeo Meats, Inc., Roegelein, Saag's Products, LLC, Selective Petfood Services, Inc.,

									Smithfield, Smithfield Farmland Corp., Smithfield Farmland Sales Corp., Smithfield Foods, Smithfield Foods, Inc., Smithfield Fresh Meats, Smithfield Fresh Meats Corp., Smithfield Fresh Meats Sales Corp., Smithfield Packaged Meats Corp., Smithfield Packaged Meats Sales Corp., Smithfield Packing Co., Smithfield Pet, Spring Hill Brand, Stefano Foods, Stefano's, Sweet Applewood Farms, Inc., The Smithfield Packing Co., Incorporated, Tiffany Springs Packing Co., Tobin's First Prize Meat Co., Inc., Valleydale, Inc., Village Butcher, Windsor

M717+P19051+V717	Smithfield Fresh Meats Corp.	800 Industrial Drive	Denison	IA	51442	(800) 831-1812	9/29/2017	Certification - Export; Meat Processing; Meat Slaughter; Poultry Processing	814 America, Aberdeen, Agar Foods, American Farms, Amour, Ark Valley, Armour Eckrich Meats LLC, Armour Food Company, Carando, Clougherty Packing, LLC, Cook's Ham, Cook's Ham, Inc., Country Lean, Curly's, Curly's Foods, Decker Food Company, Eastbay Packing Co., Eckrich, Farmer John, Farmland, Farmland Foods, Inc., Farmstead, FJ Foodservice, LLC, Golden Crisp Premium Foods, Gwaltney, Healthy Ones, Hunter Krey Packing Co., Hunter Packing Co., Jamestown, John Morrell, John Morrell & Co., Kneip, Krakus, Krakus Foods International, Kretschmar, Kretschmar Brands, Inc., Kretschmar Deli, Krey Packing Co., Lakeview, Lundy's, Maple River Brand, Margherita, Mohawk Packing, Mohawk Provision, Inc., Moseys, Moyer Packing Co., Northside Foods, OhSe, Partridge Meats, Inc., Patrick Cudahy, Patrick Cudahy, LLC, Peyton Packing Co., Inc., Premium Farms, Premium Pet Health, Premium Standard Farms, Pruden Packing Co., Pure Farms, Quick-To-Fix, Racorn, Inc., Rath Blackhawk, Inc., Rodeo Meats, Rodeo Meats, Inc., Roegelein, Saag's Products, LLC, Selective Petfood Services, Inc.,

									Smithfield, Smithfield Farmland Corp., Smithfield Farmland Sales Corp, Smithfield Farmland Sales Corp., Smithfield Foods, Smithfield Foods, Inc., Smithfield Fresh Meats, Smithfield Fresh Meats Corp, Smithfield Fresh Meats Sales Corp, Smithfield Packaged Meats Corp., Smithfield Packaged Meats Sales Corp, Smithfield Packing Co., Smithfield Pet, Spring Hill Brand, Stefano Foods, Stefano's, Sweet Applewood Farms, Inc., The Smithfield Packing Company, Incorporated, Tiffany Springs Packing Co., Tobin's First Prize Meat Co., Inc., Valleydale, Inc., Village Butcher, Windsor
M33983+P33983+V33983	Smithfield Packaged Meats Corp	1000 Cunningham Dr.,	Sioux City	IA	51106	(712) 255-1955	10/30/2012	Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat	

M382F+P9155	Smithfield Packaged Meats Corp	800 C.W. Stevens Blvd	Grayson	KY	41143	(606) 474-3900	11/25/2019	Meat Processing; Poultry Processing	814 America, Aberdeen, Agar Foods, American Farms, Ark Valley, Armour, Armour Food Company, Armour-Eckrich Meats LLC, Carando, Clougherty Packing, LLC, Cook's Ham, Cook's Ham, Inc., Country Lean, Curly's, Curly's Foods, Decker Food Company, Eastbay Packing Co., Eckrich, Farmer John, Farmland, Farmland Foods, Inc, Farmstead, FJ Foodservice, LLC, Golden Crisp Premium Foods, Gwaltney, Healthy Ones, Hunter Krey Packing Co., Hunter Packing Co., Jamestown, John Morrell, John Morrell & Co., Kneip, Krakus, Krakus Foods International, Kretschmar, Kretschmar Brands, Inc., Kretschmar Deli, Krey Packing Co., Lakeview, Lundy's, Maple River Brand, Margherita, Mohawk Packing, Mohawk Provision, Inc., Moseys, Moyer Packing Co., Northside Foods, OhSe, Partridge Meats, Inc., Patrick Cudahy, Patrick Cudahy, LLC, Peyton Packing Co., Inc., Premium Farms, Premium Pet Health, Premium Standard Farms, Pruden Packing Co., Pure Farms, Quick-To-Fix, Racorn, Inc., Rath Blackhawk, Inc., Rodeo Meats, Rodeo Meats, Inc., Roegelein, Saag's Products, LLC, Selective Petfood Services, Inc.,

									Smithfield, Smithfield, Smithfield Farmland Corp., Smithfield Farmland Sales Corp., Smithfield Foods, Smithfield Foods, Inc, Smithfield Fresh Meats, Smithfield Fresh Meats Corp., Smithfield Fresh Meats Sales Corp., Smithfield Packaged Meats Corp., Smithfield Packaged Meats Sales Corp., Smithfield Packing Co., Smithfield Pet, Spring Hill Brand, Stefano Fodos, Inc., Stefano Foods, Stefano's, Sweet Applewood Farms, Inc, The Smithfield Packing Co., Incorporated, The Smithfield Packing Co.,Inc., Tiffany Springs Packing Co., Tobin's First Prize Meat Co., Inc., Valleydale, Inc., Village Butcher, Windsor
M8028+P8028	Smithfield Packaged Meats Corp	South 23rd Street	Middlesboro	KY	40965	(606) 248-3311	2/21/2019	Meat Processing	Armour Eckrich Meats LLC, Farmland, Farmland Foods, Inc., John Morrell and Co, Patrick Cudahy, LLC, Smithfield, Smithfield Farmland Corp., Smithfield Farmland Sales Corp., Smithfield Foods, Inc., Stefano Foods, Inc., The Smithfield Packing Co., Inc.
V46490	Smithfield Packaged Meats Corp	2441 S. 98th St. Suite A	Edwardsville	KS	66111	(913) 535-5502	12/11/2018	Certification - Export; Identification - Meat; Identification - Poultry	

V48142	Smithfield Packaged Meats Corp	3271 N. Distribution Way	Greenfield	IN	46140	(317) 891-1888	12/20/2017	Certification - Export; Identification - Meat; Identification - Poultry	
M1152+P1152	Smithfield Packaged Meats Corp.	1660 Old Bay Shore	San Jose	CA	95112	(408) 436-1800	9/19/2019	Meat Processing; Poultry Processing	Agar Foods, American Farms, Ark Valley, Armour Food Company, Armour-Eckrich Meats LLC, Butterball, Carando, Carolina Turkey, Clougherty Packing, LLC, Cook's Ham Inc., Country Lean, Curly's Foods, Decker Food Company, Eastbay Packing Co., Farml,and Foods, Inc., Farmstead, FJ Foodservice, LLC, Golden Crisp Premium Foods, Gwaltney, Healthy Ones, Hunter Krey Packing Co., Hunter Packing Co., John Morrell & Co., Kneip, Krakus Food s International, Kretschmar Brands Inc., Krey Packing Co., Lakeview, Lundy's, Maple River Brand, Margherita, Mohawk Provision, Inc., Moseys, Moyer Packing Co., Northside foods, OhSe, Partridge Meats, Inc., Patrick Cudahy, LLC, Peyton Packing Co, Inc., Premium Farms, Premium Pet Health, Premium Standard Farms, Prudent Packing Co., Quick-to-Fix, Racorn, Inc., Rath Blackhawk, Inc., RMH Foods, Rodeo Meats Inc., Roegelein, Saag's Products, LLC, SEE GRANT FOR COMPLETE LIST, Selective Petfoods Services, Inc., Smithfield Foods, Inc., Smithfield Packing Co., Spring Hill Brand, Stefano Foods, Stefano"s, Sweet Applewood Farms, Sweet Applewood Farms, Inc., Tiffany Springs

									Packing Co., Tobin's First Prize Meat Co. Inc., Valleydale, Inc., Village Butcher, Windsor

M1168+P19415	Smithfield Packaged Meats Corp.	20 Carando Drive	Springfield	MA	01104	(413) 781-5620	3/17/2020	Meat Processing; Poultry Processing	Aberdeen, Agar Foods, Ark Valley, Armour Food Company, Butterball, Carando, Carolina Turkey, Cook's Ham Inc., Country Lean, Curly's Foods, Decker Food Company, Eastby Packing Co., Farmland Foods Inc., Farmstead, Golden Crisp Premium Foods, Gwaltney, Hunter Krey Packing Co., Hunter Packing Co., Jamestown, John Morrell & Co., Kneip, Krakus Foods International, Kretschmar Brands Inc., Krey Packing Co., Lakeview, Lundy's, Maple River Brand, Mohawk Provision Inc., Mosey's, Moyer Packing Co., Northside Foods, OhSe, Partridge Meats Inc., Patrick Cudahy LLC, Peyton Packing Co.,Inc., Premimum Pet Health, Premium Farms, Premium Standard Farms, Quick-To-Fix, Racorn Inc., Rath Blackhawk Inc., RMH Foods, Rodeo Meats Inc., Roegelein, Selective Petfood Services Inc., Smithfield Farmland Corp., Smithfield Foods Inc., Smithfield Packing Co., Smithfield Pet, Spring Hill Brand, Stefano Foods, Sweet Applewood Farms Inc., Tobin's First Prize Meat Co., Inc., Valleydale Inc., Village Butcher, Windsor

M15878+P15878	Smithfield Packaged Meats Corp.	1000 Cunningham Dr.	Sioux City	IA	51106	(712) 255-1955	9/23/2019	Meat Processing; Poultry Processing	814 America, Aberdeen, Agar Foods, American Farms, Ark Valley, Armour, Armour Food Company, Armour-Eckrich Meats, LLC, Carando, Clougherty Packing, LLC, Cook's Ham, Cook's Ham, Inc., Country Lean, Curly's, Curly's Foods, Decker Food Company, Eastbay Packing Co., Eckrich, Farmer John, Farmland, Farmland Foods, Inc., Farmstead, FJ Foodservice, LLC, Golden Crisp Premium Foods, Gwaltney, Healthy Ones, Hunter Krey Packing Co., Hunter Packing Co., Jamestown, John Morrell, John Morrell & Co., Kneip, Krakus, Krakus Foods International, Kretschmar, Kretschmar Brands, Inc., Kretschmar Deli, Krey Packing Co., Lakeview, Lundy's, Maple River Brand, Margherita, Mohawk Packing, Mohawk Provision, Inc., Moseys, Moyer Packing Co., Northside Foods, OhSe, Partridge Meats, Inc., Patrick Cudahy, Patrick Cudahy, LLC, Peyton Packing Co., Inc., Premium Farms, Premium Pet Health, Premium Standard Farms, Pruden Packing Co., Pure Farms, Quick-To-Fix, Racorn, Inc., Rath Blackhawk, Inc., Rodeo Meats, Rodeo Meats, Inc., Roegelein, Saag's Products, LLC, Selective Petfood Services, Inc.,

									Smithfield, Smithfield Farmland Corp., Smithfield Farmland Sales Corp., Smithfield Foods, Smithfield Foods, Inc., Smithfield Fresh Meats, Smithfield Fresh Meats Corp., Smithfield Fresh Meats Sales Corp., Smithfield Packaged Meats Corp., Smithfield Packaged Meats Sales Corp., Smithfield Packing Co., Smithfield Pet, Spring Hill Brand, Stefano Foods, Stefano's, Sweet Applewood Farms, Inc, The Smithfield Packing Company, Incorporated, Tiffany Springs Packing Co., Tobin's First Prize Meat Co., Inc., Valleydale, Inc., Village Butcher, Windsor

M17D+P7613+V17D	Smithfield Packaged Meats Corp.	1400 North Weber Avenue	Sioux Falls	SD	57103	(605) 338-8200	10/31/2017	Certification - Export; Meat Processing; Meat Slaughter; Poultry Processing	814 America, Aberdeen, Agar Foods, American Farms, Ark Valley, Armour, Armour Food Company, Armour-Eckrich Meats, LLC, Carando, Clougherty Packing, LLC, Cook's Ham, Cook's Ham, Inc., Country Lean, Curly's, Curly's Foods, Decker Food Company, Eastbay Packing Co., Eckrich, Farmer John, Farmland, Farmland Foods, Inc., Farmstead, FJ Foodservice, LLC, Golden Crisp Premium Foods, Gwaltney, Healthy Ones, Hunter Krey Packing Co., Hunter Packing Co., Jamestown, John Morrell, John Morrell & Co., Kneip, Krakus, Krakus Foods International, Kretschmar, Kretschmar Brands, Inc., Kretschmar Deli, Krey Packing Co., Lakeview, Lundy's, Maple River Brand, Margherita, Mohawk Packing, Mohawk Provision, Inc., Moseys, Moyer Packing Co., Northside Foods, OhSe, Partridge Meats, Inc., Patrick Cudahy, Patrick Cudahy, LLC, Peyton Packing Co., Inc., Premium Farms, Premium Pet Health, Premium Standard Farms, Pruden Packing Co., Pure Farms, Quick-to-Fix, Racorn, Inc., Rath Blackhawk, Inc., Rodeo Meats, Rodeo Meats, Inc., Roegelein, Saag's Products, LLC, Selective Petfood Services, Inc.,

									Smithfield, Smithfield Farmland Corp., Smithfield Farmland Sales Corp., Smithfield Foods, Smithfield Foods, Inc., Smithfield Fresh Meats, Smithfield Fresh Meats Corp., Smithfield Fresh Meats Sales Corp., Smithfield Packaged Meats Corp., Smithfield Packaged Meats Sales Corp., Smithfield Packing Co., Smithfield Pet, Spring Hill Brand, Stefano Foods, Stefano's, Sweet Applewood Farms, Inc., The Smithfield Packing Company Incorporated, Tiffany Springs Packing Co., Tobin's First Prize Meats Co., Inc., Valleydale, Inc., Village Butcher, Windsor

M19140A+P19140A	Smithfield Packaged Meats Corp.	4825 Hovis Road	Charlotte	NC	28208	(704) 399-3935	3/5/2019	Meat Processing; Poultry Processing	814 Americas, Aberdeen, Agar Foods, American Farms, Ark Valley, Armour Eckrich Meats, LLC, Armour Food Company, Armour Food Company, Carando, Clougherty Packing, LLC, Cook's Ham, Cook's Ham, Inc., Country Lean, Curly's, Curly's Foods, Decker Food Company, Eastbay Packing Co., Eckrich , Farmer John, Farmland, Farmland Foods, Inc., Farmstead, FJ Foodservice, LLC., Golden Crisp Premium Foods, Gwaltney, Healthy Ones, Hunter Krey Packing Co., Hunter Packing Co., Jamestown, John Morrell, John Morrell, John Morrell & Co., Kneip, Krakus, Krakus Foods International, Kretschmar, Kretschmar Brands, Inc., Kretschmar Deli, Krey Packing Co., Lakeview, Lundy's, Maple River Brand, Margherita, Mohawk Packing, Mohawk Provision, Inc., Moseys, Moyer Packing Co., Northside Foods, OhSe, Partridge Meats, Inc., Patrick Cudahy, Patrick Cudahy, LLC, Peyton Packing Co., Inc., Premium Foods, Premium Pet Health, Premium Standard Farms, Pruden Packing Co., Pruden Packing Co., Pure Farms, Quick-To-Fix, Racorn, Inc., Rath Blackhawk, Inc., Rodeo Meats, Rodeo Meats, Inc., Roegelein, Saag's

									Products, LLC, Selective Petfood Services, Inc., Smithfield, Smithfield, Smithfield Farmland Corp., Smithfield Farmland Corp., Smithfield Farmland Sales Corp., Smithfield Foods, Smithfield Foods, Inc., Smithfield Fresh Meats, Smithfield Fresh Meats Corp., Smithfield Fresh Meats Sales Corp., Smithfield Packaged Meat Sales Corp., Smithfield Packaged Meats Corp., Smithfield Packing Co., Smithfield Pet, Spring Hill Brand, Stefano Foods, Inc., Stefano's, Sweet Applewood Farms, Inc., The Smithfield Packing Company, Inc., Tiffany Springs Packing Co., Tobin's First Prize Meat Co., Inc., Valleydale, Inc., Village Butcher, Windsor

M19140+P19140	Smithfield Packaged Meats Corp.	5230 Terminal Street	Charlotte	NC	28208	(704) 399-3935	3/1/2019	Meat Processing; Poultry Processing	814 Americas, 814 Americas, 814 Americas, Aberdeen, Agar Foods, American Farms, Ark Valley, Armour, Armour Eckrich Meats LLC, Armour Food Company, Carando, Clougherty Packing LLC, Cook's Ham, Cook's Ham, Inc., Country Lean, Curly's, Curly's Food, Decker Food Company, Eastbay Packing Co., Eckrich, Farmer John, Farmland, Farmland Foods, Inc., Farmstead, FJ Foodservice, LLC, Golden Crisp Premium Foods, Gwaltney, Healthy Ones, Hunter Krey Packing Co., Hunter Packing Co., Jamestown, John Morrell, John Morrell, John Morrell & Co., Kneip, Krakus, Krakus Foods International, Kretschmar, Kretschmar Brands, Inc., Kretschmar Deli, Krey Packing Co., Lakeview, Lundy's, Maple River Brand, Margherita, Margherita, Margherita, Margherita, Margherita, Mohawk Packing, Mohawk Provision, Inc., Mosey's, Moyer Packing Co., Northside Foods, OhSe, Patrick Cudahy, LLC, Patrick Cudahy, LLC, Patridge Meats, Inc., Peyton Packing Co., Inc., Premium Farms, Premium Pet Health, Premium Standard Farms, Pruden Packing Co., Pure Farms, Pure Farms, Quick-To-Fix, Racorn, Inc., Rath Blackhawk, Inc., Rodeo Meats,

									Rodeo Meats, Rodeo Meats, Inc., Roegelein, Saag's Products, LLC, Selective Petfood Services, Inc., Smithfield, Smithfield, Smithfield Farmland Corp., Smithfield Farmland Corp., Smithfield Farmland Sales Corp, Smithfield Foods, Smithfield Foods, Inc., Smithfield Fresh Meats, Smithfield Fresh Meats Corp., Smithfield Fresh Meats Sales Corp., Smithfield Packaged Meat Sales Corp., Smithfield Packaged Meats Corp, Smithfield Packing Co., Smithfield Pet, Spring Hill Brand, Stefano Foods, Stefano Foods, Inc., Stefano's, Sweet Applewood Farms, Inc., The Smithfield Packing Company, Inc., Tiffany Springs Packing Co., Tobin's First Prize Meat Co., Inc., Valleydale, Inc., Village Butcher, Windsor

M1936+P1936	Smithfield Packaged Meats Corp.	1780 Smithfield Way	Kinston	NC	28504	(252) 208-4700	1/23/2020	Meat Processing; Poultry Processing	814 America, Aberdeen, Agar Foods, American Farms, Ark Valley, Armour, Armour Eckrich Meats, LLC, Armour Food Company, Carando, Clougherty Packing, LLC, Cook's Ham, Cook's Ham, Inc., Country Lean, Curly's, Curly's Foods, Decker Food Company, Eastbay Packing Co., Eckrich, Farmer John, Farmland, Farmland Foods, Inc., Farmstead, FJ Foodservice, LLC, Golden Crisp Premium Foods, Gwaltney, Healthy Ones, Hunter Krey Packing Co., Hunter Packing Co., Jamestown, John Morrell, John Morrell & Co., Kneip, Krakus, Krakus Foods International, Kretschmar, Kretschmar Brands, Inc., Kretschmar Deli, Krey Packing Co., Lakeview, Lundy's, Maple River Brand, Margherita, Mohawk Packing, Mohawk Provision, Inc.,, Moseys, Moyer Packing Co., Northside Foods, OhSe, Partridge Meats, Inc., Patrick Cudahy, Patrick Cudahy, LLC, Peyton Packing Co., Inc., Premium Farms, Premium Pet Health, Premium Standard Farms, Pruden Packing Co., Pure Farms, Quick-To-Fix, Racorn, Inc., Rath Blackhawk, Inc., Rodeo Meats, Rodeo Meats, Inc., Roegelein, Saag's Products, LLC, Selective Petfood Services, Inc.,

									Smithfield, Smithfield Farmland Corp., Smithfield Farmland Sales Corp., Smithfield Foods, Inc., Smithfield Fresh Meats, Smithfield Fresh Meats Corp., Smithfield Fresh Meats Sales Corp., Smithfield Packaged Meats Corp., Smithfield Packaged Meats Sales Corp., Smithfield Packing Co., Smithfield Pet, Smithfield Pet, Smithield Foods, Spring Hill Brand, Stefano Foods, Stefano's, Sweet Applewood Farms, Inc., The Smithfield Packing Co., Incorporated, Tiffany Springs Packing Co., Tobin's First Prize Meat Co., Inc., Valleydale, Inc., Village Butcher, Windsor

M19+P19	Smithfield Packaged Meats Corp.	5015 S. 33rd Street	Omaha	NE	68107	(402) 731-6400	2/20/2019	Meat Processing; Poultry Processing	814 Americas, Aberdeen, Agar Foods, American Farms, Ark Valley, Armour, Armour Food Company, Armour-Eckrich Meats, LLC, Carando, Clougherty Packing, LLC, Cook's Ham, Cook's Ham, Inc., Country Lean, Curly's, Curly's Foods, Decker Food Company, Eastbay Packing Co., Eckrich, Farmer John, Farmland, Farmland Foods, Inc., Farmstead, FJ Foodservice, LLC, Golden Crisp Premium Foods, Gwaltney, Healthy Ones, Hunter Krey Packing Co., Hunter Packing Co., Jamestown, John Morrell, John Morrell & Co., Kneip, Krakus, Krakus Foods International, Kretschmar, Kretschmar Brands, Inc., Kretschmar Deli, Krey Packing Co., Lakeview, Lundy's, Maple River Brand, Margherita, Mohawk Packing, Mohawk Provision, Inc., Moseys, Moyer Packing Co., Northside Foods, OhSe, Partridge Meats, Inc., Patrick Cudahy, Patrick Cudahy, LLC, Peyton Packing Co., Inc., Premium Farms, Premium Pet Health, Premium Standard Farms, Pruden Packing Co., Pure Farms, Quick-To-Fix, Racorn, Inc., Rath Blackhawk, Inc., Rodeo Meats, Rodeo Meats, Inc., Roegelein, Saag's Products, LLC, Selective Petfood Services, Inc.,

									Smithfield, Smithfield Farmland Corp., Smithfield Farmland Sales Corp., Smithfield Foods, Smithfield Foods, Inc., Smithfield Fresh Meats, Smithfield Fresh Meats Corp., Smithfield Fresh Meats Sales Corp., Smithfield Packaged Meats Corp., Smithfield Packaged Meats Sales Corp., Smithfield Packing Co., Smithfield Pet, Spring Hill Brand, Stefano Foods, Stefano's, Sweet Applewood Farms, Inc., The Smithfield Packing Co., Incorporated, Tiffany Springs Packing Co., Tobin's First Prize Meat Co., Inc., Valleydale, Inc., Village Butcher, Windsor
M2121+P2121	Smithfield Packaged Meats Corp.	2200 Rivers Edge Drive	Arnold	PA	15068	(724) 335-5800	2/19/2019	Meat Processing; Poultry Processing	Armour Eckrich Meats LLC, Farmland, Farmland Foods, Inc., John Morrell & Co., Northside Foods, Inc, Patrick Cudahy, LLC, Smithfield, Smithfield Farmland Corp., Smithfield Farmland Sales Corp., Smithfield Foods Inc., Stefano Foods Inc., The Smithfield Packing Company, Incorporated

M2136+P2136	Smithfield Packaged Meats Corp.	814 Second Avenue	Elizabeth	NJ	07202	(908) 354-2674	2/6/2018	Meat Processing; Poultry Processing	814 Americas, 814 Americas-Smithfield, Aberdeen, Agar Foods, American Farms, Ark Valley, Armour, Armour Food Company, Armour-Eckrich Meats LLC, Carando, Clougherty Packing, LLC, Cook's Ham, Cook's Ham, Inc., Country Lean, Curly's, Curly's Foods, Decker Food Company, Eastbay Packing Co., Eckrich, Farmer John, Farmland, Farmland Foods, Inc., Farmstead, FJ Foodservice, LLC, Golden Crisp Premium Foods, Gwaltney, Healthy Ones, Healthy Ones, Hunter Krey Packing Co., Hunter Packing Co., Jamestown, John Morrell, John Morrell & Co., Kneip, Krakus, Krakus Foods International, Kretschmar, Kretschmar Brands, Inc., Kretschmar Deli, Krey Packing Co., Lakeview, Lundy's, Maple River Brand, Margherita, Mohawk Packing, Mohawk Provision, Inc., Moseys, Moyer Packing Co., Northside Foods, OhSe, Partridge Meats, Inc., Patrick Cudahy, Patrick Cudahy, LLC, Peyton Packing Co., Inc., Premium Farms, Premium Pet Health, Premium Standard Farms, Pruden Packing Co., Pruden Packing Co., Pure Farms, Quick-To-Fix, Racorn, Inc., Rath Blackhawk, Inc., Rodeo Meats, Rodeo Meats, Inc., Roegelein, Saag's

									Products, LLC, Selective Petfood Services, Inc., Smithfield, Smithfield Farmland Corp., Smithfield Farmland Sales Corp., Smithfield Foods, Smithfield Foods, Inc., Smithfield Fresh Meats, Smithfield Fresh Meats Corp., Smithfield Fresh Meats Sales Corp., Smithfield Packaged Meats Corp., Smithfield Packaged Meats Sales Corp., Smithfield Packing Co., Smithfield Pet, Spring Hill Brand, Stefano Foods, Stefano's, Sweet Applewood Farms, Inc., The Smithfield Packing Co., Inc., Tiffany Springs Packing Co., Tobin's First Prize Meat Co., Inc., Valleydale, Inc., Village Butcher, Windsor

M222+P5535+V222	Smithfield Packaged Meats Corp.	1401 S. Eisenhower Avenue	Mason City	IA	50401	(641) 421-5100	11/5/2002	Certification - Export; Meat Processing; Poultry Processing	814 America, Aberdeen, Agar Foods, American Farms, Ark Valley, Armour, Armour Food Company, Armour-Eckrich Meats LLC, Carando, Clougherty Packing, LLC, Cook's Ham, Cook's Ham, Inc., Country Lean, Curly's, Curly's Foods, Decker Food Company, Eastbay Packing Co., Eckrich, Farmer John, Farmland, Farmland Foods, Inc. , Farmstead, FJ Foodservice, LLC, Golden Crisp Premium Foods, Gwaltney, Healthy Ones, Hunter Krey Packing Co., Hunter Packing Co., Jamestown, John Morrell, John Morrell & Co., Kneip, Krakus, Krakus Foods International, Kretschmar, Kretschmar Brands, Inc., Kretschmar Deli, Krey Packing Co., Lakeview, Lundy's, Maple River Brand, Margherita, Mohawk Packing, Mohawk Provision, Inc., Moseys, Moyer Packing Co., Northside Foods, OhSe, Partridge Meats, Inc., Patrick Cudahy, Patrick Cudahy, LLC, Peyton Packing Co., Inc., Premium Farms, Premium Pet Health, Premium Standard Farms, Pruden Packing Co., Pure Farms, Quick-To-Fix, Racorn, Inc., Rath Blackhawk, Inc., Rodeo Meats, Rodeo Meats, Inc., Roegelein, Saag's Products, LLC, Selective Petfood Services, Inc.,

									Smithfield, Smithfield Farmland Corp., Smithfield Farmland Sales Corp., Smithfield Foods, Smithfield Foods, Inc., Smithfield Fresh Meats, Smithfield Fresh Meats Corp., Smithfield Fresh Meats Sales Corp., Smithfield Packaged Meats Corp., Smithfield Packaged Meats Sales Corp., Smithfield Packing Co., Smithfield Pet, Spring Hill Brand, Stefano Foods, Stefano's, Sweet Applewood Farms, Inc., The Smithfield Packing Company, Incorporated, Tiffany Springs Packing Co., Tobin's First Prize Meat Co., Inc., Valleydale, Inc., Village Butcher, Windsor

M27384+P27384+V27384	Smithfield Packaged Meats Corp.	251 15th Street N.E.	Sioux Center	IA	51250	(712) 722-3675	10/10/2017	Certification - Export; Meat Processing; Poultry Processing	814 America, Aberdeen, Agar Foods, American Farms, Amour-Eckrich Meats, LLC, Ark Valley, Armour, Armour Food Company, Carando, Clougherty Packing, LLC, Cook's Ham, Cook's Ham, Inc., Country Lean, Curley's, Curly's Food Inc, Decker Food Company, Eastbay Packing Co., Eckrich, Farmer John, Farmland, Farmland Foods,Inc., Farmstead, FJ Foodservice, LLC, Golden Crisp Premium Foods, Gwaltney, Healthy Ones, Hunter Krey Packing Co., Hunter Packing Co., Jamestown, John Morrell, John Morrell and Co., Kneip, Krakus, Krakus Foods International, Kretschmar, Kretschmar Brands, Inc., Kretschmar Deli, Krey Packing Co., Lakeview, Lundy's, Maple River Brand, Margherita, Mohawk Packing, Mohawk Provision, Inc, Moseys, Moyer Packing Co., Northside Foods, OhSe, Partridge Meats, Inc., Patrick Cudahy, Patrick Cudahy, LLC, Peyton Packing Co., Inc., Premium Farms, Premium Pet Health, Premium Standards Farms, Pruden Packing Co., Pure Farms, Quick To-Fix, Racorn, Inc., Rath Blackhawk, Inc., Rodeo Meats, Rodeo Meats, Inc., Roegelein, Saag's Products, LLC, Selective Petfood Services, Inc., Smithfield, Smithfield Farmland

									Corp., Smithfield Farmland Sales Corp., Smithfield Foods, Smithfield Foods, Inc., Smithfield Fresh Meats, Smithfield Fresh Meats Corp., Smithfield Fresh Meats Sales Corp., Smithfield Packaged Meats Corp., Smithfield Packaged Meats Sales Corp., Smithfield Packing Co., Smithfield Pet, Spring Hill Brand, Stefano Foods, Stefano's, Sweet Applewood Farms, Inc., The Smithfield Packing Company, Incorporated, Tiffany Springs Packing Co., Tobins's First Prize Meat Co., Inc., Valleydale, Inc., Village Butcher, Windsor

M28+P28+V28	Smithfield Packaged Meats Corp.	One Sweet Apple-Wood Lane	Cudahy	WI	53110	(414) 744-2000	2/8/2019	Certification - Export; Meat Processing; Off-Premise Freezing - Meat; Poultry Processing	814 America, Aberdeen, Agar Foods, American Farms, Ark Valley, Armour, Armour Food Company, Armour-Eckrich Meats LLC, Carando, Clougherty Packing, LLC, Cook's Ham, Cook's Ham, Inc., Country Lean, Curly's, Curly's Foods, Decker Food Company, Eastbay Packing Co., Eckrich, Farmer John, Farmland, Farmland Foods, Inc., Farmstead, FJ Foodservice, LLC, Golden Crisp Premium Foods, Gwaltney, Healthy Ones, Hunter Krey Packing Co., Hunter Packing Co., Jamestown, John Morrell, John Morrell & Co., Kneip, Krakus, Krakus Foods International, Kretschmar, Kretschmar Brands, Inc., Kretschmar Deli, Krey Packing Co., Lakeview, Lundy's, Maple River Brand, Margherita, Mohawk Packing, Mohawk Provision, Inc., Moseys, Moyer Packing Co., Northside Foods, OhSe, Partridge Meats, Inc., Patrick Cudahy, Patrick Cudahy, LLC, Peyton Packing Co., Inc., Premium Farms, Premium Pet Health, Premium Standard Farms, Pruden Packing Co., Pure Farms, Quick-To-Fix, Racorn, Inc., Rath Blackhawk, Inc., Rodeo Meats, Rodeo Meats, Inc., Roegelein, Saag's Products, LLC, Selective Petfood Services, Inc.,

									Smithfield, Smithfield Farmland Corp., Smithfield Farmland Sales Corp., Smithfield Foods, Smithfield Foods, Inc., Smithfield Fresh Meats, Smithfield Fresh Meats Corp., Smithfield Fresh Meats Sales Corp., Smithfield Packaged Meats Corp., Smithfield Packaged Meats Sales Corp., Smithfield Packing Co., Smithfield Pet, Spring Hill Brand, Stefano Foods, Stefano's, Sweet Applewood Farms, Inc., The Smithfield Packing Co., Inc., Tiffany Springs Packing Co., Tobin's First Prize Meat Co., Inc., Valleydale, Inc., Village Butcher, Windsor

M296+P2564	Smithfield Packaged Meats Corp.	801 E. Kemper Road	Cincinnati	OH	45246	(513) 782-3800	3/12/2018	Meat Processing; Poultry Processing	814 America, Aberdeen, Agar Foods, American Farms, Ark Valley, Armour, Armour Food Company, Armour-Eckrich Meats LLC, Carando, Clougherty Packing, LLC, Cook's Ham, Cook's Ham, Inc., Country Lean, Curly's, Curly's Foods, Decker Food Company, Eastbay Packing Co., Eckrich, Farmer John, Farmland, Farmland Foods, Inc., Farmstead, FJ Foodservice, LLC, Golden Crisp Premium Foods, Gwaltney, Healthy Ones, Hunter Krey Packing Co., Hunter Packing Co., Jamestown, John Morrell, John Morrell & Co., Kneip, Krakus, Krakus Foods International, Kretschmar, Kretschmar Brands, Inc., Kretschmar Deli, Krey Packing Co., Lakeview, Lundy's, Maple River Brand, Margherita, Mohawk Packing, Mohawk Provision, Inc., Moseys, Moyer Packing Co., Northside Foods, OhSe, Partridge Meats, Inc., Patrick Cudahy, Patrick Cudahy, LLC, Peyton Packing Co., Inc., Premium Farms, Premium Pet Health, Premium Standard Farms, Pruden Packing Co., Pure Farms, Quick-To-Fix, Racorn, Inc., Rath Blackhawk, Inc., Rodeo Meats, Rodeo Meats Inc., Roegelein, Saag's Products, LLC, Selective Petfood Services, Inc.,

									Smithfield, Smithfield Farmland Corp., Smithfield Farmland Sales Corp., Smithfield Foods, Smithfield Foods, Inc., Smithfield Fresh Meats, Smithfield Fresh Meats Corp., Smithfield Fresh Meats Sales Corp., Smithfield Packaged Meats Corp., Smithfield Packing Co., Smithfield Pet, Spring Hill Brand, Stefano Foods, Stefano's, Sweet Applewood Farms, Inc., The Smithfield Packing Co., Incorporated, Tiffany Springs Packing Co., Tobin's First Prize Meat Co., Inc., Valleydale, Inc., Village Butcher, Windsor
M360A+P360A	Smithfield Packaged Meats Corp.	3883 Soto Street	Los Angeles	CA	90058	(323) 583-4621	4/16/2019	Meat Processing; Poultry Processing	Farmer John
M360C+P360C	Smithfield Packaged Meats Corp.	2750 East 37th Street	Los Angeles	CA	90058	(323) 583-4621	4/16/2019	Meat Processing; Poultry Processing	814 America, Aberdeen, Agar Foods, American Farms, Amour Food Company, Ark Valley, Armour, Armour Eckrich Meat LLC, Carando, Clougherty Packing, LLC, Cook's Ham, Cook's Ham Inc., Country Lean, Curly's, Curly's Foods, Decker Food Company, Eastbay Packing Company, Eckrich , Farmer John, Farmer John, Farmland, Farmland Foods, Inc., Saag's Products Inc., Saag's Products LLC

M360+P360	Smithfield Packaged Meats Corp.	3049 E. Vernon Avenue	Vernon	CA	90058	(323) 583-4621	4/16/2019	Meat Processing; Meat Slaughter; Poultry Processing	814 America, Aberdeen, Agar Foods, American Farms, Ark Valley, Armour, Armour Eckrich Meats LLC, Armour Food Company, Carando, Clougherty Packing, LLC, Cook's Ham, Cook's Ham, Inc,, Country Lean, Curly's, Curly's Foods, Decker Food Company, Eastbay Packing Co., Eckrich, Farmer John, Farmland, Farmland Foods, Inc., Farmstead, FJ Foodservice, LLC, Golden Crisp Premium Foods, Gwaltney, Healthy Ones, Hunter Krey Packing Co., Hunter Packing Co., Jamestown, John Morrell, John Morrell & Co., Kneip, Krakus, Krakus Foods International, Kretchmar, Kretchmar Brands, Inc., Kretchmar Deli, Krey Packing Co., Lakeview, lundy's, Maple River Brand, Margherita, Mohawk Packing, Moseys, Moyer Packing Co., Northside Foods, OhSe, Partridge Meats Inc., Patrick Cudahy, Patrick Cudahy, LLC, Peyton Packing Co., Inc., Premium Farms, Premium Pet Health, Premium Standard Farms, Pruden Packing Co., Pure Farms, Quick to-Fix, Racorn, Inc., Rath Blackhawk, Inc., Rodeo Meats, Rodeo Meats, Inc., Roegelein, Saag's Products, Inc., Saag's Products, LLC, Selective Petfood Services, Inc., Smithfield, Smithfield Farmland

									Corp., Smithfield Farmland Sales Corp., Smithfield Foods, Smithfield Foods, Inc., Smithfield Fresh Meats, Smithfield Fresh Meats Corp., Smithfield Fresh Meats Sales Corp., Smithfield Packaged Meats Corp., Smithfield Packaged Meats Sales Corp., Smithfield Packing Co., Smithfield Pet, Spring Hill Brand, Stefano Foods, Stefano's, Sweet Applewood Farms, Inc., The Smithfield Packing Co., Incorporated, Tiffany Springs Packing Co., Tobin's First Prize Meat Co., Inc., Valleydale, Inc., Village Butcher, Windsor

M3JC+P3JC	Smithfield Packaged Meats Corp.	1920 Lacy Drive	Junction City	KS	66441	(785) 762-3306	10/11/2019	Meat Processing; Poultry Processing	814 Americas, Agar Foods, American Farms, Ark Valley, Armour, Armour Food Company, Armour-Eckrich Meats, LLC, Carando, Clougherty Packing, LLC, Cook's Ham, Cook's Ham, Inc., Country Lean, Curly's, Curly's Food, Decker Food Company, Eastbay Packing Co., Eckrich, Farmer John, Farmland, Farmland Foods, Inc., Farmstead, Golden Crisp Premium Foods, Gwaltney, Healthy Ones, Hunter Krey Packing Co., Hunter Packing Co., Hunter Packing Co., John Morrell, John Morrell, John Morrell & Co., Kneip, Krakus, Krakus Food International, Kretschmar, Kretschmar Brands, Inc., Kretschmar Deli, Krey Packing Co., Lakeview, Lundy's, Maple River Brand, Margherita, Mohawk Packing, Mohawk Provision, Inc., Moseys, Moyer Packing Co., Northside Foods, OhSe, Partridge Meats, Inc., Patrick Cudahy, Peyton Packing Co., Inc., Peyton Packing Co., Inc., Premium Farms, Premium Pet Health, Premium Standard Farms, Pruden Packing Co., Pure Farms, Quick-To-Fix, Racorn, Inc, Rath Blackhawk, Inc., Rodeo Meats, Rodeo Meats, Inc., Roegelein, Selective Petfood Services, Inc., Smithfield, Smithfield

									Foods, Smithfield Foods, Inc., Smithfield Fresh Meats, Smithfield Fresh Meats Corp., Smithfield Fresh Meats Sales Corp., Smithfield Packaged Meats Corp., Smithfield Packaged Meats Sales Corp., Smithfield Packing Co., Smithfield Sales Farmland Corp., Spring Hill Brand, Stefano Foods, Inc., Stefano's , Sweet Applewood Farms, Inc, The Smithfield Packing Company, Incorporated, Tiffany Springs Packing Co., Tobin's First Prize Meat Co., Valleydale, Inc., Village Butcher, Windsor

M3M+P8908	Smithfield Packaged Meats Corp.	820 N. 11th St.	St James	MN	56081	(507) 942-1205	2/8/2019	Meat Processing; Poultry Processing	814 America, Aberdeen, Agar Foods, American Farms, Ark Valley, Armour, Armour Food Company, Armour-Eckrich Meats LLC, Carando, Clougherty Packing, LLC, Cook's Ham, Cook's Ham, Inc., Country Lean, Curly's, Curly's Foods, Decker Food Company, Eastbay Packing Co., Eckrich, Farmer John, Farmland, Farmland Foods, Inc., Farmstead, FJ Foodservice, LLC, Golden Crisp Premium Foods, Gwaltney, Healthy Ones, Hunter Krey Packing Co., Hunter Packing Co., Jamestown, John Morrell, John Morrell & Co., Kneip, Krakus, Krakus Foods International, Kretschmar, Kretschmar Brands, Inc., Kretschmar Deli, Krey Packing Co., Lakeview, Lundy's, Maple River Brand, Margherita, Mohawk Packing, Mohawk Provision, Inc., Moseys, Moyer Packing Co., Northside Foods, OhSe, Partridge Meats, Inc., Patrick Cudahy, Patrick Cudahy, LLC, Peyton Packing Co., Inc., Premium Farms, Premium Pet Health, Premium Standard Farms, Pruden Packing Co., Pure Farms, Quick-to-Fix, Racorn, Inc., Rath Blackhawk, Inc., Rodeo Meats, Rodeo Meats, Inc., Roegelein, Saag's Products, LLC, Selective Petfood Services Inc.,

									Smithfield, Smithfield Farmland Corp., Smithfield Farmland Sales Corp., Smithfield Foods, Smithfield Foods, Inc., Smithfield Fresh Meats, Smithfield Fresh Meats Corp., Smithfield Fresh Meats Sales Corp., Smithfield Packing Co., Smithfield Pet, Smithfields Packaged Meats Corp., Smithfields Packaged Meats Sales Corp., Spring Hill Brand, Stefano Foods, Stefano's, Sweet Applewood Farms, Inc., The Smithfield Packing Company, Incorporated, Tiffany Springs Packing Co., Tobin's First Prize Meat Co., Inc., Valleydale, Inc., Village Butcher, Windsor

M3+P5636+V3	Smithfield Packaged Meats Corp.	410 Kirk Rd.	St Charles	IL	60174	(630) 584-5900	6/9/2009	Certification - Export; Meat Processing; Poultry Processing	814 America, Aberdeen, Agar Foods, American Farms, Ark Valley, Armour, Armour Food Company, Armour-Eckrich Meats LLC, Carando, Clougherty Packing, LLC, Cook's Ham, Cook's Ham, Inc., Country Lean, Curly's, Curly's Foods, Decker Food Company, Eastbay Packing Co., Eckrich, Farmer John, Farmland, Farmland Foods, Inc., Farmstead, FJ Foodservice, LLC, Golden Crisp Premium Foods, Gwaltney, Healthy Ones, Hunter Krey Packing Co., Hunter Packing Co., Jamestown, John Morrell, John Morrell & Co., Kneip, Krakus, Krakus Foods International, Kretschmar, Kretschmar Brands, Inc., Kretschmar Deli, Krey Packing Co., Lakeview, Lundy's, Maple River Brand, Margherita, Mohawk Packing, Mohawk Provision, Inc., Moseys, Moyer Packing Co., Northside Foods, OhSe, Partridge Meats, Inc., Patrick Cudahy, Patrick Cudahy, LLC, Peyton Packing Co., Inc., Premium Farms, Premium Pet Health, Premium Standard Farms, Pruden Packing Co., Pure Farms, Quick-To-Fix, Racorn, Inc., Rath Blackhawk, Inc., Rodeo Meats, Rodeo Meats, Inc., Roegelein, Saag's Products, LLC, Selective Petfood Services, Inc.,

									Smithfield, Smithfield Farmland Corp., Smithfield Farmland Sales Corp, Smithfield Foods, Smithfield Foods, Inc., Smithfield Fresh Meats, Smithfield Fresh Meats Corp., Smithfield Fresh Meats Sales Corp., Smithfield Packaged Meats Corp., Smithfield Packaged Meats Sales Corp., Smithfield Packing Co., Smithfield Pet, Spring Hill Brand, Stefano Foods, Stefano's, Sweet Applewood Farms, Inc., The Smithfield Packing Co., Incorporated, Tiffany Springs Packing Co., Tobin's First Prize Meat Co., Inc., Valleydale, Inc., Village Butcher, Windsor

M509K+P509K	Smithfield Packaged Meats Corp.	13825 Wyandotte	Kansas City	MO	64145	(816) 943-6173	3/7/2019	Meat Processing; Poultry Processing	814 America, Aberdeen, Agar Foods, American Farms, Ark Valley, Armour, Armour Eckrich Meats LLC, Armour Food Company, Carando, Clougherty Packing, LLC, Cook's Ham, Cook's Ham, Inc., Country Lean, Curly's, Curly's Foods, Decker Food Company, Eastbay Packing Co., Eastbay Packing Co., Eckrich, Farmer John, Farmland, Farmland Foods, Inc., Farmstead, FJ Foodservice, LLC, Golden Crisp Premium Foods, Gwaltney, Healthy Ones, Hunter Krey Packing Co., Hunter Packing Co., Jamestown, John Morell, John Morrell & Co., Kneip, Krakus, Krakus Foods International, Kretschmar, Kretschmar Brands, Inc., Kretschmar Deli, Krey Packing Co., Lakeview, Lundy's, Maple River Brand, Margherita, Mohawk Packing, Mohawk Provision, Inc., Moseys, Moyer Packing Co., Northside Foods, Ohse, Partridge Meats, Inc., Patrick Cudahy, Patrick Cudahy LLC, Peyton Packing Co., Inc., Premium Farms, Premium Pet Health, Premium Standard Farms, Pruden Packing Co., Pure Farms, Quick-To-Fix, Racorn, Inc., Rath Blackhawk, Inc., Rodeo Meats, Rodeo Meats, Inc., Roegelein, Saag's Products, LLC, Selective Petfood Services, Inc.,

									Smithfield, Smithfield Farmland Corp., Smithfield Farmland Sales Corp., Smithfield Foods, Inc., Smithfield Fresh Meats, Smithfield Fresh Meats Corp., Smithfield Fresh Meats Sales Corp., Smithfield Packaged Meats, Smithfield Packaged Meats Corp., Smithfield Packaged Meats Sales Corp., Smithfield Packing Co., Smithfield Pet, Spring Hill Brand, Stafano's, Stefano Foods, Stefano Foods, Sweet Applewood Farms, Inc, The Smithfield Packing Company, Inc, Tiffany Springs Packing Co., Tobin's First Prize Meat Co., Inc., Valleydale, Inc., Village Butcher, Windsor

M509L+P509L	Smithfield Packaged Meats Corp.	200 South 2nd Street	Lincoln	NE	68508	(402) 475-6700	2/20/2019	Meat Processing; Poultry Processing	814 America, Aberdeen, Agar Foods, American Farms, Ark Valley, Armour, Armour Food Company, Armour-Eckrich Meats LLC, Carando, Clougherty Packing, LLC, Cook's Ham, Cook's Ham, Inc., Country Lean, Curly's, Curly's Foods, Decker Food Company, Eastbay Packing Co., Eckrich, Farmer John, Farmland, Farmland Foods, Inc., Farmstead, FJ Foodservice, LLC, Golden Crisp Premium Foods, Gwaltney, Healthy Ones, Hunter Krey Packing Co., Hunter Packing Co., Jamestown, John Morrell, John Morrell & Co., Kneip, Krakus, Krakus Foods International, Kretschmar, Kretschmar Brands, Inc., Kretschmar Deli, Krey Packing Co., Lakeview, Lundy's, Maple River Brand, Margherita, Mohawk Packing, Mohawk Provision, Inc., Moseys, Moyer Packing Co., Northside Foods, OhSe, Partridge Meats, Inc., Patrick Cudahy, Patrick Cudahy, LLC, Peyton Packing Co., Inc., Premium Farms, Premium Pet Health, Premium Standard Farms, Pruden Packing Co., Pure Farms, Quick-To-Fix, Racorn, Inc., Rath Blackhawk, Inc., Rodeo Meats, Rodeo Meats, Inc., Roegelein, Saag's Products, LLC, Selective Petfood Services, Inc.,

									Smithfield, Smithfield Farmland Corp., Smithfield Farmland Sales Corp., Smithfield Foods, Smithfield Foods, Inc., Smithfield Fresh Meats, Smithfield Fresh Meats Corp., Smithfield Fresh Meats Sales Corp., Smithfield Packaged Meats Corp., Smithfield Packaged Meats Sales Corp., Smithfield Packing Co., Smithfield Pet, Spring Hill Brand, Stefano Foods, Stefano's, Sweet Applewood Farms, Inc., The Smithfield Packing Co., Incorporated, Tiffany Springs Packing Co., Tobin's First Prize Meat Co., Inc., Valleydale, Inc., Village Butcher, Windsor

M6863+P6863	Smithfield Packaged Meats Corp.	3311 State Road 19 S	Peru	IN	46970	(765) 473-3086	2/22/2019	Meat Processing; Poultry Processing	814 America, Aberdeen, Agar Foods, American Farms, Ark Valley, Armour, Armour Food Company, Armour-Eckrich Meats LLC, Carando, Clougherty Packing, LLC, Cook's Ham, Cook's Ham, Inc., Cook's Ham, Inc., Country Lean, Curly's, Curly's Foods, Decker Food Company, Eastbay Packing Co., Eastbay Packing Co., Eckrich, Farmer John, Farmland, Farmland Foods, Inc., Farmstead, FJ Foodservice, LLC, Golden Crisp Premium Foods, Gwaltney, Healthy Ones, Hunter Krey Packing Co., Hunter Packing Co., Jamestown, John Morrell, John Morrell & Co., Kneip, Krakus, Krakus Foods International, Kretschmar, Kretschmar Brands, Inc., Kretschmar Deli, Krey Packing Co., Lakeview, Lundy's, Maple River Brand, Margherita, Mohawk Packing, Mohawk Provision, Inc., Moseys, Moyer Packing Co., Northside Foods, OhSe, Partridge Meats, Inc., Patrick Cudahy, Patrick Cudahy, LLC, Peyton Packing Co., Inc., Premium Farms, Premium Pet Health, Premium Standard Farms, Pruden Packing Co., Pruden Packing Co., Pure Farms, Quick-To-Fix, Racorn, Inc., Rath Blackhawk, Inc., Rodeo Meats, Rodeo Meats, Inc., Roegelein, Saag's

									Products, LLC, Selective Petfood Services, Inc., Smithfield, Smithfield Farmland Corp., Smithfield Farmland Sales Corp., Smithfield Foods, Smithfield Foods, Inc., Smithfield Fresh Meats, Smithfield Fresh Meats Corp., Smithfield Fresh Meats Sales Corp., Smithfield Packaged Meats Corp., Smithfield Packaged Meats Sales Corp., Smithfield Packing Co., Smithfield Pet, Spring Hill Brand, Stefano Foods, Stefano's, Sweet Applewood Farms, Inc, The Smithfield Packing Co., Incorporated, Tiffany Springs Packing Co., Tobin's First Prize Meat Co., Inc., Valleydale, Inc., Village Butcher, Windsor

M717C+P18144	Smithfield Packaged Meats Corp.	401 Grant Road	Carroll	IA	51401	(712) 792-1660	2/11/2019	Meat Processing; Poultry Processing	814 America, Aberdeen, Agar Foods, American Farms, Ark Valley, Armour, Armour Eckrich Meats LLC, Armour Food Company, Carando, Clougherty Packing, LLC, Cook's Ham, Cook's Ham, Inc., Country Lean, Curly's, Curly's Foods, Decker Food Company, Eastbay Packing Co., Eckrich, Farmer John, Farmland, Farmland Foods, Inc., Farmstead, Golden Crisp Premium Foods, Gwaltney, Healthy Ones, Hunter Krey Packing Co., Hunter Packing Co., Jamestown, John Morrell, John Morrell & Co., Kneip, Krakus, Krakus Foods International, Kretschmar, Kretschmar Brands, Inc., Kretschmar Deli, Krey Packing Co., Lakeview, Lundy's, Maple River Brand, Margherita, Mohawk Packing, Mohawk Provision, Inc., Moseys, Moyer Packing Co., Northside Foods, OhSe, Partridge Meats, Inc., Patrick Cudahy, Patrick Cudahy, LLC, Peyton Packing Co., Inc., Premium Farms, Premium Pet Health, Premium Standard Farms, Pruden Packing Co., Pure Farms, Quick-To-Fix, Racorn, Inc., Rath Blackhawk, Inc., Rodeo Meats, Rodeo Meats, Inc., Roegelein, Saag's Products, LLC, Selective Petfood Services, Inc., Smithfield, Smithfield Farmland

									Corp., Smithfield Farmland Sales Corp., Smithfield Foods, Smithfield Foods, Inc., Smithfield Fresh Meats, Smithfield Fresh Meats Corp., Smithfield Fresh Meats Sales Corp, Smithfield Packaged Meats Corp, Smithfield Packaged Meats Sales Corp, Smithfield Packing Co., Smithfield Pet, Spring Hill Brand, Stefano Foods, Stefano's, Sweet Applewood Farms, Inc., The Smithfield Packing Company, Incorporated, Tiffany Springs Packing Co., Tobin's First Prize Meat Co., Inc., Valleydale, Inc., Village Butcher, Windsor

M717W+P2122+V717W	Smithfield Packaged Meats Corp.	2323 South Sheridan	Wichita	KS	67213	(316) 942-2399	10/26/2011	Certification - Export; Food Inspection; Meat Processing; Poultry Processing	814 America, Aberdeen, Agar Foods, American Farms, American Farms, Ark Valley, Armour, Armour, Armour Eckrich Meats LLC, Armour Food Company, Armour-Eckrich Meats LLC, Carando, Cook's Ham, Cook's Ham, Cook's Ham, Inc., Cougherty Packing, LLC, Country Lean, Curly's, Curly's, Curly's Foods, Decker Food Company, Decker Food Company, Eastbay Packing Co., Eckrich, Farmer John, Farmer John, Farmland, Farmland Foods, Inc., Farmstead, FJ Foodservice, LLC, Golden Crips Premium Foods, Gwaltney, Healthy Ones, Healthy Ones, Hunter Krey Packing Co., Hunter Packing Co., Jamestown, John Morrell, John Morrell, John Morrell & Co., Kneip, Krakus, Krakus, Krakus Foods International, Kretschmar, Kretschmar, Kretschmar Brands, Inc., Kretschmar Deli, Kretschmar Deli, Krey Packing Co., Lakeview, Lundy's, Maple River Brand, Margherita, Margherita, Mohawk Packing, Mohawk Provision, Inc., Moseys, Moyer Packing Co., Northside Foods, OhSe, Partridge Meats, Inc., Patrick Cudahy, Patrick Cudahy, Patrick Cudahy, LLC, Peyton Packing Co., Inc., Premium Farms, Premium Pet Health, Premium Standard Farms,

									Pruden Packing Co., Pruden Packing Co., Pure Farms, Pure Farms, Quick-To-Fix, Racorn, Inc., Rath Blackhawk, Inc., Rodeo Meats, Rodeo Meats, Rodeo Meats, Inc., Roegelein, Saag's Products, LLC, Selective Petfood Services, Inc., Smithfield, Smithfield Farmland Corp., Smithfield Farmland Sales Corp., Smithfield Foods, Smithfield Foods, Inc., Smithfield Fresh Meats, Smithfield Fresh Meats, Smithfield Fresh Meats Corp., Smithfield Fresh Meats Sales Corp., Smithfield Packaged Meats, Smithfield Packaged Meats Corp., Smithfield Packaged Meats Sales Corp., Smithfield Packing Co., Smithfield Pet, Spring Hill Brand, Stefano Foods, Stefano's, Stefano's, Sweet Applewood Farms, Inc, The Smithfield Packing Company, Inc., Tiffany Springs Packing Co., Tiffany Springs Packing Co., Tobin's First Prize Meat Co., Inc., Valleydale, Inc., Village Butcher, Windsor

M79C	Smithfield Packaged Meats Corp.	2401 Wilco Blvd.	Wilson	NC	27893	(252) 243-7180	3/1/2019	Meat Processing	814 America, Aberdeen, Agar Foods, American Farms, Ark Valley, Armour, Armour Food Company, Armour-Eckrich Meats LLC, Carando, Clougherty Packing, LLC, Cook's Ham, Cook's Ham, Inc., Country Lean, Curly's, Curly's Foods, Decker Food Company, Eastbay Packing Co., Eckrich, Farmer John, Farmland, Farmland Foods, Inc., Farmstead, FJ Foodservice, LLC, Golden Crisp Premium Foods, Gwaltney, Healthy Ones, Hunter Krey Packing Co., Hunter Packing Co., Jamestown, John Morrell, John Morrell & Co., Kneip, Krakus, Krakus Foods International, Kretschmar, Kretschmar Brands, Inc., Kretschmar Deli, Krey Packing Co., Lakeview, Lundy's, Maple River Brand, Margherita, Mohawk Packing, Mohawk Provision, Inc., Moseys, Moyer Packing Co., Northside Foods, OhSe, Partridge Meats, Inc., Patrick Cudahy, Patrick Cudahy, LLC, Peyton Packing Co., Inc., Premium Farms, Premium Pet Health, Premium Standard Farms, Pruden Packing Co., Pure Farms, Quick-To-Fix, Racorn, Inc., Rath Blackhawk, Inc., Rodeo Meats, Rodeo Meats, Inc., Roegelein, Saag's Products, LLC, Selective Petfood Services, Inc.,

									Smithfield, Smithfield Farmland Corp., Smithfield Farmland Sales Corp., Smithfield Foods, Smithfield Foods, Inc., Smithfield Fresh Meats, Smithfield Fresh Meats Corp., Smithfield Fresh Meats Sales Corp., Smithfield Packaged Meats Corp., Smithfield Packaged Meats Sales Corp., Smithfield Packing Co., Smithfield Pet, Spring Hill Brand, Stefano Foods, Stefano's, Sweet Applewood Farms, Inc., The Smithfield Packing Co., Incorporated, Tiffany Springs Packing Co., Tobin's First Prize Meat Co., Inc., Valleydale, Inc., Village Butcher, Windsor

M2121A+P2121A	Smithfield Package Meats Corp.	3660 North Parkway	Cumming	GA	30040	(770) 889-2180	4/22/2020	Meat Processing; Poultry Processing	814 America, Aberdeen, Agar Foods, American Farms, Ark Valley, Armour , Armour Eckrich Meats LLC, Armour Food Company, Carando, Clougherty Packing, LLC, Cook's Ham, Curly's , Farmland, Farmland Foods, Inc., Healthy Ones , John Morrell , John Morrell & Co., Krakus, Kretchmar Deli , Kretschmar , Margherita , Patrick Cudahy , Patrick Cudahy, LLC, Pruden Packing Co , Pure Farms , Rodeo Meats, Smithfield, Smithfield Foods , Smithfield Foods, Inc., Smithfield Fresh Meats , Smithfield Packaged Meats , Stefano's , The Smithfield Packing Company, Incorporated, Tiffany Spring Packing Co.
M10105A+P10105A	Smith Meat Packing, Inc.	1420 Thomas Street	Port Huron	MI	48060	(810) 985-5900	12/17/2014	Meat Processing; Poultry Processing	
M10105+P10105	Smith Meat Packing, Inc.	2043 International Way	Port Huron	MI	48060	(810) 985-5900	12/17/2014	Meat Processing; Poultry Processing	
M4578+P4578	Smith Packing Company Inc.	PO Box 520 105-125 Washington Street	Utica	NY	13503	(315) 732-5125	4/6/2009	Meat Processing; Poultry Processing	
M9370+P9370	Smith Provision Company, Inc	1890 West 20th Street	Erie	PA	16502	(814) 459-0488	7/13/2015	Meat Processing; Poultry Processing	
M4293+P4293	Smith's Log Smokehouse	1057 Back Brooks Road	Monroe	ME	04951	(207) 525-7735	4/6/2012	Meat Processing; Poultry Processing	

M9979+P9979+V9979	Smith Valley Meats	246 Church Street	Rich Creek	VA	24147	(540) 726-3992	9/8/1997	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry	
M39880+P39880	Smoke'n Dudes BBQ Co.	3400 Neshaminy Boulevard	Bensalem	PA	19020	(215) 752-5500	4/12/2019	Meat Processing; Poultry Processing	Tasty Little Pigs
M7243+P7243	Smokey Denmark Sausage Company	3505 East 5th Street	Austin	TX	78702	(512) 385-0718	1/25/2010	Meat Processing; Poultry Processing	
M40056+P40056	Smoking Goose LLC	407 N. Dorman Street	Indianapolis	IN	46202	(317) 345-1108	3/16/2012	Meat Processing; Poultry Processing	
M9127	Smoky Mountain Country Hams	2603 Highway 411	Madisonville	TN	37354	(423) 442-5003	12/7/2004	Meat Processing	
M46106	SMSC LLC	301 Pow Rd	Hodges	SC	29653	(617) 669-3243	4/14/2017	Meat Processing; Meat Slaughter	Southeast Mobile Slaughter Co-op
M21265+P21265+V21265	Smucker's Meats	735 Pinkerton	Mt. Joy	PA	17552	(717) 653-0303	10/3/2005	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	
M1336+P6005	Snak King Corp.	16150 East Stephens St.	City of Industry	CA	91745	(626) 363-7711	6/13/2006	Meat Processing; Poultry Processing	

M9085+V9085	Snapps Ferry Packing Company	5900 East Andrew Johnson Highway	Afton	TN	37616	(423) 638-7001	2/13/2007	Meat Processing; Meat Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	
M20478+P20478	Snow Creek Meat Processing, Inc.	329 Snow Creek Road	Seneca	SC	29678	(864) 972-1570	6/12/2001	Meat Processing; Meat Slaughter	
M15504+P15504	Snowdens LLC	1603 River Falls Street	Andalusia	AL	36420	(334) 222-6042	7/16/2009	Meat Processing; Poultry Processing	
V40366	SnowTemp Cold Storage	3815 Marion Street	Albany	OR	97322	(541) 928-5755	12/19/2017	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Egg Products; Voluntary Processing - Egg Products	
V32080	Snowwis Cold Storage, LLC	2103 Twin Circle Drive	Van Buren	AR	72956	(479) 524-8151	9/19/2018	Certification - Export; Off-Premise Freezing Poultry	
M17881	Snyder's-Lance, Inc.	8600 South Boulevard	Charlotte	NC	28273	(704) 554-1421	6/10/2011	Meat Processing	
M21055	Sofia Chicharrones Inc.	1882 N W 22nd Street	Miami	FL	33142	(305) 324-1816	12/2/1999	Meat Processing	
P4735	Somerville Live Poultry Co., Inc.	621 Cambridge St	Cambride	MA	02141	(617) 547-9191	8/24/1998	Poultry Processing	
M34296+P34320	SON AND SONS TRADING CO. INC.	518 GARDNER AVENUE	BROOKLYN	NY	11222	(212) 274-1888	11/29/2006	Meat Processing; Poultry Processing	
M34038+P34038	Sonia's Kitchen	4114 B Place NW 102	Auburn	WA	98001	(253) 939-6161	6/1/2006	Meat Processing; Poultry Processing	

M20680+P20680	Sonny's 10th Avenue Meat Market Inc.	758 10th Avenue	New York	NY	10019	(212) 757-2276	5/4/2017	Meat Processing; Poultry Processing	
M48083	Sonoma County Meat Co. LLC	35 Sebastopol Avenue	Santa Rosa	CA	95407	(707) 521-0121	5/20/2016	Meat Processing	
M45553+P45553	Sonoma Muffin Works	1454 Industrial Avenue	Sebastopol	CA	95472	(707) 823-2587	4/23/2018	Meat Processing; Poultry Processing	
G779	Sonstegard Foods of Georgia	2079 Memorial Park Road	Gainesville	GA	30504	(770) 534-5644	7/21/2011	Egg Product	
G21932+V21936	Sonstegard of Arkansas	915 N. Jefferson St.	Springdale	AR	72764	(479) 872-0700	11/19/2003	Certification - Export; Egg Product; Voluntary Processing - Egg Products	
M39899+P39899	SOPAKCO, Inc.	215 South Mullins Street	Mullins	SC	29574	(843) 464-0121	10/27/2017	Meat Processing; Poultry Processing	
M44764+P44764+V44764	SOPAKCO, Inc.	118 South Cypress Street	Mullins	SC	29574	(843) 464-7851	12/12/2011	Certification - Export; Meat Processing; Poultry Processing	
M1290+P248+V1290	SOPAKCO Packaging	320 Broad St PO Box 827	Bennettsville	SC	29512	(843) 479-3811	4/6/2011	Identification - Meat; Identification - Poultry; Poultry Processing	
M44807+P44807	Sorelle Brands, LLC	23149 Clawiter Road	Hayward	CA	94544	(415) 336-3308	3/21/2019	Meat Processing; Poultry Processing	
P48471	Soulshine Farms LLC	2411 White Sulphur Road	Gainesville	GA	30501	(256) 206-0170	5/28/2019	Poultry Processing	
M19453+P19453	Soup Bases Loaded	2355 E. Francis Street	Ontario	CA	91761	(909) 230-7575	3/1/2016	Meat Processing; Poultry Processing	
M38461+P38461	Soup Coop, LLC	1057 E. Washington Street	Louisville	KY	40206	(502) 217-0094	1/6/2016	Meat Processing; Poultry Processing	J. Gumbo's

V45656	South Atlantic Port Cold Storage	1091 Remount Road Building B	Charleston	SC	29406	(504) 944-4400	11/25/2015	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M404B	South Chicago Packing LLC	3800 S. Morgan St.	Chicago	IL	60609	(708) 589-2400	3/4/2016	Meat Processing	
M404+P404+V404	South Chicago Packing LLC	945 W. 38th Street	Chicago	IL	60609	(708) 589-2400	12/31/2013	Meat Processing; Poultry Processing; Technical Animal Fats	
M6358	South Coast Gormet Sausage, Inc.	210 Alden Street	Fall River	MA	02723	(508) 678-2098	9/20/2017	Meat Processing	Acoreana Mfg Co., New England Sausage Co.
V1075	Southeastern Food Supplies	11077 NW 36th Ave.	Miami	FL	33167	(305) 688-2228	11/8/2011	Certification - Export; Identification - Meat; Identification - Poultry	
M21468+P21468	Southeastern Meats Inc.	700 25th Avenue West	Birmingham	AL	35204	(205) 983-7910	5/11/2017	Meat Processing; Poultry Processing	
M7953+P7953	Southeastern Meats, Inc.	6124 Airways Blvd	Chattanooga	TN	37421	(423) 892-6024	11/29/2004	Meat Processing; Poultry Processing	
M40453+P40453	Southeastern Mills	333 Old Lindale Road	Rome	GA	30161	(706) 291-6528	11/12/2010	Meat Processing; Poultry Processing	
V46077	Southeastern Mills Inc.	1653 Old Spanish Trail	St. Martinville	LA	70582	(337) 606-4679	3/21/2017	Certification - Export	
M46788+P46788	Southeastern Mills, Inc.	14 Superior Drive	Rome	GA	30161	(706) 936-2487	10/29/2019	Meat Processing; Poultry Processing	
M8327+V8327	Southeastern Provision LLC	1617 Helton Road	Bean Station	TN	37708	(865) 767-2300	11/9/2004	Meat Processing; Meat Slaughter	

M20816+P20816+V20816	Southeast Frozen Foods	220 (I-26) Frontage Rd.	Gaston	SC	29053	(803) 936-0201	3/25/2002	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V39921	Southeast Frozen Foods	18770 NE 6th Ave	Miami	FL	33179	(305) 652-4622	8/12/2009	Certification - Export; Identification - Meat; Identification - Poultry	
V51549	Southeast Frozen Foods	5601 Corrugated Road	Sandston	VA	23150	(804) 236-2998	11/29/2018	Certification - Export; Identification - Meat; Identification - Poultry	
M2676+P2676	Southeast Poultry, Inc.	2200 Town West Drive	Rogers	AR	72756	(479) 636-3600	4/21/2010	Poultry Processing	
M39927+P39927+V39927	Southeast Wholesale Foods	9350 NW 108th Ave	Medley	FL	33178	(305) 883-1198	7/7/2009	Identification - Meat; Identification - Poultry	
M47068+P47068	Southern Bakery USA, LLC	3250 N Lakeharbor Ln	Boise	ID	83703	(208) 996-9088	11/21/2019	Meat Processing; Poultry Processing	PIE-O-NEER PIES, LLC

M21804+P21804+V21804	Southern Belle Refrigerated, LLC	625 N. Commerce Street	Tupelo	MS	38802	(662) 842-5778	11/19/2001	Animal Foods Inspection; Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Meat Processing; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry; Poultry Processing	
V20358	Southern Cold Storage Company	7150 South Choctaw Dr	Baton Rouge	LA	70806	(225) 929-6400	7/23/1999	Certification - Export; Identification - Meat; Identification - Poultry	
V39917	Southern Cold Storage of Alabama, LLC	2283 Steele Station Road	Gadsden	AL	35906	(225) 955-3498	7/29/2009	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
P17766	Southern Hens, Inc	329 Moselle-Seminary Road	Moselle	MS	39459	(601) 582-2262	3/14/2017	Poultry Processing; Poultry Slaughter	
M21196+P21196	Southern Hens, Inc.	329 Moselle Seminary Road P.O. Box 8000	Moselle	MS	39459	(601) 582-2262	5/14/2014	Meat Processing; Poultry Processing	Kikiri Quirch, La Soberana, Pantry Chef LLC, Western
M45484+P45484	Southern Hens Inc Plant 3	329 Moselle-Seminary Road	Moselle	MS	39459	(601) 582-2262	11/6/2014	Meat Processing	
M7945+P7945	Southern Packing Corp.	4004 Battlefield Blvd, South	Chesapeake	VA	23322	(757) 421-2131	9/4/1996	Meat Processing; Poultry Processing	
M46726	Southern Pride Processing, LLC	6310 Murphy Highway	Blairsville	GA	30512	(706) 400-5508	8/20/2019	Meat Processing; Meat Slaughter	

M33824+P33824	Southern Snack, Inc	18456 NE 2nd. Avenue	Miami	FL	33179	(352) 631-2580	9/20/2019	Meat Processing; Poultry Processing	
P38516	Southern Taste	650 Gralin Street	Kernersville	NC	27284	(336) 509-8680	6/8/2010	Poultry Processing	Souhtern Taste
M13517+P13517+V13517	Southern Wild Game Holdings LLC	FM 3176	Devine	TX	78016	(830) 663-2891	1/26/2012	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Processing - Rabbit; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat; Voluntary Slaughter - Rabbit	
M46293+P46293	South Florida Food	5801 Wiley Street	Hollywood	FL	33023	(954) 404-6237	5/4/2018	Meat Processing; Poultry Processing	
M45850+P45850	South Florida Food Merchants	5081 S. State Rd. 7 Suite 818	Davie	FL	33314	(954) 394-4398	4/18/2019	Meat Processing; Poultry Processing	Premier Pork Company, Sausage Factory
M31679+P31679+V31679	South Florida Foods International, Inc.	5900 NW 97th Avenue, Ste. 19	Miami	FL	33178	(305) 463-7507	5/6/2004	Identification - Meat; Identification - Poultry	
V45305	South Florida Trading Corp.	9387 NW 13th St.	Doral	FL	33172	(305) 994-7817	10/25/2013	Certification - Export; Identification - Meat; Identification - Poultry	
M45767	South Fresh Farms	1231 US Hwy. 43 South	Eutaw	AL	35462	(205) 372-1161	7/16/2019	Meat Processing	Consolidated Catfish Producers, LLC
M6217+P6217	South Gate Meat Co.	9336 Long Beach Blvd.	South Gate	CA	90280	(213) 564-1701	3/10/1998	Meat Processing	
M11115	South Marion Meats and Retail Market Inc.	13770 S. Hwy 475	Summerfield	FL	34491	(352) 245-2096	2/15/2019	Meat Processing; Meat Slaughter	

M21798+P21798	South Mountain Farms	351 Flatrock Road	Lawndale	NC	28090	(704) 538-6610	10/31/2001	Meat Processing; Poultry Processing	
M34318+P34318	South's Finest Meats	3201 10th Avenue, Suite S	Tuscaloosa	AL	35401	(205) 345-5988	5/15/2007	Meat Processing; Poultry Processing	
M21577+P21577+V21577	Southside Market & Barbeque	1212 Hwy 290 E	Elgin	TX	78621	(512) 281-4650	3/10/2014	Certification - Export; Meat Processing; Poultry Processing	
M34565+P34565	South Superior Foods, Inc.	6301 Tower Avenue	Superior	WI	54880	(715) 394-4431	1/13/2017	Meat Processing; Poultry Processing	Superior Meats
I18	Southwest Food Processing and Refrigerated Services	12190 Rojas Drive	El Paso	TX	79936	(915) 860-2200	5/30/2012	Imported Product	
V18286	Southwest Food Processing & Refrigerated Svc.	12190 Rojas Drive	El Paso	TX	79936	(915) 860-2200	6/21/2001	Certification - Export; Identification - Meat; Identification - Poultry	
M13590+P13590	Southwest Processor, Inc.	12714 Royal Drive	Stafford	TX	77477	(281) 240-6172	6/17/2013	Meat Processing; Poultry Processing	KOT Corp.
M17270+P17270	Sovereign Seafood, Inc.	215 Helena Street	Santa Barbara	CA	93101	(805) 965-6112	9/9/2011	Meat Processing; Poultry Processing	Harbor Meat and Seafood
M20380+P20380	Spagel Brothers Inc.	602 East 25th Street	Erie	PA	16503	(814) 456-0965	10/29/2010	Meat Processing; Poultry Processing	Stanganelli's
M1006+P17080	Spar Sausage Co.	688 Williams St.	San Leandro	CA	94577	(510) 614-8100	7/7/1997	Meat Processing; Poultry Processing	
M21010+P21010	Spartanburg Meat Processing Co., Inc.	3003 N. Blackstock Rd.	Spartanburg	SC	29301	(864) 574-1225	7/13/2010	Meat Processing; Poultry Processing	
M11179+P11179	Special America's BBQ Inc	11411 NW 107 Street Suite 1	Miami	FL	33178	(305) 681-5646	3/14/2017	Meat Processing; Poultry Processing	

M8638+P8638+V8638	Speciality Steak Service	1109 Downing Avenue	Erie	PA	16511	(814) 454-2805	4/14/2014	Certification - Export; Meat Processing; Poultry Processing	Brandt Meat Co., Specialty Steak Service
M2880+P2880	Specialty Branded Products	523 N. Brawley	Fresno	CA	93786	(209) 222-8895	11/18/1998	Meat Processing; Poultry Processing	Ameripac International, Inc., Ol' Smokey
M7467+P7467	Specialty Foods Group, LLC	6 Dublin Lane	Owensboro	KY	42301	(270) 926-2324	4/16/2019	Meat Processing; Poultry Processing	
M17S+P5644	Specialty Sausage Co. LLC	4550 W. Jackson Blvd.	Chicago	IL	60624	(773) 378-1300	3/31/2014	Meat Processing; Poultry Processing	Bobak Sausage Company
M34376+P34376	Spectrum Foods, Inc.	3388 Pennsy Dr.	Landover	MD	20785	(301) 322-8889	6/10/2007	Meat Processing; Poultry Processing	
M19185	Spectrum Preferred Meats, Inc	6194 W. Pines Rd	Mt Morris	IL	61054	(815) 946-3816	11/18/1996	Meat Processing; Meat Slaughter	
M7195+P7195+V7195	Speedy Foods LLC	7033 E. 49th Ave.	Commerce City	CO	80022	(303) 287-2856	2/6/2013	Food Inspection; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	
M44779	Spencer County Butcher Block	226 Taylorsville Rd	Taylorsville	KY	40071	(502) 354-0168	10/16/2019	Meat Processing; Meat Slaughter	
M45503+P45503	Spinato's Fine Foods Inc,	1920 E. 5rh Street	Tempte	AZ	85281	(480) 275-4319	4/13/2018	Meat Processing; Poultry Processing	
M34764+P34764	Spokane Produce, Inc.	1996 S. Geiger Blvd.	Spokane	WA	99224	(509) 455-8970	9/8/2017	Meat Processing; Poultry Processing	
M5421+P5421	Spolem Provisions,LLC	482 Whitehead Road	Hamilton	NJ	08619	(609) 695-5068	8/17/2010	Meat Processing; Poultry Processing	Loeffler's Gourmet & Mercer Meats
M5779	Sprague's Locker	26700 Hwy 11	Brookfield	MO	64628	(660) 258-3618	2/1/2019	Meat Processing; Meat Slaughter	Sprague's Locker
M33936+P33936	Spray-Tek Inc.	344 Cedar Avenue	Middlesex	NJ	08846	(732) 469-0050	1/7/2009	Meat Processing; Poultry Processing	

M9704+V9704	Springfield Meat Company	1868 California Road	Richlandtown	PA	18955	(610) 346-7661	5/29/2012	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
V19461	Springfield Underground Inc DBA Cold Zone	3610 E. Kearney St.	Springfield	MO	65803	(417) 564-4304	1/26/2017	Certification - Export; Food Inspection; Identification - Meat; Identification - Poultry	
M2904+P2904	Spring Grove Foods Inc.	312 S Third	Miamisburg	OH	45342	(937) 866-4311	10/15/2019	Meat Processing; Poultry Processing	
M20528+P20528+V20528	Springville Meat & Cold Storage Co. Inc.	268 South 100 West	Springville	UT	84663	(801) 489-6391	3/6/2001	Meat Processing; Voluntary Processing - Meat	Springville Meat Co.
M2886+P2886	S P Wholesale Meat Co.	2331 NW 23rd	Portland	OR	97210	(503) 234-0579	10/27/2004	Meat Processing; Poultry Processing	
P8107+V8107	Squab Producers Of California	409 Primo Way	Modesto	CA	95358	(209) 537-4744	12/13/2013	Poultry Processing; Poultry Slaughter; Voluntary Processing - Poultry; Voluntary Slaughter - Poultry	
M748+P18881	Square H Brands, Inc.	2731 S. Soto St	Los Angeles	CA	90058	(323) 267-4600	1/15/2009	Meat Processing; Poultry Processing	Hoffy, Hoffy Meat Products
M15731+P15731	Square One Foods Inc	23781 3rd Avenue	Siren	WI	54872	(715) 349-2286	2/20/2009	Meat Processing; Poultry Processing	R&M Foods, Royal Sandwich and Snacks, Square One Pizza Store
M15731A+P15731A	Square One Foods Inc.	7991 1st Street	Siren	WI	54872	(715) 349-5656	3/22/2011	Meat Processing; Poultry Processing	Christman Meats, Royal Sandwich and Snacks, Square One Meat Company, Weiner Werks
P48252	SRCC 235 52nd LLC	235 52nd Street	Brooklyn	NY	11220	(212) 228-0031	6/12/2017	Poultry Processing	Momofuku

V38445	S.R. Forwarding, Inc.	40722 Cannel Street	Laredo	TX	78045	(956) 417-2929	12/22/2008	Certification - Export; Identification - Meat; Identification - Poultry	
I620	SR Forwarding, Inc.	40722 Cannel St.	Laredo	TX	78045	(956) 417-2929	8/24/2010	Imported Product	
M13421	S & S Foods, Inc.	1209 E. Highline Lane	Mustang	OK	73064	(405) 203-9753	7/3/2013	Meat Processing	
M21882+P21882+V21882	S&S Gilardi, Inc.	1033 Newark Rd.	Mount Vernon	OH	43050	(740) 397-2751	3/21/2002	Meat Processing; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat	Lanning's Foods
M18943+P18943	S & S Institutional Foods	635 Green Street, NW	Atlanta	GA	30318	(404) 355-6990	8/5/2004	Meat Processing; Poultry Processing	Samples Institutional Foods
M21534+P21534	S.S. Logan Packing Company	120 21st Street	Huntington	WV	25703	(304) 525-7625	3/6/2002	Meat Processing	
M1046+P1046+V1046	S & S Meat Co.	2501 Guinotte Avenue	Kansas City	MO	64120	(816) 241-4700	2/24/2004	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M5562+P5562+V5562	S&S Quality Meats	1542 Highway 99 South	Emporia	KS	66801	(620) 342-6354	7/18/2005	Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	Fanestil Meats, Fanestil Packing Company
M4860+P4860	Stafford Meat Company, Inc.	1545 Q" Street	Rio LInda	CA	95673	(916) 991-3021	12/5/2001	Meat Processing; Poultry Processing	
M44868+V44868	Stafford's Custom Meats, Inc.	70761 Oregon Highway 82	Elgin	OR	97827	(541) 437-6328	10/16/2012	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Stafford's Custom Meats

M2257+P2257	Stallings Head Cheese Co., Inc.	2314 Portsmouth	Houston	TX	77098	(713) 523-1751	8/23/2012	Meat Processing	
M46993	Stamboom	3150 Dee Hwy	Hood River	OR	97031	(573) 639-0710	9/11/2019	Meat Processing	
M51263+P51263	Stamford Smokehouse LLC	103 Main Street	Stamford	NY	12167	(607) 652-2333	2/11/2020	Meat Processing; Poultry Processing	Solinsky's
M19113A+P19113A	Stampede Meat, Inc.	10841 S. Central Ave.	Oak Lawn	IL	60453	(708) 636-6276	6/21/2018	Meat Processing; Poultry Processing	Carlton Farms, Chef Inside The Box, Chicken Plus USA, Cro-Magnon, Meat Plus USA, Mission Hill Bistro, Pork Plus USA, Silver Birch Farms, Silver Oak, Stampede Meat
M19113B+P19113B	Stampede Meat, Inc.	7035 W. 65th Street, Unit B	Bedford Park	IL	60638	(708) 546-0607	6/21/2018	Meat Processing; Poultry Processing	Carlton Farms, Chef Inside The Box, Chicken Plus USA, Cro-Magnon, Meat Plus USA, Mission Hill Bistro, Pork Plus USA, Silver Birch Farms, Silver Oak, Stampede Meat
M19113N+P19113N	Stampede Meat, Inc.	5700 McNutt Rd.	Sunland Park	NM	88008	(575) 332-6300	12/3/2018	Meat Processing; Poultry Processing	Carlton Farms, Chef Inside The Box, Chicken Plus USA, Cro-Magnon, Meat Plus USA, Mission Hill Bistro, Pork Plus USA, Silver Birch Farms, Silver Oak, Stampede Meat
M19113+P19113	Stampede Meat, Inc.	7351 S. 78th Avenue	Bridge View	IL	60455	(773) 376-4300	6/21/2018	Meat Processing; Poultry Processing	Carlton Farms, Chef Inside The Box, Chicken Plus USA, Cro-Magnon, Meat Plus USA, Mission Hill Bistro, Pork Plus USA, Silver Birch Farms, Silver Oak, Stampede Meat
M27221+P27221+V27221	Standard Meat Company	5105 Investment Drive	Dallas	TX	75236	(214) 561-0561	8/15/2017	Certification - Export; Meat Processing; Poultry Processing	
M33861+P33861	Standard Meat Company	455 Sansom Blvd.	Saginaw	TX	76179	(817) 916-1317	6/12/2019	Meat Processing; Poultry Processing	DOS Project, LP

V6130	Standard Meat Company	101 19th Street	San Diego	CA	92102	(619) 232-6585	1/22/1997	Certification - Export; Identification - Meat; Identification - Poultry	
M46013	Stanley Pearlman Enterprise	7775 Chesapeake Bay Court	Jessup	MD	20794	(410) 799-8626	3/28/2018	Meat Processing	NAFCO Wholesale Fish/Congressional Seafood
M34598	Stanley's Market Brands LLC	5132 Enterprise Blvd.	Toledo	OH	43612	(419) 726-8488	4/1/2008	Meat Processing	
M39878+P39878	Stan's Smokehouse, Inc	401 Maxi Ct.	Yukon	OK	73099	(405) 354-4747	5/18/2009	Meat Processing	
M6670	Stanton's Bar-B-Q	2828 Stanton Rd.	Bennettsville	SC	29512	(803) 265-4855	2/7/1992	Meat Processing	
M34057+P34057	Stanton's Shopping Center, Inc.	219 North Taylor	Alvin	TX	77511	(281) 331-4491	10/10/2006	Meat Processing; Poultry Processing	Stanton Meats
M6934+P6934	Stap Inc.	275 E. Hintz Rd.	Wheeling	IL	60090	(847) 520-8300	9/13/2018	Meat Processing; Poultry Processing	Anderson Farms
M46209	Star Fisheries, Inc.	2465 S. Industrial Park Ave. #7	Tempe	AZ	85282	(480) 921-0800	8/29/2017	Meat Processing	
M6599+P6599	Star Food Products, Inc.	727 South Spring Street	Burlington	NC	27215	(336) 227-4079	5/13/2015	Meat Processing; Poultry Processing	
M38431+P38431	Star Foods Distr butors Inc.	785 S. Congress Avenue	Delray Beach	FL	33445	(561) 274-2250	10/24/2018	Meat Processing; Poultry Processing	
M48109+P48109	Star Natural Meats LLC	4505 Ditmars Boulevard	Astoria	NY	11105	(347) 323-9676	7/2/2018	Meat Processing; Poultry Processing	
M9059+P9059+V9059	Starnes Bar-B-Q	3550 Starnes Ave.	Paducah	KY	42003	(270) 441-7060	9/11/1992	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M2934	Star Packing Co., Inc.	3813 Cote Brillante	St Louis	MO	63113	(314) 652-0262	3/21/2014	Meat Processing; Meat Slaughter	

M46461+P46461	Star Plus Inc.	3925 Miller Park Dr.	Garland	TX	75042	(214) 734-9928	10/25/2018	Meat Processing; Poultry Processing	
V46763	Star Warehouse	7007 NW 37th Avenue	Miami	FL	33047	(561) 477-2998	7/3/2019	Certification - Export; Identification - Meat; Identification - Poultry; Identification - Siluriformes; Voluntary Processing - Egg Products; Voluntary Processing - Meat	
V45930	States Logistics Services Inc.	11265 Beach Avenue	Fontana	CA	92337	(909) 284-7400		Certification - Export	
M6568+P6568	St. Clair Foods Inc.	3122 Bellbrook Drive	Memphis	TN	38116	(901) 396-8680	2/22/1999	Meat Processing; Poultry Processing	
M21159+P21159+V21159	Steak Master Inc.	Steak Master Inc. 74276 Rd. 426	Elwood	NE	68937	(308) 785-2002	6/28/2001	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Steak Master Inc.
M8124+P8124	Steamboat Meat & Seafood Co.	1030 Yampa Avenue	Steamboat Springs	CO	80487	(970) 879-3504	7/5/2017	Meat Processing; Poultry Processing	GuiDo's Pasta Factory, Steamboat Meat & Seafood Co.
P2191	Stearns Poultry Farm	900 Route 244	Alfred Station	NY	14803	(607) 587-9215	3/27/1991	Poultry Processing	Stearns Poultry Farm
M6467+P6467+V6467	Steele's Meat Co. LLC	1317 West Baseline	Lafayette	CO	80026	(303) 665-5490	2/25/2003	Meat Processing; Voluntary Processing - Meat	Boulder Valley Beef
M9423+P9423	Steely Meats	54 Mt. Pleasant Rd P.O.ox 36	Fayetteville	PA	17222	(717) 352-3272	12/27/2000	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
M6814	Stehouwer's Frozen Foods, Inc.	2055 Bristol Avenue NW	Grand Rapids	MI	49504	(616) 453-2471	6/22/2010	Meat Processing	

M21141+P21141	Steidinger Meat Processing	226 E. Locust	Fairbury	IL	61739	(815) 692-6036	11/26/2012	Meat Processing; Poultry Processing	Steidinger Foods, Steidinger Sausage
M1937+P1937	Steinbach Foods LLC	741 West 47th Street	Chicago	IL	60609	(917) 754-0789	2/28/2019	Meat Processing; Poultry Processing	Steinbach Provision Company
M9381	Stephen G. Manieri	10 Heydts School House Road	Bechtelsville	PA	19505	(610) 367-2789	3/4/2011	Meat Processing; Meat Slaughter	
M18239+P18239	Sterigenics-Mu berry	502 Prairie Mine Road	Mulberry	FL	33860	(863) 425-0039	2/6/2019	Meat Processing; Poultry Processing	
M1206+P1206	Sterling Caterers Inc.	5850 S. Pine Island Road	Davie	FL	33328	(954) 680-4787	5/21/2012	Meat Processing; Poultry Processing	
M44781+P44781	Sterling Foods	33300 Western Avenue	Union City	CA	94587	(510) 487-2600	10/20/2017	Meat Processing; Poultry Processing	
M451B+P451B	Sterling Foods, Inc.	13100 N.W. 38 Avenue	Opa Locka	FL	33054	(305) 953-8899	1/13/2020	Meat Processing; Poultry Processing	
M550+P18178	Sterling Pacific Meat Co.	6114 Scott Way	Commerce	CA	90040	(323) 838-9400	6/1/2006	Meat Processing; Poultry Processing	
M33975+P33975+V 33975	Steuben Foods Inc.	1150 Maple Road	Elma	NY	14059	(716) 655-4000	3/2/2017	Certification - Export; Meat Processing; Poultry Processing	
M46184	Steve & Laura, LLC	1011 144th Avenue	Wayland	MI	49348	(616) 878-1578	2/8/2019	Meat Processing; Meat Slaughter	
M46085+P46085	Stevens Abattoir Inc.	281 Sisk Mill Loop	Madison	NC	27025	(336) 427-3521	3/27/2017	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	Triad Meat Custom Processing
M17810+P17810+V 17810	Stevens Brothers LLC	392 Goshen Road	Panama	NY	14767	(716) 782-3157	7/20/2011	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Stevens Bros., Stevens Brothers

M19903+P19903	Stevens Sausage Co., Inc.	3411 Stevens Sausage Road	Smithfield	NC	27577	(919) 934-3159	12/14/2006	Meat Processing; Poultry Processing	
M15783+P15783	Steve's Backroom LLC	32150 Howard Avenue	Madison Heights	MI	48071	(313) 527-7240	11/12/2015	Meat Processing; Poultry Processing	
M20670+P20670+V20670	Steve's Meat Market	32685 Lexington	De Soto	KS	66018	(913) 583-1390	2/8/1999	Meat Processing; Meat Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry	
M18524+P18524	Steve's Meat Market, Inc.	210 5th Avenue	Ellendale	MN	56026	(507) 684-2331	8/21/1998	Meat Processing; Poultry Processing	
M17783+P17783	Steve's Meat Shop	1947 Zachary Avenue	Montpelier	IA	52759	(563) 381-4956	5/10/1994	Meat Processing; Poultry Processing	
M6161+V6161	Steving Meat Company	443 4th Street P.O. Box 148	Kersey	CO	80644	(970) 356-2333	2/4/1997	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M2378+P2378+V2378	Stevison Ham Company	125 Stevison Ham Raod	Portland	TN	37148	(615) 325-4161	12/9/2009	Certification - Export; Meat Processing; Poultry Processing	
G31555	Stiebrs Farms	10909 Bald Hills Road P.O. Box 598	Yelm	WA	98597	(360) 458-3333	10/26/2010	Egg Product	
M15845+P15845	Stiglmeier Sausage Co., Inc.	619 Chaddick Drive	Wheeling	IL	60090	(847) 537-9988	10/19/1988	Meat Processing; Poultry Processing	

M6271+P6271+V6271	Stillwater Packing Co.	42 Hersrud Road	Columbus	MT	59019	(406) 322-5666	3/24/1994	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Slaughter - Meat	
M45779	Stino Da Napoli	19070 Old Detroit Road	Rocky River	OH	44116	(440) 331-3059	5/22/2018	Meat Processing	
M33944+P33945	Stir Foods, LLC	1581 N. Main St.	Orange	CA	92867	(714) 637-6050	2/6/2018	Meat Processing; Poultry Processing	
M44176A+P44176A	Stittsworth Smokehouse Co.	7972 Farley Dr. NE	Turtle River	MN	56601	(218) 586-2149	4/22/2019	Meat Processing; Poultry Processing	Stittworth Meats
M8916+P8916	St. Joseph Meat Market	26 1st Avenue N.W.	St Joseph	MN	56374	(320) 363-4913	1/7/1998	Meat Processing; Meat Slaughter; Poultry Processing	
M48165	Stokes Fish Company	625 County Road 468	Leesburg	FL	34748	(352) 787-4335	11/6/2019	Meat Processing	
M48200+P48200	Stoltzfus Kitchen	270 Stockton Rd.	Chuckey	TN	37641	(423) 588-9834	6/20/2016	Meat Processing	
M9792+P9792	Stoltzfus Meats Inc.	3718 E. Newport Road	Gordonville	PA	17529	(717) 768-7166	8/14/2018	Meat Processing; Poultry Processing	
M6214+P6214	Stone Meat Inc	1485 Stone Field Way	Pleasant View	UT	84404	(801) 782-9825	1/16/2008	Meat Processing; Poultry Processing	
M33989A+P33989A	Stone Ridge Wholesale Division LLC	271 North Industrial Drive	Coloma	WI	54930	(715) 228-5444	7/21/2011	Meat Processing; Poultry Processing	
M33989+P33989	Stone Ridge Wholesale Division LLC	975 East Main Street	Wautoma	WI	54982	(920) 787-5444	3/22/2012	Meat Processing; Poultry Processing	
P17734	Stonewood Farm Inc.	105 Griswold Lane	Orwell	VT	05760	(802) 948-2277	10/16/2014	Poultry Processing; Poultry Slaughter	

M9646+P9646+V9646	Stoney Point Inc.	1318 Frederick Pike	Littlestown	PA	17340	(717) 359-7591	5/2/2011	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Charles R. Nells Quality Meat
M18443+P18443	Stoney Point Incorporation	84 Ulricktown Road	Littlestown	PA	17340	(717) 359-7591	5/28/2014	Meat Processing; Poultry Processing	
M34614+P34614+V34614	Stonie's Sausage Shop	1507 Edgemont Blvd.	Perryville	MO	63775	(573) 547-2540	6/5/2008	Certification - Export; Food Inspection; Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M46483	Stormberg Foods LLC	1002B Sunburst Drive	Goldsboro	NC	27534	(252) 340-2434	9/11/2018	Meat Processing	
M31988	Strassburger Meats, LLC	40 Broad Street	Carlstadt	NJ	07072	(201) 842-8890	4/1/2019	Meat Processing	Suzy Sirloin, Inc.
M2444	Strauss Brands LLC	9775 South 60th	Franklin	WI	53132	(414) 421-5250	8/8/2019	Meat Processing; Meat Slaughter	
M31592+P31592	Streb Meats, Inc.	220 South Mill St.	Dalton	OH	44618	(330) 828-8835	9/4/2003	Meat Processing; Poultry Processing	
M8404+P8404	Stripling's General Store Inc.	1401 West Boulevard	Moultrie	GA	31768	(229) 985-4226	6/3/2005	Meat Processing; Meat Slaughter; Poultry Processing	
M46516+P46516	Stryker Farm LLC	3045 Mountain Road	Saylorsburg	PA	18353	(570) 269-2995	1/3/2019	Meat Processing; Poultry Processing	
M46541+V46541	Stryve Foods, LLC	1006 E. Main St.	Madill	OK	73446	(580) 221-2051	12/11/2018	Certification - Export; Meat Processing	Stryve Biltong
M44062+P44062	Stuffed Foods LLC	14 Jewel Drive Suite 3 & 4	Wilmington	MA	01887	(978) 810-1698	9/30/2010	Meat Processing; Poultry Processing	
M337+V337	STX Beef Company	9001 Leopard Street	Corpus Christi	TX	78409	(361) 241-5000	3/19/2019	Certification - Export; Meat Processing; Meat Slaughter	Kane Beef, Sam Kane Beef Processors

M7883+P7883	Sucesion Jorge Morales Cruz	State Road PR 835 Mamey Ward, KM 01	Guaynabo	PR	00969	(787) 512-9683	6/29/2017	Meat Processing; Meat Slaughter; Poultry Processing	Empacadora y Procesadora del Sur, Ganaderia Raul, Guaynabo Meat LLC, Macelo Guaynabo
M10835+P10835+V10835	Sudlersville Frozen Meat Locker	204 E MAIN STREET	SUDLERSVILLE	MD	21668	(410) 438-3106	12/28/2011	Identification - Meat; Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Slaughter - Meat	
I21935	Suffolk Cold Storage	2000 North Gate Commerce Parkway	Suffolk	VA	23435	(757) 465-3600	3/25/2019	Imported Product	
M21935+V21935	Suffolk Cold Storage	2000 Northgate Commerce Pkwy	Suffolk	VA	23435	(757) 465-3600	3/3/2016	Certification - Cysticercus; Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M1841D+P19349D	Sugar Creek	4235 Thunderbird Lane	Fairfield	OH	45014	(513) 551-5280	1/30/2017	Meat Processing; Poultry Processing	
M1841E+P19349E+G1841E+V1841E	Sugar Creek	1200 Enterprise Drive	Cambridge City	IN	47327	(765) 312-2750	1/26/2016	Egg Product; Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M7202+P19756+V7202	Sugar Creek Packing co.	1600 W. McKay St.	Frontenac	KS	66763	(316) 232-2700	6/26/1996	Certification - Export; Food Inspection; Identification - Meat; Meat Processing	

M1841B+P19349B	Sugar Creek Packing Co.	4249 Beerman Avenue	Dayton	OH	45417	(937) 268-6601	9/3/2010	Meat Processing; Poultry Processing	
M1841C+P19349C+V1841C	Sugar Creek Packing Co.	4585 Muhlhauser Road	Hamilton	OH	45011	(513) 874-4422	8/13/2010	Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing; Voluntary Processing - Poultry	
V7502	Sugar Creek Packing Co.	1331 Civl War Rd, Location 16	Carthage	MO	64836	(620) 232-7171	4/14/2020	Certification - Export; Identification - Meat; Identification - Poultry	
M1841+P19349+V1841	Sugar Creek Packing Company	2101 Kenskill Ave.	Washington Court House	OH	43160	(740) 335-3586	7/27/1995	Certification - Export; Meat Processing; Poultry Processing	
M44771	Sugargrove Country Hams	3200 Statesville Hwy.	North Wi kesboro	NC	28659	(828) 632-2034	5/21/2012	Meat Processing	
M46195	Sugar Mountain Farm LLC	252 Riddle Pond Road	Orange	VT	05086	(802) 439-6462	8/2/2018	Meat Processing	
M18901+P18901	Sugartown Smoked Specialties	306-1C Westtown Road	West Chester	PA	19382	(215) 429-4080	11/1/1993	Meat Processing; Poultry Processing	
M34391	Sugar Valley Sausage Company	2943 Red Barn Drive	Gering	NE	69341	(308) 632-3222	9/21/2011	Meat Processing	Markys Meat Market
M18581+P18581	Suitor Meat Company, Inc.	95 CR 516	Rienzi	MS	38865	(662) 462-7413	8/27/2002	Meat Processing; Poultry Processing	

M44187+P44187+V44187	Sukhi's Gourmet Indian Foods	3374 Enterprises Avenue	Hayward	CA	94545	(510) 336-8376	5/27/2011	Certification - Export; Food Inspection; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	Sukhis Gourmet Indian Foods
M40108	Sullivan Provisions	3801 S. Sangamon	Chicago	IL	60609	(773) 924-1716	9/13/2011	Meat Processing	
M34795+P34795	Summer Garden Food Manufacturing	500 McClurg Rd	Boardman	OH	44512	(330) 965-8455	6/3/2009	Meat Processing; Poultry Processing	
I21	Summit Cold Storage	5450 S. Center Avenue	Summit	IL	60501	(708) 924-1137	5/14/2014	Imported Product	
M20744+P20744+V20744	Summit Cold Storage, Inc.	5450 S. Center Ave.	Summit	IL	60501	(708) 924-1137	4/25/2011	Certification - Cysticercus; Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry	
M45017+P45017	Summit Custom Spray Drying	45 River Road Building 201	Flemington	NJ	08822	(866) 942-9955	3/14/2014	Meat Processing; Poultry Processing	
M48210	Summit Meat Processing	244 Ware Rd.	Science Hill	KY	42553	(606) 423-9369	7/3/2019	Meat Processing; Meat Slaughter	
M47136+P47136	SunBasket	90 Stemmers Lane	Westampton	NJ	08060	(215) 499-3673	2/10/2020	Meat Processing; Poultry Processing	
M33905+P33905	Sun Boricua	Carretera 486 Km. 0 Hc. 1	Camuy	PR	00627	(787) 644-9018	4/23/2009	Meat Processing; Poultry Processing	
M19030	Suncrest Farms Country Hams, Inc.	1148 Foster Street	Wi kesboro	NC	28697	(336) 667-4441	10/8/2009	Meat Processing	
M44926+P44926	Sun Foods	14401 Dexter Southwest Building	Detroit	MI	48238	(248) 930-7512	3/26/2014	Meat Processing; Poultry Processing	

P21666+V21666	Sunleaf Farms	861 Sheffield Road	Mesa	WA	99343	(509) 265-4483	10/15/2002	Poultry Processing; Poultry Slaughter; Voluntary Slaughter - Poultry	
M4657A+P4657A	Sun Ming Jan Inc.	145 Noll Street	Brooklyn	NY	11206	(718) 418-8221	6/19/2019	Meat Processing; Poultry Processing	
M51567+P51567	Sunny Dell Foods LLC	135 North 5th Street	Oxford	PA	19363	(610) 932-5164	12/9/2019	Meat Processing; Poultry Processing	
M27236+V27236	Sunnyside Meats, Inc.	253 County Road 216	Durango	CO	81303	(970) 385-0230	7/28/2003	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Processing - Rabbit; Voluntary Slaughter - Meat; Voluntary Slaughter - Rabbit	
M17823+P17823	Sunnyvalley Smoked Meats	2475 W. Yosemite Ave	Manteca	CA	95337	(209) 825-0288	7/29/2000	Meat Processing; Poultry Processing	
M45219+P45219+V45219	SunOpta Aseptic, Inc.	3915 Minnesota Street	Alexandria	MN	56308	(320) 763-9822	2/19/2014	Meat Processing; Poultry Processing; Voluntary Processing - Poultry	
M46191+P46191+V46191	SunOpta Grains and Foods, Inc.	555 Mariposa Rd.	Modesto	CA	95354	(209) 552-1905	3/19/2017	Meat Processing; Poultry Processing; Voluntary Processing - Poultry	
M46223+P46223	SunOpta Grains and Foods, Inc.	7108 Daniels Drive	Allentown	PA	18106	(610) 336-8563	9/4/2019	Meat Processing	
M38446+P38446	SunRich Foods International Corp	1240 North Barsten Way	Anaheim	CA	92806	(714) 632-7577	1/21/2011	Meat Processing; Poultry Processing	
M45628+P45628	Sunrise Deli LLC	2135 1st Ave.	Hibbing	MN	55746	(218) 263-5713	1/29/2016	Meat Processing; Poultry Processing	Sunrise Creative Gourmet

G20813+V20813	Sunrise Farms Inc.	2060 White Ave.	Harris	IA	51345	(712) 735-6010	4/27/2015	Certification - Export; Egg Product; Voluntary Processing - Egg Products	
M21636+P21636	Sunrise Foods Acquisition, LLC	10310 Zodiac	Dallas	TX	75229	(214) 634-2501	9/14/2015	Meat Processing; Poultry Processing	Sunrise Foods, Sunrise Mexican Foods
M15738+P15738	Sunrise Foods, Inc.	2097 Corvair Blvd.	Columbus	OH	43207	(614) 276-2880	9/18/2019	Meat Processing; Poultry Processing	
M9185+P9185	Sunset Farm Foods, Inc.	1201 Madison Hwy	Valdosta	GA	31601	(229) 242-2952	10/15/2010	Meat Processing; Poultry Processing	
M17820+P17820+V17820	Sunset Foods	1640 Fuller Road	West Des Moines	IA	50265	(515) 222-4477	5/23/2007	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M34026+P34026	Sunsof, Inc.	5821 E. 10th Avenue Unit 105	Hialeah	FL	33013	(305) 691-1875	8/19/2019	Meat Processing; Poultry Processing	Tomasa Frozen Empanadas
M2800+P2800	Superior Farms	7390 Rio Dixon Rd	Dixon	CA	95620	(707) 678-3091	10/27/2016	Meat Processing; Meat Slaughter	Superior Farms, Transhumance Holding Co
M252+P252	Superior Farms-Boston Division	115 Newmarket Square	Boston	MA	02118	(617) 442-3644	4/29/2016	Meat Processing; Poultry Processing	Superior Packing Co.
M1974	Superior Farms - Grove Division	2222 West Grove Street	Blue Island	IL	60406	(707) 693-2301	6/7/2016	Meat Processing	Transhumance Holding Co., Inc.
M2910+P2910	Superior Foods Company	4243 Broadmoor Avenue S.E.	Kentwood	MI	49512	(616) 698-7700	10/31/2018	Meat Processing; Poultry Processing	River City Meats
M46808+P46808	Superior Sausage, LLC	8000 Fernham Lane	District Heights	MD	20747	(571) 249-6167	4/30/2020	Meat Processing; Poultry Processing	Stachowski Brand Charcuterie
V971	Supervalu Inc.	1400 West Gadsden Street	Quincy	FL	32351	(850) 875-2600	9/16/2011	Certification - Export; Identification - Meat; Identification - Poultry	
M20676+P20676	Supreme Meat Purveyors	222 East Cevallos	San Antonio	TX	78204	(210) 224-9672	11/10/2003	Meat Processing; Poultry Processing	Tejas Quality Foods, Viva Mex Quality Foods

M6813+P6813	Supreme Tamale Company	1495 Brummel Ave.	Elk Grove Village	IL	60007	(773) 622-3777	1/23/2013	Meat Processing; Poultry Processing	Supreme Frozen Products, Inc
M15775+P15775	Sure Fine Foods Acquisition	4800 O'Hara Dr.	Evansville	IN	47711	(812) 428-0888	10/13/2006	Meat Processing; Poultry Processing	Sure Fine Foods
M2957B+P2957B	Surlean Foods	2001 S. Laredo Street	San Antonio	TX	78207	(210) 227-4370	6/6/2017	Meat Processing; Poultry Processing	
M44134+P44134	Surlean Meat Company	3551 Dan Morton Drive	Dallas	TX	75236	(214) 545-3475	3/5/2013	Meat Processing; Poultry Processing	Surlean Foods
M46356+P46356	Sushi House, Inc.	225 Commercial Avenue	Palisades Park	NJ	07650	(201) 482-0609	4/13/2018	Meat Processing; Poultry Processing	GOWASABI
M1382+P1382	Suzanna's Kitchen Inc	4101 Blue Ridge Industrial Parkway	Norcross	GA	30071	(770) 476-9900	8/22/2019	Meat Processing; Poultry Processing	Advanced Brands, Carolina Turkey, Cooper Farms, Gemini Foods, Perdue Farms, SK Foods, Tyson Foods
M1381+P1381	Suzanna's Kitchen Inc.	4025 Buford Hwy	Peachtree Corners	GA	30096	(770) 476-9900	9/9/2019	Meat Processing; Poultry Processing	Advanced Brands, Carolina Turkey, Destination Products, Food Tech, Gemini Foods, Perdue Farms, SK Foods Inc. , Tyson Foods
M8314+V8314	Swaggerty Sausage Company, Inc.	2827 Swaggerty Road Suite 1	Kodak	TN	37764	(615) 933-2625	9/24/1986	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Smoky Farms, Swaggerty Sausage
M51208	Swan Market	433 Parsells Avenue	Rochester	NY	14609	(585) 704-2359	5/31/2017	Meat Processing	
M6820+P6820+V6820	Swan Packing, Incorporated	700 Corning	Des Moines	IA	50313	(515) 262-1111	2/23/2012	Certification - Export; Meat Processing; Poultry Processing	

M5697+P5697+V5697	Swanson Meat Co.	2700 26th Ave. South	Minneapolis	MN	55406	(612) 721-4411	5/1/1997	Meat Processing; Poultry Processing; Voluntary Processing - Exotic; Voluntary Slaughter - Meat	Christofersen Meats Co., Christofersen Meats, Inc., Swanson Meats, Inc., Swanson Natural Foods LLC
M4544	Sweet N Spicy Foods, Inc.	2617 Windsor Ave.	Baltimore	MD	21216	(410) 383-6900	4/28/1999	Meat Processing	
M4943+P4943	Sweety Novelty, Inc.	19216 Normandie Avenue	Torrance	CA	90502	(213) 488-9181	7/27/2018	Meat Processing; Poultry Processing	Shine Food Inc.
M34193+P34193+V34193	Swift Beef Company	15555 Meridian Parkway	Riverside	CA	92518	(951) 571-2222	11/15/2018	Certification - Export; Meat Processing; Poultry Processing	Swift Beef Company, JBS Riverside Inc.,JBS USA LLC, Wild Fork Foods
M3D	Swift Beef Company	U.S. Highway 287	Cactus	TX	79013	(806) 966-5103	2/7/2017	Meat Processing; Meat Slaughter	JBS, JBS USA, JBS USA Food Company, Swift & Company, Swift Premium
M532	Swift Beef Company	3435 Gomez Avenue	Omaha	NE	68107	(402) 731-3370	8/9/2018	Meat Processing; Meat Slaughter	JBS Packerland, JBS/JBS USA, Swift & Company , Swift Premium
M628+P628	Swift Beef Company	410 North 200 West	Hyrum	UT	84319	(435) 245-6456	1/25/2017	Meat Processing; Meat Slaughter; Poultry Processing	JBS, JBS USA, JBS USA Food Company, Swift & Company, Swift Premuim
M969G	Swift Beef Company	555 S Stuhr Rd.	Grand Island	NE	68801	(308) 395-9410	1/25/2017	Meat Processing; Meat Slaughter	JBS, JBS Grand Island, JBS USA, JBS USA Food Company, Swift & Company, Swift Premium
M969+V969	Swift Beef Company	800 N. 8th Avenue	Greeley	CO	80631	(970) 951-0800	5/12/1981	Certification - Export; Meat Processing; Meat Slaughter	JBS, JBS USA, JBS USA Food Company, Swift & Company, Swift Premium
M3S+V3S	Swift Pork Company	402 North Tenth Avenue	Marshalltown	IA	50158	(641) 752-7131	2/4/2009	Certification - Export; Meat Processing; Meat Slaughter	Armour Food Company, Swift & Company, Swift Foods Co., Swift Premium
M3W+V3W	Swift Pork Company	1700 Highway 60 NE	Worthington	MN	56187	(507) 372-2121	12/2/2007	Certification - Export; Certification - Trichinae; Meat Processing; Meat Slaughter	Armour Food Company, Swift & Company, Swift Foods Company, Swift Pork Company, Swift Premium

M85B	Swift Pork Company	8295 Arenzville Road	Beardstown	IL	62618	(217) 323-3774	10/27/2015	Meat Processing; Meat Slaughter	JBS USA, LLC, Swift & Company, Swift Foods Company, Swift Premium
M85O+P17775+V85O	Swift Pork Company	600 South Iowa Avenue	Ottumwa	IA	52501	(641) 682-8532	8/4/2009	Identification - Meat; Meat Processing; Meat Slaughter	International Casings, JBS USA, Inc., Swift & Company, Swift Foods Company, Swift Premium
M8934+P8934	Swift Pork Company	1401 Sioux Drive	Pipestone	MN	56164	(507) 825-5486	12/6/2019	Meat Processing; Poultry Processing	
M995	Swift Pork Company	1200 Story Avenue	Louisville	KY	40206	(502) 582-0011	3/3/2020	Meat Processing; Meat Slaughter	Armour Food Company, JBS Swift & Co, Swift & Company, Swift Foods Company, Swift Foods Company, Swift Pork Company, Swift Premium
M2969+P2969+V29 69	Swiss Processing Plant Inc.	2056 Hwy 19 S.	Hermann	MO	65041	(573) 468-2086	12/15/1999	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Swiss Meat and Sausage Company
M40157	Sylvester Quality Meats	1793 California Road	Westfield	PA	16950	(814) 367-5803	9/5/2018	Meat Processing; Meat Slaughter	
M4520+P4520	Symrise	170 Industrial Parkway	Branchburg	NJ	08876	(908) 429-6906	1/29/2020	Meat Processing; Poultry Processing	
M51182+P51182	Symrise Inc.	110 Liberty Court	Elyria	OH	44035	(440) 324-6060	4/10/2017	Meat Processing; Poultry Processing	
M45942+P45942	Synear Foods USA, LLC	9601 Canoga Ave.	Chatsworth	CA	91311	(818) 341-3588	8/22/2017	Meat Processing; Poultry Processing	
V3523	Syracuse Casing Company, Inc.	528 Erie Blvd W.	Syracuse	NY	13204	(315) 475-0309	9/23/1999	Certification - Export	
M2933+P2933+V29 33	Syracuse's Sausage Co.	903 N. Highway 156	Ponder	TX	76259	(940) 479-2700	5/29/2009	Meat Processing; Poultry Processing; Voluntary Processing - Meat	

V17685	Sysco Eastern Maryland, Inc.	33239 Costen Rd.	Pocomoke City	MD	21851	(410) 677-5555	2/17/2011	Certification - Export; Identification - Meat	
V19123	Sysco Food of Central Florida Inc.	200 West Story Rd.	Ocoee	FL	34761	(407) 877-1410	3/3/2003	Certification - Export; Identification - Meat; Identification - Poultry	
M20490+V20490	Sysco Food Services	1501 Lewis Industsrial Dr.	Jacksonville	FL	32054	(904) 786-2600	9/3/1998	Identification - Meat; Identification - Poultry	
M20756+V20756	SYSCO Food Services	22820 54th Avenue S.	Kent	WA	98032	(206) 622-2261	2/22/1999	Certification - Export	
M21702+P21702+V21702	Sysco Foodservices of Hampton Roads, Inc.	7000 Harbour View Blvd	Suffolk	VA	23435	(757) 673-4000	2/23/2018	Certification - Export; Identification - Meat; Identification - Poultry; Voluntary Processing - Egg Products	
V39981	Sysco Food Services of SE Fla.	1999 Dr. Martin Luther King, Jr. Blvd.	Riviera Beach	FL	33440	(561) 994-8500	8/3/2009	Certification - Export; Identification - Meat; Identification - Poultry	
V19395	Sysco Houston, Inc.	10710 Greens Crossing Boulevard	Houston	TX	77038	(713) 672-8080	10/30/2017	Certification - Export; Identification - Meat; Identification - Poultry; Identification - Siluriformes	
V21654	Sysco International Food Group	2401 Police Center Drive #240	Plant City	FL	33566	(813) 707-6161	7/19/2011	Certification - Export; Identification - Meat; Identification - Poultry	

V21654A	Sysco International Food Group, Inc.	3100 Hilton Street	Jacksonville	FL	32209	(813) 707-6161	5/1/2014	Certification - Export; Identification - Meat; Identification - Poultry	
M40353+P40353+V40353	Sysco South Florida	12500 Sysco Way	Medley	FL	33178	(305) 770-5514	9/24/2010	Identification - Meat; Identification - Poultry	
M8983+P8983	Sysco Western Minnesota, Inc.	809 SE Highway 10	St Cloud	MN	56304	(320) 257-3200	8/13/2018	Meat Processing; Poultry Processing	Appert's Foodservice, Buckhead Meats of Minnesota
M40272+P40272	Taaza Fresh Global Food, Inc.	8903 Sovereign Row	Dallas	TX	75247	(214) 879-0005	2/18/2011	Meat Processing; Poultry Processing	
M51192+P51192	Table 87 Frozen, LLC	145 42nd Street	Brooklyn	NY	11232	(718) 287-8700	1/15/2020	Meat Processing; Poultry Processing	Table 87
M34604+P34604	Taco Loco Products	600 West International	Anchorage	AK	99518	(970) 561-1648	7/2/2008	Meat Processing	
M45091+P45091	Taher, Inc.	10205 51st Ave. N	Plymouth	MN	55442	(952) 345-2881	4/5/2013	Meat Processing; Poultry Processing	
M9771+P9771	T.A.I.F., Inc	600 Kaiser Drive	Folcroft	PA	19032	(610) 522-0122	8/12/2014	Meat Processing; Poultry Processing	Talluto's
M44753+P44753	Tall Hat Foods	649 North 1500 West	Orem	UT	84057	(801) 310-6799	10/25/2018	Meat Processing; Poultry Processing	Blakent Brands, LLC
M54255+P54255	Tamales A Mano	5361 W. Bellfort	Houston	TX	77035	(713) 728-3333	3/9/2020	Meat Processing; Poultry Processing	
M18853A	Tamales By La Casita Inc.	3561 Tejon Street	Denver	CO	80211	(303) 477-2899	6/19/2006	Meat Processing	
M48223+P48223	Tamales Los Mayas LLC	23682 Clawiter Road	Hayward	CA	94545	(909) 000-0000	11/4/2019	Meat Processing; Poultry Processing	
M48176+P48176	Tampa Bay Fisheries	3060 N. Gallagher Rd.	Dover	FL	33527	(813) 752-8883	12/27/2017	Meat Processing; Poultry Processing	
M45150+P45150	Tandem USA, LLC	518 Lunt Ave.	Schaumburg	IL	60193	(609) 233-5967	9/22/2017	Meat Processing; Poultry Processing	

M13367	Tan Dinh Food Products Corp.	14602-B Lillja Road	Houston	TX	77060	(281) 820-4835	5/14/2004	Meat Processing	
M45848+P45848	Tanks Meats, Inc.	3355 State Route 51	Elmore	OH	43416	(419) 862-3312	8/10/2018	Meat Processing; Poultry Processing	
M8119+P8119+V8119	Tarantino Wholesale Foods Distributor	7651 Saint Andrews Avenue	San Diego	CA	92154	(619) 232-7585	2/19/2016	Certification - Export; Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M20290+P20290+V20290	Targhee Brands, Inc.	8149 South 600 East	Rexburg	ID	83440	(208) 359-2710	3/30/1998	Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry	
M9495+P9495	TASE-RITE CO. INC.	1211 KINGSTOWN ROAD	PEACE DALE	RI	02883	(401) 783-7300	3/19/1993	Meat Processing; Poultry Processing	
M48145+P48145	Tastee Bites, LLC	3560 Murray St.	Marinette	WI	54143	(715) 732-1123	5/13/2016	Meat Processing; Poultry Processing	
M34707+P34707	Taste of Italy	1301 Bremen Avenue	Egg Harbor City	NJ	08215	(856) 223-0707	8/16/2016	Meat Processing; Poultry Processing	
M46569+P46569	Tastepoint Inc.	10801 Decatur Road	Philadelphia	PA	19154	(215) 632-3100	1/31/2019	Meat Processing; Poultry Processing	
P32159	Tastepoint Inc.	7800 Holstein Avenue	Philadelphia	PA	19153	(215) 365-7800	12/5/2019	Poultry Processing	
M45616+P45616	Tasty Factory Corp	2543 Lee Avenue	South El Monte	CA	91733	(909) 200-4004	7/26/2017	Meat Processing; Poultry Processing	

G1634	Taylor Egg Products, Inc.	242 Littleworth Road	Dover	NH	03820	(603) 742-1050	7/31/2018	Egg Product	
M34013+P34013	Taylor Farm - Pacific	1820 N. Mac Arthur Drive Suite 700	Tracy	CA	95376	(209) 835-6300	2/10/2010	Meat Processing; Poultry Processing	
M34703+P34703	Taylor Farms	199 Sam Ridley Parkway - East	Smyrna	TN	37167	(615) 223-0062	9/11/2008	Meat Processing; Poultry Processing	
M44818+P44818	Taylor Farms Florida, Inc.	7520 Chancellor Drive	Orlando	FL	32809	(407) 859-3373	2/13/2012	Meat Processing; Poultry Processing	
M21794+P21794	Taylor Farms Illinois, Inc	200 N. Artesian Ave.	Chicago	IL	60612	(312) 432-6800	10/12/2017	Meat Processing; Poultry Processing	
M46638+P46638	Taylor Farms New England Inc.	320 Commerce Paru Road	North Kingstown	RI	02852	(831) 601-5198	3/3/2020	Meat Processing; Poultry Processing	
M34513+P34513	Taylor Farms New Jersey, Inc.	406-A Heron Drive	Swedesboro	NJ	08085	(856) 241-0097	8/21/2012	Meat Processing; Poultry Processing	
M34834+P34834	Taylor Farms Northwest LLC	8030 S 228th Street Building A	Kent	WA	98032	(206) 764-4499	9/24/2015	Meat Processing; Poultry Processing	Real Foods LLC
M40280+P40280	Taylor Farms Southwest Inc.	859 South 86th Ave	Tolleson	AZ	85353	(480) 894-6885	12/3/2014	Meat Processing; Poultry Processing	
M47081+P47081	Taylor Farms Tennessee North	3776 Lake Park Dr.	Covington	KY	41017	(859) 443-8396	12/4/2019	Meat Processing; Poultry Processing	Taylor Fresh Foods
M34733+P34733	Taylor Farms TX, Inc.	1171 N. Cockrell Hill Rd.	Dallas	TX	75211	(214) 421-1947	3/14/2018	Meat Processing; Poultry Processing	
M31599+P31599	Taylor Meat Company	2211 West 2nd Street	Taylor	TX	76574	(512) 365-6358	1/26/2018	Meat Processing	Taylor Meat Company, Tip-Top Brand Meat Products
M22029	Taylors Meat Processing	435 Meat Shop Road	Spanishburg	WV	25922	(304) 425-6569	6/28/2002	Meat Processing; Meat Slaughter	
M17155	Taylor's Mexican Chili Co. Inc	116 S. West Street	Carlinville	IL	62626	(217) 854-8713	4/10/2015	Meat Processing	
M2392	Taylor's Sausage Company	1822 N. Grand	St. Louis	MO	63106	(314) 652-3476	1/10/2011	Meat Processing	

M6172+P6172+V6172	Taylor's Sausage, Inc.	525 West Watkins Street	Cave Junction	OR	97523	(541) 592-4185	3/15/2005	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M18938+P18938	T & B Food Corp.	15-10 130th Street	College Point	NY	11356	(718) 384-3838	7/29/2014	Meat Processing; Poultry Processing	
M45445+P45445	TCE FoodCo, LLC	8500 S. Western Avenue	Oklahoma City	OK	73139	(405) 632-3325	3/26/2015	Meat Processing; Poultry Processing	
M6426+P6426+V6426	Tcm, Inc.,	1314 Fones Road	Olympia	WA	98501	(360) 491-2040	5/7/1997	Meat Processing; Poultry Processing	America's Choice, Butcher's Choice of Nevada, Chefs Choice, Crown Pacific foods, Gourmet Selectian, Texans Choice, Tri City Meats, Western Boxed Meats, Yummy Foods
M47056+P47056	TC Provisions INC	520 Main Drive	Westbury	NY	11590	(516) 730-3387	4/20/2020	Meat Processing; Poultry Processing	
I207	TC Trading Company	1755 Boblett Street	Blaine	WA	98230	(360) 332-5656	12/12/2017	Imported Product	TC Trading Company INC
V18073A	T C Trading Company, Inc.	1505 Odell Road	Blaine	WA	98230	(360) 332-5656	5/20/2011	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M18073+P18073+V18073	TC Trading Company, Inc.	1755 Boblett Street	Blaine	WA	98230	(360) 332-5656	10/27/1999	Certification - Export	Hayes Inspection
M46319+P46319	Teaster, Inc.	2000 N. Loop Rd.	Alameda	CA	94502	(770) 366-8626	5/8/2019	Meat Processing; Poultry Processing	
M20251W+P20251W	Tecumseh Poultry, LLC	13151 Dovers Street	Waverly	NE	68462	(402) 786-1000	7/11/2018	Meat Processing; Poultry Processing	MBA Poultry
P20251	Tecumseh Poultry, LLC	333 South Third Street	Tecumseh	NE	68450	(402) 335-2501	7/11/2018	Poultry Processing; Poultry Slaughter	MBA Poultry

M20902+P20902	Teddy's Tasty Meats, Inc.	6123 Mackay Street	Anchorage	AK	99518	(907) 562-2320	2/15/2001	Meat Processing; Poultry Processing	
M8633	Ted's Meat Market	130 Palumbo Road	Reynoldsville	PA	15851	(814) 653-2147	2/10/2009	Meat Processing; Meat Slaughter	
M34062+P34062	Teets Meat Packing, LLC	210 Pauls Loop	Elkins	WV	26241	(304) 636-9748	5/16/2006	Meat Processing; Meat Slaughter; Poultry Processing	
M46442+P46442	Tejas Meat Processors	4614 Perry St.	Houston	TX	77021	(281) 888-4932	5/28/2019	Meat Processing; Poultry Processing	
M46339+P46339+V46339	Tejas Premium Meats, LLC	3555 FM 67	Itasca	TX	76055	(254) 687-9710	8/14/2018	Certification - Export; Meat Processing; Meat Slaughter	
M46820+P46820	Tellen Foods	6801 Eastern Ave Suite 208	Baltimore	MD	21224	(800) 792-0648	10/30/2019	Meat Processing; Poultry Processing	
M1769+P6254+V1769	Temptee Brand Steak, Inc.	2011 East 58th Avenue	Denver	CO	80216	(303) 292-1577	10/4/1995	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M34683	Tennery Propane, Inc. D/B/A Hardtimes Real Beef Jerky	3533 E. Jenson Rd	El Reno	OK	73036	(580) 497-7695	7/15/2009	Meat Processing	
M6613+P6613+V6613	Tennesse Valley Packing Co., Inc.	301 1/2 Carter Street	Columbia	TN	38401	(931) 388-2623	6/6/2003	Meat Processing; Poultry Processing	
M46053	Terra di Siena USA, LLC	16731 Red Lodge Lane	AMELIA COURT HOUSE	VA	23002	(757) 689-7675	10/11/2018	Meat Processing	
M20425+P20425	Texas Best Beef Jerky, Inc.	7043 Seymour Highway	Wichita Falls	TX	76308	(940) 691-3664	4/9/2003	Meat Processing; Poultry Processing	Texas Best Meats
M950+P950	Texas Best Protein	5775 FM 2201	Santo	TX	76472	(940) 769-2028	7/23/2013	Meat Processing; Meat Slaughter; Poultry Processing	Farm to Market Foods, Kennedy Sausage Company

M19765+P19765+V 19765	Texas Chaw	1109 North Commerce Street	Caldwell	TX	77836	(979) 567-7448	3/21/2016	Meat Processing; Poultry Processing; Voluntary Processing - Meat	Chef David's Gourmet, Floyd's Smoked Sausage, Grillers Finest, Shirpa Foods
G31542+V31542	Texas Egg Products LLC	1808 East Hwy 90	Waelder	TX	78959	(830) 788-7792	4/25/2007	Certification - Export; Egg Product; Voluntary Processing - Egg Products	
M45660+P45660	Texas Food Solutions	25002 Clay Road	Katy	TX	77493	(713) 579-5656	10/20/2015	Meat Processing; Poultry Processing	
M915+P915	Texas Livestock & Halal Meat Processors	7206 McHard Road	Houston	TX	77053	(281) 437-2600	9/26/2019	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
M34449+P34449+V 34449	Texas Natural Meats	736 State Hwy 320	Lott	TX	76656	(254) 584-0115	10/20/2017	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	
M236+P236	Texas Tech University, Gordon W. Davis Meat Science Laboratory	Indiana Avenue and Main Street	Lubbock	TX	79409	(806) 742-2804	9/27/2010	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
M20985+P20985+V 20985	Texas Twist	2305 Beltline Road Suite 210	Carrollton	TX	75006	(972) 416-3660	10/9/2015	Certification - Export; Meat Processing; Poultry Processing	Pretzels, Inc., Texas Twist Inc.

M34736+P34736+V34736	TFC Poultry	103 Melby Ave	Ashby	MN	56309	(218) 747-2749	3/14/2012	Certification - Export; Food Inspection; Poultry Processing; Voluntary Slaughter - Poultry	
M45886+P45886+V45886	TF Foods, LLC	8775 Production Ave., Suite A	San Diego	CA	92121	(858) 653-5250		Certification - Export; Meat Processing	
M272+P272	T. F. Kinnealey Co., Inc.	1100 Pearl Street	Brockton	MA	02301	(508) 638-7700	4/12/2017	Meat Processing; Poultry Processing	
M34243+P34243	T.G. Meat Center	508 Wallace Street	East Bernard	TX	77435	(979) 335-4425	6/10/2014	Meat Processing; Poultry Processing	
M46096+P46096	That's Mighty Good Foods LLC	91 Seaboard Lane Suite 108	Brentwood	TN	37027	(615) 772-6363	3/31/2017	Meat Processing; Poultry Processing	Southern Jerky Company
M5057+P5057	The Alpine Wurst & Meat House	1106 Texas Palmyra Highway	Honesdale	PA	18431	(570) 253-5899	8/8/2011	Meat Processing; Poultry Processing	
M4440	The Alps Provision Co., Inc.	22-70 45th Street	Long Island City	NY	11105	(718) 721-4477	2/24/2012	Meat Processing	
M46126	The Bait Shop	11904 LA Highway 1	Lettsworth	LA	70753	(225) 492-2365	6/6/2017	Meat Processing	
M40181+P40181	The Best Bran	15268 Proctor Avenue Unit A	City of Industry	CA	91746	(626) 330-0663		Meat Processing; Poultry Processing	
P47016	The Best Dressed Chicken, Inc.	262 Speigner Road	Ward	SC	29166	(864) 445-2161	3/25/2020	Poultry Processing; Poultry Slaughter	
M45188+P45188	The British Pie Company LLC	1215 E. HWY 80	Pooler	GA	31322	(912) 856-4785	4/25/2017	Meat Processing; Poultry Processing	Pie Society
M45744+P45744+V45744	The BrothFarm LLC	7991 1st Street	Siren	WI	54872	(612) 237-5142	4/27/2016	Identification - Meat; Meat Processing; Poultry Processing; Voluntary Processing - Meat	Block and Cleaver Artisan Meats
M2508J+P2508J	The Bruss Company	5441 W. Fifth Street	Jacksonville	FL	32254	(904) 693-0688	6/12/2012	Meat Processing; Poultry Processing	Tyson Fresh Meats, Inc.

M2508+P2508+V2508	The Bruss Company	3548 N. Kostner Ave.	Chicago	IL	60641	(773) 202-4451	7/1/2010	Food Inspection; Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Exotic	Tyson Fresh Meats, Inc.
M46030	The Butcher Block	25964 US Hwy 63	Kirksville	MO	63501	(660) 341-9444	1/12/2017	Meat Processing; Meat Slaughter	
M4838+P4838	The Butcher Block Meats	2660 National Avenue	San Diego	CA	92113	(619) 232-9960	5/9/2016	Meat Processing; Poultry Processing	
M19278+P19278	The Butcher Shop Inc	1702 Bush River Rd	Columbia	SC	29210	(803) 772-8706	3/5/2019	Meat Processing; Poultry Processing	
M11+P11	The Butchery Inc.	182 North St	Danvers	MA	01923	(978) 777-3000	3/10/2009	Meat Processing; Poultry Processing	Butcher's Gourmet LLC.
M45086+P45086	The Centerville Pie Company	895 Mary Dunn Road	Hyannis	MA	02601	(508) 775-3095	8/1/2013	Meat Processing; Poultry Processing	
I27373	The Classic Jerky Company	21655 Trolley Industrial Drive	Taylor	MI	48180	(313) 292-4100	3/8/2016	Imported Product	
M27373+P27373	The Classic Jerky Company	21655 Trolley Industrial Drive	Taylor	MI	48180	(313) 357-9921	2/24/2016	Meat Processing; Poultry Processing	
M47077	The Daily Jerky	1445 Eubank Blvd NE	Albuquerque	NM	87112	(505) 205-6819	4/29/2020	Meat Processing	Wersonick LLC
M669+P669	The Daniel Weaver Co., Inc.	1415 Weavertown Road	Lebanon	PA	17046	(717) 274-6100	9/19/2016	Meat Processing; Poultry Processing	Godshall's Quality Meats, Kutztown Brand, Millside Brand, Weaver's Famous Brand
M33867+P33867	The Dish, Inc.	1622 Jasper	North Kansas City	MO	64116	(816) 221-3474	8/5/2013	Meat Processing	
M51197+P51197	The Empanada Shop	1908 Artesia	Redondo Beach	CA	90278	(310) 994-4947	7/31/2017	Meat Processing; Poultry Processing	
M44050+P44050	The Father's Table, LLC	2301 Lake Mary Blvd	Sanford	FL	32773	(407) 324-1200	12/7/2010	Meat Processing; Poultry Processing	

M39896+P39896	The Fillo Factory	10 Fairway Court	Northvale	NJ	07647	(201) 439-1036	12/2/2014	Meat Processing; Poultry Processing	
M45625+P45625	The Flying Meatballs LLC	15 McFadden Road	Easton	PA	18045	(800) 441-8362	4/18/2017	Meat Processing; Poultry Processing	
M31764+P31764	The Global Gourmet, LLC	153 Swift Road	Shamokin	PA	17872	(570) 847-2774	3/16/2020	Meat Processing; Poultry Processing	Chief Packing Brand
V46800	The Healthway Group By Labriute	520 James Street Unit 1C	Lakewood	NJ	08701	(732) 905-1555	3/1/2018	Identification - Meat; Identification - Poultry	
M1417+P4119	The Hillshire Brands Company	2411 Baumann Ave	San Lorenzo	CA	94580	(510) 276-1300	6/26/2019	Meat Processing; Poultry Processing	Aidells Sausage Co., Galileo Foods, Sara Lee, Sara Lee Foodservice
M2435+P2435	The Hillshire Brands Company	N3620 County Highway D	New London	WI	54961	(920) 982-2611	5/21/2015	Meat Processing; Poultry Processing	Aidells Sausage Co., Brennan Packing Co., Inc., Delightful Farms, Delta Valley, Galileo Foods, Golden Island Jerky Company, Prospect Farms, Russer Foods, TSD Sales and Distribution, Tyson Chicken, Inc., Tyson Deli, Inc., Tyson Farms, Inc., Tyson Food Service, Tyson Fresh Meats, Inc., Tyson Poultry, Inc., Tyson Prepared Foods, Inc., Tyson Sales and Distribution, Inc., Victor F. Weaver Co.
M582+P894	The Hillshire Brands Company	3900 Meacham Boulevard	Haltom City	TX	76117	(817) 427-7700	4/8/2019	Meat Processing; Poultry Processing	Aidells Sausage Co., Bryan Foods, Galileo Foods, Quality Packing Co., Sara Lee, Sara Lee Foodservice, Tyson Foods, Inc.
M6911+P261	The Hillshire Brands Company	8300 96th Ave.	Zeeland	MI	49464	(616) 875-7711	4/16/2019	Meat Processing; Poultry Processing	Bryan Foods, Inc., Russer Foods , Sara Lee, Sara Lee Foodservice, Tyson Foods, Inc.

M756A+P8740A	The Hillshire Brands Company	5807 Mitchell Ave	St Joseph	MO	64507	(816) 236-8400	3/18/2019	Meat Processing; Poultry Processing	Aidells Sausage Co., Bryan Food, Inc., Galileo Foods, Golden Island Jerky Company, Inc., Quality Packing Co., Sara Lee, Sara Lee Foodservice, The Hillshire Brands Co
M757+P757+V757	The Hillshire Brands Company	315 Vilas Road	Storm Lake	IA	50588	(712) 732-6767	7/22/2015	Certification - Export; Meat Processing; Poultry Processing; Poultry Slaughter	Aidells Sausage Co., Brennan Packing Co., Inc., Delightful Farms, Delta Valley, Galileo Foods, Golden Island Jerky Company, Inc., Prospect Farms, Russer Foods, Sara Lee, Sara Lee Foodservice, TSD Sales and Distribution, Tyson Chicken, Inc., Tyson Deli, Inc., Tyson Farms, Inc., Tyson Food Service, Tyson Fresh Meats, Inc., Tyson Poultry, Inc., Tyson Prepared Foods, Inc., Tyson Sales and Distribution, Inc., Victor F. Weaver Co.
M8080+P8080	The Hillshire Brands Company	2000 Biffle Road	Newbern	TN	38059	(731) 627-4000	2/11/2015	Meat Processing; Meat Slaughter	Aidells Sausae Co., Bryan Foods, Inc, Galileo Foods, Gallo Salame, Inc, Quality Packing Co, Sara Lee, Sara Lee Foodservice, Tyson Foods Inc.
M89A+P9147	The Hillshire Brands Company	1099 Bob Huber Drive	Alexandria	KY	41001	(859) 635-0444	3/7/2019	Meat Processing; Poultry Processing	Bryan Foods, Inc, Quality Packing Co
V27261	The Hillshire Brands Company	600 Wiscold Dr.	Rochelle	IL	61068	(815) 562-2800	9/19/2012	Certification - Export; Identification - Meat; Identification - Poultry	
V27385	The Hillshire Brands Company	501 South 107th Avenue	Tolleson	AZ	85353	(623) 907-2720	3/31/2016	Certification - Export; Identification - Meat; Identification - Poultry	

V34162	The Hillshire Brands Company	1075 Frank Amerson Jr. Pkwy	Macon	GA	31216	(478) 812-9130	3/31/2020	Certification - Export; Identification - Meat; Identification - Poultry	
V34526	The Hillshire Brands Company	110 Keystone Boulevard East	Pottsville	PA	17901	(570) 624-3436	4/12/2018	Certification - Export; Identification - Meat; Identification - Poultry	
V34587	The Hillshire Brands Company	4000 Meacham Boulevard	Haltom City	TX	76117	(817) 345-4518	3/5/2020	Certification - Export; Identification - Meat; Identification - Poultry	
M15875+P15875	The Honey Baked Ham Company, LLC	6145 Merger Drive	Holland	OH	43528	(567) 297-1120	3/30/2017	Meat Processing; Poultry Processing	
M46231+P46231	The Hot Pollo, Inc.	1301 S. Sunkist St. Suite 9696	Anaheim	CA	92806	(213) 361-9950	12/31/2019	Meat Processing; Poultry Processing	
M46588	The Jambalaya Shoppe Smokehouse	1707 E. HWY 30	Gonzales	LA	70737	(225) 647-7773		Meat Processing	
M45946+P45946	The Kitchen Coop LLC	8835 W. 116th Circle Suite A	Broomfield	CO	80021	(303) 330-0295	9/2/2016	Meat Processing; Poultry Processing	
M45262+P45262+G45262	The Kitchen Inc.	The Kitchen Inc. 35445 Beattie	Sterling Heights	MI	48312	(248) 545-0641	6/1/2017	Egg Product; Meat Processing; Poultry Processing	
M31778+P31778	The Kreuz Sausage and Barbecue Co., Inc.	619 North Colorado	Lockhart	TX	78644	(512) 398-2361	1/10/2006	Meat Processing; Poultry Processing	Kreuz Market
M46584	The Lamb Co-operative Inc.	3 Gateway Boulevard	Pedricktown	NJ	08067	(856) 478-6300	1/30/2019	Meat Processing	
M21469+P21469	The Lamb Cooperative, Inc.	19840 Rancho Way Suite 101B	Dominquez Hills	CA	90221	(310) 885-4855	11/24/2009	Meat Processing	
M39886	The Last Best Foods Inc.	208 E. Park Ave.	Anaconda	MT	59711	(406) 563-2362	6/8/2009	Meat Processing	Wind's Pasties

M45176+V45176	The Local Butcher	490 South Barnstead Road	Center Barnstead	NH	03225	(603) 813-2054	10/17/2013	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M46305+P46305	The Local Butcher	9850 RT 22	Whitehall	NY	12887	(518) 429-6778	2/25/2019	Meat Processing; Poultry Processing	
M10270+P10270	The Meat Block, Inc.	2330 East Broadway	Muskegon	MI	49444	(231) 773-0224	1/10/2011	Meat Processing; Poultry Processing	
M45999+P45999	The Meat Locker, LLC	2675 NE Hwy 20 Suite 150	Bend	OR	97701	(541) 312-2226	3/1/2018	Meat Processing; Poultry Processing	
M46340+P46340+V46340	The Meat Market	700 Lincoln Avenue	Baraboo	WI	53913	(608) 356-5574	2/28/2018	Identification - Meat; Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M2469+P2469	The Meat Market Inc.	454 W. Alluvial Ave.	Fresno	CA	93650	(209) 275-5600	7/10/2019	Meat Processing; Poultry Processing	
P1402	Theodore L. Gross Inc.	317 South 7th Street	Perkasie	PA	18944	(215) 453-0200	6/4/2018	Poultry Processing	
M40342+P40342	The Ohio State University	2029 Fyffe Road	Columbus	OH	43210	(614) 292-9217	9/15/2010	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
V38526	The Organic Meat Co.	500 Organic Drive	Cashton	WI	54619	(608) 625-7200	4/3/2009	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry	
M45963+P45963	The Original Crunch Roll Factory, LLC	75 Bourne Street	Westfield	NY	14787	(585) 259-4833	1/14/2020	Meat Processing; Poultry Processing	

M857+P22200+V857	The Paco Packers	604 North 7th Street	Miles City	MT	59301	(406) 234-2500	4/11/2001	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M20650+P20650	The Pasty Oven, Inc.	Lot #3 of the Florence Industrial Park	Florence	WI	54121	(715) 528-5376	1/14/2000	Meat Processing; Poultry Processing	
M34142+P34142	The Perfect Pita, Inc.	7653 E&F Fullerton Road	Springfield	VA	22153	(703) 644-0004	4/14/2015	Meat Processing; Poultry Processing	Atillas Perfect Breads, Pane Bella Pizzeria, The Perfect Pita
M19918+P19918	The Pillsbury Company	A Division of General Mills 200 Butler Drive	Murfreesboro	TN	37133	(615) 890-9900	3/7/2002	Meat Processing; Poultry Processing	
M20608+P20608	The Pork Company	892 Penny Branch Rd.	Warsaw	NC	28398	(910) 293-2157	5/8/2014	Meat Processing; Meat Slaughter; Poultry Processing	Pine Ridge Farms
M888	The Pork Rind Factory	117 Curtis Harley Dr.	Spartanburg	SC	29302	(864) 573-5678	9/9/2013	Meat Processing	Food City Pork Rinds, Food Lion Pork Rinds, Harvey's Pork Rinds, Jr. Johnson Pork Skins, Larry's Pork Rinds, River Rock Pork Rinds, Terry's Pork Rinds
M46560	The Prosciutto Company, LLC	25778 US Highway 19 Noth	Clearwater	FL	33763	(727) 723-4866	12/18/2018	Meat Processing; Meat Slaughter	
M17445	The Quay Corporation	7101 N Capital Drive	Lincolnwood	IL	60712	(847) 676-4241	9/20/1995	Meat Processing	
I126	Theriault's Abattoir, Inc.	Route 1A	Hamlin	ME	04785	(207) 868-3344	7/14/2010	Imported Product	
M8772+P8772	Theriaults Abattoir Inc	316 Hamlin Rd.	Hamlin	ME	04785	(207) 868-3344	5/8/2018	Meat Processing; Poultry Processing	
M21235	The Smokehouse	216 East Jackson	Graham	MO	64455	(660) 939-4655	11/20/2003	Meat Processing	
M273+P273	The Spotted Trotter. LLC	229 Moreland Avenue SE	Atlanta	GA	30316	(404) 254-4958	11/14/2019	Meat Processing; Poultry Processing	
M46633	The Steel Buffalo Butchery	1500 Harmony Church Road	Dawsonville	GA	30534	(706) 318-0226	4/6/2020	Meat Processing; Meat Slaughter	

M40383+P40383+V40383	The Suter Company	1015 West Bethany Road	Sycamore	IL	60178	(815) 895-9186	1/4/2011	Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	
M1230+P169	The Suter Company, Inc.	258 May St.	Sycamore	IL	60178	(815) 895-9186	2/12/1987	Meat Processing; Poultry Processing	
M19735+V19735	The Sygma Network	4000 Industrial Road	Harrisburg	PA	17110	(717) 232-3111	5/26/2015	Certification - Export; Identification - Meat; Identification - Poultry	
V853	The Sygma Network, Inc.	2400 Harrison Rd.	Columbus	OH	43204	(614) 771-3801	8/19/2011	Certification - Export; Identification - Meat; Identification - Poultry	
V853B	The Sygma Network, Inc.	13019 SE Jennifer Street Suite 404	Clackamas	OR	97015	(503) 656-2673	3/29/2013	Certification - Export; Identification - Meat; Identification - Poultry	
M256	The Taylor Provisions Company	63 Perrine Avenue	Trenton	NJ	08638	(609) 392-1113	10/23/2000	Meat Processing	
M31647+P31647+V31647	Theurers Custom Meat Inc	880 West Center	Lewiston	UT	84320	(435) 258-0100	5/4/2004	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M46381+P46381	The Vons Companies, Inc.	14950 Meridian Pkwy.	March Air Reserve Base	CA	92518	(951) 947-4010		Meat Processing; Poultry Processing	

M19076B+P19076B+V19076B	The Wornick Company	4700 Creek Road	Cincinnati	OH	45242	(513) 552-7400	10/7/2016	Certification - Export; Identification - Meat; Identification - Poultry; Voluntary Processing - Egg Products	
M19076+P19076+V19076	The Wornick Company	10825 Kenwood Road	Cincinnati	OH	45242	(513) 552-7400	7/8/2008	Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing; Voluntary Processing - Egg Products	
V19076A	The Wornick Company	4700 Creek Road	Cincinnati	OH	45242	(513) 552-7728	2/24/2017	Certification - Export; Identification - Meat; Identification - Poultry	
M13160	Thibodeaux's Cajun Food, Inc.	141 Sugar Mill Road	Opelousas	LA	70570	(337) 942-6241	1/31/2005	Meat Processing	
M40147+P40147+V40147	This Old Farm Meats and Processing	9572 W. County Road 650 South	Colfax	IN	46035	(765) 324-2161	4/1/2019	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Processing - Rabbit; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry; Voluntary Slaughter - Rabbit	

M46327+P46327	TH Kitchens, LLP	3121 Produce Row	Houston	TX	77023	(214) 228-5806	12/10/2018	Meat Processing; Poultry Processing	Texas Harvest
M19522+P19522	T. HO FOODS	7124 Small Creek Way	Powell	TN	37849	(865) 947-7618	7/8/2004	Meat Processing; Poultry Processing	
M9714+P9714	Thoma Meat Market	748 Dinnerbell Road	Saxonburg	PA	16056	(724) 352-2020	2/6/2017	Meat Processing; Meat Slaughter; Poultry Processing	
M1707	Thomas Brothers Foods	1852 Gold Hill Road	Asheboro	NC	27203	(336) 672-0337	3/20/2018	Meat Processing	Thomas Brothers Ham Co.
M31999A	Thompson Farms	2538 Dixie Road	Dixie	GA	31629	(229) 263-9074	6/8/2011	Meat Processing; Meat Slaughter	
M31999	Thompson Farms Country Cured Meats	2538 Dixie Rd	Dixie	GA	31629	(229) 263-9074	4/27/2006	Meat Processing; Meat Slaughter	
M7287+P7287	Thompson Packers, Inc.	550 Carnation Street	Slidell	LA	70460	(985) 641-6640	5/8/2001	Meat Processing; Poultry Processing	
M44299	Thompson Sausage Co.	987 Halls Chapel Rd	Alexandria	AL	36250	(256) 820-3138	6/3/2014	Meat Processing; Meat Slaughter	
M46160+V46160	Thompsons Meats Inc.	10 S. Garnet St. Bldg 669 Ste 6	Tooele	UT	84074	(435) 228-8611	12/6/2018	Meat Processing; Voluntary Processing - Meat	Thompsons Smokehouse
M489	Three Bakers TM	360 J&J Road	Moscow	PA	18444	(570) 689-9694	5/15/2017	Meat Processing	Gluten Free Food Group LLC
M18642+P18642	Three Paisano's Food Service Inc.	424 Dover Road	South Toms River	NJ	08757	(732) 240-6973	3/5/2009	Meat Processing; Poultry Processing	
G31551+V31551	Thrive Life	691 Automall Drive	American Fork	UT	84003	(801) 756-9902	9/6/2011	Egg Product; Voluntary Processing - Egg Products	Thrive Foods
M39967+P39967	Thrive Life	691 South Automall Drive	American Fork	UT	84003	(801) 756-9902	9/13/2018	Meat Processing; Poultry Processing	Shelf Reliance, Thrive Foods
M34293+P34293+V34293	Thrushwood Farms Quality Meats, Inc.	2860 West Main St.	Galesburg	IL	61401	(309) 541-0287	1/10/2020	Meat Processing; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat	

M7878+P7878+V7878	Thumann Inc.	670 Dell Road	Carlstadt	NJ	07072	(201) 935-3636	11/16/2009	Identification - Meat; Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M13530+P13530	Tian Tian Food Service	1515 Hebert Street	Houston	TX	77012	(281) 657-6628	12/12/2005	Meat Processing; Poultry Processing	
M6476+P6476+V6476	Tico's Mexican Foods	2011 South Bannock Street	Denver	CO	80223	(303) 722-2817	6/13/2003	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M9295B+P9295B	Tillamook Country Smoker	10750 Denny St	Beaverton	OR	97008	(888) 987-4233	10/31/2019	Meat Processing; Poultry Processing	
M9295A+P9295A	Tillamook Country Smoker, LLC	1510 First Street	Tillamook	OR	97141	(888) 987-4233	11/8/2019	Meat Processing; Poultry Processing	
M9295+P9295	Tillamook Country Smoker, LLC	8250 Warren Street	Bay City	OR	97107	(503) 842-2606	6/2/2017	Meat Processing; Poultry Processing	f/k/a Tillamook Country Smoker, Inc.
I180	Timberline Cold Storage, Inc.	55 Commerce Ave.	Pitman	NJ	08071	(856) 589-3130	10/6/2008	Imported Product	
M18654B+P18654B	Tipico Food Inc.	1529 Rosecrans Avenue	Gardena	CA	90249	(323) 252-5302	7/1/2009	Meat Processing	
M13486+P13486	Tippins Food Plant	5051 Speaker Road	Kansas City	KS	66106	(913) 647-0730	12/13/2018	Meat Processing; Poultry Processing	
M17453+P17453	Tip Top Poultry, Inc.	479 Nathan Dean Parkway	Rockmart	GA	30153	(770) 684-5215	3/19/2020	Meat Processing; Poultry Processing	
P1480	Tip Top Poultry, Inc.	327 Wallace Rd. P.O. Box 6338	Marietta	GA	30065	(770) 973-8070	8/17/2000	Poultry Processing; Poultry Slaughter	
M44762+P44762	TJ Processors, LLC	3667 First Avenue South	Seattle	WA	98134	(206) 937-3141	11/13/2015	Meat Processing; Poultry Processing	Corfini Gourmet, Corfini Meats, Pacific Live
M4934+P4934	T&J Sausage Kitchen	2831 E. Miraloma ave	Anaheim	CA	92806	(714) 632-8350	1/27/2014	Meat Processing; Poultry Processing	

M938A+P938A	TJ's Pizza Co, Inc.	150 Shepley Dr.	St. Louis	MO	63137	(314) 869-9404	1/3/2007	Meat Processing; Poultry Processing	
M31697+P31697	TKMM, LLC	3211 NE 82nd	Portland	OR	97220	(503) 432-8197	8/14/2018	Meat Processing; Poultry Processing	
M22048+P22048	TKO Distribution	12528 Wicker Ave.	Cedar Lake	IN	46303	(219) 374-8515	12/3/2007	Meat Processing; Poultry Processing	
M32136+P32136	TLC Down Home Food	4724 N. 24th St.	Omaha	NE	68110	(402) 455-4788	10/4/2004	Meat Processing; Poultry Processing	
M19930+P19930	T & L Creative Salads	148 Allen Blvd.	Farmingdale	NY	11735	(718) 272-6400	2/25/2016	Meat Processing; Poultry Processing	
M48126+P48126	TL Foods Inc.	507 Coralridge Place	La Puente	CA	91746	(626) 283-0088	10/23/2015	Meat Processing; Poultry Processing	
M11504+P11504	T.L. Herring & Co.	2101 Old Stantonsburg Road	Wilson	NC	27895	(252) 291-1141	6/17/2005	Meat Processing; Poultry Processing	
P1156	T & LT Tamales, LLC	132 Highway 49 South	Bentonia	MS	39040	(601) 613-4654	10/20/2011	Poultry Processing	
M4586+P4586	TMAC Food Services, Inc.	116 Michigan Avenue	Buffalo	NY	14204	(716) 854-3286	8/14/2013	Meat Processing; Poultry Processing	J.H. Dodman Company
M46033+P46033	TNJ Foods Inc.	1047 E. 3rd St.	Pomona	CA	91766	(909) 373-6019	11/17/2017	Meat Processing; Poultry Processing	
M46969	TN Slaughter House, Inc.	8965 US Hwy 70 E	McEwen	TN	37101	(615) 944-9542	8/21/2019	Meat Processing; Meat Slaughter	
M27349+P27349	Toluca Mexican Style Food Products, LLC	500 W. Lexington St. W. Lexington Market R/Z	Baltimore	MD	21201	(410) 685-7779	10/13/2006	Meat Processing; Poultry Processing	
M5722+P5722	Toman's City Market	219 Pine St.	Clarkson	NE	68629	(402) 892-3452	3/17/1998	Meat Processing	
M9091	Tom King & Son Packing Company	3066 Highway 570 West	Summit	MS	39666	(601) 684-4257	4/15/1997	Meat Processing	
M18843+P18843	Tommy Burke Provisions Inc	501 Peach Street	Catasaqua	PA	18032	(610) 264-1149	1/26/2005	Meat Processing; Poultry Processing	

M4150+P4150	Tommy's Quality Meats	2363 Newton Avenue Suite B	San Diego	CA	92113	(619) 233-5753	5/23/1994	Meat Processing; Poultry Processing	
M31532+P31532+V31532	Tonali's Meats, LLC	3890 Dahlia Street	Denver	CO	80207	(303) 940-8700	3/11/2016	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M4538+P4538	T.O. Nam Sausage, Inc.	444 Wellington Avenue	Cranston	RI	02910	(401) 273-9620	6/15/2015	Meat Processing; Poultry Processing	
V46129	Tony Downs Foods	1115 1st Ave South	St. James	MN	56081	(507) 642-3203	5/17/2017	Certification - Export	
M248A+P65+V248A	Tony Downs Foods Company	418 Benzel Ave. S.W.	Madelia	MN	56062	(507) 642-3203	1/17/1995	Certification - Export; Meat Processing; Poultry Processing	
M20594+P20594	Tooele Valley Meat	985 East Main St.	Grantsville	UT	84029	(435) 884-3837	8/2/2000	Meat Processing; Meat Slaughter	
M20700+P20700	Top 10 Produce LLC	1319 Burton Avenue Unit C	Salinas	CA	93901	(888) 669-2010	10/9/2014	Meat Processing; Poultry Processing	Beefy Boys Jerky Co.
M4066+P4066	Top Qlty Reddi-Pak Meats, Inc.	2316 Adams Avenue	Huntington	WV	25704	(304) 429-2341	8/12/2002	Meat Processing; Poultry Processing	
M19856+P19856	Top Taste Food Inc.	138 35th Street	Brooklyn	NY	11232	(718) 768-2609	8/19/2013	Meat Processing; Poultry Processing	
P7374	To-Ricos, Ltd.	Road 14 Km. 48.0 Asomante	Aibonito	PR	00705	(787) 735-8061	6/3/2019	Poultry Processing; Poultry Slaughter	Chicken Ring Things, Country Post, Country Pride, Country Skillet, Pilgrim's Signature, Rancho Durado, Ring Thins, Rockingham, Round Hill, Shin Valley, Valley Pride, Wampler, Wampler Foods, Wampler Longacre, WOW
M40300+P40300	TORRES PACKING, LLC	1397 Baker Road	Virginia Beach	VA	23455	(757) 469-5312	5/22/2018	Meat Processing; Poultry Processing	
M34757+P34757	Tortellini & Co. Inc.	4350 Oaks Road Bldg A #506	Davie	FL	33314	(954) 321-5146	7/8/2011	Meat Processing; Poultry Processing	

M34493+P34493	Tortilleria Y Tienda De Leon's	16223 NE Glisan St.	Portland	OR	97230	(503) 255-4356	11/20/2015	Meat Processing; Poultry Processing	
M38496	Toscana Cheese Company	575 Winsor Drive	Secaucus	NJ	07094	(201) 617-1500	9/22/2009	Meat Processing	
I301	Total Distribution Inc.	600 Ellis Road North	Jacksonville	FL	32254	(904) 446-4828	2/10/2020	Imported Product	
M51349+P51349	Total Packaging llc	901 Leitchfield road	Owensboro	KY	42303	(270) 684-9223	4/2/2018	Meat Processing; Poultry Processing	
M51253+P51253	Total Packaging LLC	601 Fulton Drive	Owensboro	KY	42303	(270) 684-9223	6/13/2016	Meat Processing	
M46737+P46737	Total Product Distr but or Inc.	48 Brooklyn Terminal Market	Brooklyn	NY	11236	(718) 241-5840	1/13/2020	Meat Processing; Poultry Processing	Caribbean Deport
M8426+P8426	TOWER ISLE'S FROZEN FOODS, LTD	2025 ATLANTIC AVENUE	BROOKLYN	NY	11233	(718) 495-2626	4/7/2011	Meat Processing; Poultry Processing	
M6530+P6530	T. O. Williams, Inc.	300 Wythe Street	Portsmouth	VA	23705	(757) 397-0771	9/9/2019	Meat Processing; Poultry Processing	
M2995A+P7022+V2995	Town and Country Butcher Shop	524 East Water Street	Palmyra	MO	63461	(573) 769-2257	10/20/1997	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M18731+P18731+V18731	Towson Cold Storage	301 South Ridge Ave.	Tifton	GA	31794	(229) 382-1515	5/3/1993	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Towson Meats
M2930	T. Piekutowski European Style Sausage	4100 North Florissant	St Louis	MO	63107	(314) 453-4625	2/6/1975	Meat Processing	
M45607	Trackside Butcher Shoppe	123 Commerce Parkway	Campbellsburg	KY	40011	(502) 532-3015	8/21/2019	Meat Processing; Meat Slaughter	
M38565+P38565	Trader Gus, Inc.	5430 WIllow Road	Waunakee	WI	53597	(608) 663-1445	10/3/2017	Meat Processing; Poultry Processing	Athens Grilll

M46691+P46691	Traditional Snacks	12905 W Okeechobee Road, # 5	Hialeah Gardens	FL	33018	(786) 339-3227	5/24/2019	Meat Processing; Poultry Processing	
M45026+P45026	Traditional Snacks, Inc.	5220 NW 72 Ave 8B-8A	Miami	FL	33166	(786) 339-3227	7/14/2017	Meat Processing; Poultry Processing	La Latina Deliciosa
M18350+P18350	Traditions Prepared Meals LLC.	100 Valley Drive	Pearl	MS	39208	(601) 420-8804	5/30/2019	Meat Processing; Poultry Processing	Traditions Meal Solutions
I412	Trafon Group Inc.	Calle C #1229 Mercado Central Zona Portuaria, Puerto Nuevo	San Juan	PR	00922	(787) 783-0011	5/16/2019	Imported Product	
M20569+P20569	TraFon Group, Inc.	Mercado Central #1229 C St.	Puerto Nuevo	PR	00920	(787) 783-0011	4/25/2014	Meat Processing; Poultry Processing	Belca, Caribbean Cold Storage & Logistics, Gourmet Food Services, Mi Gente Super Mercados, Mister Ham, Packers Food Service, Packers Provision, Star Meat, Super Mercados Centro Ahorros , Supermercados Pueblo, Supreme
M45517+P45517+G45517	Trailtopia LLC	855 Frontage Rd NW	Byron	MN	55920	(507) 226-8238	5/5/2017	Egg Product; Meat Processing; Poultry Processing	
M34660	Tran Meat Corporation	5429 Clara Road	Houston	TX	77041	(713) 849-9596	11/12/2009	Meat Processing; Meat Slaughter	
M46692	Trans-Packers Services Corp.	4100 New Brunswick Ave	Piscataway	NJ	08854	(732) 529-6783	5/6/2019	Meat Processing	
M31912	Traverse Bay Pizza Company	600 Belding Road	Orleans	MI	48838	(616) 761-3456	6/4/2008	Meat Processing	Dave's Vending
M1123+P1123	Travis Meats, Inc.	7210 Clinton Highway P. O. Box 670	Powell	TN	37849	(865) 938-9051	12/20/2004	Meat Processing; Poultry Processing	Inpector's office phone number 865-938-9051 ext. 133
M4592+P4592	Treasure Isle Foods	164 Second Street	Mineola	NY	11501	(516) 294-0141	11/8/1993	Meat Processing; Poultry Processing	
M33792+P33792	T&R Enterprise USA Inc.	4611 Beck Avenue	St. Louis	MO	63116	(314) 932-5178	6/12/2018	Meat Processing; Poultry Processing	

M17776	Trenton Halal Packing Company	610 Roebling Avenue	Trenton	NJ	08611	(609) 394-0331	12/20/2010	Meat Processing; Meat Slaughter	
M31578	Trenton Processing Center, Inc.	120 West Broadway	Trenton	IL	62293	(618) 224-7383	1/15/2008	Meat Processing; Meat Slaughter	
M32015+P32015	Tri City Cheese & Meats, Inc.	2578 South Huron Road	Kawkawlin	MI	48631	(989) 686-3210	4/12/2005	Meat Processing; Poultry Processing	Troll Smoke House
M9573	Tri County Meats Inc.	151 Slaughterhouse Road	Claysburg	PA	16625	(814) 239-2465	9/30/2014	Meat Processing; Meat Slaughter	
M34078A+P34078A	Tri Eagle LLC	8151 S. Range Rd.	Kingsford Heights	IN	46346	(219) 981-4000	11/15/2019	Meat Processing; Poultry Processing	Great Lakes Poultry
M45439+P45439	Tri Eagle LLC	1818 West 35th Avenue	Gary	IN	46408	(219) 981-4000	8/18/2016	Meat Processing; Poultry Processing	Tri Eagle Provisions, Tri Eagle Provisions, Inc.
M17496	Tri Eagle Provisions, Inc.	7931 North 700 East	Tippecanoe	IN	46570	(574) 223-4600	12/18/2015	Meat Processing; Meat Slaughter	Maple Creek Packing, Tri Eagle, Tri Eagle LLC, Tri Eagle Provisions, Vin Lee Ron, Vin Lee Ron Meat Packing, Vin Lee Ron Meat Packing LLC, Vin Lee Ron Meat Packing, Inc.
M44869+P44869+V44869	Trig's Smoke House	1607 N. Steven Street	Rhinelander	WI	54501	(715) 420-0730	1/16/2014	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry	Trig's
M17505+V17505	Triland Foods, Inc.	P.O. Box 744 311 8th street	Sergeant Bluff	IA	51054	(712) 943-7675	7/27/1989	Certification - Export; Meat Processing	
G614	Trillium Farms	Trillium Farms c/o Marseilles Layer Plant 20613 Township Highway 103	Harpster	OH	43323	(740) 499-3871	4/3/2012	Egg Product	
G926	Trillium Farms - Layer # 5	20449 Co Rd. 245	Mount Victory	OH	43013	(937) 354-2233	3/28/2013	Egg Product	

M2029+P2029+V2029	Trim-Rite Food Corporation	801 Commerce Parkway	Carpentersville	IL	60110	(847) 649-3400	3/1/2002	Certification - Export; Meat Processing; Poultry Processing	
M40359+P40359+V40359	Trinity Meat Company LLC	3487 State Highway 205	Hartwick	NY	13348	(607) 293-7927	8/31/2016	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	Larry's Custom Meats
V45410	Trinity X-Ray LLC	4000 Lubbock Avenue #170	Fort Worth	TX	76110	(817) 773-6780	6/24/2014	Identification - Meat; Identification - Poultry	
V46416	TRI PAK INC	1209 ST PAUL AVE.	TACOMA	WA	98421	(253) 627-8008	12/11/2013	Identification - Meat; Identification - Poultry	
M45401+V45401	Triple C Meats	5565 State Rt. 146E	Anna	IL	62906	(618) 833-5986	3/18/2015	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Processing - Rabbit; Voluntary Slaughter - Meat; Voluntary Slaughter - Rabbit	
M46673+P46673	Triple Sticks Foods	9200 West Main Street	Belleville	IL	62223	(800) 468-3354	3/10/2020	Meat Processing; Poultry Processing	
M6596	Tripp Country Ham Inc.	207 S. Washington ve.	Brownsville	TN	38012	(731) 642-1961	8/28/2019	Meat Processing	
M48469	Tri-State Fish	1215 Fish Trap Road	South Pittsburgh	TN	37380	(423) 509-9224	3/11/2019	Meat Processing	

M13081+P13081+V13081	Tri State Meats LLC DBA Special D Meats	30637 Lake Street	Macon	MO	63552	(816) 385-2141	7/8/2014	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M4499+P4499+V4499	Tri-Town Packing Corporation	922 County Route 53	Brasher Falls	NY	13613	(315) 389-5101	1/27/2016	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Adirondack Smoked Meats
M31965+V31965	Triumph Foods	5302 Stockyards Expressway	St Joseph	MO	64504	(816) 396-2700	10/6/2011	Certification - Export; Food Inspection; Meat Processing; Meat Slaughter	67th Street BBQ Premium Meats, Daily Chef, GFS, Gordon Food Service, Highplains Farms, Iowa Gold Brand Premium Pork, Natural Praire Fresh Premium Pork, Naturewell, Prairie Fresh Natural, Prairie Fresh Prime, Publix, Seaboard Farms, Seaboard Foods, St. Joe Pork
M45107	TRN	13410 West Road	Houston	TX	77041	(713) 937-1255	2/11/2016	Meat Processing	
V45146	Tropical Foods	1665 NW 102 Ave. 10b	Doral	FL	33172	(305) 230-8539	2/9/2015	Certification - Export; Identification - Meat; Identification - Poultry	
M8543+P8543	Troutman's Market	68 W Market Street	Middleburg	PA	17842	(570) 837-2341	4/27/2017	Meat Processing; Poultry Processing	
M1133	Troyer's Trail Bologna, Inc	6552 S.R. 515	Dundee	OH	44624	(330) 893-2414	7/11/2016	Meat Processing	
M20076+P20076	Troy Foods Inc	404 E. US Highway 40	Troy	IL	62294	(618) 667-6332	11/18/1997	Meat Processing; Poultry Processing	

M45699+P45699+V45699	True Fresh HPP	6535 Caballero Blvd. Suite B	Buena Park	CA	90620	(949) 572-1651	1/23/2019	Certification - Export; Meat Processing; Poultry Processing	
V47099	True Grade, LLC	650 NE 185th Street	Miami	FL	33179	(305) 433-6565	1/9/2020	Certification - Export	
V6211I	Truitt Bros, Inc.	845 Bassett St. NW	Salem	OR	97304	(503) 362-3674	4/19/2017	Certification - Export; Identification - Meat; Identification - Poultry	
M6211A+P6211A+V6211A	Truitt Bros., Inc.	556 Murlark Ave. NW	Salem	OR	97304	(503) 362-3674	4/19/2017	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M6211K+P6211K	Truitt Bros., Inc.	2742 Hwy 25 North	East Bernstadt	KY	40729	(606) 843-4020	5/10/2019	Meat Processing; Poultry Processing	
M27372+P27372	Truzzolino Tamales	1921 Harrison Av.	Butte	MT	59701	(406) 782-0374	1/22/2003	Meat Processing; Poultry Processing	
M34186+P34186	Tsim Neej Oriental	4791 East Tulare Street	Fresno	CA	93702	(559) 253-1975	11/30/2010	Meat Processing	
M9211+P9211	T & T Foods, Inc.	3080 E 50th St.	Vernon	CA	90058	(323) 588-2158	10/20/2005	Meat Processing; Poultry Processing	Colonel Lee's Enterprises
M45392	TTJ Packing Inc.	2532 Peiper Rd.	Cottage Grove	WI	53527	(608) 839-8865	8/22/2014	Meat Processing; Meat Slaughter	
M46471+P46471	Tubito's Pizza, LLC	301 NE 36th Street	Oakland Park	FL	33334	(954) 537-4992	4/18/2019	Meat Processing; Poultry Processing	Two Bakers
M46699+P46699	Tucker and Bevvy Kitchen	449 Kapahulu Ave #102	Honolulu	HI	96815	(808) 271-0269	5/13/2019	Meat Processing; Poultry Processing	
M45860+P45860	Tucson Tamale Wholesale Company LLC	2550 N. Dragoon St. #120	Tucson	AZ	85745	(520) 398-6282	8/5/2016	Meat Processing; Poultry Processing	
M46616+P46616	Tudo Bom LLC	309 Walnut St.	Elizabeth	NJ	07201	(908) 576-7000	3/1/2019	Meat Processing; Poultry Processing	

M1315+P20491	Tuff Stuff Jerky Company	7155 Marysville Rd.	Browns Valley	CA	95918	(530) 741-2868	7/6/2016	Meat Processing; Poultry Processing	Browns Valley Meat Company, Jerky Time, Tuff Stuff Jerky Company
M34420+P34420	Tullys Market & Deli	1425 San Mateo NE	Albuquerque	NM	87110	(505) 255-5370	8/8/2007	Meat Processing	
M7355	Turkey Creek Pork Skins, Inc.	1286 Thurston School Road	Thomaston	GA	30286	(404) 647-8841	4/17/2019	Meat Processing	Turkey Creek Snacks
P7669	Turkey Valley Farms, Inc.	112 S. 6th St.	Marshall	MN	56258	(507) 337-3100	9/12/2019	Poultry Processing; Poultry Slaughter	
M7442	Turner Ham House, Inc.	16303 Hopkins Gap Road	Fulks Run	VA	22830	(540) 896-4261	1/17/2020	Meat Processing	Turner Hams, Inc.
M5542A+P5542A	Tur-Pak Foods, Inc.	6201 MacArthur Street	Sioux City	IA	51111	(712) 277-8484	9/11/1995	Meat Processing; Poultry Processing	Co-Pak Foods, Inc., Kustom Pak Foods. Ltd., Marbac, Inc., Pak Fabricators, Ltd.
M6837+P6837	Turri's Italian Foods, Inc.	16695 Common Road	Roseville	MI	48066	(586) 773-6010	6/20/1994	Meat Processing; Poultry Processing	
M48227+P48227	Tuscan Market	63 Main Street	Salem	NH	03079	(603) 912-5467	4/29/2020	Meat Processing; Poultry Processing	
M19188+P19188	TUV TAAM Corp.	502 Flushing Avenue	Brooklyn	NY	11205	(718) 855-2207	3/14/1995	Meat Processing; Poultry Processing	Kosher Gourmet
V40457	T.W Food Distr butors	2375 Vista Parkway	West Palm Beach	FL	33407	(561) 721-9333	1/20/2011	Certification - Export; Identification - Meat; Identification - Poultry	Southeastern Foods
M10139+P10139	T. Wigley, Inc.	1537 Hale Street	Detroit	MI	48207	(313) 831-6881	8/20/2004	Meat Processing; Poultry Processing	Wigleys
M45459+P45459+V45459	Twin Cities Pack, Inc.	5607 E. County Hwy J	Clinton	WI	53525	(608) 676-4428	10/3/2014	Food Inspection; Poultry Processing; Poultry Slaughter; Voluntary Processing - Poultry; Voluntary Slaughter - Poultry	

M5729+P5729+V5729	Twin Loups Quality Meats	805 Howard Ave.	St Paul	NE	68873	(308) 754-4031	6/1/1993	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry	Havlik's Locker Plant
M9814+P9814	Twin Pine Farm Inc.	5940 Twin Pine Lane	Seven Valleys	PA	17360	(717) 428-1873	7/30/2019	Meat Processing; Meat Slaughter	
M19719E+P19719E	Twin Rivers Foods	124 North E Street	Ft. Smith	AR	72901	(417) 456-2622	2/24/2020	Meat Processing; Poultry Processing	
M31877+P31877	Twin Rivers Foods	602 S.E. 1st Street	Atkins	AR	72823	(479) 641-1107	3/12/2019	Poultry Processing	Atkins Prepared Foods, Sebastian County Farms, Twin Rivers Foods
M19719+P19719	Twin Rivers Foods, Inc.	201 North 2nd Street	Fort Smith	AR	72901	(479) 785-2600	6/18/2019	Meat Processing; Poultry Processing	
M40309+P40309+V40309	Twinz Reality LLC	802 Jefferson Ave.	Newport News	VA	23607	(757) 245-3231	7/8/2010	Certification - Export; Identification - Meat; Identification - Poultry	
M34377+V34377	T & W Meat Company	1330 W Ave D	Kingman	KS	67068	(620) 532-3377	4/8/2011	Meat Processing; Meat Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
P44947	Two Brothers for Wholesale Chicken, Inc.	151-24 Beaver Road	Jamaica	NY	11433	(347) 394-4444	6/19/2014	Poultry Processing; Poultry Slaughter	Azia Halal
M40259	Two Brothers Pork Skins	1611 North Ridge Avenue	Kannapolis	NC	28083	(704) 267-3659	8/23/2010	Meat Processing	
M51249	Tyler Custom Cuts	653 Big Spring Road	Newville	PA	17241	(717) 860-8599	4/16/2019	Meat Processing; Meat Slaughter	

M2211+P2211	Tyler Packing Co., Inc.	2209 East Erwin Street	Tyler	TX	75702	(903) 593-9592	6/15/2006	Meat Processing	
M33886+P33886	Tyson Bros., Inc.	2545 E. Ozark Ave.	Gastonia	NC	28054	(704) 865-2108	10/13/2005	Meat Processing; Poultry Processing	
M2101+P2101	Tyson Deli, Inc.	1901 South St. Louis Street	Concordia	MO	64020	(660) 463-3400	9/18/2017	Meat Processing; Poultry Processing	Brennan Packing Co., Inc., Foodbrands America, Inc., Russer Foods, Tyson Foods, Inc.
M33960+P33960+V33960	Tyson Discovery Center North	3131 Woodcreek Drive	Downers Grove	IL	60515	(630) 991-5165	9/7/2012	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry	Aidell's Sausage Co., Brennan Packing Co., Inc., Delightful Farms, Delta Valley, Galileo Foods, Golden Island Jerky Company, Inc., Prospect Farms, Russer Foods, The Hillshire Brands Company, TSD Sales and Distribution, Tyson Chicken, Inc., Tyson Deli, Inc., Tyson Farms, Inc., Tyson Food Service, Tyson Fresh Meats, Inc., Tyson Poultry, Inc., Tyson Prepared Foods, Inc., Tyson Sales and Distribution, Inc., Victor F. Weaver Co.
V47011	Tyson Food, Inc.	2441 S. 98th Street Suite C	Edwardsville	KS	66111	(913) 387-9259	9/25/2019	Certification - Export	
P622	Tyson Foods	2023 Hasty Street	Monroe	NC	28110	(704) 283-7571	9/5/2018	Poultry Processing; Poultry Slaughter	Tyson Farms, Inc. & TSD Sales & Distribution
M13556+P13556	Tyson Foods Inc	19571 Whitfield Road	Sedalia	MO	65301	(660) 827-8525	5/31/2018	Meat Processing; Poultry Processing; Poultry Slaughter	Prospect Farms, TSD Sales and Distribution, Tyson Poultry, Inc.
M19636+P19636	Tyson Foods Inc	2800 E. Tyson Dr.	Union City	TN	38261	(731) 886-4700	7/11/2008	Poultry Processing; Poultry Slaughter	Houston Farms, Prospect Farms, Tyson Farms Inc
M7089+P7089	Tyson Foods Inc	1001 Stoddard	Dexter	MO	63841	(573) 624-4548	4/17/2019	Poultry Processing; Poultry Slaughter	Tyson Chicken Inc

P164	Tyson Foods Inc	1225 Jack Lee Drive	Forest	MS	39074	(601) 469-7600	1/29/2008	Poultry Processing; Poultry Slaughter	Choctaw Maid Farms, Tyson Foods Inc
M9977+P1325	Tyson Foods Inc.	403 S. Custer Avenue	New Holland	PA	17557	(717) 354-4211	4/16/2020	Meat Processing; Poultry Processing; Poultry Slaughter	Hudson Foods, Inc., TSD Sales and Distribution, Tyson Poultry, Inc., Victor F. Weaver Co.
P6651	Tyson Foods Inc.	901 W. Jackson	Shelbyville	TN	37160	(931) 684-8180	11/13/2015	Poultry Processing; Poultry Slaughter	Delightful Farms, Howard County Farms, TSD Sales and Distribution, Tyson Farms, Inc.
M112+P112	Tyson Foods, Inc	601 Tyson Drive Building 1	Green Forest	AR	72638	(870) 438-5211	11/6/2017	Poultry Processing; Poultry Slaughter	Tyson Foods , Inc. M112/P112
P7085+V7085	Tyson Foods, Inc	Highway 259 South	Broken Bow	OK	74728	(580) 584-4485	10/17/2016	Certification - Export; Off-Premise Freezing Poultry; Poultry Processing; Poultry Slaughter	Arkie Chicken, Brennan Packing Company, Inc., Carroll County, Cavanaugh Lakeview Farms, Choctaw Maid, Colonia, Delightful Farms, Delta Valley, Eastwood Foods, Gold Leaf, Greenwich, Holly Farms, Howard County, Hudson Foods, Inc., Janet Davis, Lady Aster Food Service, McCarty Foods, Ole Carolina Brand & Design, Patti Jean, Prospect Farms, Spare Time, Tyson, Victor F. Weaver Company, Washington Creamery
P72	Tyson Foods, Inc	1291 N Hwy. 7	Dardanelle	AR	72834	(479) 229-3357	12/3/2019	Poultry Processing; Poultry Slaughter	TSD Sales and Distribution, Tyson Food Service, Tyson Poultry, Inc., Tyson Sales and Distribution, Inc.
P758	Tyson Foods, Inc	3865 Highway 35 North	Carthage	MS	39051	(601) 298-5360	4/16/2019	Poultry Processing; Poultry Slaughter	Delightful Farms, Delta Valley, Prospect Farms, TSD Sales & Distribution, Tyson Farms, Inc, Victor F. Weaver
P146	Tyson Foods, Inc,	13264 Mountain Road	Glen Allen	VA	23059	(804) 798-8357	4/13/2018	Poultry Processing; Poultry Slaughter	Tyson Farms, Inc., Tyson Foods,Inc

M112A+P112A	Tyson Foods, Inc.	601 Tyson Drive Building 2	Green Forest	AR	72638	(870) 438-5211	4/21/2020	Meat Processing; Poultry Processing	Tyson Poultry, Inc
M13456+P13456+V13456	Tyson Foods, Inc.	5505 Jefferson Parkway	Pine Bluff	AR	71602	(870) 247-9127	3/15/2011	Certification - Export; Meat Processing; Poultry Processing; Poultry Slaughter	Arkie Chicken, Brennan Packing, Inc., Carroll County, Cavanaugh Lakeview Farms, Choctaw Maid, Colonia, Delightful Farms, Delta Valley, Eastwood Foods, Gold Leaf, Greenwich, Holly Farms, Howard County, Hudson Foods, Inc., Janet Davis, Lady Aster (Food Service), McCarty Foods, Ole Carolina Brand & Design, Patti Jean, Prospect Farms, Spare Time, Tyson, Victor F. Weaver Co., Washington Creamery
M17250+P6+V6	Tyson Foods, Inc.	67240 Main Street	Blountsville	AL	35031	(205) 429-2421	7/23/2010	Poultry Processing; Poultry Slaughter	TSD Sales & Distribution, Tyson Farms, Inc
M17728+P17728	Tyson Foods, Inc.	1785 Interplex Drive	Vicksburg	MS	39183	(601) 629-4770	12/27/2019	Meat Processing; Poultry Processing	Tyson Farms Inc.
M2277+P746+V746	Tyson Foods, Inc.	3800 Progress Street	North Little Rock	AR	72114	(501) 945-7131	11/22/2010	Certification - Export; Meat Processing; Poultry Processing	Arkie Chicken, Brennan Packing Co., Inc., Carroll County, Cavanaugh Lakeview Farms, Choctaw Maid, Colonia, Delightful Farms, Delta Valley, Eastwood Foods, Gold Leaf, Greenwich, Holly Farms, Howard County, Hudson Foods, Inc., Janet Davis, Lady Aster (Food Service), McCarty Foods, Ole Carolina Brand & Design, Patti Jean, Prospect Farms, Spare Time, Tyson, Victor F. Weaver Co., Washington Creamery

M549+P549	Tyson Foods, Inc.	3424 Cambridge	Springdale	AR	72762	(479) 290-4936	12/14/2017	Meat Processing; Poultry Processing	
M5839+P5839	Tyson Foods, Inc.	620 Tyler Road	Russellville	AR	72802	(479) 498-0465	6/9/2014	Poultry Processing	Arkie Chicken, Brennan Packing Co., Inc., Carroll County, Cavanaugh Lakeview Farms, Choctaw Maid, Colonia, Delightful Farms, Delta Valley, Eastwood Foods, Gold Leaf, Greenwich, Holly Farms, Howard County, Hudson Foods, Inc., Janet Davis, Lady Aster (Food Service), McCarty Foods, Ole Carolina Brand & Design, Patti Jean, Prospect Farms, Spare Time, Tyson, Victor F. Weaver Co., Washington Creamery
M5842+P5842+V5842	Tyson Foods, Inc.	600 N. Berry Street	Springdale	AR	72762	(479) 750-5316	5/29/2012	Certification - Export; Meat Processing; Poultry Processing; Poultry Slaughter	Holly Farms, McCarty Foods, Tyson Poultry, Inc.
M7048+P7048	Tyson Foods, Inc.	802 S. 28th Street	Van Buren	AR	72956	(479) 474-7041	7/2/2014	Meat Processing; Poultry Processing	Tyson Poultry, Inc.
M7100+P7100+V7100	Tyson Foods, Inc.	100 East Cassady	Nashville	AR	71852	(870) 845-1455	8/17/2011	Certification - Export; Meat Processing; Poultry Processing; Poultry Slaughter	Tyson Poultry, Inc.
M7211+P7211	Tyson Foods, Inc.	110-112 W. Freeman	Berryville	AR	72616	(870) 423-2164	5/7/2014	Poultry Processing	Tyson Poultry, Inc.
M7221+P7221	Tyson Foods, Inc.	400 West Olrich Street	Rogers	AR	72756	(479) 636-7251	5/31/2018	Meat Processing; Poultry Processing	Tyson Foods, Inc, Tyson Poultry, Inc.
M7255+P7255	Tyson Foods, Inc.	1610 Midland Blvd.	Fort Smith	AR	72901	(479) 783-8996	5/20/2014	Poultry Processing	Tyson Poultry, Inc.
M7478AA+P1AA	Tyson Foods, Inc.	706 Factory Street	Wi kesboro	NC	28697	(336) 838-2171	8/10/2017	Meat Processing; Poultry Processing	TSD Sales & Distribution, Tyson Farms, Inc.

M7478+P1	Tyson Foods, Inc.	704 Factory Street	Wi kesboro	NC	28697	(336) 838-2171	1/17/2020	Poultry Processing; Poultry Slaughter	Tyson Farms, Inc.
P1137	Tyson Foods, Inc.	1200 West Kingsbury Street	Seguin	TX	78155	(830) 401-8800	7/15/2015	Poultry Processing; Poultry Slaughter	TSD Sales and Distribution, Tyson Farms, Inc., Tyson Fresh Meats
P1241	Tyson Foods, Inc.	545 Valley Road	Corydon	IN	47112	(812) 738-5880	12/3/2019	Poultry Processing; Poultry Slaughter	TSD Sales and Distribution, Inc., Tyson Chicken, Inc.
P1315	Tyson Foods, Inc.	800 County Road	Monett	MO	65708	(417) 235-9333	4/30/2020	Poultry Processing; Poultry Slaughter	Tyson Poultry, Inc.
P1362	Tyson Foods, Inc.	One Tyson Avenue	Noel	MO	64854	(417) 475-3181	10/2/2018	Poultry Processing; Poultry Slaughter	Delightful Farms, Gold Leaf, Hudson, Tyson Chicken, Inc.
P18873	Tyson Foods, Inc.	1151 E. Pine Street	Vienna	GA	31092	(229) 268-3400	10/25/2018	Poultry Processing; Poultry Slaughter	Tyson Farms, Inc.
P19514	Tyson Foods, Inc.	14660 U S Hwy 41 South	Robards	KY	42452	(270) 521-3018	3/11/2009	Poultry Processing; Poultry Slaughter	Aldi (Kirkwood Brand), Costco, Costco (Kirkland), Costco Mexico, Delightful Farms, Food Lion, Giant Eagle, Hanaford, Harris Teeter, Kroger, Kroger (Heritage Farms), Meijer, Prospect Farms, Publix, Safeway, Sam's (Daily Chef), Target (Market Pantry), Tyson (Spare Time), Tyson Chicken, Inc., Wal-mart (Great Value Brand)
P243	Tyson Foods, Inc.	340 W. Maple	Cumming	GA	30040	(770) 887-2344	10/25/2018	Poultry Processing; Poultry Slaughter	Tyson Poultry, Inc.

P27+V27	Tyson Foods, Inc.	8564 Highway 71 South	Grannis	AR	71944	(870) 385-2331	7/5/2011	Certification - Export; Poultry Processing; Poultry Slaughter	Arkie Chicken, Brennan Packing Co., Inc., Carroll County, Cavanaugh Lakeview Farms, Choctaw Maid, Colonia, Delightful Farms, Delta Valley, Eastwood Foods, Gold Leaf, Greenwich, Holly Farms, Howard County, Hudson Foods, Inc., Janet Davis, Lady Aster (Food Service), McCarty Foods, Ole Carolina Brand & Design, Patti Jean, Prospect Farms, Spare Time, Tyson, Victor F. Weaver Co., Washington Creamery
P325	Tyson Foods, Inc.	1019 Shelbyville Street	Center	TX	75935	(936) 598-2723	1/8/2018	Poultry Processing; Poultry Slaughter	TSD Sales & Distribution, Tyson Farms, Inc.
P481	Tyson Foods, Inc.	671 Randall Wobbe Ln	Springdale	AR	72764	(479) 717-5200	12/21/2017	Poultry Processing; Poultry Slaughter	ALDI Inc., Lucerne Foods Inc., Nature Raised Farms, Prospect Farms, Sysco Corporation, The Kroger Company, TSD Sales & Distribution, Tyson Poultry, Inc.
P559	Tyson Foods, Inc.	6600 Hwy. 431 S. P.O. Box 1097	Albertville	AL	35950	(256) 891-8374	12/22/2017	Poultry Processing; Poultry Slaughter	Tyson Farms Inc
P607	Tyson Foods, Inc.	212 E. Elm Street	Rogers	AR	72756	(479) 636-1620	12/3/2019	Poultry Processing	Tyson Poultry, Inc.
P7044	Tyson Foods, Inc.	1484 NE Loop	Carthage	TX	75633	(903) 693-7101	9/26/2014	Poultry Processing; Poultry Slaughter	Tyson Poultry, Inc.
P7101	Tyson Foods, Inc.	301 East Cherry Street	Clarksville	AR	72830	(479) 754-3586	6/16/2014	Poultry Processing; Poultry Slaughter	Tyson Poultry, Inc., Tyson Sales and Distribution
P7156+V7156	Tyson Foods, Inc.	275 County Road 278	Hope	AR	71801	(870) 777-8646	9/2/2011	Certification - Export; Poultry Processing; Poultry Slaughter	Tyson Chicken, Inc.

P768+V768	Tyson Foods, Inc.	442 Plant Street	Waldron	AR	72958	(479) 637-2121	3/30/2011	Certification - Export; Poultry Processing; Poultry Slaughter	Tyson Poultry, Inc.
P806	Tyson Foods, Inc.	PO Box 8 11224 Lankford Hwy.	Temperanceville	VA	23442	(757) 824-3471	1/30/2018	Poultry Processing; Poultry Slaughter	DELIGHTFUL FARMS, HOWARD COUNTY FARMS, TSD SALES AND DISTIBUTION, TYSON FARMS, INC
M244+V244	Tyson Fresh Meats, inc.	1009 Richland Street	Storm Lake	IA	50588	(712) 732-7433	9/13/2013	Certification - Export; Meat Processing; Meat Slaughter	ibp Inc., Tyson Foods, Inc., Tyson Fresh Meats, INC.
M244G+P244G+V244G	Tyson Fresh Meats, Inc	201 Cartwright Street	Goodlettsville	TN	37072	(615) 815-2767	1/27/2020	Certification - Export; Meat Processing	
M244I	Tyson Fresh Meats, Inc	2125 S. County Road 125 West	Logansport	IN	46947	(574) 753-6121	5/1/2018	Meat Processing; Meat Slaughter	Dakota Technology Company, IBP, Inc., Madison Processed Meats, Natureraised Farms, Tasco, Tasco Centrifuge, Thomas E. Wilson Foods, Trans Continental Cold Storage, Transcontinental Cold Storage, TSD Sales & Distribution, Tyson Foods, Inc.
M244M	Tyson Fresh Meats, Inc	1200 Industrial Parkway	Madison	NE	68748	(402) 454-3361	4/17/2018	Meat Processing; Meat Slaughter	Dakota Technology Company, IBP, Inc, Madison Processed Meats, Natureraised Farms, Tasco, Tasco Centrifuge, Thomas E. Wilson Foods, Trans Continental Cold Storage, TransContinental Cold Storage, TSD Sales & Distribution, Tyson Foods, Inc.
M244P+V244P	Tyson Fresh Meats, Inc	13500 I Court	Perry	IA	50220	(515) 465-5363	10/18/2004	Certification - Export; Meat Processing; Meat Slaughter	IBP, inc
M245L+P245L	Tyson Fresh Meats, Inc	1500 Plum Creek Pkwy	Lexington	NE	68850	(308) 324-5671	2/12/2018	Meat Processing; Meat Slaughter	IBP, inc., Tyson Foods, Inc

M21276+P21276	Tyson Fresh Meats, Inc.	1200 Industrial Parkway	Madison	NE	68748	(402) 454-4295	10/5/2018	Meat Processing; Poultry Processing	Madison Processed Meats, TSD Sales & Distribution, Tyson Foods, Inc., Tyson Refrigerated Processed Meats
M244C+P244C	Tyson Fresh Meats, Inc.	2700 23rd Avenue	Council Bluffs	IA	51501	(712) 323-6353	1/25/2018	Meat Processing; Poultry Processing	IBP, inc., Tyson Foods, Inc.
M244L+V244L	Tyson Fresh Meats, Inc.	16198 Highway 70 North	Columbus Junction	IA	52738	(319) 728-7432	8/23/2017	Certification - Export; Meat Processing; Meat Slaughter	IBP, Inc., TSD Sales and Distribution, Tyson Foods, Inc.
M244S+P244S	Tyson Fresh Meats, Inc.	4700 Hwy 75 South	Sherman	TX	75090	(903) 891-6001	11/17/2014	Meat Processing	IBP, Inc., TSD Sales and Distribution, Tyson Foods, Inc.
M244W	Tyson Fresh Meats, Inc.	501 N. Elk Run Road	Waterloo	IA	50703	(319) 236-2636	1/29/2019	Meat Processing; Meat Slaughter	IBP inc., Tyson Foods, Inc.
M245C+V245C	Tyson Fresh Meats, Inc.	1131 Dakota Avenue	Dakota City	NE	68731	(605) 235-2610	8/8/2017	Certification - Export; Meat Processing; Meat Slaughter	IBP, Inc., TSD Sales and Distribution, Tyson Foods, Inc.
M245D+P245D+V245D	Tyson Fresh Meats, Inc.	2101 West 6th Ave	Emporia	KS	66801	(620) 343-3640	5/8/2012	Certification - Export; Identification - Meat; Identification - Poultry; Meat Processing	Dakota Technology Company, IBP, Inc., Life Circle Foods, Madison Processed Meats, NatureRaised Farms, Star Ranch Foods, TASCO, TASCO Centrifuge, Thomas E. Wilson Foods, Trans Continental Cold Storage, TSD Sales & Distribution, Tyson Foods, Inc.
M245E	Tyson Fresh Meats, Inc.	5000 North FM 1912	Amarillo	TX	79108	(806) 335-7322	9/8/2014	Meat Processing; Meat Slaughter	IBP, Inc., Tyson Foods, Inc.
M245J	Tyson Fresh Meats, Inc.	28424 38th Ave. N	Hillsdale	IL	61257	(309) 658-2291	7/18/2014	Meat Processing; Meat Slaughter	IBP, Inc., Tyson Fresh Meats, Inc.
M278+V278	Tyson Fresh Meats, Inc.	3105 N. IBP Road P.O. Box 149	Holcomb	KS	67851	(620) 277-4201	6/27/2017	Certification - Export; Meat Processing; Meat Slaughter	Tyson Fresh Meats

M31858+P31858	Tyson Fresh Meats, Inc.	Customer Resource Center 800 Stevens Port Drive, SU DD801	Dakota Dunes	SD	57049	(605) 235-2223	7/2/2014	Meat Processing; Poultry Processing	IBP, inc., Tyson Foods, Inc.
M3229+V3229	Tyson Fresh Meats, Inc.	2601 W. 6th Ave	Emporia	KS	66801	(620) 343-8010	3/16/2020	Certification - Export; Identification - Meat; Identification - Poultry	
M9268+V9268	Tyson Fresh Meats, Inc.	13983 Dodd Road	Wallula	WA	99363	(509) 543-4230	4/21/2011	Identification - Meat; Meat Processing; Meat Slaughter	IBP, Inc., Tyson Foods, Inc.
V21513	Tyson Fresh Meats, Inc.	621 E. Stevenson Drive	Ottawa	IL	61350	(815) 431-9501	1/8/2014	Identification - Meat; Identification - Poultry	
V3555	Tyson Fresh Meats, Inc.	3939 South Lewis Boulevard	Sioux City	IA	51106	(712) 279-0070	7/16/2018	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M13433+P13433	Tyson Prepared Foods, Inc.	4114 Mint Way	Dallas	TX	75237	(214) 331-3256	4/8/2020	Meat Processing; Poultry Processing	Doskocil Food Service Company, Rosani Foods, TSD Sales and Distribution, Tyson Deli, Inc., Tyson Foods, Inc., Tyson Sales & Distribution, Inc.
M19706+P19706	Tyson Prepared Foods, Inc.	1970 Bluff Road	Columbia	SC	29201	(803) 758-0047	2/14/2019	Meat Processing; Poultry Processing	
M21397+P21397	Tyson Prepared Foods, Inc.	501 N Elk Run Rd	Waterloo	IA	50703	(319) 236-9402	2/8/2019	Meat Processing; Poultry Processing	Tyson Sales and Distribution, Inc.

M21716+P21716	Tyson Prepared Foods, Inc.	2101 S. 29th street	Council Bluffs	IA	51501	(712) 329-3293	2/8/2019	Meat Processing; Poultry Processing	Tyson Deli, Inc., Tyson Foods, Inc, Tyson Sales and Distribution, Inc.
M2289+P2289	Tyson Prepared Foods, Inc.	6350 Browning Court	N. Richland Hills	TX	76180	(817) 514-3544	4/8/2020	Meat Processing; Poultry Processing	TSD Sales and Distribution, Tyson Deli, Inc., Tyson Foods, Inc.
M5500+P5500	Tyson Prepared Foods, Inc.	521 South Main	Hutchinson	KS	67501	(620) 669-8761	4/14/2020	Meat Processing; Poultry Processing	TSD Sales and Distribution, Tyson Food Service, Tyson Sales & Distribution, Inc.
M623+P7250	Tyson Prepared Foods, Inc.	9 North Washington	South Hutchinson	KS	67505	(620) 663-6141	4/27/2020	Meat Processing; Poultry Processing	TSD Sales and Distribution, Tyson Deli, Inc.
V34653	Tyson Prepared Foods, Inc.	5200 Gold Spike Road, Room 250	Fort Worth	TX	76106	(817) 625-0627	3/6/2020	Certification - Export; Identification - Meat; Identification - Poultry	
M13331+P13331	Tyson Processing Services, Inc	13076 Renfro Circle	Omaha	NE	68137	(402) 894-7540	5/23/2016	Meat Processing; Poultry Processing	Tyson Foods, Inc., Tyson Fresh Meats, Inc., Tyson Refrigerated Processed Meats, Inc.
M1489+P1489+V1489	Tyson Refrigerated Processed Meats, Inc.	300 Portwall	Houston	TX	77029	(713) 678-1700	9/26/2014	Certification - Export; Meat Processing; Poultry Processing	Foodbrands America, Inc., Russer Foods, TSD Sales & Distribution, Tyson Foods, Inc.
M2269+P2269	Tyson Refrigerated Processed Meats, Inc.	700 Wheeler Street	Vernon	TX	76384	(940) 533-1888	6/4/2014	Meat Processing; Poultry Processing	Foodbrands America, Inc., TSD Sales & Distribution, Tyson Foods, Inc.
M17276+V17276	Tyson Sales and Distr bution, Inc.	4820 East Main Street	Russellville	AR	72802	(479) 964-8101	1/30/2020	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	

M19424+P19424+V 19424	Tyson Sales and Distr bution, Inc.	402 West Olrich Street	Rogers	AR	72756	(479) 986-3201	10/11/2019	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M20737+P20737+V 20737	Tyson Sales & Distr bution, Inc.	702 East Main Street	Russellville	AR	72801	(479) 964-4307	3/16/2020	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M6012	U. C. Davis Meat Laboratory	U C Meat Lab, 1 Shields Ave.	Davis	CA	95616	(916) 752-7410	8/22/1988	Meat Processing; Meat Slaughter	
M4400+P4400	U.F.S. Industries, Inc.	300 North MacQuesten Parkway	Mount Vernon	NY	10550	(914) 664-6262	6/19/2019	Meat Processing; Poultry Processing	Sally Sherman Foods
M19979+P19979	Ukrop's Homestyle Foods	600-A Southlake Blvd.	Richmond	VA	23236	(804) 419-1990	3/4/2011	Meat Processing; Poultry Processing	Good Meadow Homemades, Ukrop's Food Group, Ukrop's Super Markets, Inc.
M21444+P21444	Uli's Famous Sausage LLC	843 Rainier Ave S.	Seattle	WA	98144	(206) 839-1000	6/12/2015	Meat Processing; Poultry Processing	
M17105	Uncle Charley's Sausage Co. LLC	1135 Industrial Park Road	Vandergrift	PA	15690	(724) 845-3302	5/1/2014	Meat Processing	
M7308A+P7946	Uncle Charlie's Meats, Inc.	406 N. Estill St.	Richmond	KY	40476	(859) 623-1967	11/17/2017	Meat Processing; Poultry Processing	Uncle Charlie's Meats
M45715+P45715	Uncle Henry's Gourmet Meats	1331 Piedmont Dr.	Troy	MI	48083	(248) 740-8755	5/16/2017	Meat Processing	
M46187	Uncle Johnny's Wholesale Catfish	197 Hillard Blvd	Vance	SC	29163	(803) 860-1224		Meat Processing	
M9179+P9179	Uncle John's Pride, LLC	10250 Woodberry Rd.	Tampa	FL	33619	(813) 685-7745	7/28/2015	Meat Processing; Poultry Processing	Atlanta Sausage Company, Peppino Foods, Uncle John's Pride

M12449+P12449	Uncle Louie Sausage Co., Inc.	190 Alamaha Street, Suite E	Kahului	HI	96732	(808) 871-7544	11/5/2007	Meat Processing; Poultry Processing	
M40230+P40230	Uncle Peters	2573 South Lapeer Road	Orion Township	MI	48360	(248) 804-5039	4/3/2012	Meat Processing; Poultry Processing	
M51351+P51351	Underground Slaughter LLC	6821 Franks Ferry Road	Walling	TN	38587	(931) 492-6328	5/21/2018	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
M1163+P1163+V1163	Unibright Foods, Inc.	7101 Scout Avenue	Bell Gardens	CA	90201	(310) 806-3221	8/14/1996	Certification - Export; Meat Processing; Poultry Processing	
M40339+P40339+V40339	Unicold Corporation	555 Maritime	Oakland	CA	94607	(510) 834-9219	10/5/2010	Certification - Export; Identification - Meat; Identification - Poultry	
M45451+P45451+V45451	Unilever	13000 E. 35th St.	Independence	MO	64055	(816) 326-6300	1/26/2016	Food Inspection; Meat Processing; Poultry Processing	
M34371+P34371	Union Foods LLC	751 Fenner Rd.	Rocky Mount	NC	27804	(252) 985-9800	10/8/2019	Poultry Processing	
M13189	Union Slaughter House, Inc.	1000 Plaza Street	Del Rio	TX	78840	(830) 774-0065	10/26/2018	Meat Processing; Meat Slaughter	
M3491A+P3491A+V3491A	Union Storage and Transfer Company	1500 47th Street NW	Fargo	ND	58103	(701) 364-1958	5/16/2001	Certification - Export; Off-Premise Freezing Egg Products; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
I8	United Cold Storage	1600 Donner Avenue	San Franciso	CA	94124	(415) 822-8445	5/25/2016	Imported Product	United Cold Storage

V19857	United Cold Storage	1600 Donner Avenue	San Francisco	CA	94124	(415) 589-5645	1/16/2013	Certification - Export; Identification - Meat; Identification - Poultry	
M46298+P46298	United Foods Corporation	3823 S. Halsted St.	Chicago	IL	60609	(312) 804-9638	2/11/2020	Meat Processing; Poultry Processing	
M46693+P46693	United Fruit and Produce Co.	45 Produce Row	St. Louis	MO	63102	(314) 621-9440	5/6/2019	Meat Processing; Poultry Processing	
M44220+P44220	United Group Meats LLC	181 Miller Street	Newark	NJ	07114	(973) 624-5703	1/19/2012	Meat Processing; Poultry Processing	
M46679	United Halal LLC	1002 N. 12th Street Harrisburg	Harrisburg	PA	17103	(708) 328-1911	7/23/2019	Meat Processing	
M47069+P47069	United Meat Market	5420 Doniphan Dr., Ste.A	El Paso	TX	79932	(915) 667-6528	12/5/2019	Meat Processing; Poultry Processing	
V991	United Natural Foods Inc.	6272 McIntosh Road	Sarasota	FL	34238	(941) 925-6600	3/6/2012	Identification - Meat; Identification - Poultry	
M33789+P33789	United Premium Foods, LLC	One Amboy Ave	Woodbridge	NJ	07095	(732) 510-5600	6/17/2019	Meat Processing; Poultry Processing	
I21467	United Source One, Inc.	4610 Mercedes Drive Ste. 110	Belcamp	MD	21017	(410) 278-0800	4/10/2019	Imported Product	Source One Imports
V21467	United Source One, Inc.	4610 Mercedes Dr. Riverside Industrial Park	Belcamp	MD	21017	(410) 278-0800	7/12/2019	Certification - Export; Identification - Meat; Identification - Poultry	
M18618+V18618	United States Cold Storage	1400 N. MacArthur Dr.	Tracy	CA	95376	(209) 835-2653	4/19/2007	Certification - Trichinae	
M38474+P38474+V38474	United States Cold Storage	800 E. Kankakee River Drive	Wilmington	IL	60481	(815) 476-2653	4/16/2009	Identification - Meat; Identification - Poultry	

V19621	United States Cold Storage	2554 Downing Drive	Fort Worth	TX	76106	(817) 624-1900	2/19/2002	Certification - Export; Identification - Meat; Identification - Poultry	
V3191	United States Cold Storage	10711 Olive Street	Omaha	NE	68128	(402) 339-8855	7/16/2002	Identification - Meat; Identification - Poultry	
V34520	United States Cold Storage	2525 E. North Ave	Fresno	CA	93725	(559) 476-2702	1/31/2020	Certification - Cysticercus; Certification - Export; Certification - Trichinae	
V3531	United States Cold Storage	1727 J.P. Hennessy Drive	Lavergne	TN	37086	(615) 641-9800	11/3/2011	Certification - Export	
V39977	United States Cold Storage	211 N.N McCloskey Avenue	Lake City	FL	32055	(386) 438-2653	8/11/2009	Certification - Export; Identification - Meat; Identification - Poultry	
V45491	United States Cold Storage	1050 Heller Road	Quakertown	PA	18951	(215) 892-1541	11/13/2014	Certification - Export; Identification - Meat; Identification - Poultry	
V46447	United States Cold Storage	18728 FM 1472	Laredo	TX	78045	(956) 229-5035	8/6/2018	Certification - Export	
V47193	United States Cold Storage	8025 Quality Drive	Prince George	VA	23875	(610) 357-5505	4/25/2020	Certification - Export	
V996	United States Cold Storage	4000 Miller Circle	Bethlehem	PA	18020	(610) 997-6150	11/18/2014	Certification - Export; Identification - Meat; Identification - Poultry	

M19870+P19870+V19870	United States Cold Storage Inc	240 Bruce Costin Road	Warsaw	NC	28398	(910) 293-7400	10/20/1997	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
I528	United States Cold Storage Inc.	11801 NW 102 Road	Medley	FL	33178	(305) 691-5391	7/14/2017	Imported Product	
M39936+P39936+V39936	United States Cold Storage Inc.	11801 NW 102 Road	Medley	FL	33178	(305) 691-5391	7/7/2009	Identification - Meat; Identification - Poultry	
V46415	United States Cold Storage Inc.	1093 West 450 South	Syracuse	UT	84075	(801) 776-2653	1/13/2015	Food Inspection; Identification - Meat; Identification - Poultry	
V17068	United States Cold Storage, Inc.	2901 Kenny Biggs Road	Lumberton	NC	28358	(910) 739-1992	3/24/2010	Certification - Cysticercus; Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V19288	United States Cold Storage, Inc.	419 Milford-Harrington Hwy.	Milford	DE	19963	(302) 455-7536	3/11/2009	Certification - Export; Identification - Poultry; Off-Premise Freezing - Poultry	

V19296	United States Cold Storage, Inc.	114 Cuddy Drive	Marshville	NC	28103	(704) 624-3555	9/25/2007	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	United States Cold Storage
V3116B	United States Cold Storage, Inc.	780 Pleasant Valley Rd.	Harrisonburg	VA	22801	(540) 564-6800	6/19/2008	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V3707	United States Cold Storage, Inc.	4302 South 30th Street	Omaha	NE	68107	(402) 731-9900	11/9/2006	Certification - Cysticercus; Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry	
V27290A	United States Cold Storage LLc	4000 AM Drive	Quakertown	PA	18951	(215) 592-1500	1/15/2016	Certification - Cysticercus; Certification - Export; Identification - Meat; Identification - Poultry	

V48163	United States Cold Storage LLC	1102 North Park Drive	Hazleton	PA	18202	(570) 861-1000	3/10/2016	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry	
I515	United States Cold Storage, LP	1602 Island Street	Laredo	TX	78041	(956) 722-3951	8/6/2009	Imported Product	
V18965	United States Cold Storage, LP	1602 Island Street	Laredo	TX	78041	(956) 722-3951	6/13/2018	Certification - Export	
V3366	United States Cold Storage, LP	3300 East Park Row Drive	Arlington	TX	76010	(817) 633-3070	3/18/2002	Certification - Export; Identification - Meat; Identification - Poultry	
V3845A	United States Cold Storage, LP	2225 N. Cockrell Hill Road	Dallas	TX	75212	(214) 854-3100	7/15/2013	Certification - Export; Identification - Meat; Identification - Poultry	
V17864	United States Cold Storage of CA	810 E Continental Ave.	Tulare	CA	93274	(559) 686-4558	3/11/1997	Certification - Export; Identification - Meat; Off-Premise Freezing Meat	
V3690	United States Cold Storage of Calif	3100 52nd Ave	Sacramento	CA	95823	(916) 392-9160	1/24/2008	Certification - Export; Identification - Meat; Identification - Poultry	
V51238	United States Cold Storage of California	6501 District Blvd.	Bakersfield	CA	93313	(661) 832-2653		Certification - Export; Identification - Meat; Identification - Poultry	

V17130	United States Cold Storage Texas LTD	1600 West Carlton Road @ Santa Maria	Laredo	TX	78041	(956) 722-8207	5/2/2002	Certification - Export; Identification - Meat; Identification - Poultry	
M1654	United States Meat Animal Rese	4 1/2 Mi West on Hwy 18D	Clay Center	NE	68933	(402) 762-4260	11/8/1988	Meat Processing; Meat Slaughter	University Of Nebraska
M5477+P5477	Unity Beef Sausage Co., Inc.	43-47 University Avenue	Newark	NJ	07102	(973) 624-4847	3/21/2011	Meat Processing	Unity Beef, Unity Brand Halal Co., Unity Brand Halal Products, Unity Brand Products
M44750+P44750	Universal Frozen Food Inc.	2364 65th Street	Brooklyn	NY	11204	(347) 492-6655	2/6/2017	Meat Processing; Poultry Processing	Kosher R Us, KYNY Foods
M31896+P31896	Universal Pure Cold Storage, LLC & Universal Pure, LLC	1601 Pioneers Blvd	Lincoln	NE	68502	(402) 474-9500	1/8/2019	Meat Processing; Poultry Processing	
M31896C+P31896C	Universal Pure, LLC	65 Chamberlain Highway	Meriden	CT	06451	(203) 379-1573	12/19/2019	Meat Processing; Poultry Processing	
M31896M+P31896M	Universal Pure, LLC	8 Lee Boulevard	Malvern	PA	19355	(610) 232-5493	3/2/2020	Meat Processing; Poultry Processing	Universal Pasteurization, UPC
M40364+P40364	Universal Pure, LLC	777 Freeport Pkwy Suite 130	Coppell	TX	75019	(972) 584-0088	1/3/2020	Meat Processing; Poultry Processing	Universal Pure, LLC, UPC Texas, LLC
M6537+P6537	University of Florida Meat Lab	Bldg 459 2250 Shealy Drive	Gainesville	FL	23608	(352) 392-1921	3/7/2017	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
M7421A+P7421A	University of Georgia Meat Plant	425 River Road	Athens	GA	30602	(706) 542-4347	9/16/2016	Meat Processing; Meat Slaughter	

M11044+P11044+V11044	University of Idaho Meats Lab	1651 West 6th Street	Moscow	ID	83843	(208) 885-6727	11/29/1995	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry	Vandal Brand Meats
M8013	University of Kentucky - Animal Science Meat Laboratory	B49 Meat Lab W.P. Garrigus Bldg.	Lexington	KY	40516	(859) 257-5854	4/27/2017	Meat Processing; Meat Slaughter	
M5777A	University of Missouri Meat Market	1406 East Rollins Street	Columbia	MO	65211	(573) 882-0591	5/5/2016	Meat Processing; Meat Slaughter	Mizzou Meat Market
M5777+P5777	University of Missouri Meat Market	1600 East Rollins Street	Columbia	MO	65211	(573) 882-0591	5/5/2016	Meat Processing	Mizzou Meat Market
M6004+P6004+V6004	University of Nevada, Reno	5895 Clean Water Way	Reno	NV	89502	(775) 857-3663	3/4/2003	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	University of Nevada Reno, Wolf Pack Meats
M46233+P46233	University of Wisconsin River Falls	College of Animal and Food Science 242 Food Science Dept.	River Falls	WI	54022	(715) 425-4116	1/27/2020	Meat Processing; Meat Slaughter	Falcon Foods
M966+P19049+V966	Univ of Arizona Food Products & Safety Lab	4181 N Campbell Ave	Tucson	AZ	85719	(520) 318-7021	3/15/2013	Identification - Meat; Identification - Poultry; Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat; Voluntary Slaughter - Rabbit	

M17426+P17426	Uno Foods Inc.	180 Spark Street	Brockton	MA	02302	(617) 218-5464	6/21/2017	Meat Processing; Poultry Processing	
M44754+P44754	Unwrapping Flavors, LLC	314 Spencer Lane	San Antonio	TX	78201	(210) 858-9119	12/6/2011	Meat Processing; Poultry Processing	Tamahli
I52	U. Okada & Company, LTD	1000 Queen Street	Honolulu	HI	96814	(808) 597-1102	5/30/2012	Imported Product	
M31896VR+P31896VR	UPC Southeast, LLC	100 HD Williams Industrial Dr.	Villa Rica	GA	30180	(678) 840-1500	9/20/2017	Meat Processing; Poultry Processing	Universal Pure
M45321	Upper Iowa Beef LLC	4614 Highway 63	Lime Springs	IA	52155	(563) 566-2202	3/22/2019	Meat Processing; Meat Slaughter	
M7780A+P7780A	Urban Farmer	1551 N. Boudreau Rd.	Manteno	IL	60950	(815) 468-7200	3/16/2020	Meat Processing; Poultry Processing	
M7780+P7780	Urban Farmer LLC	655 Mulberry	Manteno	IL	60950	(815) 468-7200	9/18/2017	Meat Processing; Poultry Processing	Teresa Foods, Teresa Pizza
M45404+P45404	Urseilas Meat II	1434 W. Slauson Avenue	Los Angeles	CA	90047	(323) 270-2976		Meat Processing; Poultry Processing	
M51173+P51173	Urth Hawthorne Commissary, LLC	4940 W. 147th Street	Hawthorn	CA	90250	(213) 797-4527	10/17/2019	Meat Processing; Poultry Processing	
M27291+P27291	Urumex, LLC	1700 Oakbrook Drive Suite D	Norcross	GA	30093	(770) 449-1718	4/18/2011	Meat Processing; Poultry Processing	
M51303+V51303	USA Beef Packing, LLC	3845 Cedarvale Rd.	Roswell	NM	88203	(575) 313-3772	9/13/2017	Certification - Export; Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M34183A+P34183A	USA Canning	201 N. Sullivan St.	Santa Ana	CA	92703	(714) 839-1188	6/30/2016	Meat Processing; Poultry Processing	USA Canning
M34816+P34816	USA Ham LLC	463 W 28th Street	Hialeah	FL	33010	(305) 884-4918	8/14/2015	Meat Processing; Poultry Processing	USA HAM
M20760	USA Pork Packers Inc	328 South Wyoming Street	Hazleton	PA	18201	(570) 501-7675	4/17/2013	Meat Processing; Meat Slaughter	

M4786+P4786	U. S. Beef Inc.	10700 Hanna Street	Beltsville	MD	20705	(202) 543-8320	6/14/2018	Meat Processing; Poultry Processing	
M19957+P19957+V19957	US Cold Storage	601 Twin Rail Drive	Minooka	IL	60447	(815) 467-0455	9/7/2017	Certification - Cysticercus; Certification - Trichinae; Identification - Meat; Identification - Poultry	
M46507+P46507+V46507	US Cold Storage	1275 Medline Place	McDonough	GA	30253	(678) 610-5098	10/26/2018	Certification - Cysticercus; Certification - Trichinae; Identification - Meat; Identification - Poultry	
V19869	U.S. Cold Storage, Inc.	125 Threet Industrial Blvd.	Smyrna	TN	37167	(615) 355-0047	2/16/2001	Certification - Export; Identification - Meat; Identification - Poultry	
V34031	US Foods	5425 S. Williamson Blvd	Port Orange	FL	32128	(386) 763-3600	10/15/2015	Certification - Export; Identification - Meat; Identification - Poultry	
V39984	US Foods	7598 NW 6th Avenue	Boca Raton	FL	33487	(561) 994-8500	4/22/2015	Certification - Export; Identification - Meat; Identification - Poultry	
V46417	US Foods	350 S. Pacific Hwy	Woodburn	OR	97071	(503) 980-2500	1/3/2014	Certification - Export; Identification - Meat; Identification - Poultry	
M2140+P2140	U.S. Foods, Inc.	17395 Edison Avenue	Chesterfield	MO	63005	(636) 898-1100	12/5/2011	Meat Processing; Poultry Processing	Stock Yards Meat Packing Company

M21103+P21103	US Foods Inc	1608 10th Avenue North	Birmingham	AL	35203	(205) 323-7447	12/6/2018	Meat Processing; Poultry Processing	SRA FOODS, STOCK YARDS MEATPACKING COMPANY, Stock yards of Birmingham, US Foods
M7817+P7817	US Foods Inc	4900 Lake Avenue	Blasdell	NY	14219	(716) 824-4900	11/28/2011	Meat Processing; Poultry Processing	Stock Yards Meat Packing Company of Buffalo
M9432+P9432+V9432	US Foods Inc	1115 Garden Street	Greensburg	PA	15601	(800) 442-6404	11/16/2011	Certification - Export; Meat Processing	Stock Yards Greensburg, Stock Yards of Greensburg
V18895	US Foods Inc.	12500 Inglewood Avenue	Hawthorne	CA	90250	(310) 676-2500	8/15/2019	Certification - Export; Voluntary Processing - Meat; Voluntary Processing - Poultry	
M105+P5731	US Foods, Inc.	2600 N. Church Rd.	Aurora	IL	60502	(630) 898-1900	5/31/2013	Meat Processing; Poultry Processing	Stock Yards Meat Packing Company
M11138+P11138	US Foods, Inc.	9633 Oak Crossing Road Suite 100	Orlando	FL	32837	(407) 841-4270	1/30/2019	Meat Processing	Stock Yards of Florida
M18895+P18895	US Foods, Inc.	12500 Inglewood Ave	Hawthorne	CA	90250	(310) 676-2500	3/5/1998	Certification - Export; Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry	FirstClass Foods Inc.
M19194+P19194	US Foods, Inc.	4650 West Buckeye Road	Phoenix	AZ	85043	(602) 269-7241	11/15/2011	Meat Processing; Poultry Processing	Stock Yards Phoenix
M6071+P6071	US Foods, Inc.	345 S Kino Parkway	Tucson	AZ	85719	(520) 623-8571	11/25/2011	Meat Processing	Barone Foods, Stockyards Meat Packing, Stockyards/Barone
V34395	US Foods, Inc.	2301 Chabot Court	Tracy	CA	95304	(503) 256-4770	12/21/2019	Certification - Export; Identification - Meat; Identification - Poultry	

V45857	US Foods, Inc.	13250 Philadelphia Ave.	Fontana	CA	92337	(951) 968-7800	12/31/2019	Certification - Export; Identification - Meat; Identification - Poultry	
M8180+P8180	US Foods, Inc. d/b/a Stock Yards Meat Packing Company	280 East Grand Avenue	South Saint Paul	MN	55075	(651) 287-2394	11/23/2011	Meat Processing; Poultry Processing	Stock Yards Meat Packing Company
M31663	US Foods, Inc. d/b/a Stock Yards Packing Company	7801 Statesville Rd.	Charlotte	NC	28269	(704) 598-9797	7/1/2008	Meat Processing	
I264	U.S. Import Meat Inspection	410 Elm Street	Sweet Grass	MT	59484	(406) 335-2980	2/7/2017	Imported Product	
M19555+P19555+V19555	US Import Meat Inspection	410 Elm St	Sweetgrass	MT	59484	(406) 335-2980	1/19/2011	Identification - Meat; Identification - Poultry	
M46758+P46758	US Quality Meats, LLC	3601 Frutas	El Paso	TX	79905	(915) 222-8799	2/19/2020	Meat Processing; Poultry Processing	
M874A+P874A+V874A	USU Meat Laboratory	750 North 1200 East	Logan	UT	84322	(801) 797-2107	3/28/1996	Meat Processing; Voluntary Processing - Meat	
M874+P19237+V874	Utah State University Meat Science Lab	Animal Dairy & Veterinary Sciences Department 1400 North 800 East	Logan	UT	84322	(801) 750-3220	9/17/1992	Meat Processing; Meat Slaughter; Voluntary Processing - Poultry	
M46480+V46480	UTE Plaza Supermarket	7750 US-40	Fort Duchesne	UT	84026	(435) 722-2382	9/10/2018	Food Inspection; Identification - Meat; Meat Processing	
M17151+P17151+V17151	UW Provision Company, Inc.	2315 Pleasant View Rd.	Middleton	WI	53562	(608) 836-7421	2/6/2004	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M11505	Vace Inc.	7601 A Airpark Rd.	Gaithersburg	MD	20879	(301) 926-2414	11/29/2002	Meat Processing	
I613	Vaillancourt Inspection Inc.	135 Ferry Street	Van Buren	ME	04785	(207) 868-5065	10/17/2016	Imported Product	

M27440	Valley Beef, Inc.	437 W. Avenue B	Wendell	ID	83355	(208) 308-7050	5/18/2003	Meat Processing; Meat Slaughter	
M27440A	Valley Beef, Inc.	3051 S. 2000 E.	Wendell	ID	83355	(208) 536-1700	5/6/2010	Meat Processing	
V46198	Valley Cold Storage & Transportation, LLC	505 Industrial Drive	Santa Teresa	NM	88008	(575) 525-0800	8/9/2017	Certification - Export	
V46204	Valley Cold Storage & Transportation, LLC	101 Watson Lane	Las Cruces	NM	88005	(575) 525-0800	8/18/2017	Certification - Export	
M22102A+P22102A	Valley Fine Foods Company, Inc.	300 Epley Drive	Yuba City	CA	95991	(530) 671-7200	8/10/2005	Meat Processing; Poultry Processing	
M22102+P22102	Valley Fine Foods Company, Inc.	3909 Park Road Unit H	Benicia	CA	94510	(707) 746-6888	4/21/2003	Meat Processing; Poultry Processing	
M34501+P34501	Valley Foods, Inc	335 East Boardman Street	Youngstown	OH	44503	(330) 746-4555	2/7/2008	Meat Processing; Poultry Processing	
M6045+P6045+V6045	Valley Meat & Food LLC	808 West Avenue	Alamosa	CO	81101	(719) 589-6328	5/19/2009	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Valley Meat Co.
M4488+P4488+V4488	Valley Meat Packing Corp.	2812 Settle Road	Newark Valley	NY	13811	(347) 951-1172	5/5/2009	Meat Processing; Meat Slaughter; Voluntary Slaughter - Meat	
M5712+P5712	Valley Meats LLC	2302 First Street P.O. Box 69	Coal Valley	IL	61240	(309) 799-7341	8/8/2017	Meat Processing	J&B Brand Wholesale Meats
M7138+P7138	Valley Meat Supply	1269 West Main	Valley City	ND	58072	(701) 845-4705	2/13/2003	Meat Processing; Meat Slaughter; Poultry Processing	
M46017	Valley Oaks Steak Company	1921 W. 50 Hwy	Lone Jack	MO	64070	(816) 229-8115	1/21/2020	Meat Processing; Meat Slaughter	
M19006+P19006	Value Foods, LLC	16 South 15th St.	Council Bluffs	IA	51501	(712) 325-5414	10/10/2017	Meat Processing; Poultry Processing	Broadway Foods, Red Wheel Fundraising

M9006+P9006	Value Meats	2959 E. 50th St.	Vernon	CA	90058	(213) 587-0620	12/21/2016	Meat Processing; Poultry Processing	Charlie's Pride
M45448+P45448	VAM Foods	3503 S Loop 336 E	Conroe	TX	77301	(713) 562-6289	11/14/2019	Meat Processing; Poultry Processing	
M47145	Vanacor Sea Food LLC	162A Martin Ln.	Des Allmends	LA	70030	(985) 722-6341	3/9/2020	Meat Processing; Meat Slaughter	
M7718+P7718	Vandevanter Meats, Inc.	180 Trap Rd.	Columbia Falls	MT	59912	(406) 892-5643	2/3/1995	Meat Processing; Poultry Processing	Montana Jerky Co.
M1297+P217+V1297	Vanee Foods Company	5418 McDermott Drive	Berkeley	IL	60163	(708) 449-7300	4/3/2009	Meat Processing; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Processing - Poultry	
M19339+P19339+V19339	Vanee Foods Company	2759 South 25th Ave.	Broadview	IL	60155	(708) 449-7300	3/24/2003	Certification - Export; Meat Processing; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Processing - Poultry	Joseph's Food Products Co. Inc.
V1297A	Vanee Foods Company	2750 S. 25th Avenue	Broadview	IL	60155	(708) 449-7300	1/14/2014	Certification - Export	
V45561	Van-G Trucking, Inc.	14555 S. Peach Ave.	Selma	CA	93662	(559) 834-5500	5/7/2015	Certification - Export; Identification - Meat	
M8334+P8334	Vanguard Culinary Group, Ltd.	716 Whitfield Street	Fayetteville	NC	28306	(910) 484-8999	5/21/2013	Meat Processing; Poultry Processing	Cross Creek Foods, Papa Paruso's Foods

V3039	Van Hessen USA, Inc.	4420 South Wolcott Avenue	Chicago	IL	60609	(773) 376-9200	4/23/2019	Certification - Export; Identification - Meat; Voluntary Processing - Meat	International Casings Group, Inc., Van Hessen USA Operations LLC
V17449	Van Hessen USA Inc./DBA International Casings Group	12207 Los Nietos Rd. Unit F	Santa Fe Springs	CA	90670	(562) 946-2100	6/15/2018	Certification - Export; Identification - Meat	
M18403+P18403	Van-Lang Enterprises, Inc.	5227 Dansher Rd.	Countryside	IL	60525	(708) 588-0800	2/7/2019	Meat Processing; Poultry Processing	
M13219+P13219	Van Oriental Food, Inc.	4828 Reading Street	Dallas	TX	75247	(214) 630-0333	5/31/2018	Meat Processing; Poultry Processing	Confucius, Van's Kitchen
M46700	Vantage Foods PA LP	2700 Yetter Court	Camp Hill	PA	17011	(316) 721-7998	1/24/2014	Meat Processing	
M1350	Variety Meat Company	159 N. Carpenter Street	Chicago	IL	60607	(312) 226-6585	7/31/2019	Meat Processing	
M51328+P51328	Various Fields LLC	16708 Picadilly Ct, Suite 100	Round Rock	TX	78664	(512) 788-2228	3/2/2020	Meat Processing; Poultry Processing	mmmpanadas, The Incubaker
M30833+P30833	Vazquez Foods Inc.	6800 E. Acco Street	Commerce	CA	90040	(323) 973-2693	8/16/2016	Meat Processing; Poultry Processing	
M1051+P2409	Velmar Foods	3812 W Clarendon Ave	Phoenix	AZ	85019	(602) 272-6677	5/1/2012	Meat Processing; Poultry Processing	Arizona Gold LTD, Red Steer Meats, Velmar Food Services
M1575+V1575	Ventura Foods LLC	919 East 14th St.	Albert Lea	MN	56007	(507) 373-2431	12/28/2015	Certification - Export; Food Inspection; Identification - Meat; Meat Processing; Technical Animal Fats	
M6292+P6292	Venus Foods Inc.	770-7 Stimson Ave.	City of Industry	CA	91745	(818) 369-5188	8/17/2016	Meat Processing; Poultry Processing	
M46740	Verde Farms, LLC	3 Gateway Blvd	Pedricktown	NJ	08067	(856) 478-6300	5/30/2019	Meat Processing	Verde Farms
M19644+P19644	Vergos International Products	355 N. Main Street	Memphis	TN	38103	(901) 522-8840	7/21/1997	Meat Processing; Poultry Processing	Charlie Vergos Rendezvous, Rendezvous Rio Shipping, The Vendezous

M19114	Vermont Beef Jerky Company	348 Industrial Park Lane	Orleans	VT	05860	(802) 754-9412	2/7/2000	Meat Processing	
M9558	Vermont Livestock Slaughter & Processing Co. LLC	76 Depot Road	Ferrisburg	VT	05456	(802) 877-3421	6/3/2008	Meat Processing; Meat Slaughter	
M45029+P45029	Vermont Packinghouse LLC	25 Fairbanks Road	North Springfield	VT	05150	(802) 886-8688	10/23/2018	Meat Processing; Meat Slaughter; Poultry Processing	Black River Meats
M46668	Vermont Salumi	159 Main Street	Barre	VT	05641	(802) 454-8300	7/15/2019	Meat Processing	
M8795+P8795	Vermont Smoke and Cure	10516 Route 116	Hinesburg	VT	05462	(802) 476-4666	2/9/2015	Meat Processing; Poultry Processing	
M45832+P45832	VERONI USA, INC	1110 COMMERCE BLVD SUITE 200	LOGAN	NJ	08085	(646) 256-2638	4/19/2017	Meat Processing; Poultry Processing	
V18400	Versacold	16110 East Hardy Road	Houston	TX	77032	(281) 821-4110	4/25/2006	Certification - Export; Identification - Meat; Identification - Poultry	
V38529	Versacold Logistics	1420 Greenwood Road	McDonough	GA	30253	(678) 432-6729	7/23/2010	Identification - Meat; Identification - Poultry	
V19462	VersaCold Logistics	2201 Perimeter Road	Mobile	AL	36615	(251) 432-3556	12/23/2008	Certification - Export; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
V38434	Versa Cold Logistics LLC	5787 Harold Gatty Dr.	Salt Lake City	UT	84116	(801) 537-1307	11/1/2008	Certification - Export	

I20	Versacold Texas, LP	502 North Broadway	La Porte	TX	77571	(281) 687-2613	5/30/2017	Imported Product	Americold, Americold Logistics, Americold Logistics, LLC, ART Mortage Borrower OPCO 2010-5, Versacold Logistics Services US, Versacold USA, Inc.
M363	Verschoor Meats, Inc.	1401 Bluff Road	Sioux City	IA	51106	(712) 252-1847	1/9/2019	Meat Processing; Meat Slaughter	
V51547	Verst Logistics	1226 Aviation Dr.	Hebron	KY	41048	(859) 485-1212	5/29/2018	Identification - Meat; Identification - Poultry	Perky Jerky
M31786+P31786	Very Tasty LLC	2177 NW 24th Court	Miami	FL	33142	(305) 636-4140	1/21/2015	Meat Processing	
M48114+P48114	Vesar Foods LLC	3293 South Street	Brookshire	TX	77423	(281) 375-5510	1/28/2019	Meat Processing; Poultry Processing	D'gusto Foods
M46515+P46515	Vicky Enterprises, Inc.	7230 NW 77 Street	Medley	FL	33166	(786) 217-3063	1/29/2020	Meat Processing; Poultry Processing	
M33840+P33840	Vicolo Wholesale	31112 San Clemente St.	Hayward	CA	94544	(510) 675-6019	10/7/2005	Meat Processing; Poultry Processing	Vicolo Pizza
M34622+P34622	VICS Acquisition, LLC	200 N FM 509	Harlingen	TX	78550	(956) 423-7799	3/27/2019	Meat Processing; Poultry Processing	
M27455+P27455	VICTORIA FINE FOODS, LLC	443 E.100th STREET	BROOKLYN	NY	11236	(718) 927-3000	6/2/2011	Meat Processing; Poultry Processing	FARM FRESH, GINA RISPOLI, ORGANIC CHEF BY VICTORIA, PASTA TONIGHT, VICTORIA PACKING, VICTORIA PACKING CORP., WHITE LINEN COLLECTION BY VICTORIA
M54249+P54249	Victoria Livestock	41 Victoria Street	Newark	NJ	07114	(973) 856-6965	11/20/2017	Meat Processing; Meat Slaughter; Poultry Processing	Victoria Livestock & Poultry
P46311	Victoria's Catering	827 Florida Avenue	Lynn Haven	FL	32444	502760462	1/19/2018	Poultry Processing	Victoria's Last Bite Cafe
M45464+P45464	Victor Provisions	340 B Stagg Street	Brooklyn	NY	11206	(347) 255-9708	3/19/2015	Meat Processing; Poultry Processing	

M6087+P6087	Victor's Market Co Inc	11735 S. Prairie Ave.	Hawthorne	CA	90250	(310) 676-0127	10/1/2019	Meat Processing; Poultry Processing	
M31979+P31979	Victory Foods	1100 Airport Parkway	Gainesville	GA	30501	(678) 343-2070	8/15/2005	Meat Processing; Poultry Processing	
P40124	Victory Management Group	2080 Industrial Drive	Gainesville	GA	30504	(678) 343-2070	1/20/2010	Poultry Processing	Victory Processing #2
P46027	Victory Processing LLC	2085 Industrial Drive	Gainesville	GA	30504	(678) 343-2070	1/9/2016	Poultry Processing; Poultry Slaughter	
M51320+P51320	Vida Meat Company	1370 West Cheyenne Ave.	North Las Vegas	NV	89030	(702) 580-1638	11/6/2017	Meat Processing; Poultry Processing	
M1955+P1955	Vie De France Bakery Yamazaki, Inc.	3046 50th St.	Vernon	CA	90058	(213) 582-1241	10/22/1991	Meat Processing; Poultry Processing	
M6533+P6533	VIE DE FRANCE YAMAZAKI, INC	4113 WHEELER AVENUE	ALEXANDRIA	VA	22304	(703) 370-6536	9/23/1996	Meat Processing; Poultry Processing	
M1+P1370	Vienna Beef Ltd.	1000 West Pershing Road	Chicago	IL	60609	(312) 278-7800	2/26/2019	Meat Processing; Poultry Processing	Bistro Soups and Chili, David Berg, Minaret, Red Hot Chicago, Vienna, Vienna Beef, Vienna Beef Chili Company, Vienna Beef Ltd., Vienna Sausage Manufacturing, Vienna Sausage Manufacturing Co.
M7856	Viet My Corporation, Inc.	15000 Farm Creek Drive	Woodbridge	VA	22191	(703) 690-6961	3/17/2016	Meat Processing	
M642+P642	Vietti Foods Company, Inc	636 Southgate Avenue	Nashville	TN	37203	(615) 244-7864	7/15/2015	Meat Processing; Poultry Processing	Southgate Foods, Vietti Foods
M34272+P34272	Vigil's Beef Jerky, LLC	7625 2nd Street NW	Albuquerque	NM	87107	(505) 867-3283	8/11/2016	Meat Processing	Vigil's Beef Jerky
M31586+P31586	Village Green Foods	1732 Kaiser	Irvine	CA	92614	(949) 261-0111	3/11/2004	Meat Processing	
M45681+P45681	Village Market	3620 Avon St.	Hartland	MI	48353	(810) 632-3232	11/14/2016	Meat Processing	
M34412+P34412+V34412	Villalobos Mexican Food Dist.	429 Isleta Blvd. SW	Albuquerque	NM	87105	(505) 975-5585	8/7/2012	Certification - Export; Meat Processing	

M40375A+P40375A	Villari Bros. Foods LLC	1012 US Hwy 117 S	Warsaw	NC	28398	(910) 293-2157	9/12/2011	Meat Processing; Poultry Processing	Heritage Farms, Lee & Davis, Pine Ridge Farms
M44913+P44913	Villarina's Pasta & Fine Foods	22 Shelter Rock Lane Unit 34	Danbury	CT	06810	(203) 722-0851	6/26/2013	Meat Processing; Poultry Processing	
M13187+P13187	Vinaco Food Products Corporation	1257 Hollywood	Houston	TX	77015	(713) 451-3293	9/21/1995	Meat Processing	
M34353	Vina Foods	70 Newmarket Square	Boston	MA	02118	(617) 989-1444	1/24/2014	Meat Processing	Vina Foods and Bakery
M11141+P11141	Vina & Son Meats Dist Corp	2020 N W 22 St	Miami	FL	33142	(303) 545-6500	2/26/2002	Meat Processing	
M40190+P40190	Vincent Giordano Corp.	2712 Grays Ferry Avenue	Philadelphia	PA	19146	(267) 324-5631	11/19/2019	Meat Processing; Poultry Processing	
M5397+P5397	Vincent Giordano Corporation	2600 Washington Avenue	Philadelphia	PA	19146	(215) 467-6629	8/12/2012	Meat Processing; Poultry Processing	
M5981	Vineridge Inc.	136 Hazard Ave	Enfield	CT	06082	(413) 544-3017	4/5/2010	Meat Processing	Janik Sausage Company
M1889+P1889	Violet Sanford Holdings, LLC	2209 Boone Trail Road	Sanford	NC	27330	(919) 775-5931	10/5/2018	Meat Processing; Poultry Processing	Boone Brands, Bost Distributing Co. Inc., Fearnow Brothers, Inc., Foell Packing Co. of NC, Harold Food Company, North State Packing Co., Inc., Patterson Packing Co.
M46141	Virginia Live Fish Co.	506 Old Bermuder Hundred Road	Chester	VA	23836	(804) 530-5552	5/30/2017	Meat Processing; Meat Slaughter	Virginia Live Fish Co
M39881+P39881	Virginia Packing LLC	3601 La Grange Pkwy	Toano	VA	23168	(757) 250-3764	9/28/2016	Meat Processing; Poultry Processing	
M34811+P34811	Visconti's Italian Restaurants	636 Front Street	Leavenworth	WA	98826	(509) 548-1213	3/2/2009	Meat Processing; Poultry Processing	Cured, Visconti's Market
M45534+P45534	Vista Meat Processing LLC	625 Vista Way	Milpitas	CA	95035	(415) 623-0215	8/17/2015	Meat Processing; Poultry Processing	SJ Distributors Inc.
M21601+P21601	Vitale Meats Poultry & Provisions LLC	1415 Universal Rd.	Columbus	OH	43207	(614) 267-1874	4/20/2020	Meat Processing; Poultry Processing	Vitale Poultry

P45638	Vital Foods, LLC	1445-B Josh Pirkle Road	Braselton	GA	30517	(770) 708-4622	1/31/2019	Poultry Processing	Garymark Foods, LLC, Trinity Foods, LLC
M45181	Vitco Meats	830 Capitolio Way	San Luis Obispo	CA	93406	(805) 543-0800	11/30/2015	Meat Processing	Vitco Meats
M4279	Vito A Sindoni & Son Packing Co., LLC	1070 Settles Hill Road	Altamont	NY	12009	(518) 374-7900	3/2/2016	Meat Processing	
M33829+P33829	Viva Burrito Development Corporation	860 E. 16th Street	Tucson	AZ	85719	(520) 882-8713	4/28/2008	Meat Processing; Poultry Processing	Viva Burrito Company
M46239	Viva La Mamma USA, Inc.	210 Green Street	South Hackensack	NJ	07606	(210) 343-5161	9/25/2017	Meat Processing	
M45504+P45504	VKGG Inc.	4980 Kipling St. Unit A-12	Wheatridge	CO	80033	(303) 379-8019	12/4/2014	Meat Processing; Poultry Processing	
M4209+P4209	VKV, Inc. d/b/a Tolman's Wholesale Meats	4598 Buttermilk Ct	Hudsonville	MI	49426	(616) 669-6140	12/21/2018	Meat Processing; Poultry Processing	
M5789+P5789	Vocci Ravioli Company	559 Campbell	Kansas City	MO	64106	(816) 221-2026	12/28/1989	Meat Processing	Vocci's Italian Food Products
M8115+P8115+V8115	Voget Meats, Inc.	2930 E Street	Hubbard	OR	97032	(503) 981-6271	4/11/1996	Meat Processing; Voluntary Processing - Poultry	
M17798+P17798+V17798	Voise Sausage by Summers	7 S. 1st. Street	Odessa	WA	99159	(509) 650-7222	9/29/1995	Meat Processing; Poultry Processing; Voluntary Processing - Meat	Voise Sausage by Summers
M8924	Vollwerth & Co.	200 Hancock Street	Hancock	MI	49930	(906) 482-1550	8/29/2018	Meat Processing	Malcore Foods, Paul Baroni Company, Troll Smoke House, Wenzel's Farm
M34647	Vosges, LTD	2950 N. Oakley	Chicago	IL	60618	(773) 388-5560	7/2/2013	Meat Processing	Vosges Haut-Chocolat
M46530+P46530	Voung Dim Sum Corporation	3620 Clearview Parkway	Doraville	GA	30340	(678) 677-7611	3/27/2019	Meat Processing	
M45054	VP Foods, Inc.	30 Industrial Ave	Fairview	NJ	07022	(201) 941-0266	5/29/2014	Meat Processing	FreshTrade
P1096A	VPGC,LLC	6349 RAWLEY PIKE P.O. BOX 228	HINTON	VA	22831	(540) 867-4000	5/4/2009	Poultry Processing; Poultry Slaughter	
M1361	VPP Group, LLC	19081 Highway 71 East	Norwalk	WI	54648	(608) 823-7445	11/4/2011	Meat Processing; Meat Slaughter	

M45797	VT99 Meats	266 E. Craftsbury Road	Craftsbury	VT	05826	(802) 586-2033	6/25/2018	Meat Processing	
M11023+P11023	VTA, Inc.	758 South Main	Pocatello	ID	83204	(208) 232-5559	3/24/2008	Meat Processing	Butcher Block
M46308+P46308	VT Pie and Pasta	4503 US Route 5	Newport	VT	05855	(802) 487-9341	9/25/2018	Meat Processing; Poultry Processing	
M44223	V & V Products, Inc.	12705 N. HWY 95	Flatonia	TX	78941	(361) 865-3841	4/9/2012	Meat Processing	
M21429	Waak's Sausage	4513 FM 529	Bellville	TX	77418	(979) 865-9747	2/19/2020	Meat Processing	D Bar B Sausage & Meats, LLC
P46248A	Wabash Poultry Processing	107 N. Center	Forrest	IL	61741	(815) 657-7369	11/5/2019	Poultry Processing; Poultry Slaughter	Slagel Family Meats Inc.
G1579	Wabash Valley Produce, Inc	4878 E. 450 North	Dubois	IN	47527	(812) 678-3471	7/1/1994	Egg Product	
G1141	Wabash Valley Produce, Inc.	501 S. Chestnut	Farina	IL	62838	(618) 245-3301	12/1/2017	Egg Product	
M9849+P9849	W. A. Bean & Sons, Inc.	229 Bomarc Road	Bangor	ME	04401	(207) 947-0364	5/6/2019	Meat Processing; Poultry Processing	
M10804+P10804	Wagner Meats, LLC.	604 N. Main Street	Mount Airy	MD	21771	(301) 829-0500	12/11/2017	Meat Processing; Meat Slaughter; Poultry Processing	
M2770	Wagner Provision Co., Inc.	54-58 E. Broad Street	Gibbstown	NJ	08027	(609) 423-1630	5/4/1995	Meat Processing	
M46434+P46434+V46434	Wahoo Locker LLC	205 W. 5th St.	Wahoo	NE	68066	(402) 443-3104	9/3/2014	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat; Voluntary Slaughter - Rabbit	
M20506	Wailua Country Store	5956 Kuamoo Road	Kapaa Kauai	HI	96746	(808) 821-0808	8/10/1998	Meat Processing	
M12455A+V12455A	Wailua Meat Company LLC	887 Kamalu Road Unit F	Kapaa Kauai	HI	96746	(808) 431-4256	9/8/2017	Meat Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	

V47201	Wakefern Food Corp.	505 Division Street	Elizabeth	NJ	07201	(908) 527-3930	4/1/2020	Identification - Meat	
M45212+P45212+V45212	Wakou USA Inc.	13930 Borate Street	Santa Fe Springs	CA	90670	(562) 207-0000	4/21/2017	Certification - Export; Meat Processing; Poultry Processing	
M13181A+P13181A	Wald Family Foods	1144 Bridger	McPherson	KS	67460	(620) 242-1888	8/19/2019	Meat Processing; Poultry Processing	
M13181+P13181	Wald Family Foods	13335 C Street	Omaha	NE	68144	(402) 330-5650	3/28/2005	Meat Processing; Poultry Processing	Deli International
M4219+P4219+V4219	Wald Family Foods, LLC	9097 F Street	Omaha	NE	68127	(402) 779-8459	8/9/2012	Meat Processing; Poultry Processing; Voluntary Processing - Meat	Braunger Foods, Deli International, DI Manufacturing, Taste Traditions , Taste Traditions of Omaha, The Thompson Company, Variety Foods, Wald Family Foods
M40168+P40168	Waldrep's Meat Processing, Inc.	191 Pine Mountain Lane	Ellijay	GA	30540	(706) 636-1711	8/9/2016	Meat Processing; Meat Slaughter	
M48260	Walhalla Valley Smokehouse & Market, LLC	4315 E HWY 71	La Grange	TX	78945	(979) 249-2571	11/13/2017	Meat Processing; Meat Slaughter	
M48095+P48095	Walke Brothers Meat Processing	9815 East 520 Road	Claremore	OK	74019	(918) 341-3236	6/19/2014	Meat Processing; Meat Slaughter; Poultry Processing	
M9062+P9062	Walker Foods, Inc.	1164 Stripling Chapel Rd	Carrollton	GA	30117	(770) 836-0054	4/3/2019	Meat Processing; Poultry Processing	Duffey Foods, Inc.
M9196+P9196	Walker Meats, Inc.	821 Tyus-Carrollton Rd.	Carrollton	GA	30117	(770) 834-8171	4/3/2019	Meat Processing; Poultry Processing	
M13335+P13335	Walker's Food Products Co.	506 East 12th Avenue	North Kansas City	MO	64116	(816) 472-8121	6/30/2015	Meat Processing; Poultry Processing	Fiorella's, Garden Variety, Jack Stack Barbecue, Kay's Gourmet
M21130	Wallace Foods	86 Owens rd.	Dallas	GA	30157	(770) 445-8151	2/22/2000	Meat Processing	
M38439+P38439	Walls Gourmet Foods LLC	1930 N. Decatur Blvd.	Las Vegas	NV	89108	(702) 639-0011	5/10/2018	Meat Processing; Poultry Processing	

M32007+P32007	Walnut Valley Packing LLC	1000 South Main Street	El Dorado	KS	67042	(316) 321-3595	8/4/2017	Meat Processing; Meat Slaughter; Poultry Processing	
M10301+P10301+V10301	Walsh Packing Company	7551 Pigeon Road	Pigeon	MI	48755	(989) 453-2961	10/26/1998	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Processing - Rabbit; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry; Voluntary Slaughter - Rabbit	
V1189	Waltkoch Ltd	3001 Athens Hwy	Gainesville	GA	30507	(678) 207-2619	11/8/2011	Certification - Export; Identification - Meat; Identification - Poultry	
M7460+P7460	Waltkoch LTD	1025 Airport Parkway	Gainesville	GA	30501	(770) 536-0224	7/1/2011	Meat Processing; Poultry Processing	
G31557	Walton Feed Inc.	29337 Highway 89	Montpelier	ID	83254	(208) 847-3357	10/19/2011	Egg Product	Rainy Day Foods
V39923	Walton & Post Inc.	9375 NW 117th Ave.	Medley	FL	33178	(305) 591-1111	8/28/2015	Certification - Export; Identification - Meat; Identification - Poultry	
M17443+P17443	Walt's Homestyle Foods, Inc.	503 West 12th Street	Yankton	SD	57078	(605) 665-6378	3/22/1994	Meat Processing; Poultry Processing	
M6423+P6423+V6423	Walt's Wholesale Meats, Inc.	350 South Pekin Rd	Woodland	WA	98674	(360) 225-8203	4/25/2018	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Slaughter - Meat	

M9065+P9065+V9065	Wamplers Farm Sausage	781 Highway 70 W	Lenoir City	TN	37771	(865) 986-2056	5/24/2011	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry	
M20742	Wanchese Fish Company, Inc.	2000 Northgate Commerce Pkwy	Suffolk	VA	23435	(757) 673-4500	3/2/2016	Meat Processing	
M48201+P48201	Wang Cai Enterprise Inc.	3912 47th Avenue	Sunnyside	NY	11104	(347) 542-2983	6/6/2017	Meat Processing; Poultry Processing	
M34194	Wang Jar Food Company, LLC	381 West US Highway 24 381 West Hwy 24	Downs	KS	67437	(785) 345-3056	2/5/2007	Meat Processing; Meat Slaughter	
M18398+P18398	Wang Shi Corporation	47-31 35th Street	Long Island City	NY	11101	(917) 968-9771	2/19/2019	Meat Processing; Poultry Processing	
M21342+P21342	WanRong Trading Corp.	4843 32nd Place	Long Island City	NY	11101	(718) 361-8882	1/25/2019	Meat Processing; Poultry Processing	
M13553+P13553	WARABEYA TEXAS, Inc.	1301A Ridgeview Drive Suite 200	Lewisville	TX	75057	(972) 219-7110	10/2/2019	Meat Processing; Poultry Processing	
M12444+P12444	Warabeya U.S.A., Inc.	2850 Paa Street Suite 4	Honolulu	HI	96819	(808) 836-4742	4/20/2018	Meat Processing; Poultry Processing	Mamaya, Tokyo Bento
M19989+V19989	Ward Willard & Son	4496 State Highway 812	Heuvelton	NY	13654	(315) 344-6651	9/25/2001	Identification - Meat; Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	John Willard
M8703	Warner Locker Inc.	340 Southeast Offut Rd.	Maysville	MO	64469	(816) 449-5611	6/7/2016	Meat Processing; Meat Slaughter	
M4638+P4638	Warsaw Packing Co.	3865 Miller Rd PO Box 137	Warsaw	NY	14569	(585) 786-2820	3/15/2011	Meat Processing; Meat Slaughter	

M8839+P8839	Warwick Poultry Co., Inc.	60 Bath Street	Providence	RI	02908	(401) 421-8500	7/10/2018	Meat Processing; Poultry Processing	
M8118+P8118+V8118	Wasatch Meats, Inc.	926 South Jefferson Street	Salt Lake City	UT	84101	(801) 363-5747	9/10/1985	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M5142+P5142	Washington Avenue Poultry	318 Nevins Street	Brooklyn	NY	11215	(917) 535-2955	9/17/2018	Poultry Processing	Altakwa Poultry
M235+P235	Washington Beef, LLC	201 Elmwood Rd	Toppenish	WA	98948	(509) 865-2121	12/23/2016	Meat Processing; Meat Slaughter; Poultry Processing	AB Foods, LLC
M3208+V3208	Washington Cold Storage, Inc.	240 15th Street SE	Puyallup	WA	98372	(253) 848-8511	2/8/2006		
M32062+P32062+V32062	Washington County Meat Packing	20505 Campground Road	Bristol	VA	24202	(276) 466-3000	5/3/2014	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat	
M34009+P34009	Washington Lamb Inc	7963 Conell Court	Lorton	VA	22079	(703) 339-7000	5/17/2012	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
M40229+P40229	Washington State Correctional Industries	1301 N. Ephrata Avenue	Connell	WA	99326	(509) 544-3552	7/23/2010	Meat Processing; Poultry Processing	Coyote Ridge Correctional Industries
M9322	Washington State University	Animal Science Department Washington State University	Pullman	WA	99163	(509) 335-4353	5/12/1980	Meat Processing; Meat Slaughter	
M32095+P32095	Wassler Meats, Inc	4300 Harrison Ave.	Cincinnati	OH	45211	(513) 574-9033	1/29/2007	Meat Processing; Poultry Processing	
M21465A+P21465A	Water Lilies Food, LLC	4510 19th Avenue	Astoria	NY	11105	(718) 777-8899	4/30/2018	Meat Processing; Poultry Processing	
M19192+P19192	Waterloo Foods, Inc.	5901 State Route 3	Waterloo	IL	62298	(618) 939-7773	12/30/2019	Meat Processing; Poultry Processing	

M45403+P45403	Watkins Ranch Butcher Shop	105 E. El Roblar	Meiners Oaks	CA	93023	(805) 640-1179		Meat Processing; Poultry Processing	
M5686+P5686+V5686	Wausa Lockers Inc.	516 East Broadway	Wausa	NE	68786	(402) 586-2882	1/23/2019	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
V40284	Waushara Industries, Inc.	210 East Chicago Road	Wautoma	WI	54982	(920) 787-4696	8/3/2015	Identification - Meat; Identification - Poultry	
M1419+P1419	Wayco Ham Company	508 N. William Street	Goldsboro	NC	27530	(919) 735-3962	10/31/2019	Meat Processing	
M11033+P11033	Waygood Custom Meat LLC	2965 W. Amity Road	Meridian	ID	83642	(208) 888-9690	12/14/2017	Meat Processing; Meat Slaughter	Greenfield Custom Meat
P170	Wayne Farms	977 Wayne Poultry Road	Pendergrass	GA	30567	(706) 693-2271	3/22/2019	Poultry Processing; Poultry Slaughter	
M21263+P20214+V21263	Wayne Farms LLC	100 Plugs Drive	Decatur	AL	35601	(256) 584-7010	2/8/2002	Food Inspection; Identification - Meat; Identification - Poultry; Meat Processing; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry; Poultry Processing	Dutch Quality House
M33890+P33885	Wayne Farms LLC	112 Plugs Drive	Decatur	AL	35602	(256) 552-4900	1/27/2020	Poultry Processing	Dutch Quality House

M46394+P46394+V46394	Wayne Farms LLC	114 Plugs Drive	Decatur	AL	35601	(256) 552-4864	7/5/2018	Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry	Wayne Farms Customer Innovation Center
P1009	Wayne Farms LLC	2301 East 8th Street	Danville	AR	72833	(479) 495-4400	4/2/2019	Poultry Processing; Poultry Slaughter	
P1235	Wayne Farms LLC	254 Ipsco Road	Decatur	AL	35601	(256) 353-0312	4/5/2019	Poultry Processing; Poultry Slaughter	Dutch Quality, Wayne Farms
P1317+V1317	Wayne Farms LLC	700 McDonald Avenue	Albertville	AL	35950	(256) 878-3404	6/4/1999	Poultry Processing; Poultry Slaughter; Voluntary Processing - Poultry; Voluntary Slaughter - Poultry	
P519	Wayne Farms LLC	525 Wayne Drive P.O. Box 328	Laurel	MS	39440	(601) 399-7000	7/11/2017	Poultry Processing; Poultry Slaughter	
P7342+V7342	Wayne Farms LLC	808 Ross Clark Circle NE	Dothan	AL	36303	(334) 702-6200	3/24/2010	Certification - Export; Poultry Processing; Poultry Slaughter	
P7485+V7485	Wayne Farms LLC	1020 County Road 114	Jack	AL	36346	(334) 897-3435	10/31/2011	Certification - Export; Off-Premise Freezing Poultry; Poultry Processing; Poultry Slaughter	
P445	Wayne Farms, LLC	802 E. Atkins Street	Dobson	NC	27017	(336) 386-8151	3/25/2019	Poultry Processing; Poultry Slaughter	Agar, Gordon Food Service

P912	Wayne Farms, LLC	444 Baskin Street South	Union Springs	AL	36089	(334) 738-2148	4/5/2019	Poultry Processing; Poultry Slaughter	
M21848+P21848+V21848	Wayne Mays Meat Processing	541 East Main Avenue	Taylorsville	NC	28681	(828) 632-2034	10/11/2007	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Mays Meat Foodservices, Sugargrove Hams
M5929+P5929	Wayne Meat Corporation	2234 Hamburg Turnp ke	Wayne	NJ	07470	(973) 835-0211	2/20/2013	Meat Processing; Poultry Processing	
M9548+P9548	Wayne Nell & Sons Meats Inc.	2218 Baltimore Pike	East Berlin	PA	17316	(717) 259-9587	11/15/2017	Meat Processing; Meat Slaughter; Poultry Processing	
M4187+P4187+V4187	Wayne Provisions Co.	5030 Gifford Ave.	Vernon	CA	90058	(323) 277-5888	3/19/2014	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry	
M46564	Wayne's Country Hams	223 Ingram Road	Statesville	NC	28625	(704) 437-3558	12/21/2018	Meat Processing	
M33860	W Diamond M Meats, LLC	207 N. Woodland	Spring Hill	KS	66083	(913) 592-3501	5/17/2007	Meat Processing; Meat Slaughter	Royal Pork, Spring Hill Meat Market, W. F. Madison Sausage
M19894+P19894	Weaver Meats Inc	380 Fountain Ave	Painesville	OH	44077	(440) 639-1954	4/29/1996	Meat Processing; Poultry Processing	
M21627+P21627	Webb Properties, LLC	1910 Rhodelia Rd.	Payneville	KY	40157	(270) 496-4124	9/19/2007	Meat Processing; Poultry Processing	Webb's, Webb's Butcher Block
M21550+P21550	Webermans	330 NE 59th Street	Miami	FL	33137	(305) 733-5024	8/27/2014	Meat Processing; Poultry Processing	Gourmet Kosher, W Group, Weberman Traditional Foods
M2201+P2201	Webers Quality Meats	990 Carden St.	San Leandro	CA	94577	(510) 635-9892	11/6/1992	Meat Processing; Poultry Processing	

M4246+P4246+V4246	Webster City Custom Meats, Inc.	1611 East 2nd Street	Webster City	IA	50595	(515) 832-1130	9/13/2013	Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry	
M9627+P9627	WEDCO, Inc.	2840 Smallman Street	Pittsburgh	PA	15222	(412) 434-6600	5/1/2000	Meat Processing; Poultry Processing; Poultry Slaughter	Weiss Provision Company
M7567+P7567	Wegmans Food Markets	360 Wegmans Market Street	Rochester	NY	14624	(585) 328-2550	8/14/2014	Meat Processing; Poultry Processing	
M9688	Wehry's TT&A Quality Meats	2926 Klingerstown Road	Klingerstown	PA	17941	(570) 425-3685	1/13/2011	Meat Processing; Meat Slaughter	Snow Creek Brand
M48136+P48136	Wei-Chaun U.S.A. Inc	1125 Haley Road	Murfreesboro	TN	37129	(562) 372-2020	9/16/2015	Meat Processing; Poultry Processing	
M5122	Weichsel Beef Co. Inc.	826 Washington Street	NYC	NY	10014	(212) 675-8270	2/25/2013	Meat Processing	
M5122A+P5122A	Weichsel Beef Company	50 Little West 12th Street	New York	NY	10014	(212) 675-8270	11/5/2009	Meat Processing; Poultry Processing	
M9034+P9034	Wei-Chuan USA, Inc.	6655 S. Garfield Avenue	Bell Gardens	CA	90201	(562) 372-2020	3/17/2010	Meat Processing; Poultry Processing	
M40235+P40235	Weidner's Deli / Genuine Jerky Inc.	27600 Route 6	Youngsville	PA	16371	(814) 563-4414	11/30/2016	Meat Processing; Poultry Processing	Genuine Jerky
I54	Weighmasters Murphy, Inc.	1601 West 12th Street	Long Beach	CA	90813	(562) 495-4144	2/16/2017	Imported Product	

V17666	Weighmasters Murphy, Inc.	1601 West 12th St.	Long Beach	CA	90813	(562) 495-4144	1/27/2011	Certification - Cysticercus; Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry	
M6987+P6987	Weinstein Wholesale Meats Inc	7501 Industrial Dr.	Forest Park	IL	60130	(312) 226-5196	4/27/2006	Meat Processing; Poultry Processing	Heartland Steaks
M8821+P8821	Weis Market's Inc	618 South Second Street	Sunbury	PA	17801	(570) 286-3621	9/8/2002	Meat Processing; Poultry Processing	
M8540+P8540	Weiss Brothers Inc.	100 Terence Drive	Pittsburgh	PA	15236	(412) 650-8560	12/3/2018	Meat Processing; Poultry Processing	
M13313	Weiyee Foods Co., Inc.	1717 Reserve Street	Garland	TX	75042	(214) 553-5992	9/16/2009	Meat Processing	
M881+P881+V881	Wells, Jenkins & Wells	145 Rollins Road	Forest City	NC	28043	(828) 245-5544	10/3/2011	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M38566+P38566	Wells Pork & Beef Products	750 Croomsbridge Rd.	Burgaw	NC	28425	(910) 259-2523	9/15/2010	Meat Processing	
M39876+P39876	Wells Pork & Beef Slaughter	750 Croomsbridge Road	Burgaw	NC	28425	(910) 259-2523	9/15/2010	Meat Processing; Meat Slaughter	
M6554+P6554	Wells Processing Plant	711 East Woodlawn Ave.	Brighton	TN	38011	(901) 475-1700	7/21/1997	Meat Processing; Meat Slaughter	Badr Halal Meat Plant

M10061+V10061	Weltin Meat Packing Inc.	8678 Fifth Street	Minden City	MI	48456	(989) 864-8888	11/6/2002	Meat Processing; Meat Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Processing - Rabbit; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry; Voluntary Slaughter - Rabbit	
P8895	Wendel's Poultry Farm	12446 Vaughn Street	East Concord	NY	14055	(716) 592-2299	4/27/1983	Poultry Processing	
M27499+P27499	Wenneman Meat Company, Inc.	7419 State Route 15	St. L bory	IL	62282	(618) 768-4328	1/11/2012	Meat Processing; Meat Slaughter; Poultry Processing	Wenneman Market
M19753+P19753+V19753	Wenzel's Farm, LLC	500 E. 29th Street	Marshfield	WI	54449	(715) 387-1218	5/2/2014	Certification - Export; Meat Processing; Poultry Processing	H.C. Wenzel & Sons, Inc., Wenzel's Farm Sausage
V27280	We Pack - North Carolina	16700 Airport Rd.	Maxton	NC	28357	(910) 844-1000	10/15/2002	Identification - Meat; Identification - Poultry	
M46769	We're The Wurst	18757 SW Century Dr	Bend	OR	97703	(541) 633-9800	6/14/2019	Meat Processing	
M21332+P21332+V21332	Werling and Sons, Inc.	100 South Plum St.	Burkettsville	OH	45310	(419) 375-0037	6/18/2013	Meat Processing; Poultry Processing; Voluntary Processing - Meat	Werling and Sons, Yoders
M18510+P18510	Werner Gourmet Meat Snacks Inc.	2807 3rd Street	Tillamook	OR	97141	(800) 459-6420	4/24/2018	Meat Processing; Poultry Processing	Ken's Custom Smoker
M9489	Werry's Provision	360 West Overton Road	Scottdale	PA	15683	(724) 887-8719	6/14/2006	Meat Processing; Meat Slaughter	

P8413	W.E Ryan Co. Inc.	2325 North American Street	Philadelphia	PA	19133	(215) 427-3030	7/31/2014	Poultry Processing	
M46674+P46674	Wesco Commissary	6524 Schamber Drive	Norton Shores	MI	49444	(231) 719-4423	12/11/2019	Meat Processing; Poultry Processing	
M6080+P6080	WEST BEST FOODS INC	3425 WYNN ROAD	LAS VEGAS	NV	89102	(702) 367-0662	10/8/1999	Meat Processing; Poultry Processing	
M27266+P403	West Central Turkeys LLC	704 N. Broadway	Pelican Rapids	MN	56572	(218) 863-6855	5/7/2014	Meat Processing; Poultry Processing	Festive Brand, Hormel Foods Corporation, Jennie-O, Jennie-O Foods, Inc.s, Jennie-O Turkey Store Sales, Jennie-O Turkey Store, Inc., Jerome Foods, Inc., Jerome's Golden Glo, Norwestern Deli, The Turkey Store, Inc.
M45729+P45729+V45729	Westcliffe Meats	1358 CR 140	Westcliffe	CO	81252	(719) 373-0196	5/31/2016	Identification - Meat; Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat; Voluntary Slaughter - Rabbit	
M6028A+P4114+V6028A	West Coast Prime Meats LLC	344 Cliffwood Park	Brea	CA	92821	(714) 255-8560	7/21/2015	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Rabbit	
V51298	West Coast Prime Meats LLC	125 S. Fuente St.	Brea	CA	92821	(714) 255-8560		Certification - Export; Identification - Meat; Identification - Poultry	
M46099+P46099	West End Fresh Salads, LLC	162 Graystone Drive	Tupelo	MS	38801	(663) 213-3663	5/9/2018	Meat Processing	

M7804+P7804	Westerly Packing, Inc.	15 Springbrook Road	Westerly	RI	02891	(401) 596-4340	6/20/2016	Meat Processing; Poultry Processing	
V46016	Western Boxed Meat	2401 NE Argyle Street	Portland	OR	97211	(503) 284-3314	2/2/2017	Certification - Export; Identification - Meat; Identification - Poultry	
M34328+P34328	Western Commercial Corp.	13752 Van Nuys Blvd.	Pacoima	CA	91331	(818) 896-8759	10/19/2007	Meat Processing; Poultry Processing	
V18671	Western Gateway Storage Co., Inc.	P.O. Box 627	Ogden	UT	84402	(800) 524-2653	3/11/1993	Certification - Export	
M44824+V44824	Western Meat Processing, Inc.	725 Zeff Road	Modesto	CA	95351	(209) 521-1843	10/2/2017	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M34775+P34775	Western Meat Processors, Inc.	Calle Manuel Pirallo 263 Esquina Aduana	Mayaguez	PR	00680	(787) 832-7173	10/4/2011	Meat Processing; Poultry Processing	A Cut Above-Premium Brand, Premier Cuts
M4156+P4156+V4156	Western Meat Service	537 East 56th Ave.	Denver	CO	80216	(303) 295-0673	11/27/2002	Meat Processing; Poultry Processing; Voluntary Processing - Meat	Denver Specialty Foods Inc, Food Solutions Inc., Giuseppe's Sausage Products, Gram's Foods Inc., Western Meat Inc.
M2929+P2929+V2929	Western Smokehouse Partners, LLC	1978 Western Drive	Greentop	MO	63546	(660) 949-2445	11/23/2004	Meat Processing; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
M34052+V34052	Western Way Custom Meat LLC	918 E. Martinez Rd.	Moriarty	NM	87035	(505) 832-8964	1/27/2009	Meat Processing; Meat Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	Freighout.com, LLC, Western Way Custom Meat, LLC

M932+P932	West Georgia Processing	3947 Hwy 27 N.	Carrollton	GA	30117	(770) 832-6551	9/18/2012	Meat Processing; Meat Slaughter	
M5581+P5581	Westin, Inc. Fairbury Food Division	810 Bacon Road 601 Bacon Road	Fairbury	NE	68352	(402) 729-3379	1/26/2011	Meat Processing; Poultry Processing	
M1627A+P1627A+V1627A	West Lake Food Corporation	2430 W. Cape Cod Way	Santa Ana	CA	92703	(714) 973-2286	11/15/1999	Certification - Export; Meat Processing; Poultry Processing	
M34349+P34349	West L berty Foods LLC	705 North 2000 West	Tremonton	UT	84337	(563) 370-2645	3/21/2013	Meat Processing; Poultry Processing	
M45431+P45431	West L berty Foods, L.L.C.	750 S. Schmidt Road	Bolingbrook	IL	60440	(630) 679-2300	4/11/2018	Meat Processing; Poultry Processing	Iowa Turkey Growers Coop, West Liberty Foods, L.L.C.
M19821+P19821	West L berty Foods, LLC	603 East A St.	West Liberty	IA	52776	(319) 627-3477	2/25/2019	Meat Processing; Poultry Processing	Iowa Turkey Growers Coop
M27391+P27391	West L berty Foods, LLC	2225 E. Commerce Drive	Mt. Pleasant	IA	52641	(319) 385-5960	3/14/2019	Meat Processing; Poultry Processing	Iowa Turkey Growers Coperativ, Mt. Pleasant Foods, West Liberty Foods, LLC
M5533+P5533+V5533	West L berty Foods, LLC	207 W. Second Street	West Liberty	IA	52776	(319) 627-6166	7/8/2004	Certification - Export; Meat Processing; Poultry Processing; Poultry Slaughter	Iowa Turkey Growers Coop, West Liberty Foods
M1816+V1816	West Michigan Beef Co. LLC	3007 Van Buren Street	Hudsonville	MI	49426	(616) 669-1212	7/21/2003	Meat Processing; Meat Slaughter; Voluntary Slaughter - Meat	
M46498+P46498	Westminster Meat Packing Inc.	52 Seafood Lane	Westminster	VT	05158	(617) 866-1156	7/19/2019	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
V46601	West River Buffalo Suppliers	1575 Valley Dr.	Rapid City	SD	57744	(605) 791-4272	2/13/2019	Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	
M9912+P9912	Westside Distr butors, LLC	310 N Railroad Avenue	Rio Grande	NJ	08242	(609) 889-2700	6/27/2009	Meat Processing; Poultry Processing	Westside Foods, Westside Meats, Westside Wholesale

M7124	West Texas A&M University Meat Laboratory	600 WTAMU Drive	Canyon	TX	79016	80665125	9/25/2018	Meat Processing; Meat Slaughter	
M679	Westville Meat Market & Processing LLC	2569 R. M. Ward Road	Westville	FL	32464	(850) 548-1201	4/9/2014	Meat Processing; Meat Slaughter	Westville Meats
M7982	Westwater, Inc. (Westwater Country Hams)	1277 NC Highway 24 & 50	Warsaw	NC	28398	(910) 293-7294	2/6/2009	Meat Processing	
M45411+P45411	WFSP Foods LLC	112 Plugs Drive	Decatur	AL	35601	(256) 522-4900	4/16/2019	Meat Processing; Poultry Processing	
M1739+P2515	W & G Marketing	606 Lyon St	Jewell	IA	50130	(515) 827-5436	1/9/2019	Meat Processing; Poultry Processing	
M6752+P6752	W & G Marketing Co Inc	2824 Northridge Drive	Sidney	IA	51652	(515) 374-2601	3/29/2013	Meat Processing; Meat Slaughter	
M948	Whip City Jerky, LLC	271 Elm Street	Westfield	MA	01085	(413) 568-2050	5/17/2016	Meat Processing	
M4993+P4993+V4993	Whiskey Hill Smokehouse LLC	2980 E Street	Hubbard	OR	97032	(503) 981-2915	11/13/2015	Meat Processing; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat	Fig , Jerky Hut
M45312+P45312+V45312	White Castle Distr buting, LLC	1614 Capstone Way	Vandalia	OH	45377	(937) 890-5424	4/7/2017	AMS RTE Canada EV Program; Certification - Export; Food Inspection; Identification - Meat; Identification - Poultry	White Castle
V19158	White Castle Distr buting, LLC	2009 Rolling Hills Drive	Covington	KY	41017	(859) 341-4600	7/17/2007	Identification - Meat; Identification - Poultry	
M21350+P21350	White Castle System, Inc.	1500 Ritchey Parkway	Zanesville	OH	43701	(740) 453-8320	8/5/2000	Meat Processing; Poultry Processing	White Castle Meat Processing Division, White Castle Meat Processing Plant

M6915+P6915	White Castle System, Inc.	101 E. Martin St.	Orleans	IN	47452	(812) 865-2448	4/1/2003	Meat Processing; Poultry Processing	White Castle Meat Procsng Div, White Castle Meat Procsng Plnt
M18226+P18226	White Castle Systems	1502 W. Main St.	Lebanon	IN	46052	(765) 482-2241	2/3/2003	Meat Processing; Poultry Processing	
M4280+P4280	White Eagle Packing Company Inc.	922 Congress Street	Schenectady	NY	12303	(518) 374-4366	11/7/1995	Meat Processing	
M19893+P19893+V 19893	Whitefeather Meats	14079 Cleveland Rd.	Creston	OH	44217	(330) 435-6300	4/25/2001	Food Inspection; Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry	
M4684+P4684	Whiteman Meat Processing	3 Dock Street	Dansville	NY	14437	(585) 335-5230	3/18/2014	Meat Processing; Poultry Processing	
M46853	White Oak Meats, LLC	168 Pluto Road	Shady Spring	WV	25918	(304) 890-1438	10/11/2018	Meat Processing; Meat Slaughter	Spuds Bar-B- Que
M34729	White Oak Pastures	22775B US Highway 27	Bluffton	GA	39824	(229) 641-2081	9/27/2011	Meat Processing; Meat Slaughter	
P34729	White Oak Pastures Inc.	22775 US Highway 27	Bluffton	GA	39824	(229) 641-2081	6/8/2011	Poultry Slaughter	

M7717+P7717+V7717	White's Wholesale Meats	33663 Terrace Lake Road	Ronan	MT	59864	(406) 676-0082	9/20/2018	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry	
P1209	Whitewater Processing Co.	10964 Campbell Rd	Harrison	OH	45030	(513) 367-4133	12/6/2002	Poultry Processing; Poultry Slaughter	
V45960	Whiting World Wide, Inc.	1901 N W 79th Ave.	Doral	FL	33126	(305) 594-5811	10/24/2016	Certification - Export; Identification - Meat; Identification - Poultry	
M32073+P32073	Whitsons Food Service (Bronx) Corp.	1800 Motor Parkway	Islandia	NY	11749	(631) 424-2700	10/1/2012	Meat Processing; Poultry Processing	
M7906+P857	Wholesome Foods, Inc.	986 South Ox Rd.	Edinburg	VA	22824	(540) 984-8219	6/24/1999	Meat Processing; Poultry Processing	
M46491+P46491	WholeStone Farms Cooperative, Inc.	900 South Platte Ave.	Fremont	NE	68025	(507) 825-4211	9/20/2018	Meat Processing; Meat Slaughter	
M48209+P48209	Wholesum Foods, LLC	Wholesum Foods, LLC 1877 Penn Mar Ave.	South El Monte	CA	91733	(626) 522-9888	8/22/2019	Meat Processing; Poultry Processing	
M6765+P6765	Wichita Packing Company	340 North Oakley Boulevard	Chicago	IL	60612	(312) 421-0606	6/7/2017	Meat Processing; Poultry Processing	
V40083	Wilco Cold Storage LLC	2317 Wilco Blvd.	Wilson	NC	27893	(252) 991-1311	12/9/2009	Certification - Export; Identification - Meat; Identification - Poultry	

G1450A	Wilcox Farms Inc.	40400 Harts Lake Valley Road	Roy	WA	98580	(360) 458-6966	4/13/2010	Egg Product	
M19887A+P19887A	Wild Flavors Inc	4283 Olympic Blvd	Erlanger	KY	41018	(859) 525-0270	8/22/2016	Meat Processing	
M19887+P19887	Wild Flavors, Inc.	1261 Pacific Ave,	Erlanger	KY	41015	(606) 342-3600	7/27/2017	Meat Processing; Poultry Processing	
M44054+V44054	Wild West Meats, Inc.	4740 S. 9500 E.	Jensen	UT	84035	(435) 789-9378	4/4/2011	Meat Processing; Meat Slaughter; Voluntary Slaughter - Meat	Wild West Meats
M31826+P31826	Wild Zora Foods, LLC	325 East 4th, Suite 300	Loveland	CO	80537	(224) 600-8812	9/2/2014	Meat Processing; Poultry Processing	Wild Zora Foods
M19511+P19511	Wi kes Abattoir, LLC	347 Thomas Street	North Wi kesboro	NC	28659	(336) 667-1346	5/3/2019	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	Apple Brandy Prime Cuts
G1606	Willamette Egg Farms	31348 S. Highway 170	Canby	OR	97013	(503) 651-0000	11/27/2015	Egg Product	Willamette Egg Farms
M21134+P21134+V21134	Willamette Valley Meat Co.	336 NE 8th Avenue	Portland	OR	97232	(503) 232-0933	7/22/2005	Certification - Trichinae; Identification - Meat; Identification - Poultry; Meat Processing; Poultry Processing	
M21254+P21254	William & Co., Inc.	135-136 Newmarket Square	Boston	MA	02118	(617) 442-2112	2/27/2017	Meat Processing; Poultry Processing	
M9475	William Fred Miller/Miller Distr buting Inc.	224 South Mill Street P.O. Box 6	St. Clair	PA	17970	(570) 429-1191	3/1/2010	Meat Processing	
M8412+P8412	William MacMillian Co.	416 Vine Street	Philadelphia	PA	19106	(215) 627-3273	12/11/2013	Meat Processing; Poultry Processing	

M5798+P5798+V5798	Williams Brothers Meat Co.	302 East 8th St.	Washington	MO	63090	(636) 239-4340	7/30/1987	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Rabbit; Voluntary Slaughter - Poultry; Voluntary Slaughter - Rabbit	Norv's Meat Products, Washington Sausage Co. Inc.
M4005+P4005+V4005	Williamsburg Packing Company Inc.	920 Eastland Avenue	Kingstree	SC	29556	(843) 355-6447	10/20/2005	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry; Voluntary Slaughter - Rabbit	
M34220	Williams & Conner, LLC	20 Lou Stroup Drive	Uvalde	TX	78801	(830) 261-8601	2/27/2007	Meat Processing	
M46146+P46146	Williams Custom Cutting LLC	225060 64th Avenue	Bradenton	FL	34211	(941) 713-9390	7/20/2017	Meat Processing; Poultry Processing	
M21896	Williams Foods, Inc.	615 N. Church Street	Rocky Mount	NC	27804	(252) 977-3939	8/2/2010	Meat Processing	
M7455+P7455+V7455	Williams Sausage Co., Inc.	5132 Old Troy-Hickman Road	Union City	TN	38261	(731) 885-5841	3/8/2019	Meat Processing; Meat Slaughter; Off-Premise Freezing - Meat; Poultry Processing	Grogan's Farm, J C Potters, Kuntry Boy, Ole South, Partin's Country Sausage, Williams Country Sausage
M125+P125	Williams, West & Witt's products Co.	3501 W. Dunes Hwy	Michigan City	IN	46360	(219) 879-8236	6/20/1983	Meat Processing; Poultry Processing	Integrative Flavors
M5660	Willow Creek Meats	77178 US Hwy 83	McCook	NE	69001	(308) 345-5029	1/16/2008	Meat Processing; Meat Slaughter	

M8827+P8827	WILLOW TREE POULTRY FARM, INC.	997 South Main Street	Attleboro	MA	02703	(508) 222-2469	1/12/2016	Meat Processing; Poultry Processing	
M33907	Willy's Products	1601 N.W. 38th Avenue	Lauder Hil	FL	33311	(954) 316-1350	11/20/2007	Meat Processing	
I9	Wilmington C S, Inc.	2 Industrial Way	Wilmington	MA	18870	(781) 935-8670	4/17/2017	Imported Product	
M8609+P8609+V8609	Wilmington Slaughter	305 Easy Street	New Wilmington	PA	16142	(724) 946-8633	11/12/2015	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Processing - Rabbit; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry; Voluntary Slaughter - Rabbit	Grandma Madge, Whiting Family Foods, Wilmington Slaughterhouse
M8855+P8855	Wilson Beef Farms LLC	10751 Hess Road	Canaseraga	NY	14822	(607) 545-8308	6/21/2017	Meat Processing; Meat Slaughter; Poultry Processing	
M34554+P34554	Wilson Farm Meats, Inc.	406 S. Wisconsin Street	Elkhorn	WI	53121	(262) 723-2919	6/11/2019	Meat Processing; Meat Slaughter; Poultry Processing	
M20637+P20637	Wilson Packing Company	1702 Black Creek Road	Wilson	NC	27893	(252) 237-0844	2/4/2002	Meat Processing; Poultry Processing	
M45371+P45371	Wilson Processing Company, Inc.	250 Richland Rd.	Westminster	SC	29693	(864) 882-9073	5/1/2015	Meat Processing; Meat Slaughter; Poultry Processing	

V51545	Win Chill Cold Storage, LLC	5050 West Foundation Court	Sioux Falls	SD	57107	(605) 275-2653	5/23/2018	Certification - Cysticercus; Certification - Export; Certification - Trichinae; Identification - Meat; Identification - Poultry	
M9840+V9840	Windham Butcher Shop Inc.	247 Varney Mill Road	Windham	ME	04062	(207) 892-4203	1/21/1997	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	
V19217	Windsor Foods	4477 S. 70th E Ave.	Tulsa	OK	74145	(918) 663-9229	7/7/2006	Certification - Export; Identification - Meat; Off-Premise Freezing Meat	
M7130+P7130	Windthorst Sausage Company LLC	17565 US HWY 281	Windthorst	TX	76389	(940) 224-4234	4/13/2020	Meat Processing	
P44992	Windy Meadows Family Farm	8045 CR 4209	Campbell	TX	75422	(903) 886-7723	7/19/2019	Poultry Processing; Poultry Slaughter	
M15894+P15894	Winesburg Meats	P.O. Box 202 2181 U.S. Rte. 62	Winesburg	OH	44690	(330) 359-5092	1/6/1988	Meat Processing; Poultry Processing	
M4847+P4847	Win Fat LLC	700 Monterey Pass Road Unit A	Monterey Park	CA	91754	(323) 261-1869	5/11/2010	Meat Processing; Poultry Processing	
M33902+P33902	Wing Lee Farm	13625 Yorba Ave.	Chino	CA	91710	(909) 628-2888	3/18/2014	Poultry Processing; Poultry Slaughter	Wenglee Farm Fresh , Wenglee Poultry
M27339+P27339	Wing Lee Food Processing LLC	1 Hook Road	Sharon Hill	PA	19079	(215) 923-4038	2/5/2020	Meat Processing; Poultry Processing	
P34626	Wing & Sing Poultry Market Inc	204 20th Street	Brooklyn	NY	11232	(917) 415-3076	3/13/2008	Poultry Processing; Poultry Slaughter	Alnoor Halal Poultry
M48261+P48261	Wing Wan Gourmet Foods Inc.	5600 1st Avenue, Unit A8	Brooklyn	NY	11220	(516) 967-4139	7/8/2019	Meat Processing; Poultry Processing	

M18449+P18449	WING Y Meats Inc.	14 Varick Street	Brooklyn	NY	11222	(312) 498-5079	2/12/2020	Meat Processing; Poultry Processing	Wing Y Inc.
M15720+P15720	Winkler Meats, Inc.	2822 SW Washington St.	Peoria	IL	61605	(309) 671-1058	11/11/2009	Meat Processing	Winkler Foods
M46281+P46281	Winly Foods LLC	610 State HWY 64W	Henderson	TX	75652	(314) 600-4303	4/19/2018	Meat Processing; Poultry Processing	
M7341+P7341	Winningham's Meats	1968 Cypress Campground Rd.	Ridgeville	SC	29472	(843) 688-4289	12/3/2007	Meat Processing; Meat Slaughter	
M17802	Winston's Sausage	4701 West 63rd Street	Chicago	IL	60629	(773) 767-4353	7/16/1990	Meat Processing	Winstons
M9815+P9815	Winter Gardens Quality Foods, Inc.	304 Commerce Street	New Oxford	PA	17350	(717) 624-4911	4/17/2017	Meat Processing; Poultry Processing	Lifestyle Foods
M10158+P10158	Winter Sausage Mgr. Co., Inc.	22011 Gratiot	Eastpointe	MI	48021	(586) 777-9080	7/22/2004	Meat Processing; Poultry Processing	
M22084+P22084	Wisdom Natural Poultry	44686 CR 4	Haxtun	CO	80731	(970) 774-7492	9/30/2002	Poultry Processing; Poultry Slaughter	
M1845	Wise Meat Packing	2205 Longbranch Rd.	Campbellsville	KY	42718	(270) 465-8464	11/6/2019	Meat Processing; Meat Slaughter	
M44845+P44845	Wise Spice Catering Company	196 W. 25th St.	Hialeah	FL	33010	(786) 426-9573	12/19/2017	Meat Processing; Poultry Processing	
M17384+P17384	Wissota Marketing Inc.	N5765 Seymore Street	Glen Flora	WI	54526	(715) 322-5269	2/13/2006	Meat Processing; Poultry Processing	Original Ovenworks Pizza
M48277	WJ Wainright and Son, Inc	135 Wil Wainwright Road	Nahunta	GA	31553	(912) 462-5593	8/27/2019	Meat Processing; Meat Slaughter	
M8771+P8771	Wohrle's Inc.	1619 East Street	Pittsfield	MA	01201	(413) 442-1518	3/4/1993	Meat Processing	Wohrle Foods Inc.
V18770	Wolfson Casing Corporation	700 S. Fulton Avenue	Mount Vernon	NY	10550	(914) 668-9000	10/24/2012	Certification - Export; Identification - Meat	DCW Casing LLC
M2574	Wolverine Packing Co.	1340 Winder Street	Detroit	MI	48207	(313) 259-7500	5/11/2015	Meat Processing; Meat Slaughter	Amish Country Brand, Bonnie Maid, Heartland Heritage
M2574B+P2574B	Wolverine Packing Co.	1337 Winder	Detroit	MI	48207	(313) 259-7500	2/26/2007	Meat Processing; Poultry Processing	Amish Country Brand, Bonnie Maid, Royal Gold, Royal Lean

M2574A+P2574A	Wolverine Packing Company	2535 Rivard Rd.	Detroit	MI	48207	(313) 259-7500	7/28/2004	Meat Processing; Poultry Processing	Amish Country Brand, Bonnie Maid
M2574C+P2574C	Wolverine Packing Company	2820 Rivard Rd.	Detroit	MI	48207	(313) 259-7500	10/17/2011	Meat Processing; Poultry Processing	Amish Country, Bonnie Maid
M2574D+P2574D+I2574D	Wolverine Packing Company	4225 Dequindre Street	Detroit	MI	48207	(313) 259-7500	5/31/2019	Meat Processing; Poultry Processing	Amish Country, Bonnie Maid
M4377+P4377	Wonder Meats Inc.	20 Broad Street	Carlstadt	NJ	07072	(201) 935-1700	2/4/2020	Meat Processing; Poultry Processing	Brooklyn Provisions, Golden Crown Food Products, International Food Serviceof New York, Lindee Brand
M12436+P12436+V12436	Wong's Meat Mkt. Ltd.	1200 Sand Island Parkway Road	Honolulu	HI	96819	(808) 845-5900	7/22/2002	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M20411+V20411	Woodland Bison, Inc.	10620 Stricker Road	Memphis	IN	47143	(812) 246-9911	8/22/2002	Food Inspection; Meat Processing; Meat Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	Bluegrass Bison, Buffalo Crossing, Kentucky Bison, Lewis and Clark, Memphis Meat Processing, Vista Grand Ranch, Woodland Farm
M10786+P10786	Woodlawn Butchers Shop & Farm Market	4233 Harpers Ferry Rd.	Sharpsburg	MD	21782	(301) 432-8632	3/12/2015	Meat Processing; Meat Slaughter	
M8120+P8120+V8120	Wood's Meat Processing, Inc.	482169 Highway 95	Sandpoint	ID	83864	(208) 263-3077	4/11/1983	Meat Processing; Meat Slaughter; Voluntary Processing - Meat; Voluntary Processing - Poultry; Voluntary Slaughter - Meat; Voluntary Slaughter - Poultry	

M31866M+P31866+V31866	Woodson County Prime Meats Pro	702 W. Butler	Yates Center	KS	66783	(620) 625-2711	2/11/2005	Meat Processing; Meat Slaughter; Voluntary Processing - Exotic; Voluntary Processing - Meat; Voluntary Slaughter - Exotic; Voluntary Slaughter - Meat	
M2938+P2938+V2938	Woods Smoked MEats, Inc.	1501 Business Highway 54 West	Bowling Green	MO	63334	(573) 324-2247	7/26/2001	Certification - Trichinae; Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Woods Smoked Meats
M45383+P45383+V45383+V45383A	Woodville Warehousing & Distr buting, LLC	375 Oak Ridge Parkway	Baldwin	WI	54002	(715) 518-3445	2/20/2015	Certification - Export; Identification - Poultry; Meat Processing; Poultry Processing	
M27381	Wooshin Meat Market	11407 Emerald Street #105	Dallas	TX	75229	(972) 488-9292	11/27/2019	Meat Processing	
M34459+P34459	Wordens Meat	19961 Ely Road	Joplin	MO	64801	(417) 483-1444	8/19/2016	Meat Processing; Poultry Processing	
M19290+P19290+V19290	Working H Meats, LLC	5481 Friendsville Road	Friendsville	MD	21531	(304) 789-2225	5/24/2018	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Poultry; Voluntary Slaughter - Meat	
V21524	World Casing Corporation	47-06 Grand Avenue	Maspeth	NY	11378	(718) 628-3800	4/6/2001	Certification - Export; Identification - Meat	

M46818+P46818	World Class Kitchens-Freehold	101 Commerce Drive	Freehold	NJ	07728	(908) 925-1550	3/29/2018	Meat Processing; Poultry Processing	Dearborn Farms, Dearborn Markets
M40010+P40010	World Food	10651 Statellite Blvd	Orlando	FL	32837	(407) 851-4504	12/7/2010	Meat Processing; Poultry Processing	
M51322+P51322	World Food P&D, Inc.	6466 Fleet St.	Commerce	CA	90040	(213) 500-6920	3/13/2018	Meat Processing; Poultry Processing	
M46180+P46180	World of Pies LLC	450 S Cemetery Street Suite 103	Norcross	GA	30071	(770) 380-8949	10/25/2017	Meat Processing; Poultry Processing	Pouch
M20834+P20834+V20834	World's Best Meat, Inc.	401 N. Johnson Street	Andrew	IA	52030	(563) 672-3212	3/8/2000	Certification - Export; Meat Processing; Poultry Processing; Voluntary Processing - Meat	Andrew Meats
V1226	World Wide Air Marine	460 West 18th Street	Hialeah	FL	33010	(305) 885-0055	12/30/2011	Certification - Export; Identification - Meat; Identification - Poultry	
M34538+P34538+V34538	Wornick Distribution Center (WDC)	5273 East Provident Drive	Cincinnati	OH	45246	(513) 552-7634	12/30/2010	Certification - Export; Identification - Meat; Identification - Poultry	
M47002+P47002	Worth Food Solutions, Inc.	629 Mony Street	Fort Worth	TX	76102	(817) 864-1801	11/7/2019	Meat Processing; Poultry Processing	
M254	Worthmore Food Products Co.	1021 Ludlow Ave.	Cincinnati	OH	45223	(513) 559-1473	4/14/1978	Meat Processing	
M2165+P2165	Wotiz Meat Company	68 1st Street P.O. Box 1206	Passaic	NJ	07055	(973) 773-7556	9/29/2010	Meat Processing; Poultry Processing	Chelsea Meat, Meadowland Food Service
M46398+P46398	Wotokar Marketing	3720 North Tryon St. Suite 107	Charlotte	NC	28206	(704) 957-8094	7/10/2018	Meat Processing; Poultry Processing	
M40135+P40135	Wow Specialty Cuts Corp.	10840 NW 138th Street Unit #3	Hialeah Garden	FL	33018	(305) 890-8937	8/7/2015	Meat Processing; Poultry Processing	Four Brothers W.H. Corp

M8699+P8699+V8699	Wright City Meat Company, Inc.	363 East North Service Rd.	Wright City	MO	63390	(314) 745-3331	1/29/2017	Food Inspection; Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Wright City Meat & Sausage Co
V40450	Wright Distribution Center, Inc.	1000 E. Hanthorn Rd.	Lima	OH	45804	(419) 227-7621	11/10/2010	Certification - Export; Identification - Meat	
M45940+P45940	WRIGHT FOODS GROUP, LLC	1 WRIGHT WAY	TROY	NC	27371	(910) 705-8546	8/17/2016	Meat Processing; Poultry Processing	
M8559	Wright's Packing Co.	689 North Camp Run Road	Fombell	PA	16123	(724) 368-8571	3/5/2012	Meat Processing; Meat Slaughter	
I20124+V20124	W.T. Distributors Inc.	351 W. Cole Road	Calexico	CA	92231	(619) 357-6633	2/19/1998	Certification - Export; Identification - Meat; Identification - Poultry; Imported Product	
M48255+P48255	WURST MACHERS LLC	47084 280TH STREET	MORRIS	MN	56267	(612) 203-2035	1/3/2018	Meat Processing	
M21335+P21335	Wurst Works	16431 FM 969	Manor	TX	78653	(512) 276-1513	4/19/2019	Meat Processing; Poultry Processing	
M4111+P4111	Wycen Foods, Inc.	560 Estabrook Street	San Leandro	CA	94577	(510) 351-1988	2/26/2020	Meat Processing; Poultry Processing	
M44235	Wyhe's Choice	205 Main Street PO Box 148	Lester	IA	51242	(712) 478-4349	3/2/2012	Meat Processing	Dutchland Frozen Foods
M44972+V44972	Wyoming Authentic Products LLC	2517 LT. Childers Street	Cody	WY	82414	(307) 587-9841	8/2/2012	Meat Processing; Voluntary Processing - Meat	

M46023+P46023+V46023	Wyoming Legacy Meats, LLC	74 County Road 2AB	Cody	WY	82414	(307) 272-5226	12/30/2016	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Cody Meat Country Store, Zero Box Meats
V46577	Yancey's Fancy	8818 Brickhouse Corners Road	Corfu	NY	14036	(585) 599-4448	1/15/2019	Identification - Meat	
M38456+P38456	Yankee Trader Seafood LTD.	1610 CORPORATE PARK	Pembroke	MA	02359	(781) 829-4350	11/6/2008	Meat Processing; Poultry Processing	
M21371+P21371+V21371	Yants Snack Foods LLC	103 Jerry Dr.	Jackson Center	OH	45334	(937) 596-0497	5/5/2003	Meat Processing; Poultry Processing; Voluntary Processing - Exotic; Voluntary Processing - Meat	
I171	Yaong Corporation Rem Center Warehouse	Unit 6 Rem Center, Cheribiyan Drive Gualo Rai	Saipan	MP	96950	(670) 235-3890	8/1/2017	Imported Product	
M48286+P48286	Yassine Halal Food Corp	34-05 Crescent Street	Astoria	NY	11106	(646) 575-2451	11/21/2019	Meat Processing; Poultry Processing	
M45975+P45975	Y & B Meats LLC	146 Christie Street	Newark	NJ	07105	(973) 589-1100	4/24/2020	Meat Processing; Poultry Processing	Essen New York Deli, Glatt Ranch , Grow & Behold Foods LLC, International Gourmet Kosher Foods LLC, KOL Foods , The Brat Factory, Wandering Que
M46644+P46644	Yellow Bowler Hat LLC	407 Rayford Rd. #1	Spring	TX	77386	(949) 463-1825	4/9/2019	Meat Processing; Poultry Processing	Crispin & Sons, the handmade pie co., the handmade pie company
M7644+P7644+V7644	Yellowstone River Beef	6 E Dakota Parkway	Williston	ND	58801	(971) 241-1167	6/14/2007	Meat Processing; Meat Slaughter; Poultry Processing; Voluntary Processing - Meat; Voluntary Slaughter - Meat	Kota Meats, Inc.

M2492+P2492	Ye Olde Butcher Shoppe	902 7th St. N.W.	Rochester	MN	55901	(507) 282-5908	10/30/1998	Meat Processing; Poultry Processing	Hardwood Hills
M46747+P46747	Ye Olde Kings Head Inc.	23527 Calabasas Road	Calabasas	CA	91302	(818) 268-1929	10/2/2019	Meat Processing; Poultry Processing	Jolly Good, Ye Old King's Head
M45290	Yerevan Premium Foods LLC	14141 Covello Street Unit 5A	Van Nuys	CA	91405	(818) 285-8787	3/28/2018	Meat Processing	
M17356+P17356	Y. H. Foods, Inc.	1122 West Randolph St.	Chicago	IL	60607	(312) 243-7414	8/19/1999	Meat Processing; Poultry Processing	
M2216+P788+V2216	Yoakum Packing Co.	500 Front Street	Yoakum	TX	77995	(361) 293-3541	6/8/1999	Certification - Export; Meat Processing; Poultry Processing; Voluntary Processing - Meat	Farm Pac, Hans Mueller
M17301+P17301	Yoder Brothers Meat Processing	1650 Briarpatch Road	Paris	TN	38242	(731) 642-3333	8/20/2016	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	
M17281+P17281+V17281	Yoder Meats, Inc.	435 S. Van Buren Street	Shipshewana	IN	46565	(260) 768-4715	4/26/2007	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M19281+P19281+V19281	Yonekyu U.S.A., Inc.	3615 E. Vernon Avenue	Los Angeles	CA	90058	(323) 581-4194	4/10/1996	Certification - Export; Meat Processing	
M3871+P3871+V3871	York Cold Storage Co	402 Commerce	York	NE	68467	(402) 362-5563	12/17/2008	Animal Foods Inspection; Certification - Trichinae; Identification - Meat; Identification - Poultry; Off-Premise Freezing - Meat; Off-Premise Freezing - Poultry	
M6482	York Meats	3600 York Lane	Fallon	NV	89406	(775) 423-5228	2/20/2015	Meat Processing; Meat Slaughter	

M38549+P38549	York Street Caterers Inc.	196 Coolidge Avenue	Englewood	NJ	07631	(201) 233-0751	12/27/2012	Meat Processing; Poultry Processing	
M38549A+P38549A	YORK STREET CATERERS INC.	191 COOLIDGE AVE	ENGLEWOOD	NJ	07631	(201) 868-9088	5/16/2016	Meat Processing; Poultry Processing	
M548A	Yosemite Foods Inc.	4221 E. Mariposa Road Suite A	Stockton	CA	95215	(209) 652-5322		Meat Processing; Meat Slaughter	
M48097+P48097	Yosemite Valley Beef Distributors	3040 E. Washington Blvd.	Los Angeles	CA	90023	(626) 435-0170	5/28/2015	Meat Processing; Poultry Processing	
M301+V301	Yosemite Valley Beef Packing Co., Inc.	970 E Sandy Mush Rd.	Merced	CA	95341	(209) 383-4060	4/11/2016	Certification - Export; Meat Processing; Meat Slaughter	
M45475+P45475	YouBite, LLC	745 W. Ventura Blvd. Unit J.	Camarillo	CA	93010	(805) 388-1780	9/14/2015	Meat Processing; Poultry Processing	
M45753+P45753	Young Ocean, Inc.	20233 80th Ave. S.	Kent	WA	98032	(253) 395-1900	11/27/2015	Meat Processing	
M12452+P12452	Young's Meat Market	301 Kalihi Street	Honolulu	HI	96819	(808) 842-4277	12/29/2011	Meat Processing; Poultry Processing	
M17559	Young & Stout, Inc.	1684 Andell Road	Bridgeport	WV	26330	(304) 624-5411	6/25/2015	Meat Processing; Meat Slaughter	
M9330	Younis Inc.	1124 Howell Street	Seattle	WA	98101	(206) 624-9248	8/4/2016	Meat Processing	Market House
M31731+P31731	Y-T Packing Company	1129 Taintor Rd.	Springfield	IL	62702	(217) 522-3345	11/3/2004	Meat Processing; Poultry Processing	
M45020+P45020	Yuris Food, LTD	6933 Flintlock Road, Bldg. #4	Houston	TX	77040	(713) 547-4601	8/21/2014	Meat Processing; Poultry Processing	
M40286+P40286	Yushang Chicken Inc.	44250 Old Warm Springs Blvd.	Fremont	CA	94538	(510) 573-1078	4/23/2018	Meat Processing; Poultry Processing	
P46973	Zahran Import Export Wholesale Inc.	38-22 31st Street	Long Island City	NY	11101	(917) 717-2631	2/10/2020	Poultry Processing	
M10249+P10249	Zalack's Flint Provision, Inc.	2801 Lippincott Blvd	Flint	MI	48507	(810) 742-4100	4/26/2004	Meat Processing; Poultry Processing	Flint Provision, Inc., Zalack's Provision, Inc.

M21392A+P21392A	Zamora Bros Meats Corporation	15378 Proctor Ave	City of Industry	CA	91745	(626) 523-1676	8/15/2007	Meat Processing	Zamora Bros
M51343+P51343	Zankou Enterprises, Inc.	2360 E. 48th St.	Vernon	CA	90058	(818) 291-9528	4/13/2018	Meat Processing; Poultry Processing	
M46457	Zapata Carne Seca LLC	613 E. FM 496	Zapata	TX	78076	(956) 765-5111	4/3/2020	Meat Processing	
M33884+P33884	Zarate Foods, Inc.	4801 Enterprisee Way	Modesto	CA	95356	(831) 261-7559	2/27/2006	Meat Processing; Poultry Processing	
M9776	Zeiler-Caruth Quality Meats	139 Callapoose Road	Moscow	PA	18444	(570) 689-2350	10/6/2010	Meat Processing; Meat Slaughter	
M6308+P6308	Zenner's Quality Meat Products, Inc.	2131 NW Kearney Street	Portland	OR	97210	(503) 241-4113	5/27/2015	Meat Processing; Poultry Processing	Zenner's Sausage Company
M6922+P6922+V6922	Zick's Specialty Meats, Inc.	215 North Mechanic Street	Berrien Springs	MI	49103	(269) 471-7121	6/22/2004	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
V3507	Zollinger Cold Storage Corporation	699 West 1700 South	Logan	UT	84321	(801) 753-1134	2/27/1990	Certification - Export; Identification - Meat; Identification - Poultry	Zollinger Group
M6360+P6360	Zonin's Meats Inc.	18-20 Winthrop Street	Springfield	MA	01103	(413) 732-3151	3/27/2007	Meat Processing	
M21797+P21797	Zook's Homemade Chicken Pies LLC	3194 Harvest Drive	Ronks	PA	17572	(717) 768-0239	9/13/2010	Meat Processing; Poultry Processing	
P7632	Zorro Leasing LLC	900 W. Belgravia	Fresno	CA	93706	(559) 265-2000	5/11/2010	Poultry Processing; Poultry Slaughter	
M9368	Zrile Bros. Packing Co.,Inc	4129 Longview Road	West Middlesex	PA	16159	(724) 528-9246	10/13/2016	Meat Processing; Meat Slaughter	
M13040+P13040	Zummo Meat Co., Inc.	3705 St. James	Beaumont	TX	77705	(409) 842-1810	9/9/1998	Meat Processing	
M51341+P51341	Zuppardi's Frozen Foods	214 Main Street	West Haven	CT	06516	(203) 980-0392	10/15/2018	Meat Processing; Poultry Processing	

M5+P6817	Zwanenberg Food Group (USA), Inc.	3640 Muddy Creek Road	Cincinnati	OH	45238	(513) 682-6000	7/29/2015	Meat Processing; Poultry Processing	
M5333+P5333+V5333	Zweigle's Inc.	651 Plymouth Ave North	Rochester	NY	14608	(585) 546-1740	5/14/2008	Meat Processing; Poultry Processing; Voluntary Processing - Meat	
M9325+P9325	ZYK Enterprises, Inc.	17658 W. Snoqualmie River Road NE	Duvall	WA	98019	(425) 788-1128	5/10/2012	Meat Processing; Meat Slaughter; Poultry Processing; Poultry Slaughter	S.I. Bukhari/Waqas Muslim Slaughterhouse
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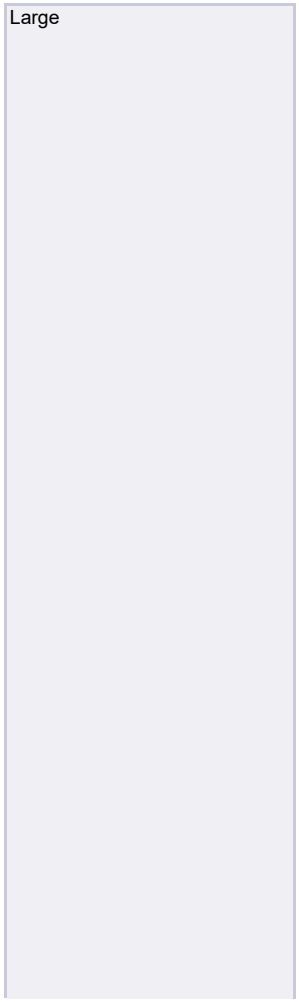
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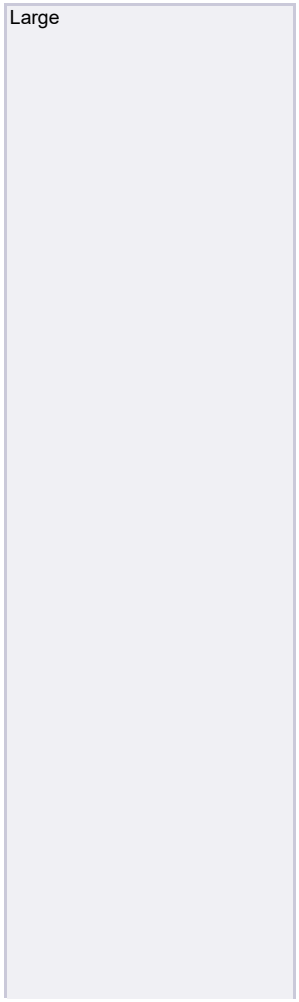
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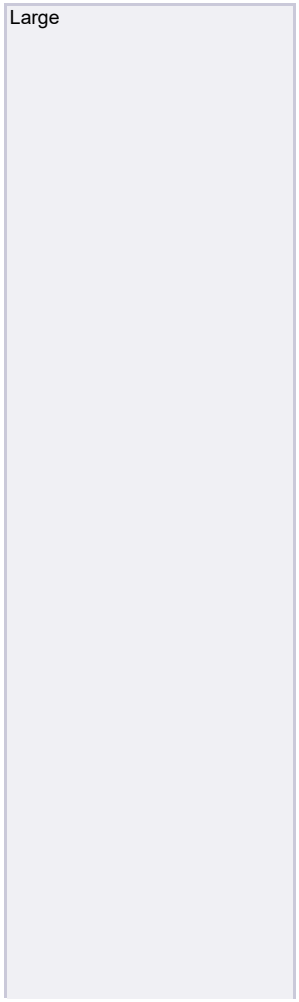
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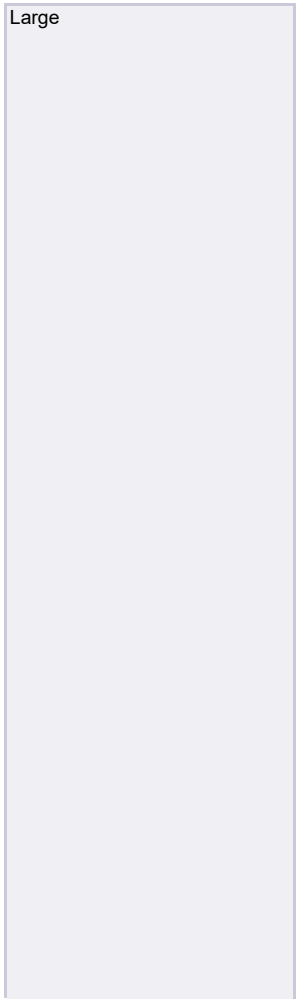
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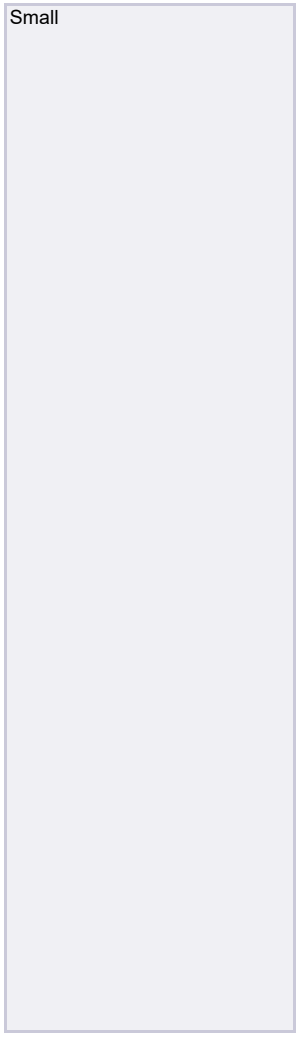
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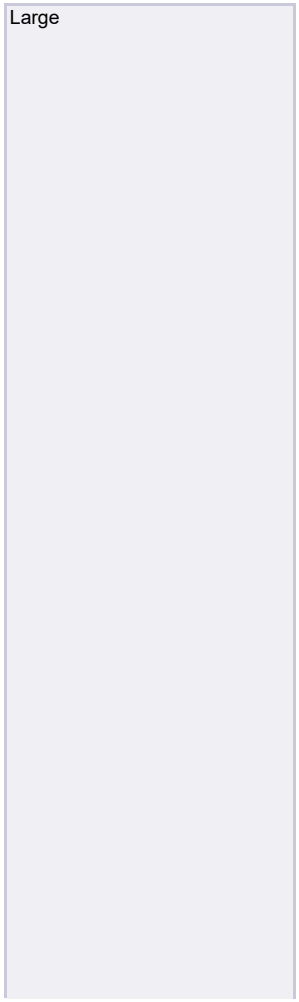
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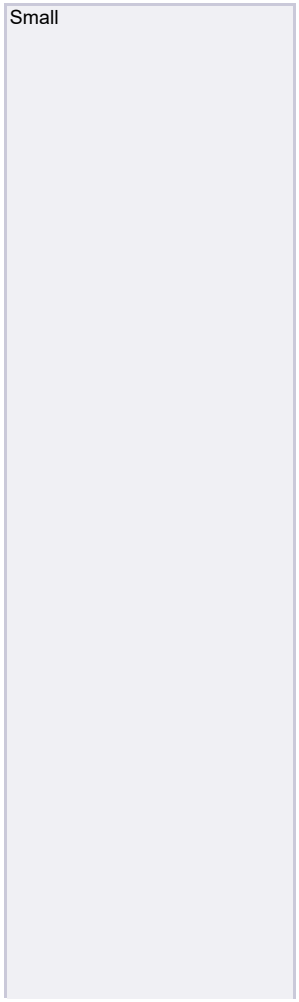
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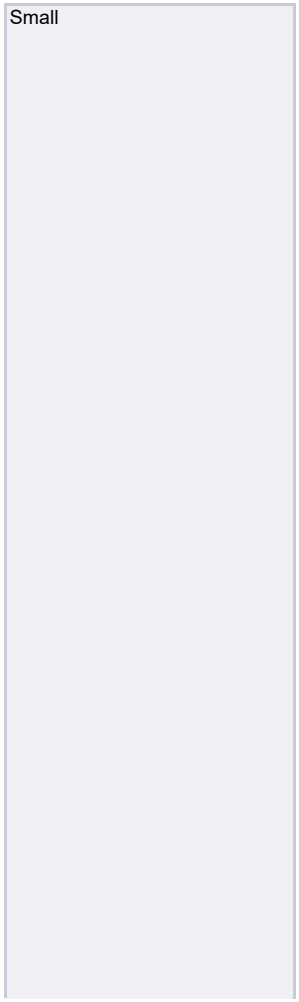
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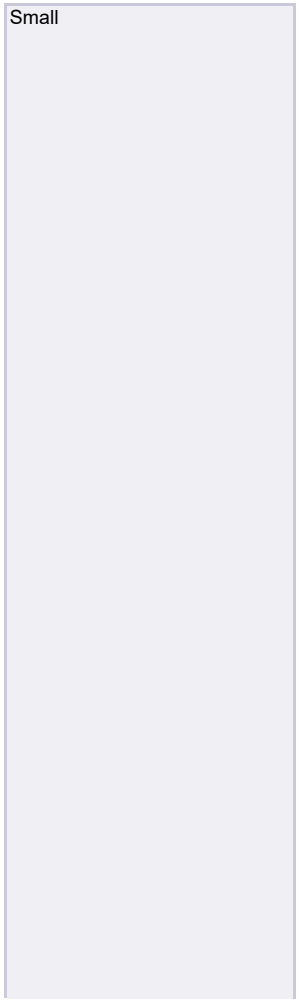
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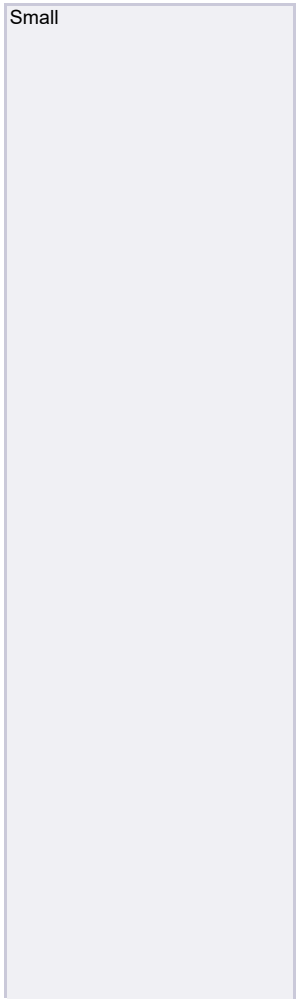
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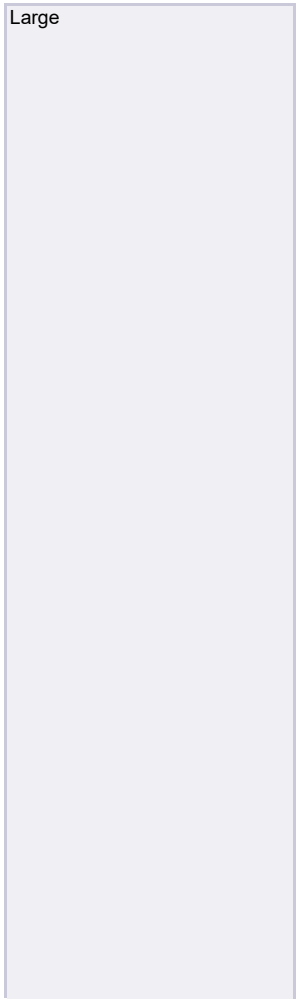
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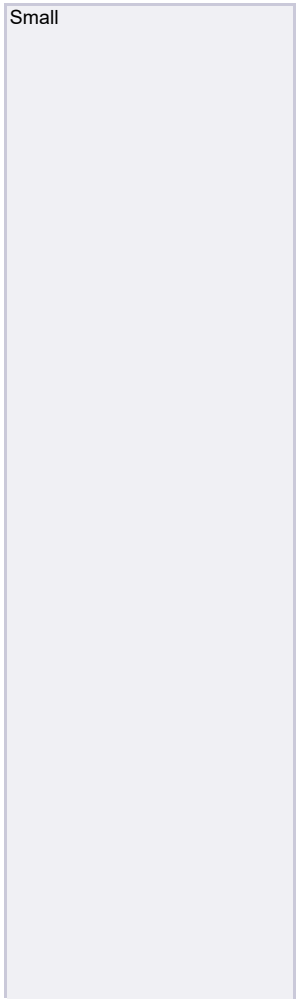
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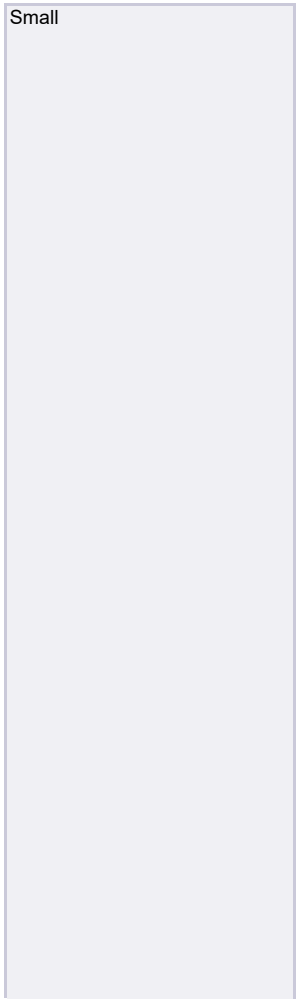
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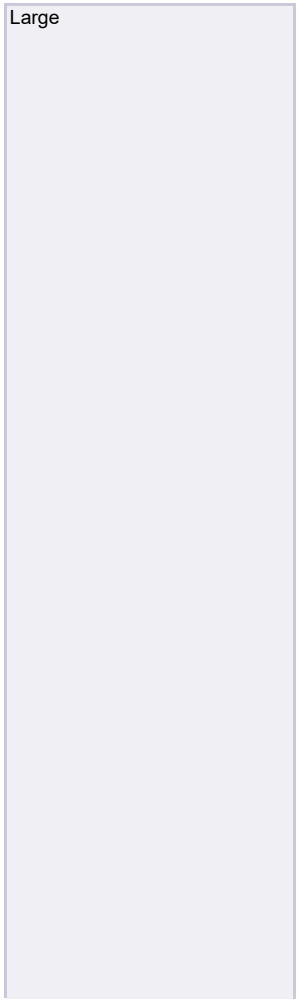
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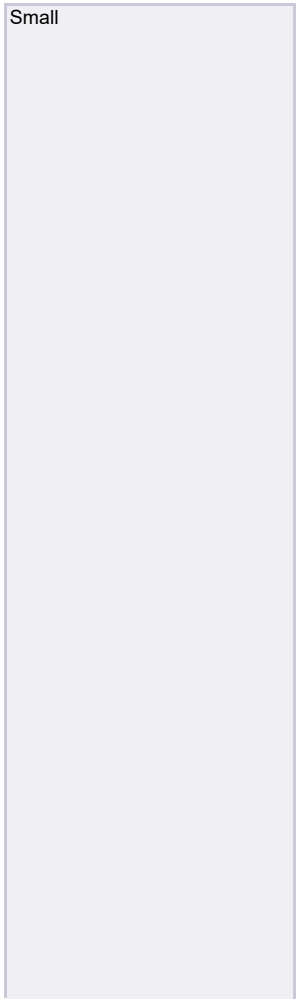
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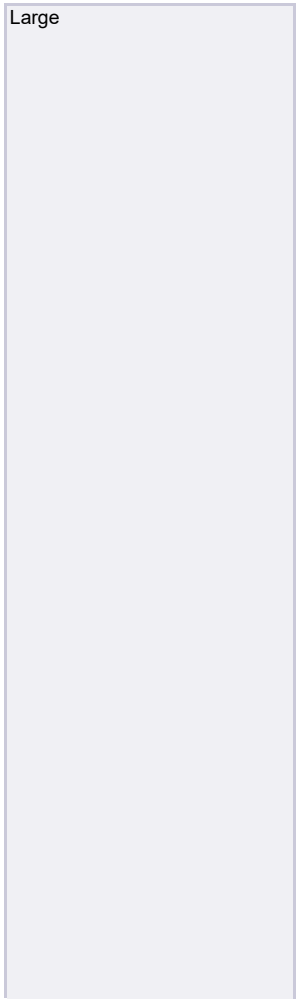
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From: Pearce, Krisann - OSHA
To: Newsome, Shawna - OSEC, Washington, DC
Subject: attestation question
Date: Friday, May 15, 2020 3:56:00 PM

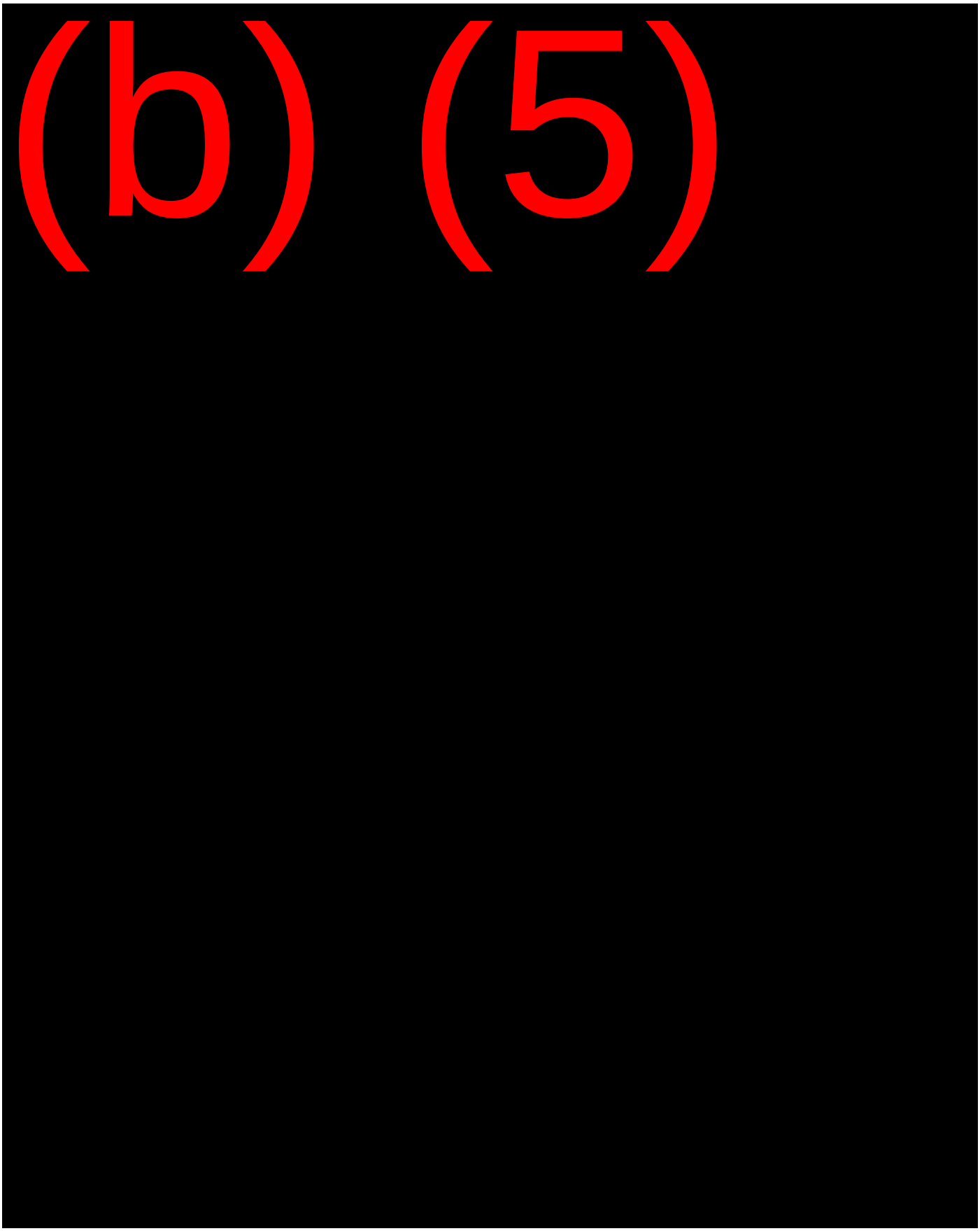
We ran the attestation by (b) (6) at cdc. (b) (5) [redacted]

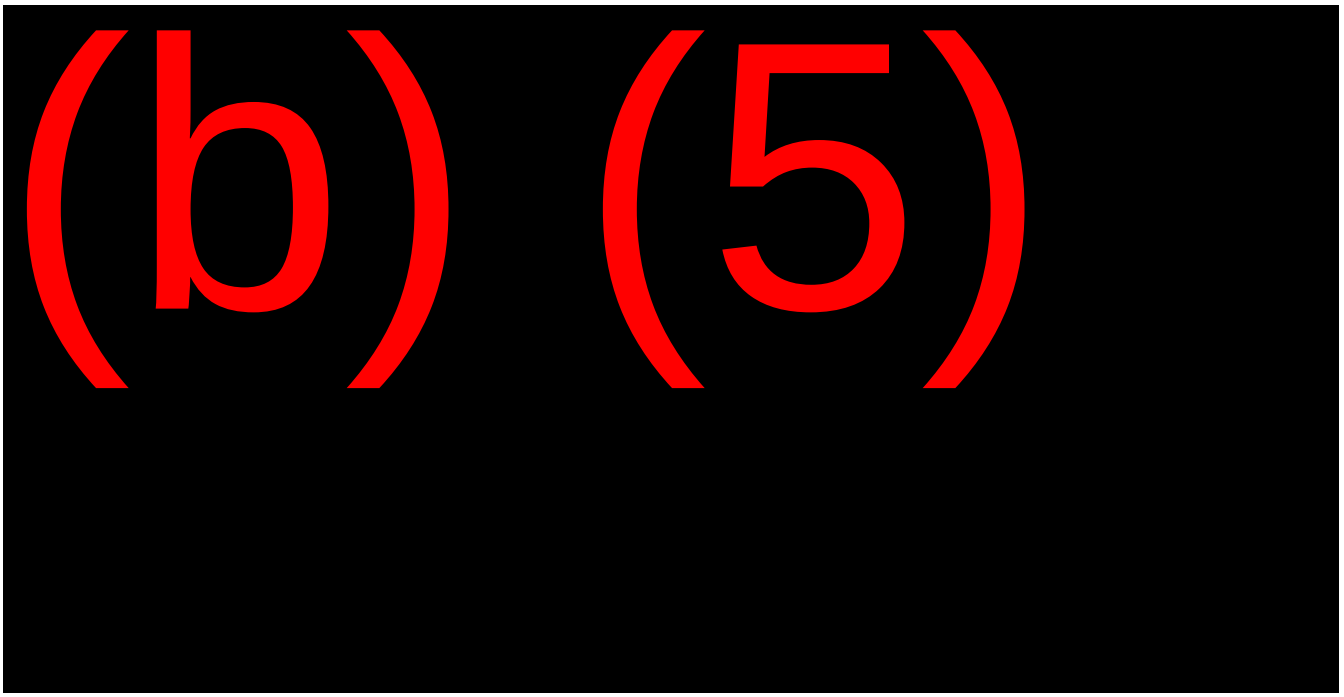
(b) (5) [redacted]

Thanks!

-k

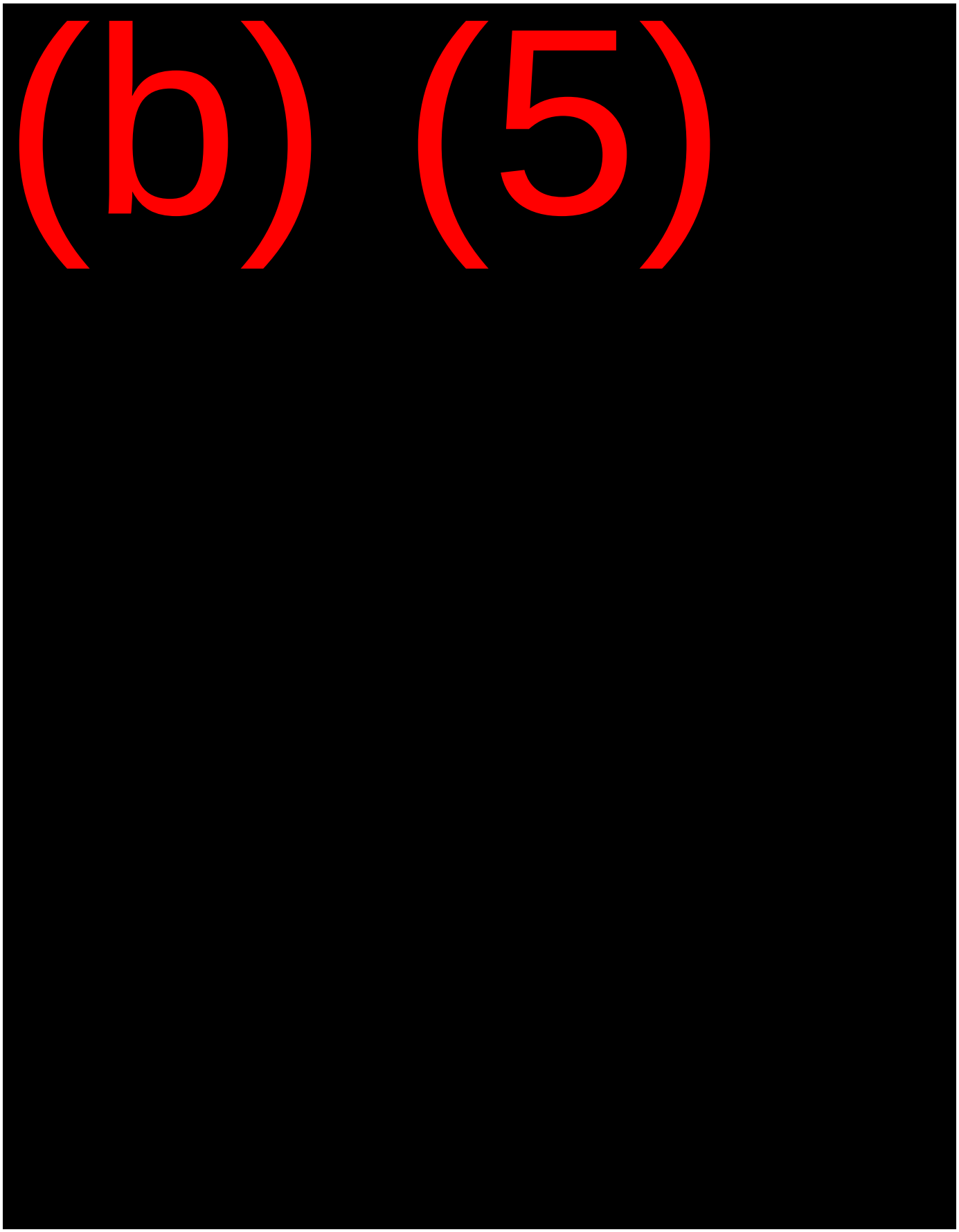
Attestation on Work-Related Conditions

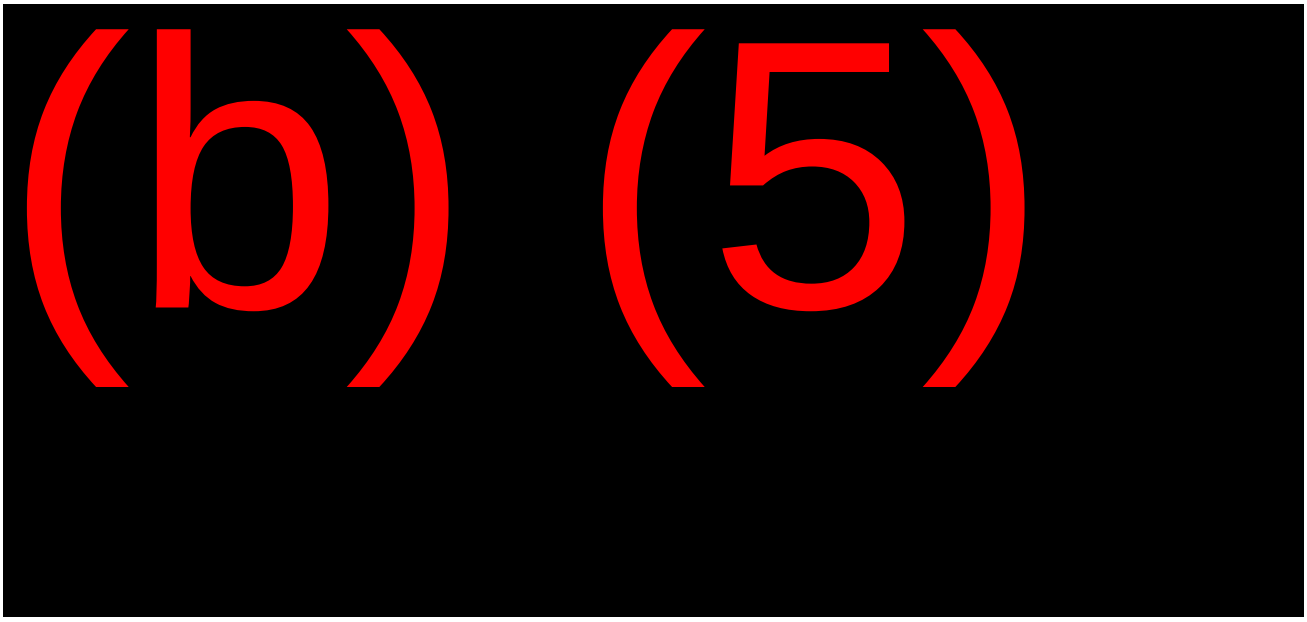




Signature: _____ Date: _____

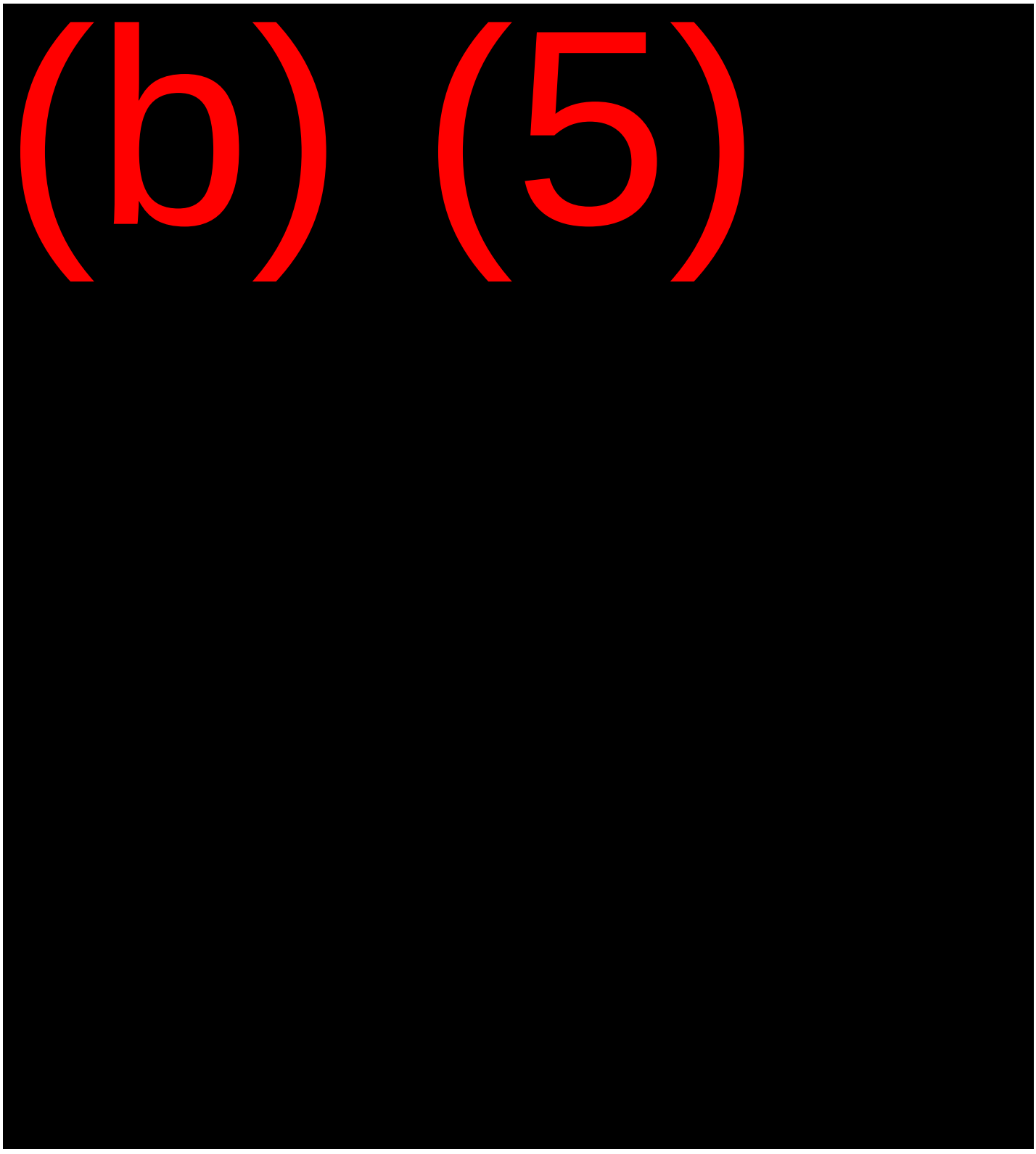
(b) (5) station on Protocols and Practices





Signature: _____ Date: _____

[Insert USDA Letterhead]



From:	Newsome, Shawna - OSEC, Washington, DC
To:	Sweatt, Loren E. - OSHA; Pearce, Krisann - OSHA
Cc:	Nintemann, Terri - FSIS; Reed, Jeremy Todd - FSIS
Subject:	Attestation Docs
Date:	Sunday, May 10, 2020 7:04:31 PM
Attachments:	CovidAttestation comments5.10.docx Draft USDAOSHA Attestation Letter 5.10.docx

Good evening,

I think (b) (5) [redacted]. Attached are the clean documents for review. I have highlighted the last couple of things outstanding.

Talk to you all tomorrow!

Shawna Newsome
Chief of Staff
Office of Food Safety, USDA
1400 Independence Ave., SW
Washington, D.C. 20250
Cell: (202) 684-5522
Email: shawna.newsome@usda.gov

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From:	Sweatt, Loren E. - OSHA
To:	Newsome, Shawna - OSEC, Washington, DC
Cc:	Squitieri, Chad C - OSEC; Pearce, Krisann - OSHA
Subject:	Attestation
Date:	Tuesday, May 5, 2020 8:27:36 PM
Attachments:	CovidAttestation comments Final.docx

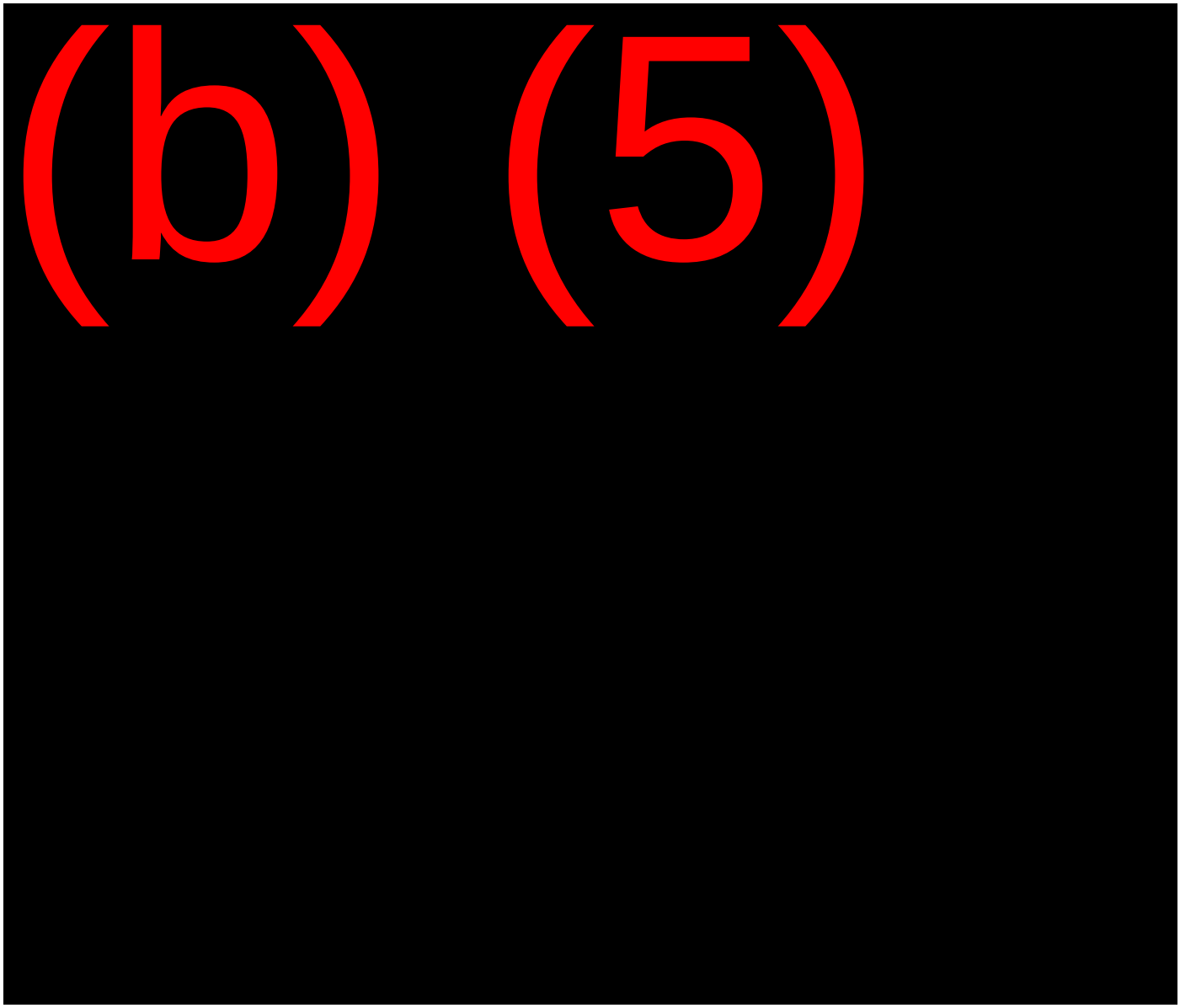
Shawna,
Attached, please find OSHA's version of the attestation. This has not undergone task force clearance. It is also not in track changes. (b) (5) [redacted] Please let us know if you have comments, question, or concerns. And, how we can assist in the your order going forward.

I look forward to continuing to work with you on worker safety in meatpacking.

V/R
Loren

PRE-DECISIONAL AND DELIBERATIVE

INDUSTRY UPDATE



From:	Newsome, Shawna - OSEC, Washington, DC
To:	Sweatt, Loren E. - OSHA
Subject:	Constituent update and Attestation
Date:	Wednesday, May 6, 2020 8:48:29 AM
Attachments:	Constituent Update5.5.docx CovidAttestation comments5.5.docx

Draft notice and attestation attached.

Shawna Newsome
Chief of Staff
Office of Food Safety, USDA
1400 Independence Ave., SW
Washington, D.C. 20250
Cell: (202) 684-5522
Email: shawna.newsome@usda.gov

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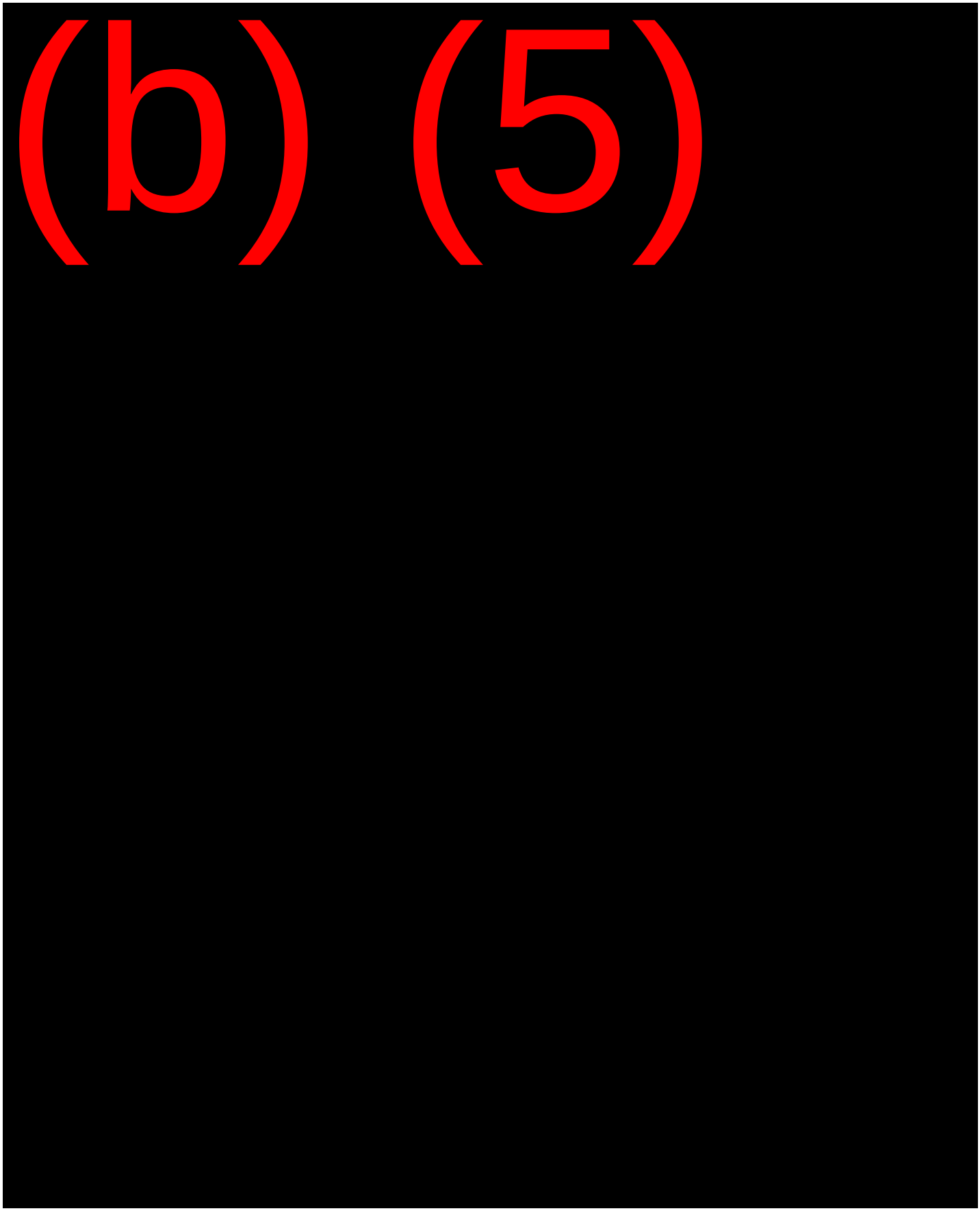
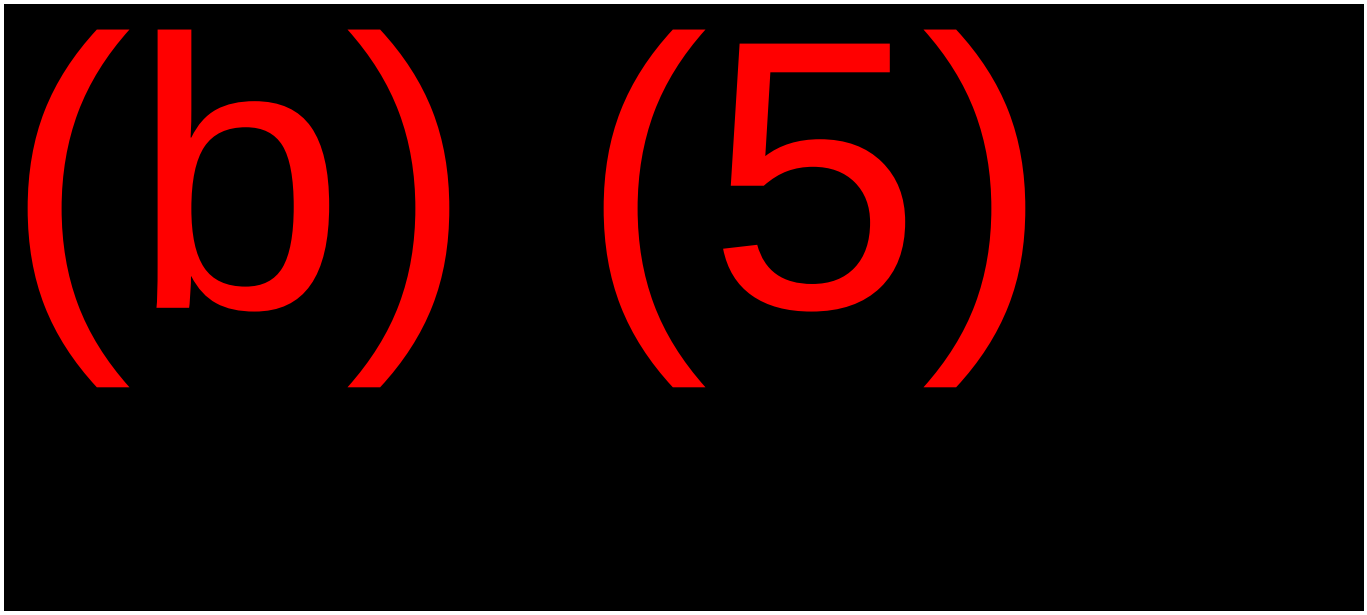
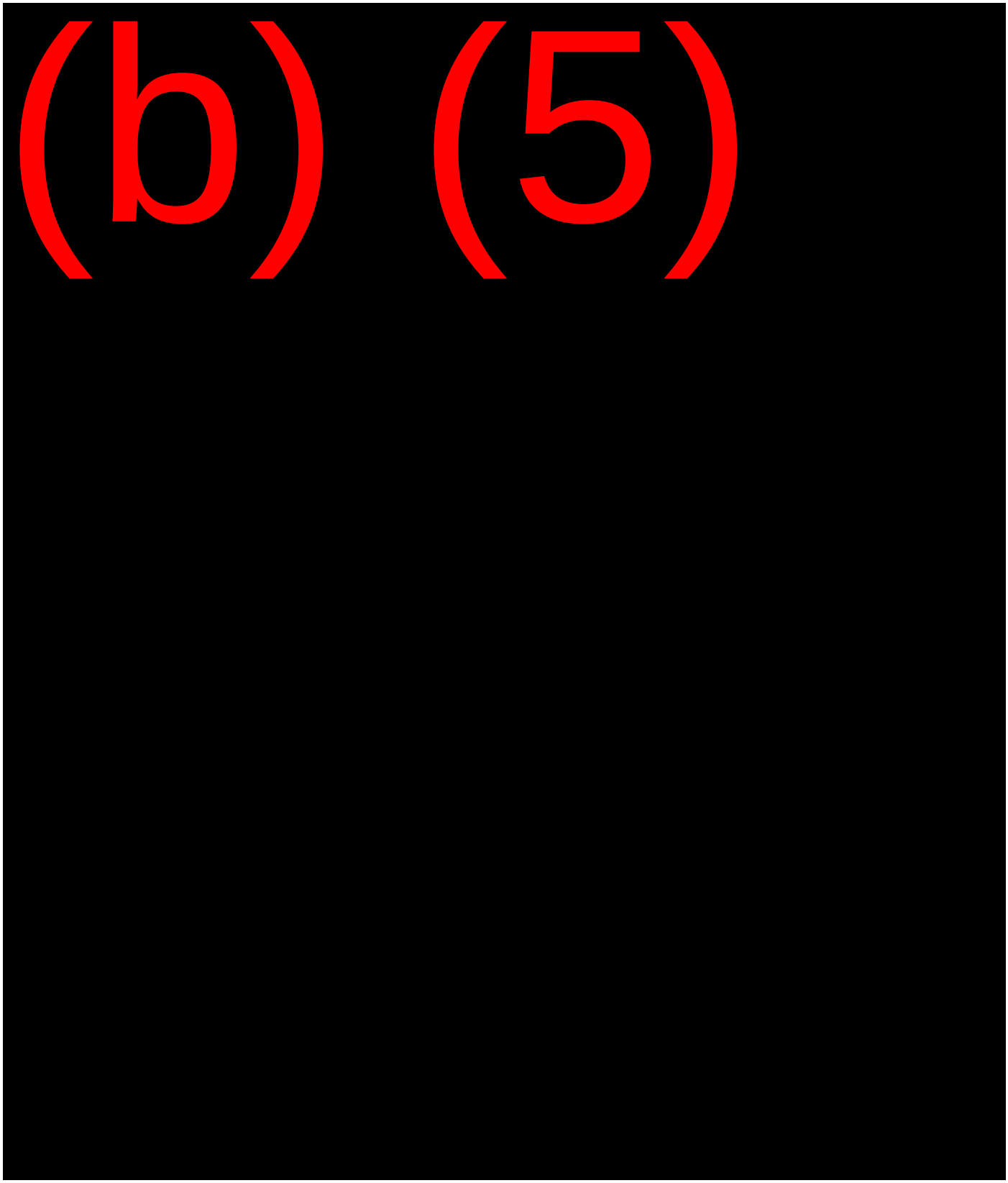
Attestation on Work-Related Conditions

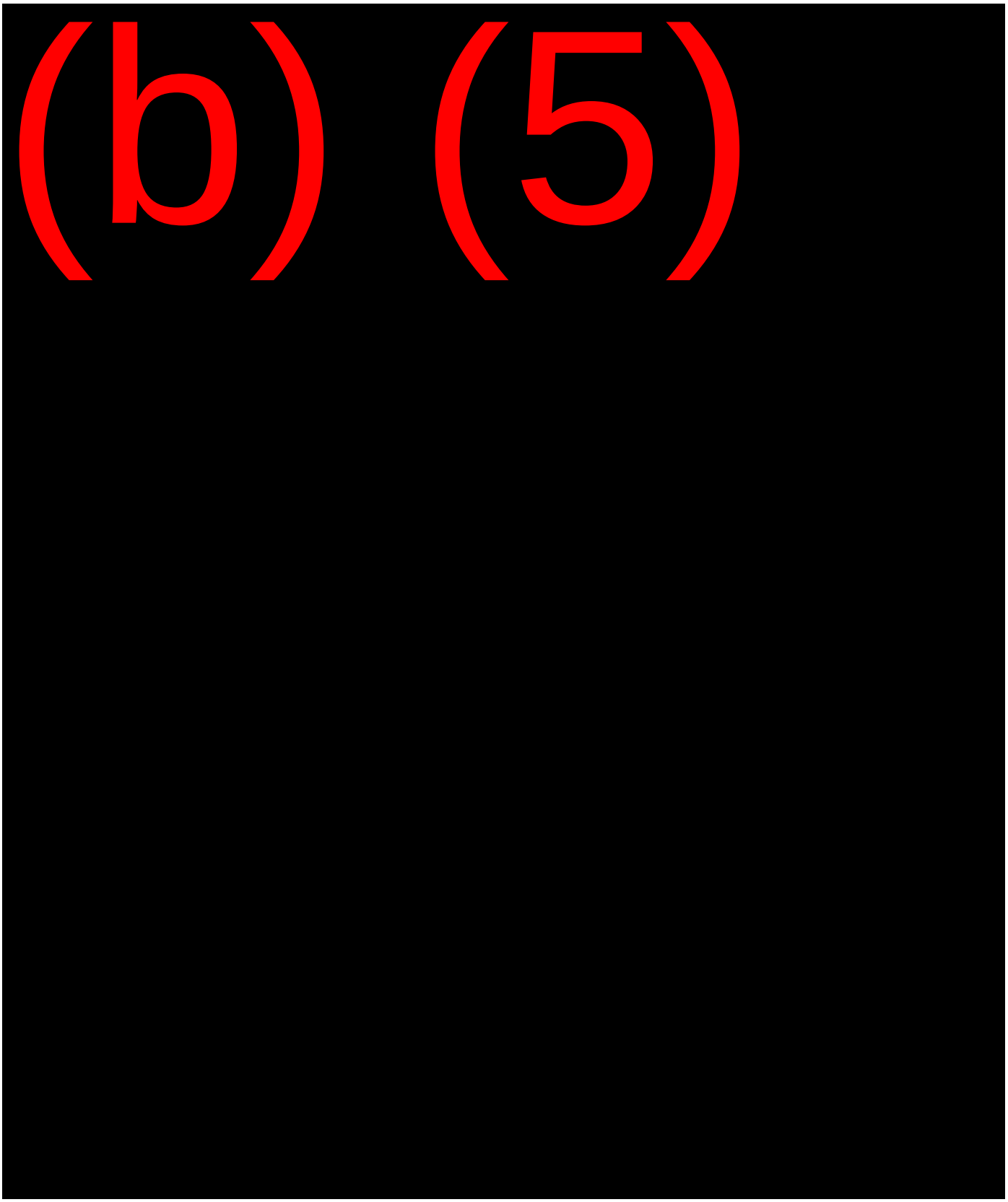




Signature: _____ Date: _____

Implementation of EO ____ for the Continuity of Operations for Meat and Poultry Processors




(b) (5)

From:	Newsome, Shawna - OSEC, Washington, DC
To:	Sweatt, Loren E. - OSHA
Subject:	Coordination/Plan of Action Docs
Date:	Wednesday, April 29, 2020 11:19:03 AM
Attachments:	Re-OpeningProtocol.docx EOonepager.docx

DRAFT/PRE-DECISIONAL

Hi Loren,

Thanks for hopping on the phone. Here are the documents I referenced. We would welcome your input and would hope that someone from OSHA could serve as part of the leadership coordination team. If you could provide initial feedback within 24 hours, that would be helpful.

Thanks!

Shawna Newsome
Chief of Staff
Office of Food Safety, USDA
1400 Independence Ave., SW
Washington, D.C. 20250
Cell: (202) 684-5522
Email: shawna.newsome@usda.gov

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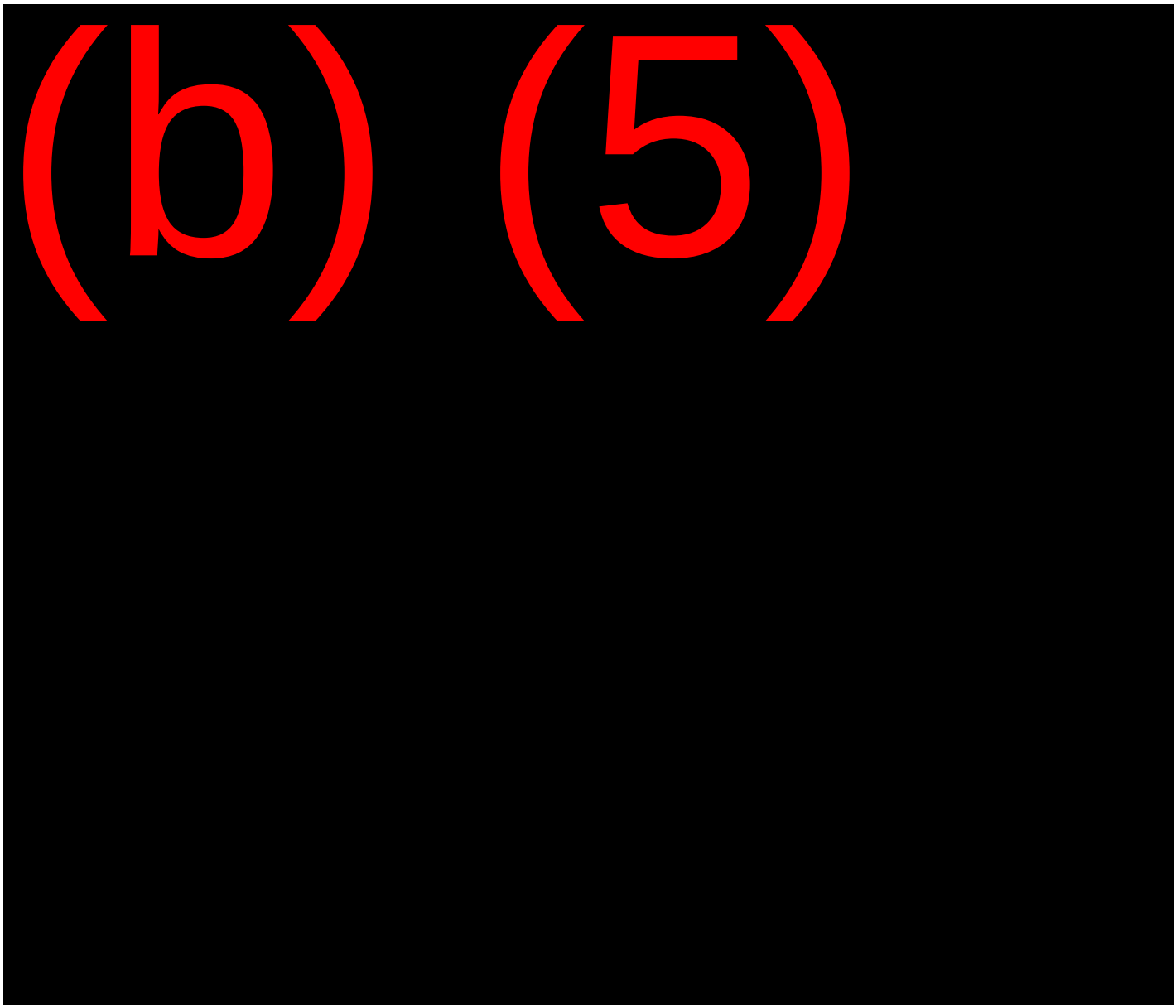
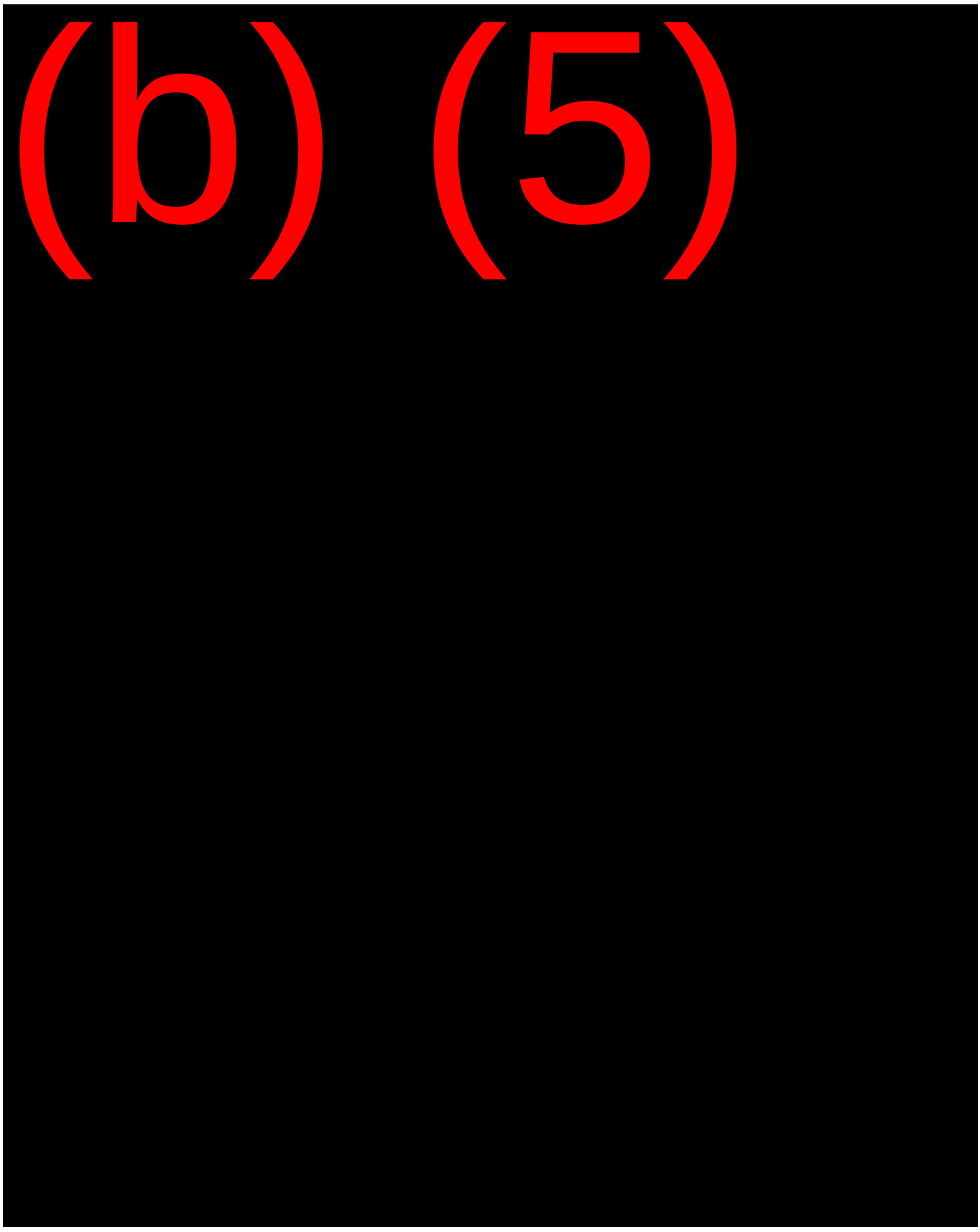
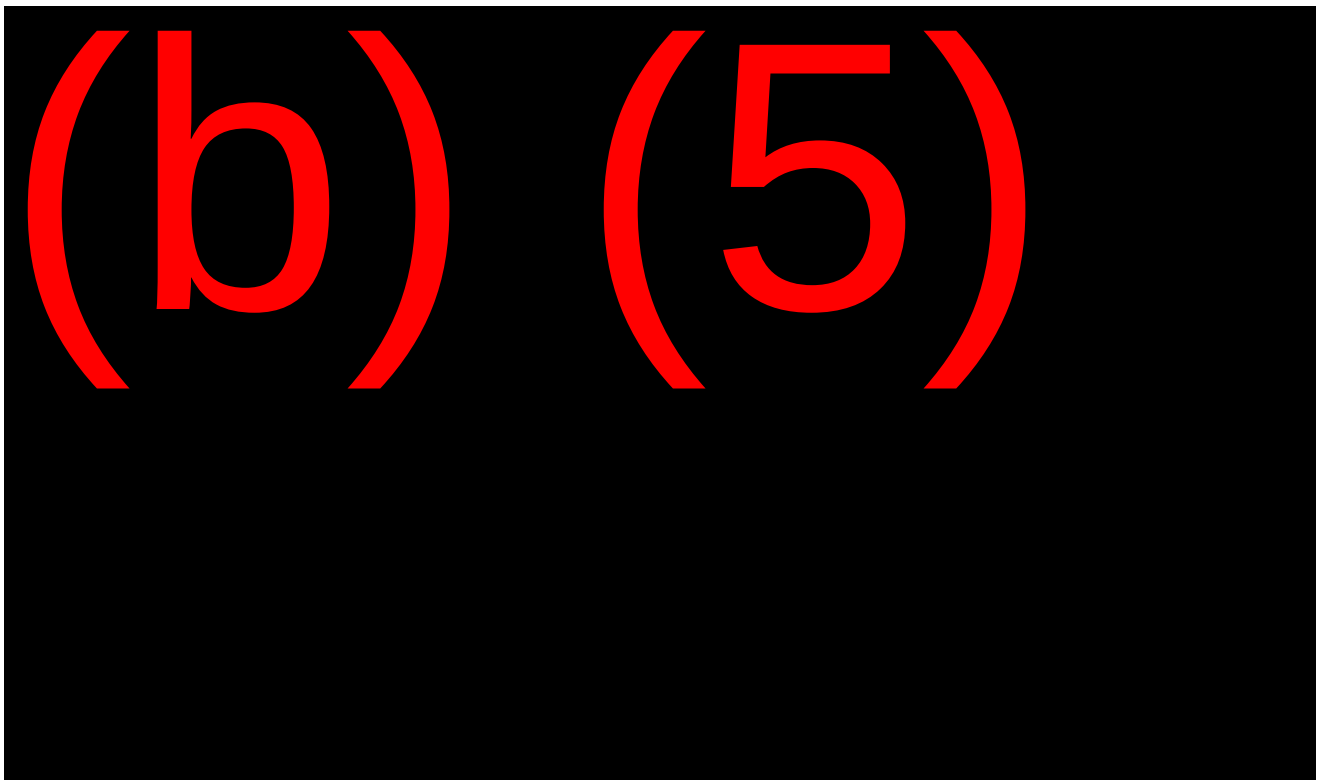

(b) (5)

Attestation on Protocols and Practices
Occupational Safety and Health Administration



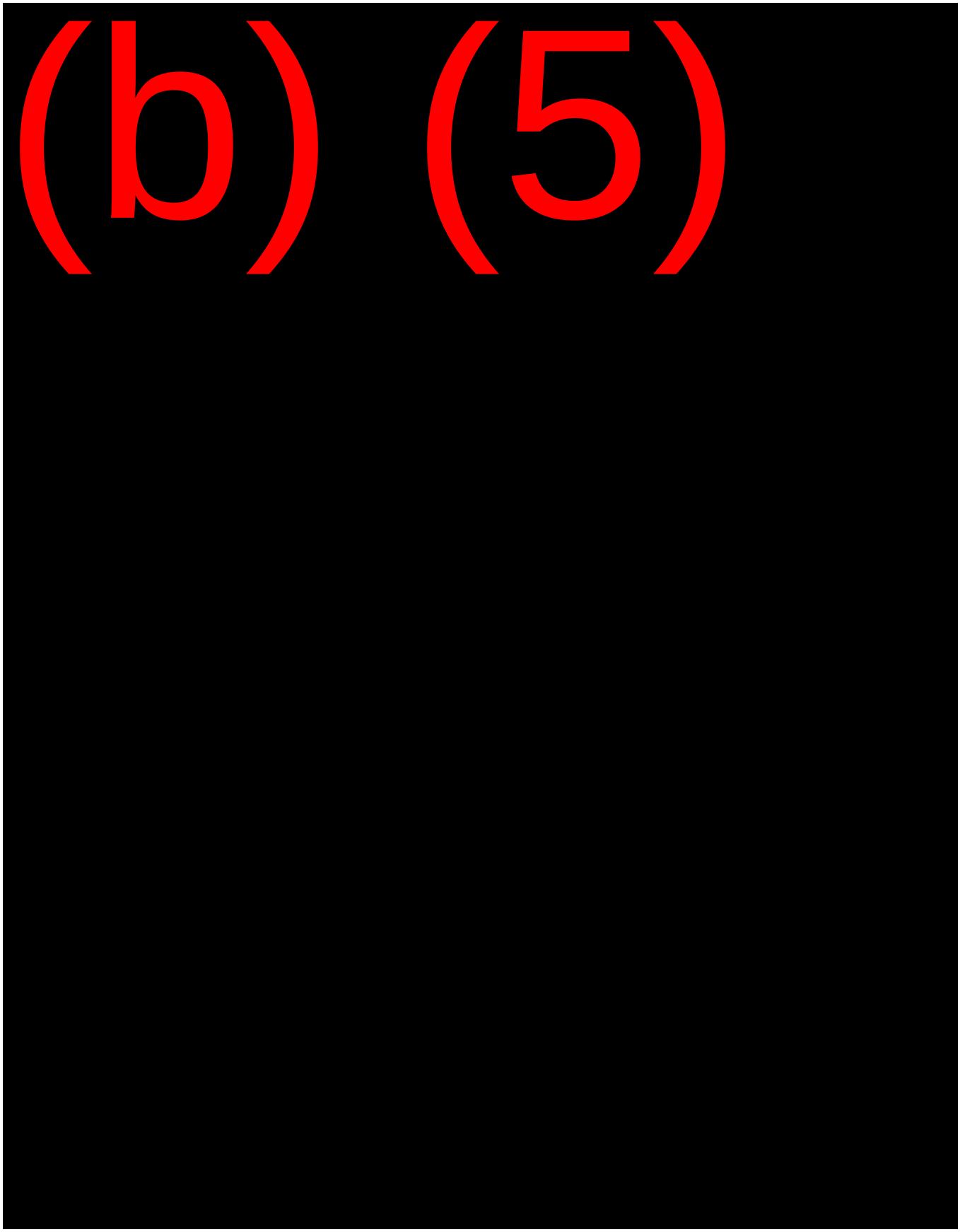


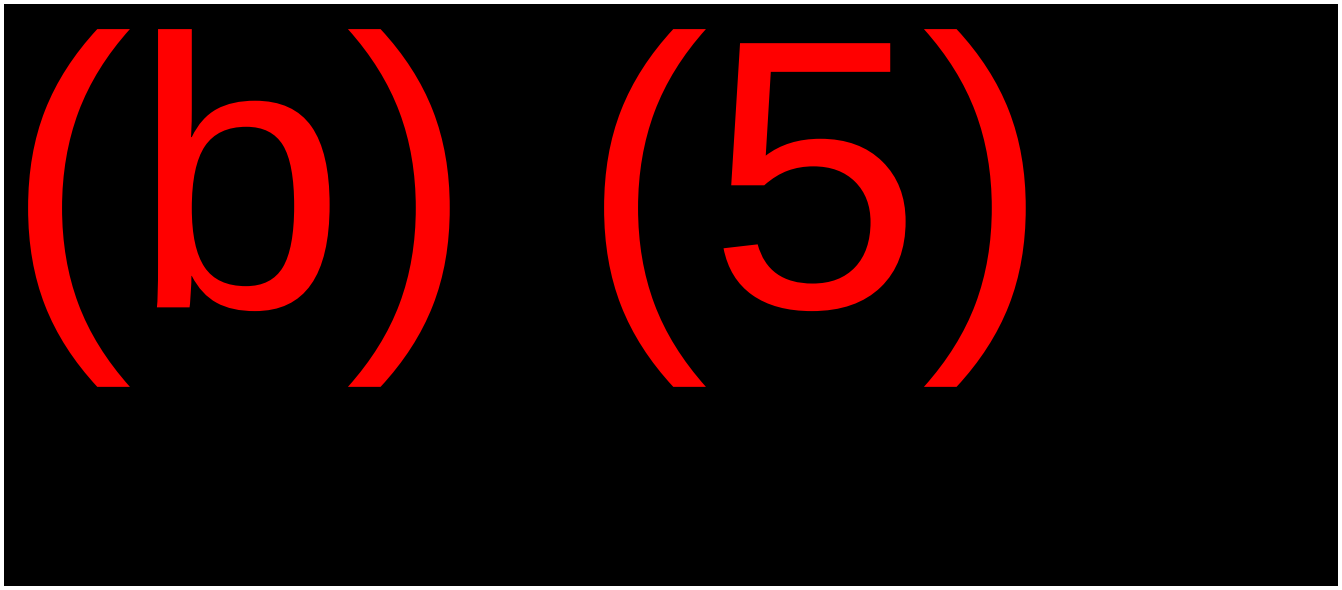
Signature: _____ Date: _____

From: Pearce, Krisann - OSHA
To: Newsome, Shawna - OSEC, Washington, DC
Subject: Covid Attestation FINAL 5.15 1716
Date: Friday, May 15, 2020 5:17:00 PM
Attachments: Covid Attestation FINAL 5.15 1716.docx

With updated (b) (5) – and thanks!!

Attestation on Work-Related Conditions





Signature: _____ Date: _____

GENERAL INFORMATION	
Date of Report:	12-Jun-20
Agency	U.S. Department of Agriculture
DASHO Name:	David Wu
DASHO Title:	Deputy Assistant Secretary for Administration
DASHO Phone Number:	
DASHO Email:	David.Wu@usda.gov
OSH Manager Name:	Stephen Eck
OSH Manager Title:	Safety and Occupational Health Manager
OSH Manager Phone Number:	202-690-0716
	stephen.eck@usda.gov
Employee Numbers	
Total number of employees:	81,940
Number of federal employees working overseas:	999 (most temporary)

CY 2019 Fatalities and Accidents	
Total number of fatalities in CY 2019:	1
Total number of in-patient hospitalizations in CY 2019:	24
Total number of full or partial amputations in CY 2019:	1
Total number of events involving the loss of an eye in CY 2019:	0
Report Certification	

SAFETY AND HEALTH MANAGEMENT SYSTEM EVALUATION

Please rate your agency's OSH performance using the 7 attributes below. For each attribute, select one of the following responses from the dropdown menu provided.

- The attribute does not exist.
- The attribute needs major improvements.
- The attribute needs minor improvements.
- The attribute is highly effective.
- The attribute is not applicable.

Additional information on how to rate each attribute is included in "**Evaluation Guide**" tab.

Attribute 1. Effective safety and health self-inspections are performed regularly.	Attribute is highly effective.

How often are self-inspections conducted? Select all that apply.

☑ Daily ☑ Monthly ☑ Yearly
☑ Weekly ☑ Quarterly ☑ Other

High risk areas as needed

Were all workplaces inspected in CY 2019?	NO

Who conducts these inspections? Select all that apply.

☑ Supervisors and employees trained to recognize hazards
☑ Safety and health staff
☑ Other

Region and Station safety managers evaluate sub-uniys within their purview and CDSOs.

Are checklists used when conducting these inspections?	YES
Was each identified hazard corrected immediately, or scheduled for correction in your agency's action plan for safety and health?	YES
How many inspections were announced?	***Approximately 90%***
How many inspections were unannounced?	***Varies with units .***
Are these inspections analyzed over time to see if patterns of recurring hazards or noncompliance exist?	YES

Please provide examples in the narrative section of the report, under Injury and Illness Prevention Initiatives.

Attribute 2. Effective safety and health rules and safe work practices are in place.	Attribute is highly effective.

How does your agency communicate these rules and practices. Please select all that apply.

☑ Written manuals or memorandums ☑ Agency websites and/or posters
☑ Verbal instruction or direction ☑ Other

Other - please describe:

How can employees report hazards? Please select all that apply.

☑ Electronic reporting system ☑ Inform safety personnel verbally or by email
☑ Inform manager verbally or by email ☑ Other

Other - please describe:

Unit safety meetings

CY 2019 Occupational Safety and Health Annual Report

Is anonymous reporting allowed?	YES
If yes, approximately what percentage of your reports were anonymous?	***Unknown***

Attribute 3. Hazard incidence data are effectively analyzed. — Attribute needs minor improvement.

Please identify the information included in your agency's incidence data. Select all that apply.

- ☑ Number and type of near misses
- ☑ Incidents that did not cause personal injury
- ☑ Failure to use specified PPE
- ☑ Number of OSHA non-compliances
- ☑ Number of workers without required training
- ☑ Other
- ☑ Number and types of uncontrolled hazards identified (e.g. missing machine guards, chemical releases, etc.)

- ☑ Identifying injury and illness types
- ☑ Detecting trends and patterns
- ☑ Determining distributions
- ☑ Assisting in hazard detection
- ☑ Setting priorities for hazard correction
- ☐ Other

Other - please describe:

Do all employees have access to the data analysis results?	YES

Attribute 4. A review of the overall safety and health management system is conducted at least annually. — Attribute needs minor improvement.

Please indicate what is included in your agency's review/audit. Select all that apply.

- ☑ Leading Indicators (If checked, please select all that apply)
  - ☑ Review of OSH training records
  - ☑ Tracking of management participation in walkthroughs/inspections
  - ☑ Review of existing budget for OSH
  - ☐ Other

Other - please describe:

- ☑ Lagging Indicators (If checked, please select all that apply)
  - ☑ Review of OSHA recordable injuries/illnesses
  - ☑ Review of injury frequency and severity
  - ☑ Review of workers' compensation costs
  - ☐ Other

Other - please describe:

- ☑ Review is written
- ☑ Management is involved in review or aware of the audit results
- ☑ Review identifies accomplishments, failures and root cause(s) for failures
- ☐ Other

Other - please describe:

Attribute 5. Individuals with assigned safety and health responsibilities have the necessary knowledge, skills, and timely information to perform their duties. — Attribute needs minor improvement.

Please indicate the training your agency provides to staff with assigned safety and health responsibilities (Safety Coordinators/ Safety Committee members/ Other safety & health personnel). Select all that apply.

- ☑ Agency provided classroom training
- ☑ Agency provided online training
- ☑ OSHA FEDWEEK
- ☐ OSHA Education Center training
- ☑ OSHA Training Institute classroom courses
- ☑ National Safety Council/ ASSE/AIHA/NFPA

CY 2019 Occupational Safety and Health Annual Report

☑ OSHA online collateral duty course

☑ Other

Other - AgLearn. Collateral duty safety coordinators and safety committee members are also provided training by the full time unit safety manager.

Individuals with assigned safety and health responsibilities have the knowledge, skills, and authority to:

☑ Make and implement operational decisions relative to the assigned task, including work stoppage if necessary.

☑ Identify task-related resource needs and obtain/specify/requisition, those resources. (If checked, please select all that apply)

- ☑ Supplies, such as PPE
- ☑ Equipment
- ☑ Training
- ☑ Repairs
- ☑ Maintenance
- ☑ Housekeeping
- ☐ Other

Other - please describe:

☑ The responsible person is able to make and enforce task-related assignments to others.

☐ Other

Other - please describe:

Attribute 6. Managers allocate the resources needed to properly support the organization's safety and health management system. — Attribute needs minor improvement.

Please indicate whether the resources include the following. Select all that apply.

- ☐ Encouraging participation in Field Federal Safety and Health Councils
- ☑ Encouraging staff participation in the safety committee(s)
- ☑ Providing stipends for offsite safety and health training and meetings
- ☑ Providing necessary PPE to employees
- ☐ An OSH budget exists and is easily identified
- ☐ Other

Other - please describe:

Please indicate whether any of these policies or programs exist at your agency. Select all that apply.

- ☑ Employee surveys that include questions about reporting hazards
- ☐ An incentive program for reporting hazards
- ☑ A clear non-retaliation policy (Select all that apply)
  - ☑ Policy is provided at new employee orientation
  - ☑ Policy is posted on agency internal website
- ☐ Other

Other - please describe:

Attribute 7. There is an effective process to involve employees in safety and health issues. — Attribute is highly effective.

Please indicate how your agency solicits OSH-related employee input. Select all that apply.

- ☑ Post notices
- ☑ Email employees
- ☑ OSH meetings with employee input
- ☑ Joint Labor/Management OSH meetings
- ☑ Stop-work authority is given to employees
- ☑ Suggestion box
- ☐ Other

Other - please describe:

Date of incident:		30-Sep-19
Time of incident:		1100
Region 1, Kootenai NF		**Provide Number Impacted**
Nature of incident:	Fatality	
	Hospitalization	1
	Amputation	
	Loss of Eye	
Was incident work-related?	YES	

Work environment was relatively open tree canopy forested area, somewhat remote. The conditions at the site were very flat ground, low amounts of forest floor debris and vegetation (grasses and pine needle cast) with damp vegetation (it had snowed lightly the night before, but the snow had melted before work started).

Describe incident:

The sawyer was cutting a tree < 5" dbh towards the tree base with the bar at a 90-degree angle from the ground when the left leg slipped towards the chain saw bar.

Was an accident investigation conducted?	YES

What were results of investigation (causes, contributing factors and conditions)

Contributing factor was wet ground and positioning of saw stance altered a bit due to closeness of 2 trees to be cut which put legs more in alignment with kickback zone during "flush cut."

Were corrective actions taken?	YES

If yes, please describe:

Remind and re-emphasize direction to all crewmembers that it's ok to walk away from individual or clumps of trees if they pose an additional hazard. Always position yourself in the safest alignment with the chain saw bar should an unexpected event occur (kickback, thrown chain, slippery footing, etc.).

Were programmatic changes made?	No

No programmatic changes were identified as needed to the Forest saw program. Excellent safe saw practices are occurring as reflected in hundreds of hours of district fuels slashing occurring each year involving 20-25 sawyers with no injuries prior to this one for over 10 years. Strong supervision, mentoring and saw skill development is occurring within the Forest chainsaw program. Awareness and safety will continue to be emphasized.

If yes, please describe:

Safety and Health Training Offered by Your Agency - U.S. Department of Agriculture

Name of Training Course Provided	Training Platform Used	If other, explain	# Employees Trained	# Supervisors/ Managers Trained	Quiz/Knowledge Check used? (Yes or No)
29 CFR 1960 - Employee Rights/Responsibilities	Classroom		3,090	456	No
Active Shooter	Classroom	Hands On	1,525	153	Yes
Agricultural Worker Protection Standard	Classroom		35	5	No
Aviation Safety	Classroom		316	50	Yes
Bark Beetle Theater Safety	Classroom	Online	389	11	No
Bear Behavior/Spray Use	Classroom		427	146	No
Bee Awareness & Shock	Online		702	65	No
Boat Safety	Classroom		113	34	Yes
Bloodborne Pathogens	Classroom		6,306	813	No
Border Safety	Classroom		45	12	No
CDSO Continuing Education	Classroom		80	21	No
Chainsaw / Crosscut Saw Use	Classroom	Hands On	3,259	259	Yes
Check In - Check Out	Classroom		1,925	285	No
Communications/Radio Use	Classroom		2,290	275	No
Confined Spaces Program	Classroom		646	114	No

Defensive Driving	Classroom	Online	4,224	641	Yes
EAP Benefits	Classroom		645	89	No

Subagency	Position	Name	Number	Email
Agricultural Marketing Service	OSH Manager	Mark Kemp	202-720-0061	Mark.L.Kemp@usda.gov
Agricultural Research Service	OSH Manager	Cal Mather	309-681-6608	Cal.Mather@usda.gov
Animal Plant Health Inspection Service	OSH Manager	Thomas R. Walker	301-426-3145	Thomas.R.Walker@aphis.usda.gov
Food Safety Inspection Service	Other OSH position	Yolanda Chambers	301-289-9660	Yolanda.Chambers@usda.gov
Food, Nutritio and Consumer Services	OSH Manager	Shawn Lewis	703-305-1039	Shawn.Lewis@fns,usda.gov
Forest Service	OSH Manager	Doug Parrish	703-605-4482	douglas.parrish@usda.gov
Farm Production and Conservation Business Cenetr	OSH Manager	Marshall Jean	202-731-0779	marshall.jean@usda.gov

Subagency	Position	Name	Number	Email

From: Holmes, Mikki - OSHA
To: Reed, Jeremy Todd - FSIS
Subject: FSIS MOU
Date: Thursday, June 11, 2020 10:57:00 AM
Attachments: OSHA_FSIS MOU - 06-10-20 - Clean.docx

Todd,

Apologies for the delay in getting this back to you. Please find the changes we discussed. [redacted] I'm working to find out how to proceed for formal MOU approval but thought I'd pass this on for your informal review.

I'll let you know what I find out in terms of the MOU approval process.

Thanks,

Mikki

Mikki Holmes, PhD | Acting Director
Office of Federal Agency Programs
Occupational Safety and Health Administration
202.693.2491

From: Sweatt, Loren E. - OSHA
To: Newsome, Shawna - OSEC, Washington, DC; Brown, Christopher K. - OSHA
Cc: Edens, Mandy - OSHA; Pearce, Krisann - OSHA
Subject: FSIS stakeholder call
Date: Monday, May 18, 2020 12:00:50 PM

Shawna,
As discussed, I've copied Dr. Chris Brown on the email to find a time that works for you to conduct a stakeholder call.
We can also work to provide you the answer on barriers v. PPE.
Thanks.

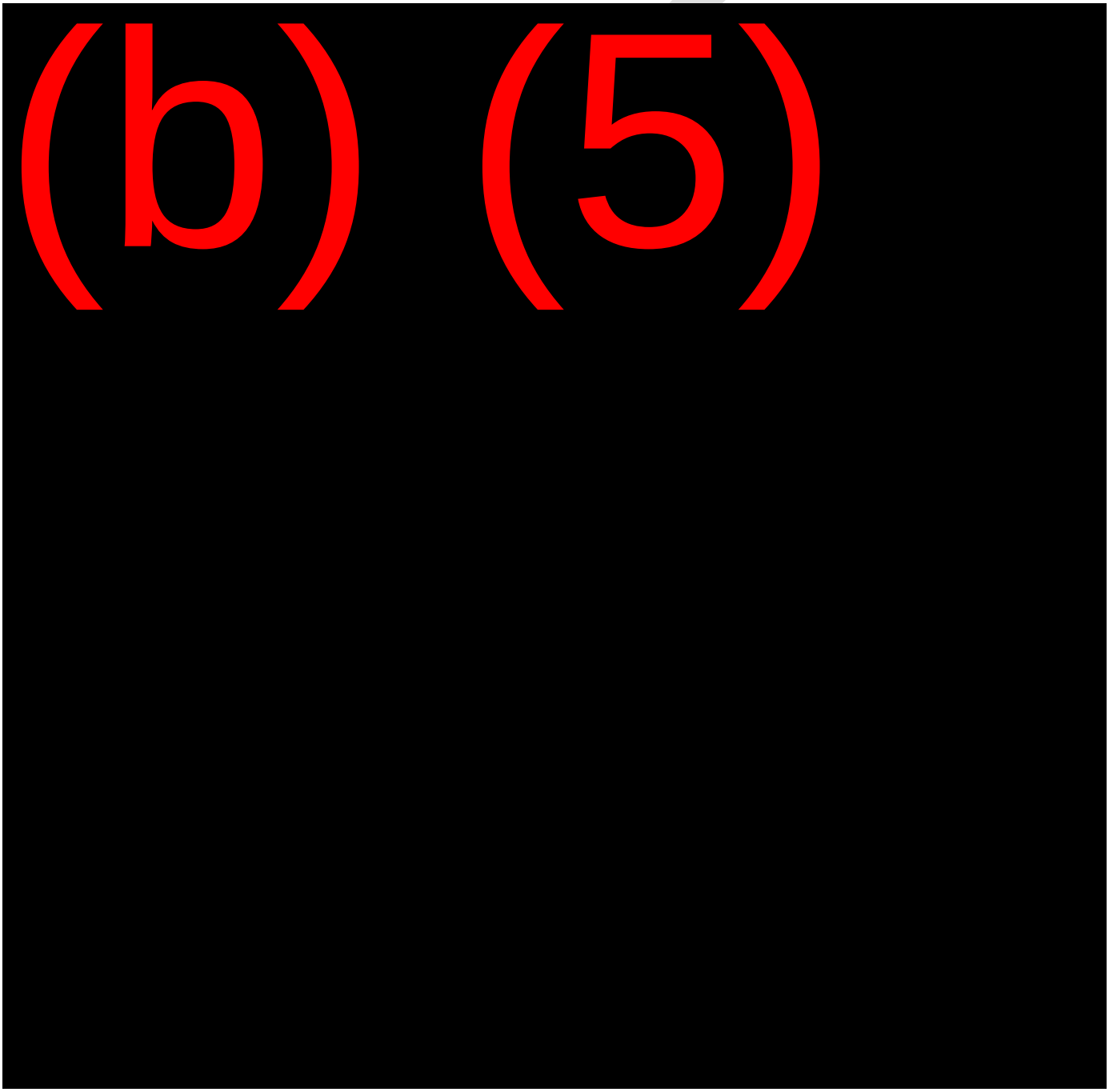
MEMORANDUM OF UNDERSTANDING

BETWEEN

THE U.S. DEPARTMENT OF LABOR, OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

AND

THE U.S. DEPARTMENT OF AGRICULTURE, FOOD SAFETY AND INSPECTION SERVICE



(b) (5)

(b) (5)

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(b) (5)

From: Pearce, Krisann - OSHA
To: Newsome, Shawna - OSEC, Washington, DC
Subject: FW: Attestation update
Date: Monday, May 18, 2020 9:53:00 AM
Attachments: 1218-0NEW Memo to OCIO 05.15.20 Attestation emergency PRA request (awm edit).docx
1218-0NEW Covid Attestation Form FINAL 5.15 1716.docx

A couple more items for you -

The emergency clearance submission has been submitted (ICR Reference No. 202005-1218-002).

Here is the memo that will be submitted to OMB

-k

From: Reed, Jeremy Todd - FSIS
To: Holmes, Mikki - OSHA
Subject: FW: CDC/DOL Issues Guidance to Industry
Date: Sunday, April 26, 2020 4:08:47 PM

Mikki,

Just a quick FYI.

We sent this to all FSIS regulated establishments and to all FSIS employees as well. We also plan to cover it in a calls with industry and employees later this week.

V/r,

Todd

_____
Jeremy "Todd" Reed
Chief Operating Officer
Food Safety and Inspection Service, USDA

1400 Independence Ave, SW
Room 339-E, J.L. Whitten Building
Washington, DC 20250
(b) (6)
jeremy.reed@usda.gov

From: USDA Food Safety and Inspection Service <usfsis@public.govdelivery.com>
Sent: Sunday, April 26, 2020 2:30 PM
To: Lavallee, Aaron - FSIS <aaron.lavallee@usda.gov>
Subject: CDC/DOL Issues Guidance to Industry

The Centers for Disease Control and Prevention (CDC) and the Department of Labor (DOL) have issued guidance specific to the meat and poultry processing industry in order to facilitate ongoing operations and support the food supply, while also mitigating the risk of spreading COVID-19.

USDA strongly recommends establishments utilize the recommendations highlighted in the guidance document where practical, recognizing that how they are implemented may differ given the unique circumstances of establishments and processing facilities nationwide. In the event of a closure, establishments should work with the state departments of agriculture and state and local health authorities, in coordination with CDC, to utilize the guidance and develop a plan to safely resume operations as soon as possible.

These guidelines were developed recognizing that these establishments and their operations are critical to the security of the nation's food supply. Steps to prevent the spread of COVID-19 should remain in place throughout the pandemic and to the extent that companies must reduce or alter capacity, split shifts, or add additional processing days to implement the CDC and DOL recommendations, FSIS remains committed to ensuring that food safety regulations are met.



This email was sent to aaron.lavallee@usda.gov using GovDelivery Communications Cloud on behalf of the USDA Food Safety and Inspection Service · United States Department of Agriculture · 1400 Independence Ave., S.W. · Washington D.C. 20250 · 800-439-1420

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From: Pearce, Krisann - OSHA
To: Newsome, Shawna - OSEC, Washington, DC
Subject: FW: CovidAttestation comments5.5 1020 5 6 20 - jtrAR
Date: Friday, May 8, 2020 11:56:00 AM
Attachments: CovidAttestation comments5.5 1020 5 6 20 - jtrAR osha edits.docx
Draft USDAOSHA Attestation Letter 5-7-20 ls osha edits.docx

Trying to get this to you before our noon call. do you mind sharing with your folks?

Thanks!

-k

From: Sweatt, Loren E. - OSHA
To: Newsome, Shawna - OSEC, Washington, DC
Subject: FW: Draft/Predecisional Coordination/Plan of Action Docs
Date: Thursday, April 30, 2020 8:33:00 AM
Attachments: Re-OpeningProtocol - comments 4-29-20 + ak + Jw.docx

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Attached, please find some edits from our Solicitor and policy office. This has not been reviewed by our Secretary. But I wanted to provide some information as I said I would.

I received your other email. We will work on that as well.

From:	Brashears, Mindy - OSEC, Washington, DC
To:	lkd2@cdc.gov; Sweatt, Loren E. - OSHA
Cc:	Newsome, Shawna - OSEC, Washington, DC; Beal, Mary Dee - OSEC, Washington, DC; Shuford, Campbell - OSEC, Washington, DC; Young, Joby - OSEC, Washington, DC
Subject:	FW: email - will call you asap to explain
Date:	Friday, April 24, 2020 1:30:15 PM
Attachments:	image001.png CDC_DOLguidance.docx

Dear Lisa and Lorren,
As we have reviewed the CDC/OSHA document for meat and poultry establishments, we feel that it would be useful to add the information. This can help facilitate re-opening and give them a path forward to keep the food supply chain moving.

We are open to edits and suggestions from your team on this information.

We appreciate all you have done.

Thank you.

Mindy Brashears

Mindy M. Brashears, Ph.D.
Under Secretary of Food Safety
United States Department of Agriculture

Office: (202) 720-0350
Mobile: (b) (6)
mindy.brashears@usda.gov

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From: Sweatt, Loren E. - OSHA
To: Newsome, Shawna - OSEC, Washington, DC
Subject: FW: Self assessment checklist
Date: Thursday, April 30, 2020 8:24:00 PM
Attachments: SelfAssessmentChecklist_SOL - 4-30-20 osh.docx

I am forwarding this [redacted] (b) (6), (b) (5) [redacted]. (b) (5) [redacted]. But, OSHA is willing to walk through concerns going forward.

From:	Hearl, Frank J. (CDC/NIOSH/OD)
To:	Brashears, Mindy - OSEC, Washington, DC; Sweatt, Loren E. - OSHA
Cc:	Newsome, Shawna - OSEC, Washington, DC; Edens, Mandy - OSHA
Subject:	FW: URGENT VA Memos
Date:	Wednesday, May 20, 2020 4:20:26 PM
Attachments:	CDC NIOSH Perdue Accomac VA_CDC_CLEAN.pdf CDC NIOSH Tyson Temperancevill_VA_CDC_CLEAN.pdf

---

Two more site visit reports have been issued – these from visits in Virginia.

‹Frank›
Frank J. Hearl
email: fhearl@cdc.gov
phone: 202-245-0652
cell: 202-487-4760

From: Pearce_Krisann - OSHA
To: Newsome_Shawna - OSEC_Washington_DC
Subject: FW: U.S. Department of Labor Issues Poster to Keep Meat Packing, Poultry And Pork Workers Safe During the Coronavirus Pandemic
Date: Thursday, July 9, 2020 11:47:00 AM
Attachments: image001.png
image002.png

Passing along our press release with links to the meatpacking/poultry/pork poster.

-k

From: DOL Public Affairs <m-DOLPublicAffairs@dol.gov>
Sent: Wednesday, July 8, 2020 3:30 PM
Subject: U.S. Department of Labor Issues Poster to Keep Meat Packing, Poultry And Pork Workers Safe During the Coronavirus Pandemic

News Release

U.S. Department of Labor | July 8, 2020

U.S. Department of Labor Issues Poster to Keep Meat Packing, Poultry And Pork Workers Safe During the Coronavirus Pandemic

WASHINGTON, DC – The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) has issued a new poster listing safety tips employers can follow to help protect meat packing, poultry and pork workers from exposure to coronavirus.

The poster highlights nine infection prevention measures employers can implement during the coronavirus pandemic. Safety measures include encouraging sick workers to stay home; maintaining at least 6 feet of distance between workers; installing partitions along the production line; discouraging workers from sharing equipment and tools and avoiding the gathering of workers during break periods.

In addition to English and Spanish, the poster is available for download in the following 15 languages:

– Arabic	– French Creole	– Polish
– Brazilian Portuguese	– Hmong	– Portuguese
– Chinese Simplified	– Korean	– Somali
– Chinese Traditional	– Kunama	– Thai
– French	– Nepali	– Vietnamese

Visit OSHA's Publications webpage for other useful workplace safety information.

The posters are the latest effort by OSHA to educate and protect America's workers and employers during the coronavirus pandemic. OSHA has also published Guidance on Preparing Workplaces for COVID-19, a document aimed at helping workers and employers learn about ways to protect against the ongoing pandemic.

Visit OSHA's COVID-19 webpage frequently for updates. For further information about the coronavirus, please visit the Centers for Disease Control and Prevention.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to help ensure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit www.osha.gov.

The mission of the Department of Labor is to foster, promote and develop the welfare of the wage earners, job seekers and retirees of the United States; improve working conditions; advance opportunities for profitable employment; and assure work-related benefits and rights.

# # #

Media Contact:

Megan Sweeney, 202-693-4661, sweeney megan.p@dol.gov

Release Number: 20-1104-NAT

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To:	Reed, Jeremy Todd - FSIS
Subject:	FW: U.S. Department of Labor's OSHA and CDC Issue Interim Guidance To Protect Workers in Meatpacking and Processing Industries
Date:	Monday, April 27, 2020 7:34:13 AM
Attachments:	image002.png image001.png

Todd,

I wanted to be sure you saw that we released this guidance.

Mikki

From: DOL Public Affairs <m-DOLPublicAffairs@dol.gov>
Date: April 26, 2020 at 4:25:07 PM EDT
Subject: U.S. Department of Labor's OSHA and CDC Issue Interim Guidance To Protect Workers in Meatpacking and Processing Industries

News Release

U.S. Department of Labor | April 26, 2020

U.S. Department of Labor's OSHA and CDC Issue Interim Guidance To Protect Workers in Meatpacking and Processing Industries

WASHINGTON, DC – The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) and the Centers for Disease Control and Prevention (CDC) have released joint coronavirus-related interim guidance for meatpacking and meat processing workers and employers – including those involved in beef, pork and poultry operations. The guidance includes recommended actions employers can take to reduce the risk of exposure to the coronavirus.

"As essential workers, those in the meatpacking and processing industries need to be protected from coronavirus for their own safety and health," said Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health Loren Sweatt. "OSHA's newest guidance document outlines steps employers can take to provide a safe and healthy workplace for workers in the meatpacking and processing industries."

The coronavirus has affected many meat and poultry processing facility workers in plants in several U.S. states. While the meat products these workers handle do not expose them to the coronavirus, close contact with coworkers and supervisors may contribute to their potential exposures.

The interim guidance from OSHA and the CDC includes information regarding:

- Cleaning of shared meatpacking and processing tools;
- Screening employees for the coronavirus before they enter work facilities;
- Managing workers who are showing symptoms of the coronavirus;
- Implementing appropriate engineering, administrative, and work practice controls;
- Using appropriate personal protective equipment, and;
- Practicing social distancing at the workplace.

Visit OSHA's coronavirus webpage frequently for updates. For further information about the coronavirus, please visit the Centers for Disease Control and Prevention.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to help ensure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit www.osha.gov.

The mission of the Department of Labor is to foster, promote and develop the welfare of the wage earners, job seekers and retirees of the United States; improve working conditions; advance opportunities for profitable employment; and assure work-related benefits and rights.

# # #

Media Contact:

Emily Weeks, 202-693-4681, weeks.emily.c@dol.gov

Release Number: 20-729-NAT

U.S. Department of Labor news materials are accessible at http://www.dol.gov. The department's Reasonable Accommodation Resource Center converts departmental information and documents into alternative formats, which include Braille and large print. For alternative format requests, please contact the department at (202) 693-7828 (voice) or (800) 877-8339 (federal relay).

MEMORANDUM FOR CARRIE SNIDAR
Acting Departmental Clearance Officer
Office of the Chief Information Officer

THROUGH: **MAUREEN RUSKIN**
Acting Director
Directorate of Standards and Guidance (DSG)
Occupational Safety and Health Administration

FROM: **SELEDA PERRYMAN**
Director, Office of Information Quality and Paperwork Reduction
Directorate of Standards and Guidance
Occupational Safety and Health Administration

SUBJECT: Request for Emergency Processing of Paperwork ICR for Voluntary COVID-19 Attestation Form for Meat and Poultry Industry Employers

PRIORITY: Highest

SUMMARY

OSHA plans to distribute an "Attestation Form" to employers in the beef, pork, and poultry ("meat and poultry") processing industry so that they can notify OSHA if they are following OSHA regulations and guidance on reducing exposure to COVID-19 in that industry. OSHA will submit to OMB an emergency information collection request to identify the time and expense associated with employer completion and submission of this form. For the reasons explained below, OSHA has determined that this paperwork request satisfies the public comment exceptions in § 3507(j) of the Paperwork Reduction Act and requests that OMB conduct emergency processing of this request pursuant to 5 CFR § 1320.13.

BACKGROUND/STATEMENT OF ISSUES

The recent outbreaks of COVID–19 among workers at some processing facilities have raised concerns about continued worker exposure in that industry and led to the reduction in some of those facilities' production capacity. In response, OSHA and CDC jointly issued guidance to the meat and poultry processing industry on April 26, 2020, identifying protocols and practices for employers in that industry to prevent, monitor, and document any COVID-19 cases among workers. Shortly after, the President issued Executive Order 13917 (April 28, 2020), which specifically calls for the continued operation of meat and poultry facilities "consistent with the guidance for the operations of meat and poultry processing facilities jointly issued by the CDC and OSHA."

Need for an Attestation Form

OSHA plans to provide an "Attestation Form" to employers in the meat and poultry processing industry. Using this form, employers could voluntarily attest to OSHA that they are maintaining protocols and practices in accordance with the OSH Act, OSHA regulations, and the recent OSHA/CDC guidance to the meat and poultry processing industry. OSHA would also distribute with the form a letter explaining the purpose of the form and providing instructions employers.

The Attestation Form is intended to protect workers in furtherance of the OSH Act and the President's policy goals as follows:

(1) The voluntary submission of the form to OSHA would help the agency assess the extent to which OSHA regulations and OSHA/CDC guidance are being implemented in this industry. The agency can use this information to formulate future guidance and enforcement strategies as appropriate.

(2) Employer receipt of the attestation form would heighten and focus awareness of the safety measures available for worker protection.

(3) OSHA anticipates that many employers will not only submit the form to OSHA but also make their attestation available to their employees as a vehicle for demonstrating their commitment to worker protection from COVID-19, thereby encouraging workers in their facilities to remain working or return to work.

(4) Employers could make their attestations public to respond to public concerns about the impact of exposed workers on the surrounding community.

Because of the rapid spread of COVID-19 and the urgency for exposure reduction, OSHA intends to distribute the Attestation Form, accompanied by an instruction letter, as soon as possible.

Paperwork Reduction Act and Need for Emergency Processing

The Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 et seq., and its implementing regulations require that the Department consider the impact of paperwork and other information collection burdens. The PRA forbids OSHA and other agencies from conducting or sponsoring a collection of information, whether mandatory or voluntary, unless it has been approved by OMB. OSHA has prepared an information collection request (ICR) that would be submitted to OMB for expedited review.

The PRA normally requires a 60-day period for public comment on proposed information collections prior to approval of the request for information collection, but § 3507(j) of the PRA specifies several situations in which an agency may request that OMB approve the ICR without first making it available for public comment:

- an unanticipated event has occurred; or
- public harm is reasonably likely to result if normal clearance procedures are followed.

Pursuant to 5 CFR § 1320.13(d) and §1320.13(a), an agency need not seek public comment if it provides a written determination that those criteria are met and OMB grants an exemption for emergency processing.

OSHA has determined that both criteria of § 3507(j) and the relevant regulations are met and seeks emergency processing approval from OMB (without a public comment period) for the six-month period permitted in accordance with OMB's memorandum on emergency review flexibility (*Flexibilities under the Paperwork Reduction Act for Compliance with Information Collection Requirements*, July 22, 2016). The COVID-19 virus has spread at a rate and scale that is virtually unprecedented in this country, and the exposure to this novel virus in the meat and poultry processing constitutes an unanticipated event. The President determined in March that the COVID–19 outbreak in the United States constituted a national emergency, and the number of exposures in the meat and poultry processing industry has been significant. Public harm is reasonably likely to result from any delay in OSHA obtaining the information it needs to ensure that employers are taking appropriate steps to protect workers in this industry from workplace exposures that would also likely lead to increased exposures for members of the surrounding communities. OSHA believes that OMB approval for six months will allow the agency to distribute the Attestation Form and receive the information it needs to accomplish those tasks.

INFORMATION COLLECTIONS
OSHA has identified the following paperwork burdens associated with employer completion and submission to OSHA of the Attestation Form:

- Attestation Form completion, signature and submission time, including time to read the introductory letter, and posting the form for employees.

- Employer familiarization time to review the regulatory requirements and CDC/OSHA COVID-19 guidelines and determine that the facility meets those criteria.

REQUESTED TIMELINE FOR APPROVAL
The agency requests clearance by COB of May 18, 2020.

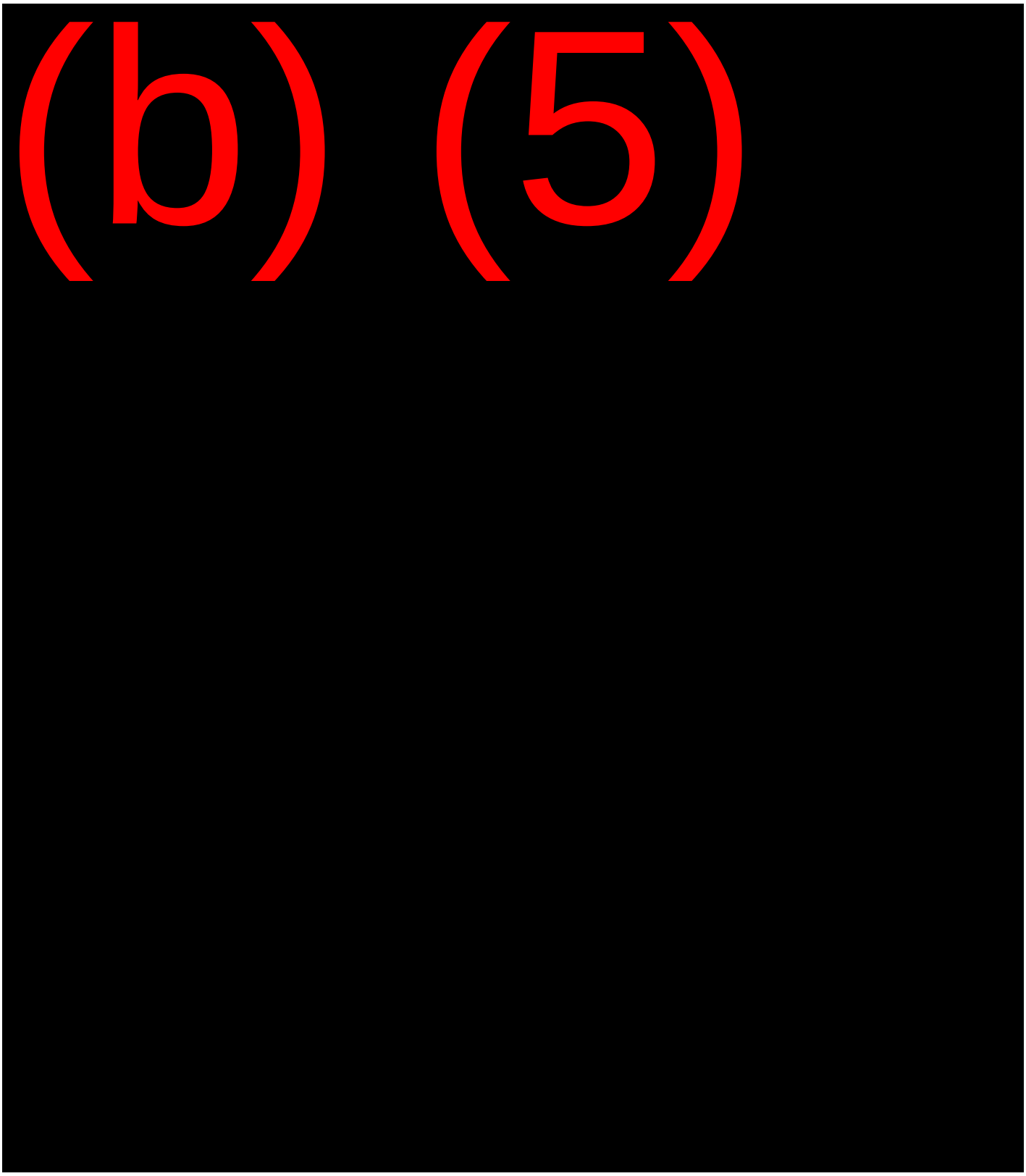
OTHER FEDERAL AGENCIES INVOLVED
OSHA issued guidance to the industry jointly with the CDC. Executive Order 13917 directs the Secretary of Agriculture to ensure that meat and poultry processors continue operations consistent with the OSHA/CDC guidance. The attestation form and accompanying letter were developed in consultation with the Food Safety Inspection Service (FSIS) at the Department of Agriculture, and FSIS will send the letter and attestation form to affected meat and poultry packers.

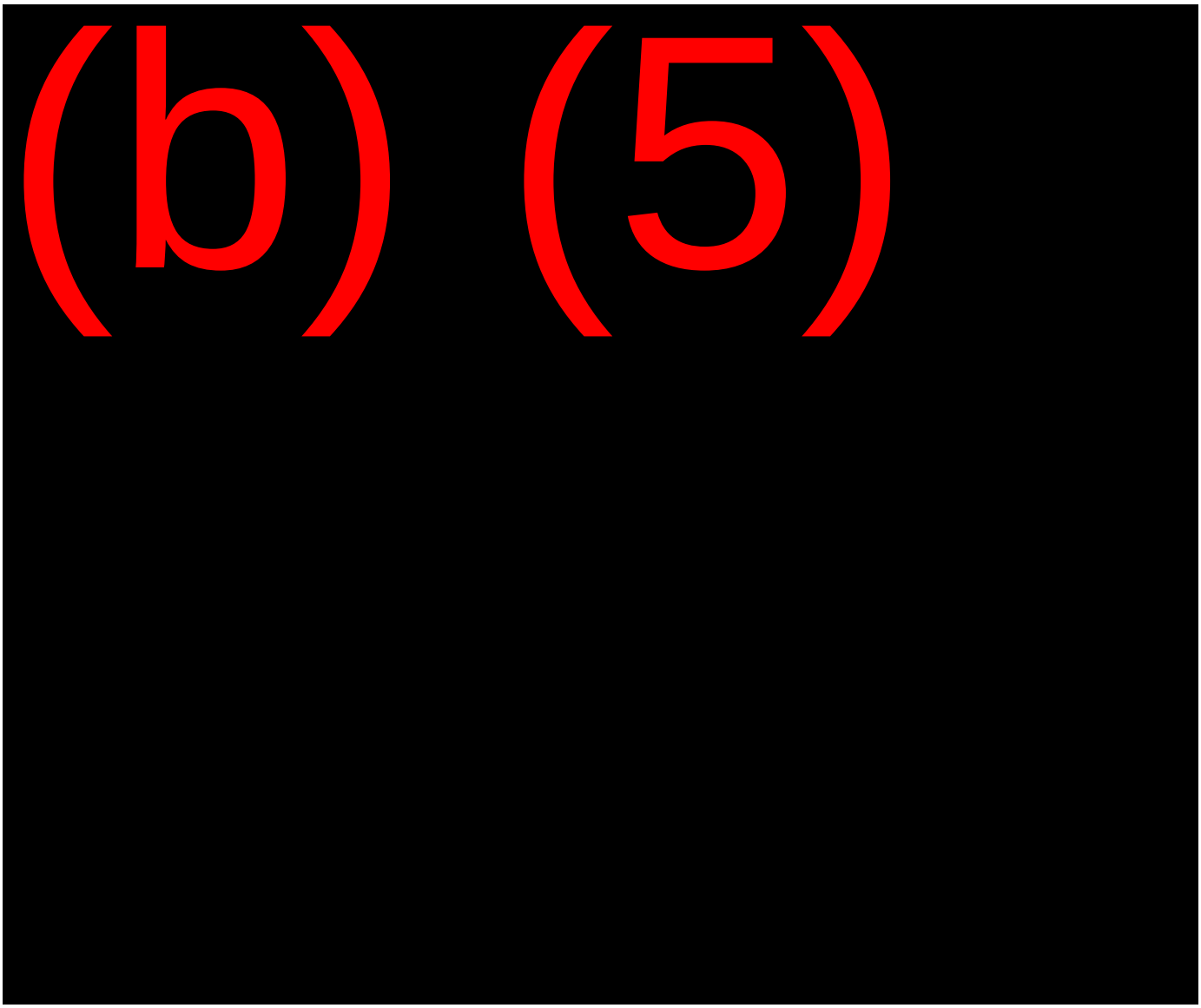
CONTACT
Seleda Perryman, Director, Office of Information Quality and Paperwork Reduction (perryman.seleda.m@dol.gov)

ATTACHMENTS
Attestation Form
Letter to Accompany Attestation Form

Form Approved
OMB Control Number: 1218-0NEW
Exp. Date: xx/xx/xxxx

Attestation on Protocols and Practices
Occupational Safety and Health Administration





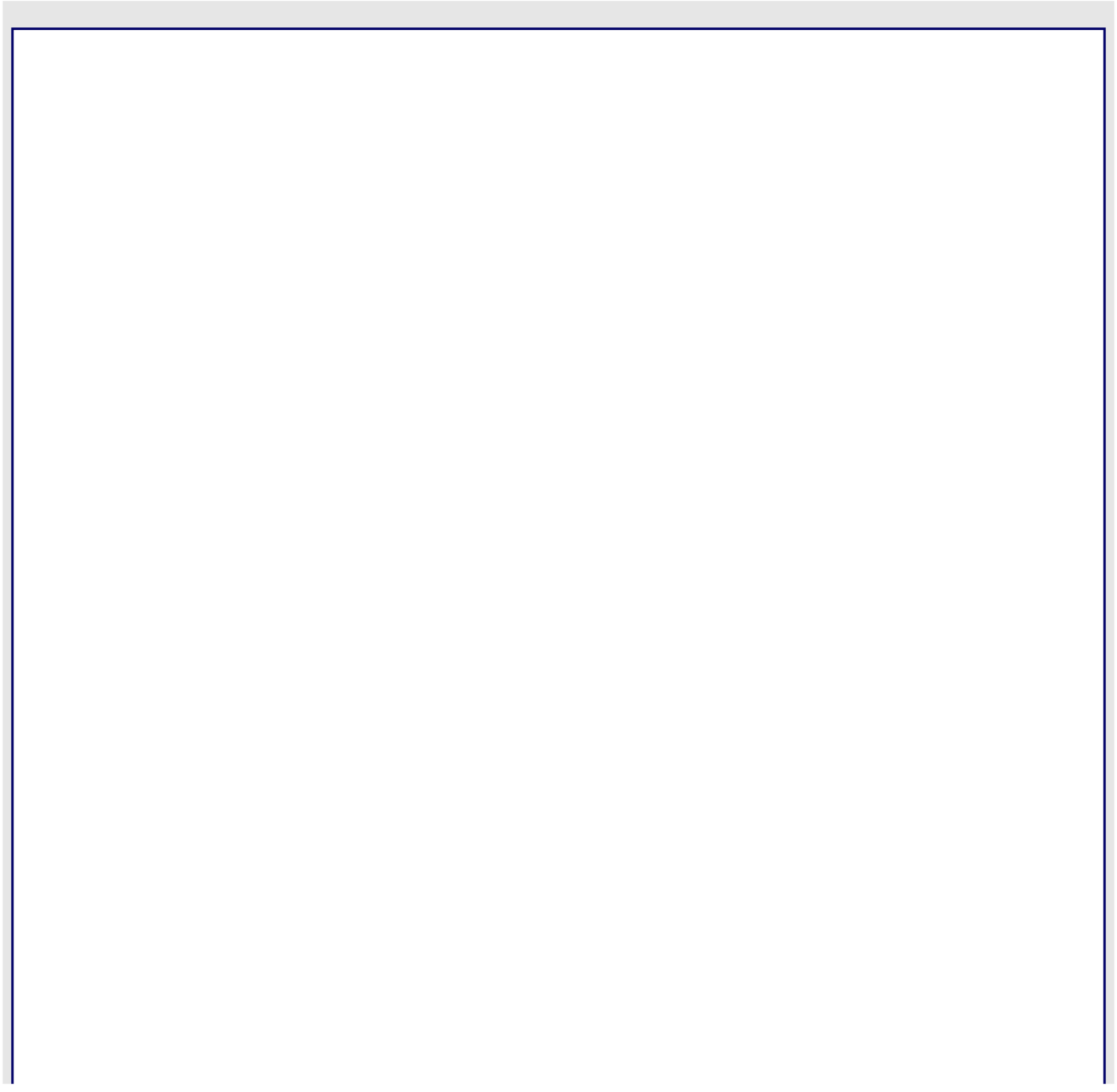
Public reporting burden for this voluntary collection of information is estimated to vary from 1 to 2 hours per response with an average of 90 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. An Agency may not conduct or sponsor, and persons are not required to respond to the collection of information unless it displays a valid OMB Control Number. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the Directorate of Standards and Guidance, Department of Labor, Room N-3718, 200 Constitution Ave., NW, Washington, DC; 20210.

From: Newsome, Shawna - OSEC, Washington, DC
To: Hearl, Frank J. (CDC/NIOSH/OD); Sweatt, Loren E. - OSHA
Subject: Fwd: USDA, FDA Strengthen U.S. Food Supply Chain Protections During COVID-19 Pandemic
Date: Tuesday, May 19, 2020 6:09:13 PM

Fyi.

Shawna Newsome
Office of Food Safety, USDA
Cell: (b) (6) [redacted]

From: USDA Office of Communications <feedback@oc.usda.gov>
Sent: Tuesday, May 19, 2020 6:03 PM
To: Newsome, Shawna - OSEC, Washington, DC
Subject: USDA, FDA Strengthen U.S. Food Supply Chain Protections During COVID-19 Pandemic



USDA, FDA Strengthen U.S. Food Supply Chain Protections During COVID-19 Pandemic

(Washington, D.C.) May 19, 2020

The following statement is attributed to Mindy Brashears, Ph.D., USDA Under Secretary for Food Safety, and Frank Yiannas, FDA Deputy Commissioner for Food Policy and Response.

As the COVID-19 pandemic response continues, the U.S. Department of Agriculture and the U.S. Food and Drug Administration have been working around the clock on many fronts to support the U.S. food and agriculture sector so that Americans continue to have access to a safe and robust food supply. As a next step in carrying out Executive Order 13917, the USDA and FDA today announced a Memorandum of Understanding (MOU) to help prevent interruptions at FDA-regulated food facilities,

including fruit and vegetable processing.

This is an important preparedness effort as we are approaching peak harvesting seasons, when many fruits and vegetables grown across the U.S. are sent to be frozen or canned. The MOU creates a process for the two agencies to make determinations about circumstances in which the USDA could exercise its authority under the Defense Production Act (DPA) with regard to certain domestic food resource facilities that manufacture, process, pack, or hold foods, as well as to those that grow or harvest food that fall within the FDA's jurisdiction.

While the FDA will continue to work with state and local regulators in a collaborative manner, further action under the DPA may be taken, should it be needed, to ensure the continuity of our food supply. As needed, the FDA will work in consultation with state, local, tribal and territorial regulatory and public health partners; industry or commodity sector; and other relevant stakeholders (e.g. Centers for Disease Control and Prevention, Occupational Safety and Health Administration) to chart a path toward resuming and/or maintaining operations while keeping employees safe.

We are extremely grateful to essential workers for everything they do every day to keep our pantries, refrigerators and freezers stocked. All of the food and agriculture sector -- whether it is regulated by the USDA or FDA -- are considered critical infrastructure, and it is vital for the public health that they continue to operate in accordance with guidelines from the CDC and OSHA regarding worker health and safety. As we work to get through the current challenge together, we remain committed to workers' safety, as well as ensuring the availability of foods, and that our food remains among the safest in the world.

Additional Information

On April 28, 2020, President Donald J. Trump signed Executive Order 13917, Delegating Authority Under the Defense Production Act with Respect to the Food Supply Chain Resources During the National Emergency Caused by the Outbreak of COVID-19, delegating the powers of the President under the DPA to the Secretary of Agriculture to ensure continuity of operations for our nation's food supply chain. The Executive Order gave the Secretary of Agriculture the authority to utilize the DPA if needed to require the fulfillment of contracts at food processing facilities. The MOU makes clear that the FDA will work with stakeholders to monitor the food supply for food resources not under the USDA's exclusive jurisdiction in order to prevent interruptions at FDA-regulated food facilities.

This action is another in a series of proactive steps the USDA and FDA have taken to maximize food availability following unprecedented disruptions the COVID-19 pandemic has caused to food supply chains that have been established and refined for decades.

Supporting Industry and Protecting Frontline Workers

Our nation's food and agriculture facilities and workers play an integral role in the continuity of our food supply chain.

The USDA and FDA have been working to ensure that frontline workers in food facilities and retailers that have remained on the job during this crisis have the information and resources they need for business continuity and to continue working safely, which includes mitigating the risk of spreading COVID-19. We continue to provide information and update frequently asked questions on both the FDA and USDA's websites.

We will continue to work with facilities and farms, CDC, OSHA, and state, tribal, and local officials to ensure facilities and farms are implementing practices consistent with federal worker safety guidelines to keep employees safe and continue operations.

We are working with our federal partners who have the authority and expertise over worker safety to develop information on protecting worker health. We are also working with other federal partners to assist the food and agriculture industry in addressing shortages of personal protective equipment (PPE), cloth face coverings, disinfectants and sanitation supplies.

Monitoring and Securing Human and Animal Food Supply Chains 24/7

Throughout the pandemic, the USDA and FDA have been closely monitoring the food supply chain for shortages in collaboration with industry and our federal and state partners. We are in regular contact with food manufacturers and grocery stores.

We have issued guidances to ensure regulatory flexibility to safely reroute food that typically would be bought in bulk by food facilities and restaurants, like eggs and flour, directly to consumers.

Food Safety Reminders for Every American

As we continue to respond to COVID-19, we want to remind consumers that there is no evidence that COVID-19 has been transmitted by food or food packaging, as well as the importance of taking precautionary food safety steps to protect against foodborne illness pathogens such as *Salmonella* and *E. Coli*.

With respect to the safety of food across the U.S., both the USDA and FDA continue to use their respective authorities, including conducting inspections, as appropriate. The agencies also continue to monitor foods for hazards, work with industry on any potential or reported issues in their facilities, and conduct food recalls when appropriate. This applies to both domestically produced food and food that is imported from other countries.

Unlike foodborne gastrointestinal (GI) viruses like norovirus and hepatitis A that often make people ill through contaminated food, foodborne exposure is not known to be a route of transmission for SARS-CoV-2, which causes COVID-19.

With respect to foodborne pathogens, the CDC, FDA and FSIS continue to work with state and local partners to investigate foodborne illness and outbreaks. During this coronavirus outbreak, we will continue to operate to prepare for, coordinate and carry out response activities to incidents of foodborne illness in both human and animal food.

Additional Resources:

- USDA's COVID-19 Response webpage
- FDA's COVID-19 Response webpage
- USDA's Food Supply and COVID-19 webpage
- FDA's Food Safety and COVID-19 webpage
- FDA's Voices Piece on Food and COVID-19
- FDA: Best Practices for Food Businesses During COVID-19
- Contact the FDA CFSAN Information Center

# # #



Department of Agriculture | 1400 Independence Ave., S.W., Washington, DC 20250

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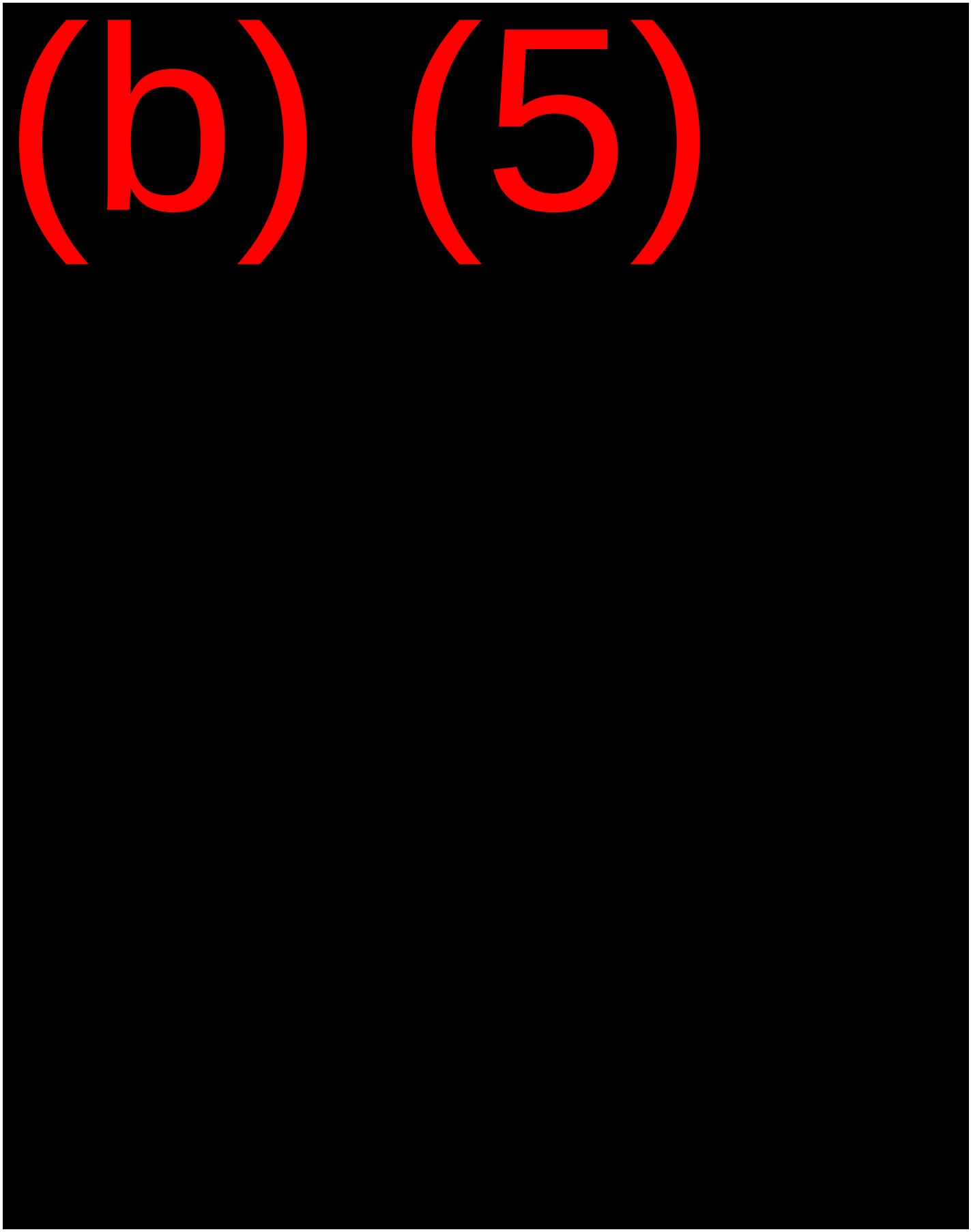
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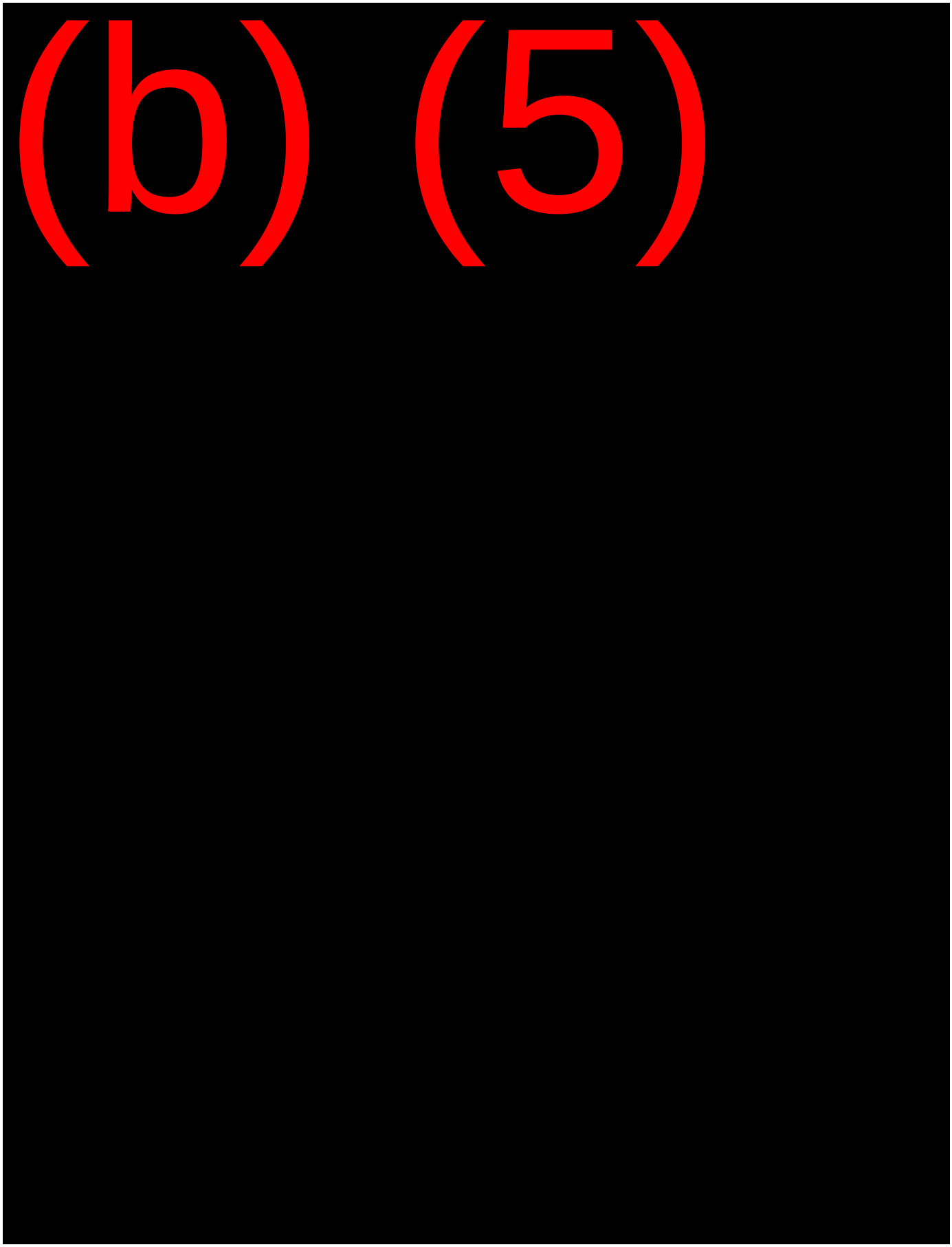
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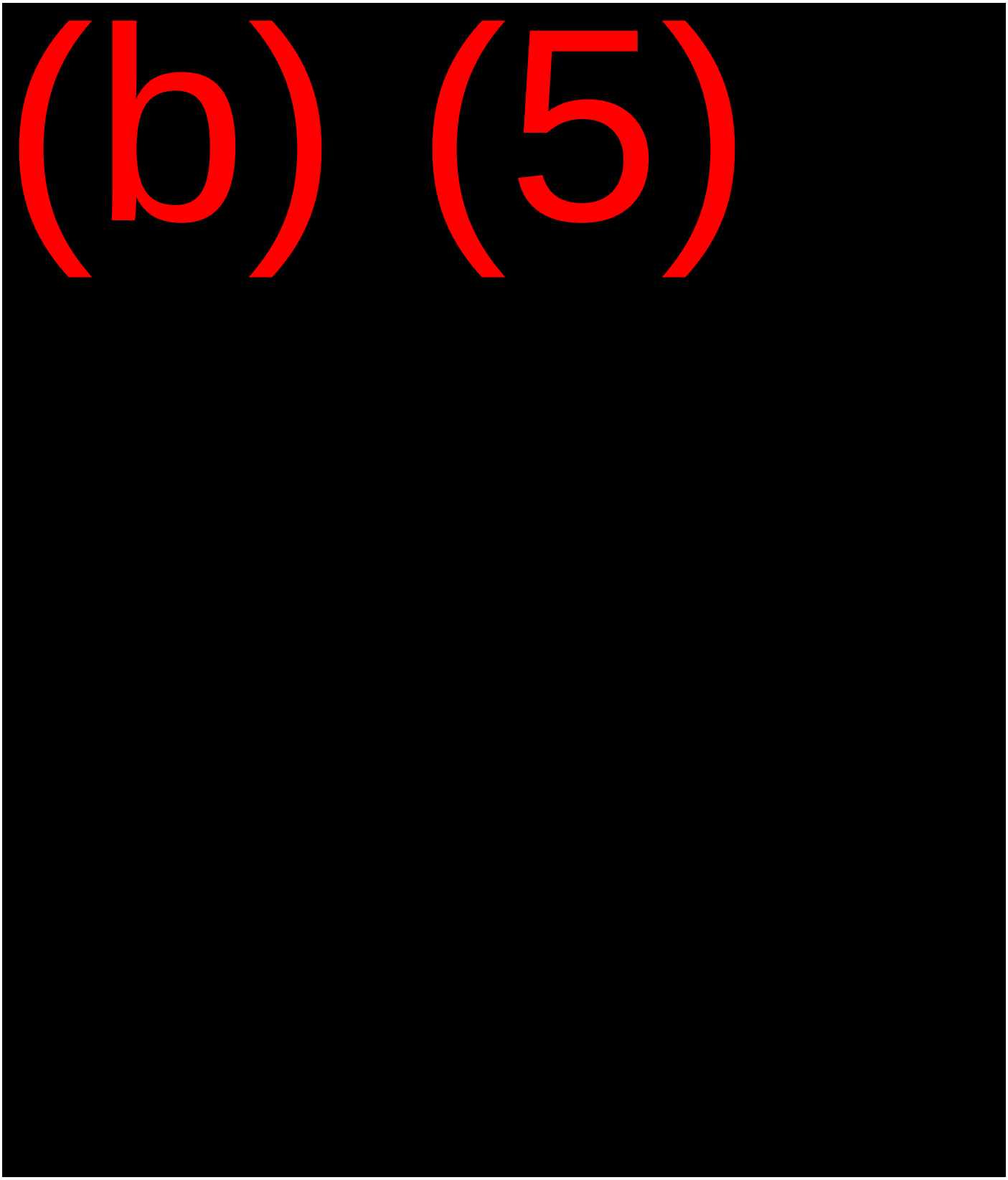

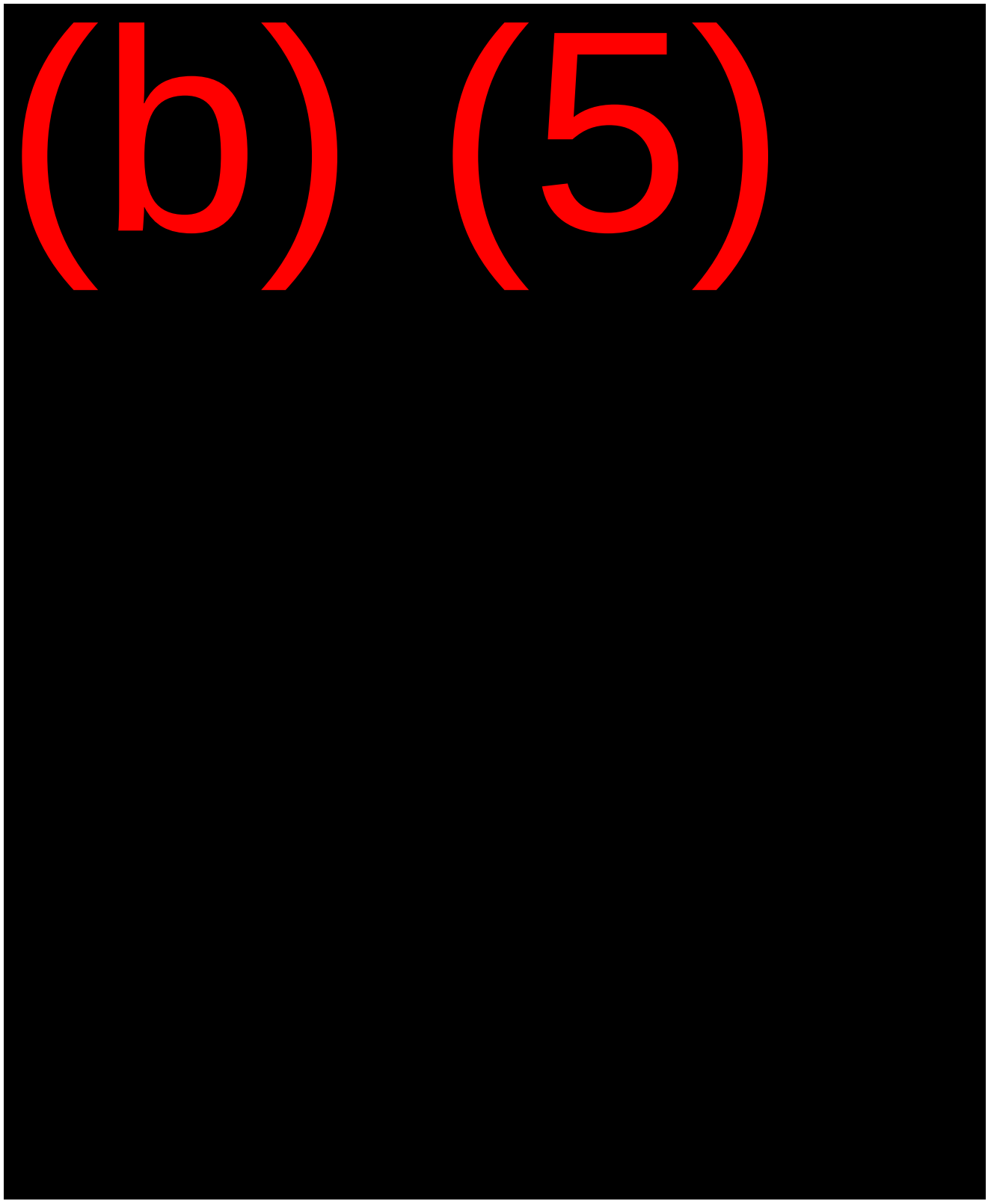
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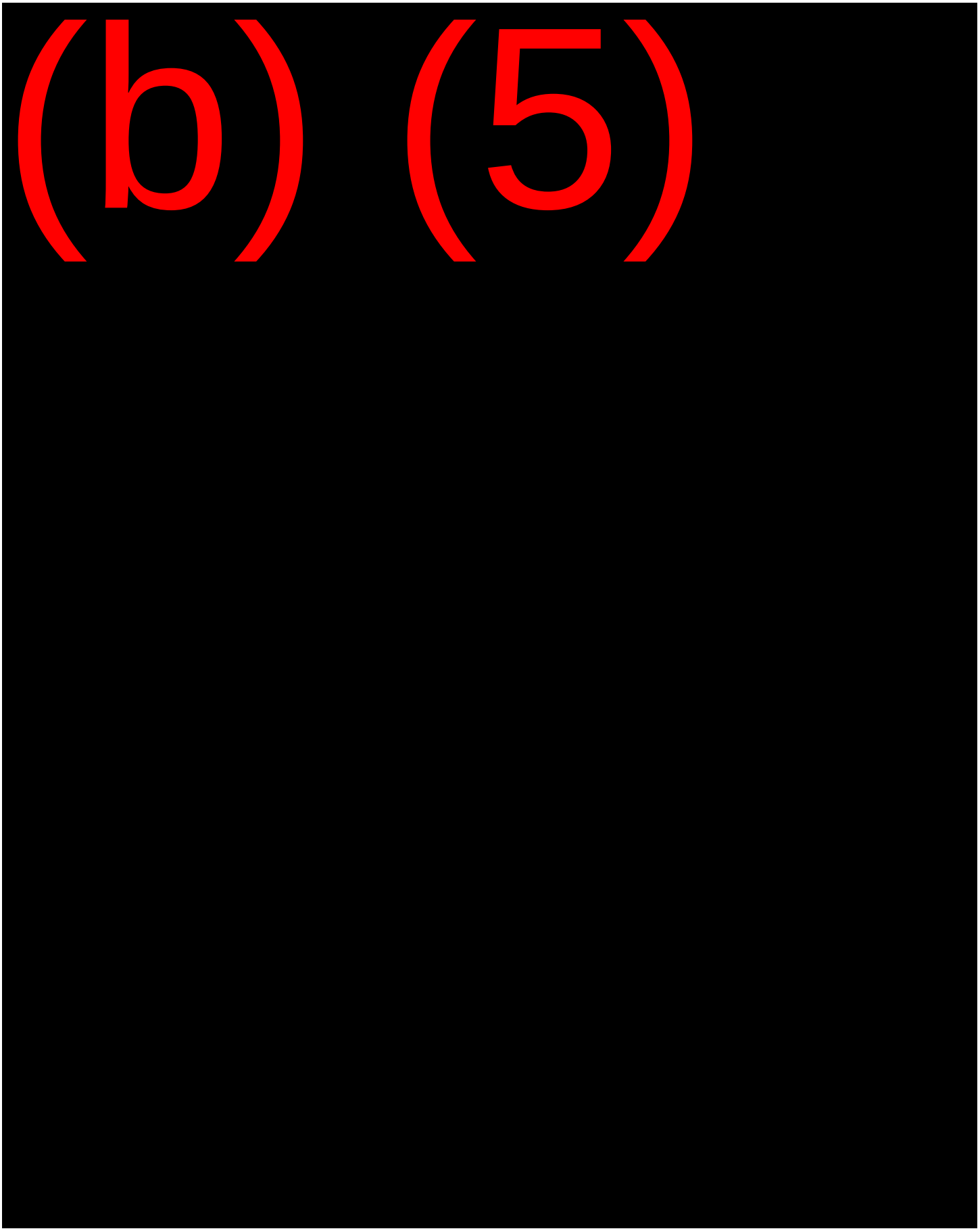
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DEPARTMENT OF HEALTH & HUMAN SERVICES

Centers for Disease Control and Prevention (CDC)

MEMORANDUM

Date: May 15, 2020

From: Jessica F. Li, CDC National Institute for Occupational Safety and Health
John Dreyzehner, CDC Center for Preparedness and Response
Max Zarate-Bermudez, CDC National Center for Environmental Health
Amanda Hott, CDC National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention
Yvonne Cruz, CDC National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention

To: Sam Rascona, Perdue Accomac Poultry Plant

Copy: Richard Williams, Eastern Shore Health District, Virginia Department of Health
Jonathan Richardson, Eastern Shore Health District, Virginia Department of Health

Subject: Strategies to reduce COVID-19 transmission at the Perdue Accomac Poultry Plant

Background

On April 25, 2020, CDC received a request for technical assistance from the Virginia Department of Health (VDH). VDH requested assistance in developing strategies to help prevent and mitigate SARS-CoV-2 infections among Perdue Accomac Poultry Plant workers.

On May 1, 2020, a CDC team visited the Perdue Accomac Poultry Plant with a worker population of approximately 2,000. The CDC team included an epidemiologist, an industrial hygienist, a laboratorian, a public health advisor, and an occupational medicine physician. We toured and observed production areas and reviewed processes inside the Perdue Accomac Poultry plant. In this plant, the poultry are shackled in a hanging room, after which they were stunned, killed, bled-out, and de-feathered by machinery. Evisceration, or removal of the animals' internal organs, is completed using machinery. The poultry is then washed and inspected and processed into the desired parts and the bones removed. The final product is packaged and labeled for shipment. The plant operated two processing shifts and a third sanitation shift with plant workers.

We also toured non-production areas including the locker rooms, restrooms, and lunchrooms. We talked with management to provide guidance to prevent potential SARS-CoV-2 transmission in the plant. Through our discussions with Perdue Accomac management, we learned about the existing interventions to help prevent and mitigate the spread of SARS-CoV-2 between workers. There was no union present at the plant. The plant had a COVID-19 coordination committee consisting of only management.

The observations and recommendations included in this memo are specific to the Perdue Accomac Poultry Plant but may be helpful in developing strategies for other Perdue facilities. This memo is not intended to document every observation and intervention that occurred at the Perdue Accomac Poultry Plant. It is a summary of the plant's implementation of the CDC/OSHA guidance found at

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

Observations and discussion

Worker screening

Workers were screened prior to their shift before the walkway leading to the plant turnstile. The verbal screening was conducted by screeners at the temperature tent. The screening asked workers if they were ill, were feeling unwell, or have had contact with someone who had confirmed COVID-19. If a worker replied with a "yes" to any of the screening questions, they were sent directly to the Perdue Wellness Center. Workers were permitted short-term disability while they were out with illness that is confirmed or presumptive COVID-19 or if they were under quarantine as documented by a physician's note. The short-term disability waiting period of 5 workdays has been waived for ill workers, and the payment amount is 32 hours per week at the worker's hourly rate for up to 2 weeks.

Workers who passed initial screening walked through the temperature tent where a screener measured their temperature with an infrared thermometer. If a worker had a fever (100.4°F or greater), their temperature was taken again with a different infrared thermometer after waiting 3 to 5 minutes. If worker had false, high temperature reading they were allowed to pass though screening. Management said they recently begun implementing a second temperature check for workers after their second break.

If the worker was confirmed to have a fever, they were sent to the Wellness Center for secondary screening. During secondary screening, a Wellness Center provider checked the worker's temperature again with an infrared thermometer and asks follow-up questions about symptoms, wellness, and potential exposure. If the worker was found to have a fever, feel ill, or have symptoms consistent with COVID-19 (fever, cough, shortness of breath), they were told to return home. A Wellness Center staff person followed up with these workers by phone. The Wellness Center coordinated with the Accomack County Health Department to determine when workers may return to work following the CDC criteria to discontinue home isolation. The Wellness Center was staffed with providers who treated employees and eligible dependents free of charge.

Only essential visitors, or visitors required to keep the plant functioning, were currently allowed to enter the plant. Essential visitors were screened at the guard station. Screening questions for visitors were similar to the worker screening but consisted of more questions related to potential exposure to and symptoms of COVID-19. Visitors who answered "yes" to any of these questions were not allowed to enter the plant.

Increasing distance between workers during work and breaks

After screening, employees must swipe in using a keycard to pass through a turnstile. Management installed a physical barrier consisting of a pole and chain in the walking paths before and after the turnstile to encourage single file travel with reminders spray-painted on the ground in English periodically to maintain distance. Management had placed tape in the entrance/exit hallway to encourage uni-directional flow of traffic.

Plant production has decreased due to absenteeism, and in some work locations workers were able to be spaced at least 6 feet apart. Management has a written policy to stagger workers on the line in the cut-up area, so workers do not work adjacent to or facing another worker. However, this configuration may not be possible when more workers are working on the line.

Barriers consisting of a stainless-steel frame with replaceable plastic film or plastic strip curtain were installed between workers on the line where management said the work process prohibited maintaining this spacing. For some areas on the line where employees work facing one another, management stated it was difficult to install barriers or maintain spacing due to work processes or machinery. Not all planned barriers had been installed at the time of the visit. Management was in the

process of pilot testing barriers in the live hang area. In production areas where barriers interfere with work processes, workers were given reusable face shields to serve as personal protective equipment (PPE) and source control. Supervisors collected reusable face shields from workers at the end of the shift and cleaned and disinfected them. Hard-mounted fans in the evisceration area had been turned off according to CDC/OSHA interim guidance for meat and poultry processing.

Management has added and spaced out timeclocks. Plexiglass barriers had been installed at lunchroom tables to provide a physical barrier between workers during meals. Visual reminders on the cafeteria floor reminded workers to maintain a 6 feet distance while standing in line. Fountain drink dispensers had also been turned off to discourage gathering in the cafeteria. The plant has implemented staggered shifts and break times to reduce workers gathering in parking areas, locker rooms, time clocks, and restrooms.

Use of face masks

CDC recommends wearing cloth face coverings as a protective measure in addition to social distancing (i.e., staying at least 6 feet away from others). Cloth face coverings may be especially important when social distancing is not possible or feasible based on working conditions**.** A face covering requirement among all staff has been established based on management provided a new disposable facemask with moldable nosepieces to workers each day after temperature screening and encouraged workers to request a new disposable facemask if theirs becomes dirty or wet. Workers could wear their own homemade face covering. We observed almost all employees wore face coverings correctly. Management said that safety glasses, which were previously required, are currently optional because face coverings were fogging up the safety glasses and impairing vision.

Supplementary infection control measures

Workers are instructed to sanitize hands at the temperature tent after screening. Management indicated that several hand sanitizer pump dispenser stations had been added throughout the plant as COVID-19 prevention measures. The restrooms and plant handwashing stations had touchless faucets, manual soap dispensers, and air hand dryers. Contracted janitorial staff had been assigned to clean and disinfect commonly touched surfaces more frequently, such as handrails, door handles, lunchroom surfaces, and restroom surfaces. Management implemented an auditing system to inspect and record that additional sanitization has occurred. The cafeteria is shut down for 30 minutes once per day for additional disinfection of tables, chairs, vending machines, plexiglass partitions, and other common area surfaces. Plant entrance/exit doors were propped open to reduce workers needing to touch door handles.

Management has instructed contracted transportation services to require employees to wear face coverings in the vehicle and to clean and disinfect commonly touched surfaces (e.g. door handles, seat belts, seats) once per day. Educational posters encouraged workers to conduct hand hygiene before and after riding in the vehicle, distance when possible, and to stay home and not enter the vehicle if they feel sick. A different poster indicates that carpooling workers are required to wear face coverings in a vehicle with three or more passengers.

Supervisors collected reusable face shields from workers at the end of the shift in order to clean and disinfect them. Management said employees with bump caps were already trained to clean and disinfect them before leaving the production area.

On May 6, 2020, mandatory testing of all employees and contractors for COVID-19 was conducted. Employees who do not get tested will not be allowed to return to work.

Educating workers on COVID-19 risks, prevention, and company policies

Throughout common area hallways, there were written communications and posters in the three languages used by plant workers: English, Haitian Creole, and Spanish.

These communications include simple posters about carpooling etiquette, wearing face coverings, and the CDC Stop the Spread poster. Other written communication topics included how SARS-CoV-2 spreads; COVID-19 symptoms; ways to prevent infection, including practicing social distancing, wearing face coverings, and staying home if sick. An in-plant display system displayed messages reminding workers to sanitize hands, wearing face masks properly, and maintaining physical distance and work and at home.

Human resources distributes relevant discussion points weekly or more often for supervisors to use to educate workers on COVID-19 topics. These discussion points have included how workers can protect themselves from COVID-19 at work and at home, encouraging workers to stay home and follow up with a provider when ill, notification of steps and controls implemented to protect workers, encouraging workers to get the flu vaccine at the Wellness Center. These talking points also discuss related human resources issues, such as pay during quarantine, wage continuation if the plant shuts down, extending hours for the Wellness Center, and contacting management with any childcare issues. Management uses a text alert system to notify workers of COVID-19 related messages and updates in English.

The plant has currently implemented a pay increase of $1 per hour for hourly workers and $40 per week for piece-rate workers effective March 23, 2020 to May 10, 2020.

Additional activities planned by the company as reported to our team

1. Convert the tent set up for mandatory testing into an overflow break area.
2. Add additional timeclocks in the hallway to reduce crowding at the beginning and end of shifts.
3. Finish installing planned barriers in production areas and install plexiglass barriers on lunch storage racks in the lunchroom.
4. Install a thermal imaging system for body temperature monitoring located in the plant entrance/exit hallway.
5. Install plexiglass barriers on lunch storage racks.

Conclusions

The company has implemented several controls at the plant to help prevent and mitigate the spread of SARS-CoV-2 between workers while in the plant and is in the process of implementing more as discussed above. We provide some additional recommendations below to assist both management and workers with efforts to limit virus transmission in the plant.

Recommendations

We provide the following recommendations to help ensure existing controls are as effective as possible in preventing the spread of SARS-CoV-2 between workers. While we understand that with ongoing community transmission of SARS-CoV-2, COVID-19 cases will continue to be identified, existing and recommended controls with ongoing education will be useful in reducing transmission in the workplace. These recommendations are intended specifically for the Perdue Accomac Poultry Plant. The COVID-19 coordination committee should develop an implementation plan for these and any other planned interventions.

Controls

The following recommendations should be implemented according to the hierarchy of controls. Hierarchy of controls is an approach to hazard intervention that starts with the controls perceived to be most effective and moves down to those considered least effective. In most cases, the preferred approach is to eliminate a hazard or exposures, install engineering controls, and implement appropriate sanitation

and cleaning to reduce workers' exposure to the hazard. Until such controls are in place, or if they are not adequately effective or feasible, administrative measures and PPE may be needed.

Engineering Controls

1. Modify the alignment of workstations so that workers are at least 6 feet apart in all directions (e.g., side-to-side and when facing one another). Ideally, modify the alignment of workstations so that workers do not face one another. The rate of animal processing may need to be reduced.
2. Use physical barriers, such as strip curtains, plexiglass or similar materials, or other impermeable dividers or partitions, to separate workers from each other, if feasible. Physical barriers should not be used as a replacement for maintaining at least 6 feet between workers
    a. Observe workers while they work to ensure barriers are placed in the optimal position to separate workers from each other. Ensure barriers are large enough to accommodate for height and size variations.
3. Establish an alternative entrance or exit for workers to promote single-file, uni-directional movement with through the plant to promote social distancing. Consider allowing only uni-directional travel in hallways and production areas.
4. Consult with maintenance staff or a heating, ventilation, and air conditioning engineer to ensure adequate ventilation in production areas to help minimize workers' potential exposures.
5. Hard-mounted fans were used in the live hang area. Take steps to minimize air from fans blowing from one worker directly at another worker. If fans are removed or turned off, employers should remain aware of, and take steps to prevent heat hazards.
6. Noise levels in production areas require the use of hearing protection. Although not typically required for job tasks, devise a method of non-verbal communication using sign language or pictograms for the most common communications to facilitate worker communication while maintaining physical distance.
    a. Create a space where employees can remove masks briefly to make interpretation easier for one-on-one or very small meetings/counseling sessions. The space should be large enough that employees can maintain appropriate distance.
7. Consider replacing current timeclocks with touch-free timeclocks. Increase spacing between timeclocks or add additional timeclocks to reduce crowding in the hallway.
8. Provide a covered area for workers to line up prior to screening and in the walkways leading up to the plant. The current temperature tent does not provide shelter from the elements when waiting for screening. This could lead to employees congregating in an area with shelter during inclement weather.
9. Install touchless soap dispensers and paper towel dispensers and provide single-use paper towels at all handwashing stations. Air hand dryers may disperse virus particles in the air.
10. Replace current pump-dispensed hand sanitizers with touch-free hand sanitizer dispensers.
11. Add handwashing stations and temporary restrooms when setting up overflow break areas to encourage handwashing before eating and reduce congregation in restrooms during breaks.
12. Determine if proposed controls, such as barriers between work position on the line, could pose a safety hazard for workers. Ensure it would not be possible for workers' tools, hands, or arms to be caught between the barrier and moving parts of the conveyor. This may require pilot testing barriers before implementing them in all workstations where workers cannot be separated by 6 feet or more.

Administrative controls

1. Assign dedicated social distancing monitors for common areas, including parking and smoking areas, between shifts and during breaks to promote social distancing.

2. Provide visual cues (e.g., floor markings 6 feet apart) as a reminder to workers to maintain social distancing.
3. Encourage workers to avoid carpooling to and from work. If carpooling or using contracted transportation services, implement the following infection control practices:
    a. Limit the number of people per vehicle as much as possible. This may mean using more vehicles or making multiple trips.
    b. Continue encouraging workers to maintain social distancing as much as possible.
    c. Continue requiring masks when riding in the vehicle.
    d. Continue encouraging workers to use hand hygiene before entering the vehicle and when arriving at the destination. Provide the contracted transportation service with hand sanitizer for workers to use.
    e. Clean and disinfect commonly touched surfaces after each trip (e.g., door handles, handrails, seatbelt buckles).
    f. Encourage employees to follow coughing and sneezing etiquette when in the vehicle.
    g. Train and educate the transportation contractor to screen employees for symptoms of COVID-19.
4. Review leave and incentive policies to determine if they may affect a worker's decision to come to work while ill:
    a. Review the current policy to increase hourly pay by $1 per hour based upon time limitations and requirement to work a certain number of hours to receive this pay increase.
    b. Analyze the sick leave policy that limits short-term disability payments for COVID-19 to 2 weeks. This time limit on short-term disability payments may lead employees to come to work while ill.
    c. Communicate these policies in all three languages, and make sure that employees are aware of and understand these policies.
5. Consider cohorting (grouping together) . This can increase the effectiveness of altering the plant's normal shift schedules by making sure that groups of workers are always assigned to the same shifts with the same coworkers. Cohorting may reduce the spread of workplace SARS-CoV-2 transmission by minimizing the number of different individuals who come into close contact with each other over the course of a week. Cohorting may also reduce the number of workers quarantined because of exposure to the virus.
6. Ensure workers use cloth face coverings that include multiple layers of fabric, can be laundered using the warmest appropriate water setting and machine dried daily after the shift without damage or change to shape, and are handled as little as possible to prevent transferring infectious materials to the cloth. Consider exclusively providing disposable facemasks to all workers.
7. Continue providing ongoing training to all management, supervisors, and workers. All training should be easy to understand and provided in languages that are understood by the worker. Training may need to be verbal. Options include pre-shift briefings or refresher training in settings where social distance can be maintained. Training topics should include symptoms of COVID-19, how it spreads, risks for workplace exposures, and how workers can protect themselves at work and in the community; proper handwashing practices and use of hand sanitizer stations; cough and sneeze etiquette; other infection control precautions (social distancing measures, safely putting on and taking off PPE and face coverings); and sick leave policies.
    a. Provide information in a written format in different languages for workers to take home and share with their housemates and communities.

8. Place simple posters with pictograms that encourage staying home when sick, cough and sneeze etiquette, COVID-19 symptoms, and proper hand hygiene practices at the entrance to the workplace, break areas, locker rooms, and restrooms.
9. Modify the text messaging alert system to allow employees to receive COVID-19 relate communications in the language of their choice.
10. Establish process to include workers to join the COVID-19 coordination committee to help determine communication gaps and implement the provided recommendations.
11. Engage community partners to develop culturally informed and effective messaging about how workers can protect themselves and their family in the community.
12. Train employees removing plastic film from physical barriers on how to remove plastic film without potentially re-aerosolizing particles that may be on the film.
13. Continue using PPE needed in production areas, including safety glasses. Troubleshoot ways that workers can wear safety glasses and face coverings without interfering with required PPE. Goggles or face shields may be used in place of safety glasses depending on the protection needed; if safety glasses are required for impact protection, ensure alternative PPE is rated for impact.
14. Collect, clean, and disinfect bump caps at the end of the shift so workers do not take them home.

Screening and monitoring workers

1. Continue to screen workers for COVID-19 symptoms, including temperature checks.
    a. Provide and require workers to wear face coverings before their temperature is taken.
    b. Ensure all workers and essential visitors are screened regardless of the time they arrive at the site.
    c. If a thermal imaging system is installed for body temperature monitoring, the system should be used in accordance with all manufacturer specifications and FDA guidance, and should be set up in such a way to accommodate the height variation of all entrants.
    d. If such a system cannot be used according to manufacturer specifications and FDA guidance, then entrants' temperatures should be measured individually using a temporal or tympanic thermometer.
    e. If screeners need to be within 6 feet of workers, provide them with appropriate PPE such as respirators (like N95 respirators) or medical facemasks (like surgical masks), gloves and face shields for the repeated close contact with other workers.
2. Consider using pictograms and non-verbal forms of communication to facilitate screening while maintaining a distance of 6 feet.
    a. Train security guards to conduct visitor screening while maintaining a distance of 6 feet. Conduct this screening outside of the guard station if possible. Post screening questions outside the guard post so that essential visitors can read them from a far distance to facilitate this.
3. Instruct any worker who has tested positive for COVID-19 or who has symptoms consistent with COVID-19 to stay home from work. When speaking to the worker, collect a list of work-related close contacts over past 14 days and their contact information. This list should include any co-workers who live in the same household and with whom they carpool or take breaks. Inform these workers of their possible exposure to COVID-19 in the workplace but maintain confidentiality as required by the Americans with Disabilities Act (ADA).

The Interim Guidance from CDC and the Occupational Safety and Health Administration (OSHA) for Meat & Poultry Packaging found at https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/meat-poultry-processing-workers-employers.html states the following:

- Reintegration (bringing back) of exposed, asymptomatic workers to onsite operations should follow the CDC Critical Infrastructure Guidance. The guidance advises that employers may permit workers who have been exposed to COVID-19, but remain without symptoms, to continue to work provided they adhere to additional safety precautions. Consultation with an occupational health provider and state and local health officials will help employers develop the most appropriate plan consistent with CDC guidance.
- Reintegration of workers with COVID-19, including those workers who have remained asymptomatic, to onsite operations should follow the CDC interim guidance Discontinuation of Isolation for Persons with COVID-19 Not in Healthcare Settings, which states for persons who have NOT had COVID-19 symptoms but tested positive and are under isolation, options now include both a 1) time-based strategy, and 2) test-based strategy.

1. Time-based strategy: Persons with laboratory-confirmed COVID-19 who have not had any symptoms and were directed to care for themselves at home may discontinue isolation under the following conditions:
    - At least 10 days have passed since the date of their first positive COVID-19 diagnostic test assuming they have not subsequently developed symptoms since their positive test. If they develop symptoms, then the symptom-based or test-based strategy should be used.
    - Note, because symptoms cannot be used to gauge where these individuals are in the course of their illness, it is possible that the duration of viral shedding could be longer or shorter than 10 days after their first positive test.
2. Test-based strategy: Persons with laboratory-confirmed COVID-19 who have not had any symptoms and were directed to care for themselves at home may discontinue isolation under the following conditions:
    - Negative results of an FDA Emergency Use Authorized COVID-19 molecular assay for detection of SARS-CoV-2 RNA from at least two consecutive respiratory specimens collected ≥24 hours apart (total of two negative specimens). See Interim Guidelines for Collecting, Handling, and Testing Clinical Specimens from Persons Under Investigation (PUIs) for Coronavirus Disease 2019 (COVID-19).
    - Note, because of the absence of symptoms, it is not possible to gauge where these individuals are in the course of their illness. There have been reports of prolonged detection of RNA without direct correlation to viral culture.

- The time-based, and test-based strategies may result in different timeframes for discontinuation of isolation post-recovery. For all scenarios outlined above, the decision to discontinue isolation should be made in the context of local circumstances. In addition, CDC guidance for COVID-19 may be adapted by state and local health departments to respond to rapidly changing local circumstances.

CDC and OSHA have developed an Interim Guidance for Meat and Poultry Packing Industry to prevent and mitigate the spread of SARS-CoV-2 between workers while at work. Consult with USDA to determine if proposed controls are acceptable with regards to food safety and sanitation. Continue communicating and working with Accomack County Health Department and VDH. We appreciate your interest in occupational safety and health.

End of memorandum

DEPARTMENT OF HEALTH & HUMAN SERVICES

Centers for Disease Control and Prevention (CDC)

MEMORANDUM

Date: May 15, 2020

From: Jessica F. Li, CDC National Institute for Occupational Safety and Health
John Dreyzehner, CDC Center for Preparedness and Response
Albert Barskey, CDC National Center for Immunization and Respiratory Diseases
Sancta St. Cyr, CDC National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention

To: Sidney Newnam, Tyson Temperanceville Poultry Plant

Copy: Richard Williams, Eastern Shore Health District, Virginia Department of Health
Jonathan Richardson, Eastern Shore Health District, Virginia Department of Health

Subject: Strategies to reduce COVID-19 transmission at the Tyson Temperanceville Poultry Plant

Background

On April 25, 2020, CDC received a request for technical assistance from the Virginia Department of Health (VDH). VDH requested assistance in developing strategies to help prevent and mitigate SARS-CoV-2 infections in Tyson Temperanceville Poultry Plant workers.

On April 30, 2020, a CDC team visited the Tyson Temperanceville Poultry Plant with a worker population of approximately 1,250. The CDC team included two epidemiologists, one industrial hygienist, and one occupational medicine physician. We toured and observed the evisceration, cut-up, debone, and label production areas and processes. The evisceration department is where the animals are shackled in a hanging room, after which they are stunned, killed, bled-out, and de-feathered by machinery. Evisceration, or removal of the animals' internal organs, is completed using machinery. The poultry is then washed and inspected. In the cut-up and debone departments, the poultry is processed into the desired parts and the bones removed. The label department packages and labels the final product for shipment. The plant operated two processing shifts and a third sanitation shift with plant workers.

We also toured non-production areas including the locker rooms, restrooms, and lunchrooms. We discussed with management and provided guidance to prevent potential SARS-CoV-2 transmission in the plant. Through our discussions with Tyson Temperanceville management, we learned about the existing interventions to help prevent and mitigate the spread of SARS-CoV-2 between workers. There was no union present at the plant; however, the plant did have an established safety and health committee.

The observations and recommendations included in this memo are specific to the Tyson Temperanceville Poultry Plant but may be helpful in developing strategies for other Tyson facilities. This memo is not intended to document every observation and intervention that occurred at the Tyson Temperanceville Poultry Plant. It is a summary of the plant's implementation of the CDC/OSHA guidance found at https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/meat-poultry-processing-workers-employers.html.

Observations and discussion

Worker screening

Workers were screened prior to their shift at the plant entrance. The verbal screening was conducted by a temperature team member, usually the plant safety manager. The screener asks workers if they have a fever of 100.4°F (37.7°C) or greater or symptoms of COVID-19 (fever, cough, shortness of breath, chills, muscle pain, headache, sore throat, new loss of taste or smell), if they are taking any temperature reducing medications, if they have been in close contact with someone with confirmed COVID-19 or if they themselves have tested positive for COVID-19, and if they have traveled out of the country or on a cruise ship in the past 14 days. Only essential visitors, or visitors necessary to keep the plant running, were currently allowed to enter the plant.

If a worker replied "yes" to any of the screening questions, they were told to return home and contact their personal care provider. They were notified of pay and benefits available to them if they were ill or instructed by their personal care provider to quarantine due to potential exposure. Workers were permitted up to 3 days of paid sick leave plus additional short-term disability while they were out with illness that was confirmed or presumptive COVID-19 and/or flu as documented by a physician's note. The short-term disability waiting period of 5 workdays has been waived for ill workers, and the payment amount has been increased from 60% to 90% of the worker's regular pay. Management has waived co-pays for telemedicine and co-pays, co-insurance, and deductibles related to COVID-19 testing.

Workers who passed initial screening entered through the main entrance, walking past a thermal imaging system for body temperature measurement. If a worker had a fever (100.4°F or greater) as indicated by the thermal imaging system, they under-went secondary screening. Secondary screening was done by a plant Occupational Health Office nurse, who also checked the worker's temperature with a tympanic thermometer and asked follow-up questions about symptoms, wellness, and potential exposure. If the worker was found to have a fever, feel ill, or have symptoms consistent with COVID-19 as noted above, they were told to return home and follow up with their personal care provider.

The plant Occupational Health Office followed up with symptomatic workers every day and asymptomatic workers who were not working every other day by phone. The Occupational Health Office coordinates with the Accomack County Health Department to determine when workers may return to work, following CDC guidelines on the discontinuation of home isolation.

Increased distance between workers during work and breaks

Management had marked visual reminders on the floors for workers to maintain a 6 feet distance starting from the parking lot and continuing up the steps leading to the plant entrance and throughout common area hallways. Management has assigned social distance monitors to encourage distancing between workers in common areas during high traffic periods like shift changes and breaks.

Plant production had decreased due to absenteeism, and in some work locations workers were able to be spaced at least 6 feet apart. Plexiglass barriers were installed between workers on the line where management said the work process prohibited maintaining this spacing. For some areas on the line where employees work facing one another, management stated it was difficult to install barriers or maintain spacing due to work processes or machinery. In the label department, where barriers interfere with work processes, workers were given reusable face shields to serve as personal protective equipment (PPE) and source control.

In the lunchroom, adjacent chairs had been removed and tables moved to increase distance between workers. Some tables were placed outside under a covered patio. Management set up additional break/lunch areas outdoors in tents with an additional 20 picnic tables to create an overflow break area. Plexiglass barriers had been installed at lunchroom and break tables to provide a physical barrier

between workers during meals. Handwashing stations and temporary restrooms were placed near the tent overflow break/lunch areas.

The plant has implemented staggered shifts and break times to reduce workers gathering in parking areas, locker rooms, time clocks, and restrooms. Workers were only allowed to enter the plant 5 minutes before the start of their shift to facilitate the screening process and to reduce workers gathering in common areas before the shift. During shift change times, management has configured the plant to have a unidirectional flow so workers ending their shift exit through a different door than workers beginning their shift.

Use of facemasks

A disposable facemask requirement among all staff has been established based on CDC/OSHA guidance for meat and poultry processing. Management provided a new disposable facemask with moldable nosepieces to workers each day at the plant entrance and exit and encouraged workers to request a new disposable facemask if theirs becomes dirty or wet. Homemade cloth face coverings were not allowed in the plant. We observed almost all employees wearing face coverings correctly.

Worker Transportation

Management has also instructed contracted transportation services to measure their workers' temperature with an infrared thermometer and provide them with a new disposable facemask before they board the vehicle. Employees with a temperature of 99°F or higher are asked to stay home.

Worker Testing

Plant management conducted all employee mandatory nasal swab testing on May 5 and 6 for COVID-19. Employees who do not get tested will not be allowed to return to work.

Supplementary infection control measures

As workers enter the plant, they are instructed by a temperature team member to sanitize their hands using a touchless hand sanitizer dispenser. There were touchless hand sanitizer dispensers installed on walls throughout the plant. Management indicated that several hand sanitizer dispensers had been added as COVID-19 prevention measures. The restrooms had hands-free pedal operated handwashing stations, manual soap dispensers, and air hand dryers.

Janitorial staff have been specifically assigned to clean and disinfect commonly touched surfaces more frequently, such as handrails, door handles, vending machines, common area surfaces, and restroom surfaces. The plant suspended operations on April 24 to conduct a deep cleaning of the plant. Fogging of the plant with PURE ® has been occurring twice weekly in break room and common areas.

Management in the label department collected reusable face shields from workers at the end of the shift in order to clean and disinfect them.

Educating workers on COVID-19 risks, prevention, and company policies

At the main entrance and throughout common area hallways, there were written communications and posters in the three languages used by plant workers: English, Haitian Creole, and Spanish. Written communication topics included how SARS-CoV-2 spreads; COVID-19 symptoms; guidance for people at higher risk for severe COVID-19 illness; and ways to prevent infection, including practicing social distancing, wearing face coverings, and staying home if sick. One of these written communications was obtained from a different state's health department with contact information not consistent with VDH's contact information. Other posters in English had pictures representing COVID-19 symptoms of fever, cough, shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain,

headache, sore throat, and new loss of taste or smell. For staff who cannot read, management follows up with them privately to ensure they receive messaging about COVID-19.

Management conducts a safety huddle at the beginning of each shift in smaller groups in the three languages to communicate updates. The plant also has a Facebook page that management uses to communicate COVID-19 related messages and updates.

Conclusions

The company has implemented several controls at the plant to help prevent and mitigate the spread of SARS-CoV-2 between workers while in the plant. We provide some additional recommendations below to assist both management and workers with efforts to limit virus transmission in the plant.

Recommendations

We provide the following recommendations to help ensure existing controls are as effective as possible in preventing the spread of SARS-CoV-2 between workers. While we understand that with ongoing community transmission of SARS-CoV-2, COVID-19 cases will continue to be identified, existing and recommended controls with ongoing education will be useful in reducing transmission in the workplace.

These recommendations are intended specifically for the Tyson Temperanceville Poultry Plant. A qualified workplace coordinator should be identified who will be responsible for assessment and control planning for these and any other interventions to be rolled out in the workforce.

Controls

The following recommendations should be implemented according to the hierarchy of controls. Hierarchy of controls is an approach to hazard intervention that starts with the controls perceived to be most effective and moves down to those considered least effective. In most cases, the preferred approach is to eliminate a hazard or exposure, install engineering controls, and implement appropriate sanitation and cleaning to reduce workers' exposure to the hazard. Until such controls are in place, or if they are not adequately effective or feasible, administrative measures and PPE may be needed.

Engineering Controls

1. Modify the alignment of workstations so that workers are at least 6 feet apart in all directions (e.g., side-to-side and when facing one another), when possible. Ideally, modify the alignment of workstations so that workers do not face one another. The rate of animal processing may need to be reduced.
2. Use physical barriers, such as strip curtains, plexiglass or similar materials, or other impermeable dividers or partitions, to separate workers from each other, if feasible. Physical barriers should not be used as a replacement for social distancing and should only be used when it is not possible due to work design or task to be completed (e.g., two people needing to work together on a specific task that need to be done next to each other).
    a. Observe workers while they work to ensure barriers are placed in the optimal position to separate workers from each other. Ensure barriers are large enough to accommodate for height and size variations.
3. Consult with maintenance staff or a heating, ventilation, and air conditioning engineer to ensure adequate ventilation in production areas to help minimize workers' potential exposures
4. Hard-mounted fans were used in the evisceration department. Take steps to minimize air from fans blowing from one worker directly at another worker. If fans are removed or turned off, employers should remain aware of and take steps to prevent heat hazards.
5. Noise levels in production areas require the use of hearing protection. Although not typically required for job tasks, devise a method of non-verbal communication using sign language or

pictograms for the most common communications to facilitate worker communication while maintaining physical distance.
    a. Create a space where employees can remove masks briefly to make interpretation easier for one-on-one or very small meetings/counseling sessions. The space should be large enough that employees can maintain appropriate distance.
6. Consider replacing current timeclocks that require swiping with touch-free timeclocks. Increase spacing between timeclocks or add additional timeclocks to reduce crowding in the hallway so social distancing can be maintained.
7. Increase spacing between existing microwaves or add additional microwaves to reduce crowding of employees during breaks so social distancing can be maintained.
8. Provide an additional covered area for workers to line up prior to screening. The current covered area is small and does not provide shelter from the elements when waiting for screening. This led to employees congregating in the extra lunchroom/breakroom area set up outside during inclement weather.
9. Install touchless soap dispensers and paper towel dispensers and provide single-use paper towels at all handwashing stations.
10. Install touchless hand sanitizing stations near the temporary exit and the entrances and exits to all lunchroom and breakroom areas to encourage hand hygiene.
11. Determine if proposed controls, such as barriers between work position on the line, could pose a safety hazard for workers. Ensure it would not be possible for workers' tools, hands, or arms to be caught between the barrier and moving parts of the conveyor. This may require pilot testing barriers before implementing them in all workstations where workers cannot be separated by 6 feet or more.

Administrative controls

1. Assign social distancing monitors for parking areas between shifts and smoking areas during breaks to promote social distancing.
2. Encourage workers to avoid carpooling to and from work. If carpooling or using contracted transportation services, implement the following infection control practices:
    a. Limit the number of people per vehicle as much as possible. This may mean using more vehicles or making multiple trips.
    b. Encourage workers to maintain social distancing as much as possible.
    c. Encourage workers to use hand hygiene before entering the vehicle and when arriving at the destination. Provide the contracted transportation service with hand sanitizer for workers to use.
    d. Encourage employees in a shared van or car space to wear cloth masks.
    e. Clean and disinfect commonly touched surfaces after each trip (e.g., door handles, handrails, seatbelt buckles).
    f. Encourage employees to follow coughing and sneezing etiquette when in the vehicle.
3. Consider cohorting (grouping together). This can increase the effectiveness of altering the plant's normal shift schedules by making sure that groups of workers are always assigned to the same shifts with the same coworkers. Cohorting may reduce the spread of workplace SARS-CoV-2 transmission by minimizing the number of different individuals who come into close contact with each other over the course of a week. Cohorting may also reduce the number of workers quarantined because of exposure to the virus.
4. Establish protocols and provide supplies to increase the frequency of sanitization in work and common spaces. Disinfect frequently touched surfaces in workspaces and break rooms (e.g.,

microwave touchpads and handles, refrigerator handles, vending machine touchpads) at least once per shift.

5. Continue providing ongoing training to all management, supervisors, and workers. All training should be easy to understand and provided in languages that are understood by the worker. Training may need to be verbal. Options include pre-shift briefings or refresher training in settings where social distance can be maintained. Training topics should include symptoms of COVID-19, how it spreads, risks for workplace exposures, and how workers can protect themselves at work and in the community; proper handwashing practices and use of hand sanitizer stations; cough and sneeze etiquette; other infection control precautions (social distancing measures, safely putting on and taking off PPE and face coverings); and sick leave policies.
    a. Provide information in a written format in different languages for workers to take home and share with their housemates and communities.
6. Update posters regarding maintaining a physical distance which erroneously indicate that 6 feet is 1 meter to the correct conversion of 6 feet (2 meters).
7. Modify posters with a different state's contact information to the appropriate plant or health department contact information.
8. Place simple posters with pictograms that encourage cough and sneeze etiquette and proper hand hygiene practices at the entrance to the workplace, break areas, locker rooms, and restrooms.
    a. CDC has simple posters available to download and print, some of which are translated into different languages. The Stop the Spread of Germs poster is available in several languages, including English, Spanish, and Haitian Creole.
9. Consider the use of a text messaging alert system to send COVID-19 related messages and updates to employees in the language of their choice.
10. Engage community partners to develop culturally informed and effective messaging about how workers can protect themselves and their family in the community.
11. Collect, clean, and disinfect bump caps at the end of the shift so workers do not take them home.

Screening and monitoring workers

1. Continue to screen workers' for COVID-19 symptoms, including temperature checks.
    a. If a thermal imaging system continues to be used for body temperature monitoring, the system should be used in accordance with all manufacturer specifications and FDA guidance, and should be set up in such a way to accommodate the height variation of all entrants.
    b. If such a system cannot be used according to manufacturer specifications and FDA guidance, then entrants' temperatures should be measured individually using a temporal or tympanic thermometer.
    c. Consider lowering the temperature threshold at which the system alerts for fever to 99°F as the threshold to conduct secondary screening.
2. Post the screening questions in the three most commonly spoken languages at the screening point to assist with screening. Consider using pictograms and non-verbal forms of communication to facilitate screening while maintaining a distance of 6 feet.
    a. Train security guards to conduct screening while maintaining a distance of 6 feet. Post screening questions outside the guard post so that essential visitors can read them from a far distance to facilitate this.
3. Continue instructing any worker who has tested positive for COVID-19 or who has symptoms consistent with COVID-19 to stay home from work. The employers should inform anyone they have come into contact with (including fellow workers, inspectors, graders, etc.) of their possible

exposure to COVID-19 in the workplace but should maintain confidentiality as required by the Americans with Disabilities Act (ADA).

The Interim Guidance from CDC and the Occupational Safety and Health Administration (OSHA) for Meat & Poultry Packaging found at https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/meat-poultry-processing-workers-employers.html states the following:

- Reintegration (bringing back) of exposed, asymptomatic workers to onsite operations should follow the CDC Critical Infrastructure Guidance. The guidance advises that employers may permit workers who have been exposed to COVID-19, but remain without symptoms, to continue to work provided they adhere to additional safety precautions. Consultation with an occupational health provider and state and local health officials will help employers develop the most appropriate plan consistent with CDC guidance.
- Reintegration of workers with COVID-19, including those workers who have remained asymptomatic, to onsite operations should follow the CDC interim guidance Discontinuation of Isolation for Persons with COVID-19 Not in Healthcare Settings, which states for persons who have NOT had COVID-19 symptoms but tested positive and are under isolation, options now include both a 1) time-based strategy, and 2) test-based strategy.

1. Time-based strategy: Persons with laboratory-confirmed COVID-19 who have not had any symptoms and were directed to care for themselves at home may discontinue isolation under the following conditions:
    - At least 10 days have passed since the date of their first positive COVID-19 diagnostic test assuming they have not subsequently developed symptoms since their positive test. If they develop symptoms, then the symptom-based or test-based strategy should be used.
    - Note, because symptoms cannot be used to gauge where these individuals are in the course of their illness, it is possible that the duration of viral shedding could be longer or shorter than 10 days after their first positive test.
2. Test-based strategy: Persons with laboratory-confirmed COVID-19 who have not had any symptoms and were directed to care for themselves at home may discontinue isolation under the following conditions:
    - Negative results of an FDA Emergency Use Authorized COVID-19 molecular assay for detection of SARS-CoV-2 RNA from at least two consecutive respiratory specimens collected ≥24 hours apart (total of two negative specimens). See Interim Guidelines for Collecting, Handling, and Testing Clinical Specimens from Persons Under Investigation (PUIs) for Coronavirus Disease 2019 (COVID-19).
    - Note, because of the absence of symptoms, it is not possible to gauge where these individuals are in the course of their illness. There have been reports of prolonged detection of RNA without direct correlation to viral culture.

- The time-based, and test-based strategies may result in different timeframes for discontinuation of isolation post-recovery. For all scenarios outlined above, the decision to discontinue isolation should be made in the context of local circumstances. In addition, CDC guidance for COVID-19 may be adapted by state and local health departments to respond to rapidly changing local circumstances.

CDC and OSHA have developed an Interim Guidance for Meat and Poultry Packing Industry to prevent and mitigate the spread of SARS-CoV-2 between workers while at work. Consult with USDA to

determine if proposed controls are acceptable with regards to food safety and sanitation. Continue communicating and working with Accomack County Health Department and the Virginia Department of Health. We appreciate your interest in occupational safety and health.

End of memorandum

Interagency Food Supply Chain Team

Future Planning Working Group

Handling Instructions

- All individuals handling this information are required to protect it from unauthorized disclosure
- Handling, storage, reproduction, and disposition of the attached document(s) must be in accordance with 32 CFR Part 2002 and applicable agency policy
- Access to and dissemination of Controlled Unclassified Information (CUI) shall be allowed as necessary and permissible to any individual(s), organization(s), or grouping(s) of users, provided such access or dissemination is consistent with or in furtherance of a Lawful Government Purpose and in a manner consistent with applicable law, regulations, and Government-wide policies

Agenda

- Background
  - Origin story
  - Initial (and current) membership
  - Initial areas of interest and data needs
- Membership feedback
- Discussion
- Next steps/action items

Origin Story

- March 24, 2020 - FEMA OPORD 05-2020 Amendment #6 stood up the DHS led Food Supply Chain Task Force (FSCTF).
- April 28, 2020 - FEMA OPORD 05-2020 Amendment #11 transitioned the DHS FSCTF to USDA ESF #11 due to elevated risk for disruption among food production, processing, and distribution infrastructure requiring heightened integration of ESF #11 operations.
  - *ESF11 will operate from the NRCC and coordinate with ESFs 6, 10, 14, and 15, and the Recovery Support Functions, to address national food supply disruptions, workforce safety, community mitigation, Personal Protective Equipment (PPE), and other emergency protective measures to safeguard public health.*
- May 6, 2020 – USDA ESF #11 Interagency Food Supply Chain Team (IFSCT) coordination calls began
  - ESF #11 expanded scope to incorporate a whole of government approach due to the need to have situational awareness of the entirety of agriculture and natural resources impacted by the pandemic.

Membership (95 Required & 35 Optional Attendees)

USDA	APHIS	FNS	FSIS	AMS	RD	NRCS	OHS
DHS	FEMA	CISA	CWMD				
HHS	CDC	FDA					
DOI	BIA						
DOL							
EPA							
DOT							
NOAA							
NRF	ESF #6	ESF #10	ESF #11	ESF #14	ESF #15		
NDRF	RSF Coordinators						
F&A Sector	Government Coordinating Council Co-Chairs						

Initial Areas of Interest

Area of Interest	Interested Agencies
What is the status of food processing plants and the risks of COVID-19 outbreak to the capacity of those plants? What is the downstream and upstream impact of disruptions? How can we better prioritize and allocate resources and support to processing plants?	FSIS, AMS, FPAC, FNS, FDA, FEMA, ERS, CDC, DHS
What are risks to availability of non-substitutable consumer products (infant and medical)?	FDA, FNS, AMS
What is the state of food insecurity and the availability of food for those populations?	AMS, FNS, FDA, DHS
What is or will be the magnitude of labor disruptions and how does it/will it vary across the supply chain and by commodity?	FPAC, AMS, ERS, FEMA, APHIS, FDA
What is or will be the magnitude of impact on farm production due to disruptions (labor/workforce, demand shifts, etc.) caused COVID-19?	FPAC, AMS, ERS, FEMA, APHIS, FDA
What will be the impact to future production and the next planting season due to COVID-19?	FPAC, AMS, ERS, FDA
What is or will be impact on workload for agencies supporting different parts of food supply chain (e.g., FDA regulatory capacity, FPAC field office capacity)?	FDA, FPAC, AMS, FSIS
What is or will be the economic impact from disruptions to various parts of the supply chain?	ERS, FPAC, FEMA, Treasury
What is or will be the impact to government lending loan portfolios?	RD, Treasury, FPAC
What is or will be the impacts to trade flows, especially with China?	ERS, FPAC, Treasury, USTR
What are the impacts to normal surveillance inspections? What criteria should be applied to prioritize commodity types?	FDA

Initial Data Needs

Data Needed	Potential Sources
PPE and other safety equipment	Supply chain data aggregators
Daily food distribution, inventory and point-of-sale data	Supply chain data aggregators
Farm production/output/dumping	USDA, trade organizations, data aggregators
Food processing plant capacity and utilization	USDA, Trade organizations, data aggregators
Food consumption patterns	NHANES
Food insecurity	Census, FNS

Membership Feedback

- How beneficial has the IFSCT call been in supporting member programs/services? ★★★☆☆
- How do the IFSCT calls currently support/benefit your program/service?
  - **Situational awareness**
  - Ground truthing/deconflicting information
- What would you change to improve the usefulness/benefit of the IFSCT calls?
  - More data-drive/action oriented
  - *Unconstructive criticisms - No specific or meaningful products being produced and seems redundant to ongoing program/service efforts*
- Other comments or suggestions to increase the effectiveness of the IFSCT.
  - Later meeting time
  - Make calls more focused and requirements-driven rather than going through the motions
  - Provide meeting summary of conclusions

Discussion

Framing Questions

- What authority are we operating under?
- Is there a need to align our efforts to existing coordination bodies (NSC Sub-PCC, UCG)?
- How are we identifying, prioritizing, and tracking issues and resolutions?
- Are our areas of interest and data needs the same?
- What resilience challenges do the hurricane and flu seasons bring?
- Do we need to change the current membership (size or representation)?

Next Steps/Action Items

Contact Information

Todd McCoy

Emergency Management and Homeland Security Branch Chief (acting)

Animal and Plant Health Inspection Service | USDA

todd.mccoy@usda.gov | (202) 579-8894

From:	Mccoy, Todd - OHS, Washington, DC
To:	Mccoy, Todd - OHS, Washington, DC
Subject:	IFSCT Call - Follow Up & Feedback Requested
Date:	Tuesday, June 30, 2020 2:15:56 PM
Attachments:	NBEOC Snapshot - COVID-19 #105 (FINAL 6.26.20).pdf

IFSCT Members,

Below are two follow up items and one action item from this morning's call:

- Attached is the National Business Emergency Operations Center (NBEOC) Snapshot referenced in our discussion.
- Protecting Seafood Processing Workers from COVID-19 – This is the recent guidance for seafood industry employers that was developed jointly by CDC, OSHA and FDA.
- **ACTION** – If you cannot participate in the smaller working group session, we still want to hear from you.
  - Click here to provide your feedback on the IFSCT.

Thank you for your continued efforts; your dedication to this critical work is greatly appreciated.

Best,
Todd

Todd McCoy
Emergency Management and Homeland Security Branch Chief (Acting)
Animal and Plant Health Inspection Service
United States Department of Agriculture
O: 202.720.5886
M: (b) (6)

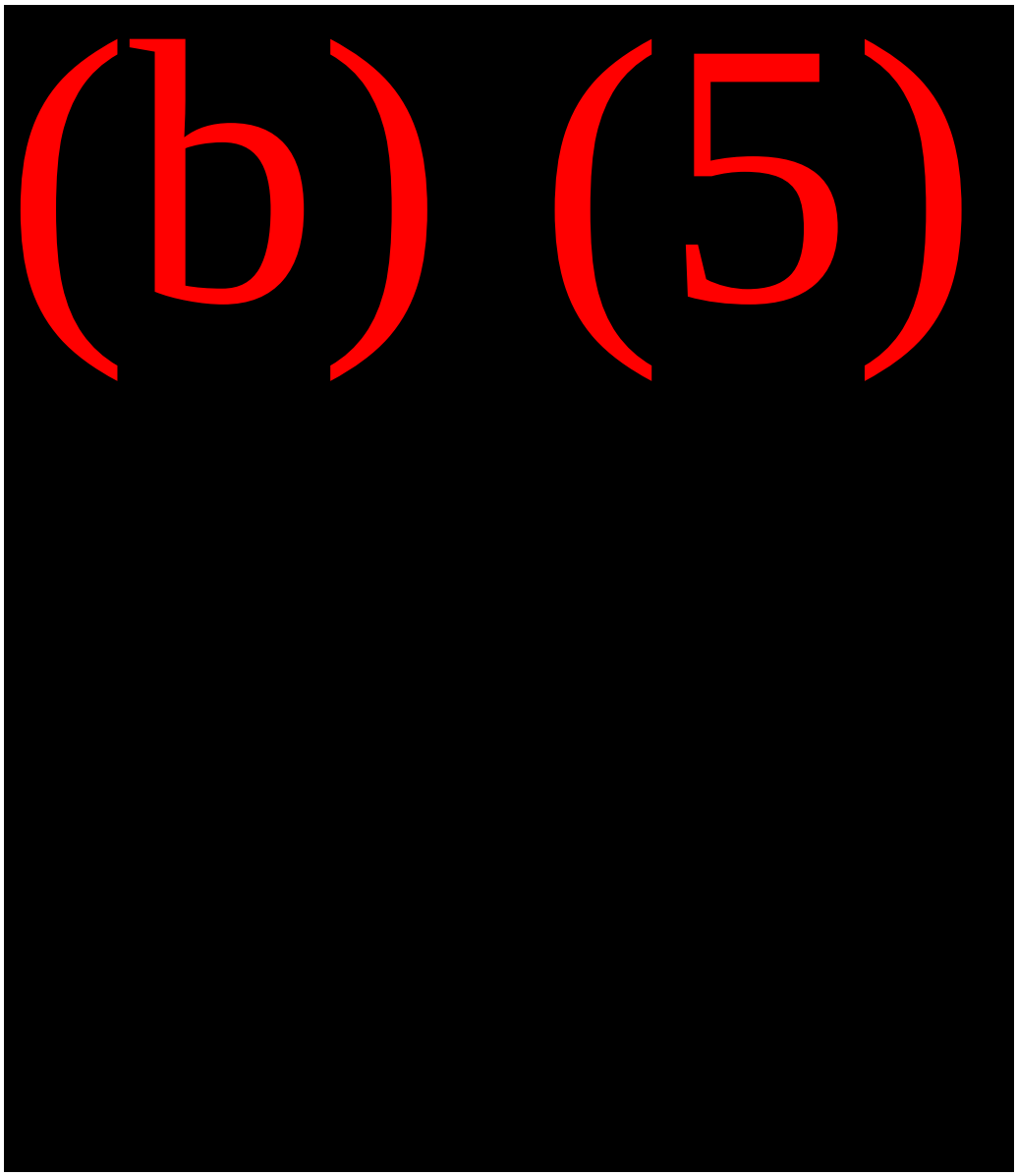
-----Original Appointment-----
From: Mccoy, Todd - OHS, Washington, DC
Sent: Tuesday, June 16, 2020 10:16 AM
To: Interagency Food Supply Chain Team
Subject: USDA ESF #11 Interagency Food Supply Chain Team
When: Tuesday, June 30, 2020 8:00 AM-8:30 AM (UTC-05:00) Eastern Time (US & Canada).
Where: (b) (6)

Purpose: (b) (5)

Frequency: Every Tuesday (weekly) from 8:00 AM to 8:30 AM ET.

Location: (b) (6)

Agenda:



Background: The global COVID-19 pandemic and cascading supply chain impacts are unprecedented and there are unique challenges to the Food and Agriculture (FA) Sector including but not limited to worker safety; depopulation and carcass disposal; food production and processing; supply/demand/distribution; food security; cross-sector interdependencies; and related.

The FA Sector is composed of complex production, processing, and delivery systems and has the capacity to feed people and animals both within and beyond the boundaries of the United States. These food and agriculture systems are almost entirely under private ownership, operate in highly competitive global markets, strive to operate in harmony with the environment, and provide economic opportunities and an improved quality of life for American citizens and others worldwide. These factors contribute to unique challenges

related to disparate and disconnected data sources to inform FSC intelligence.

The continuity of critical infrastructure sectors, including the Food and Agriculture Sector, is not a given. (b) (5) [redacted]

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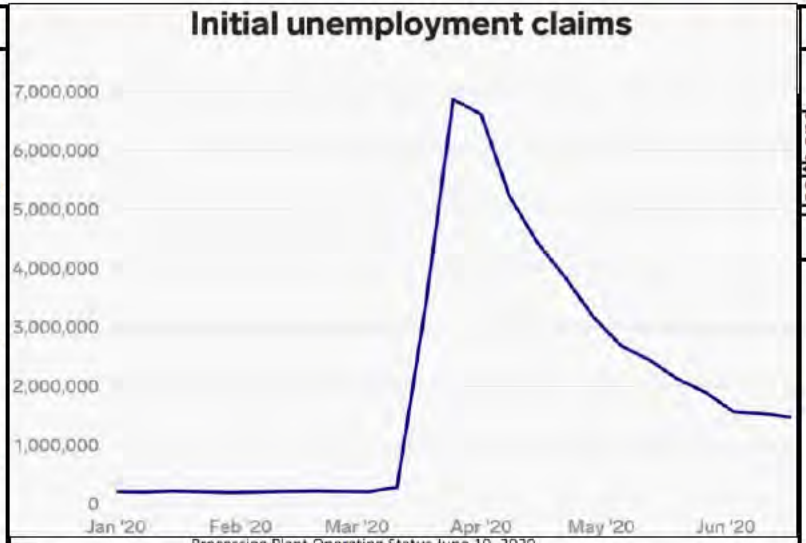
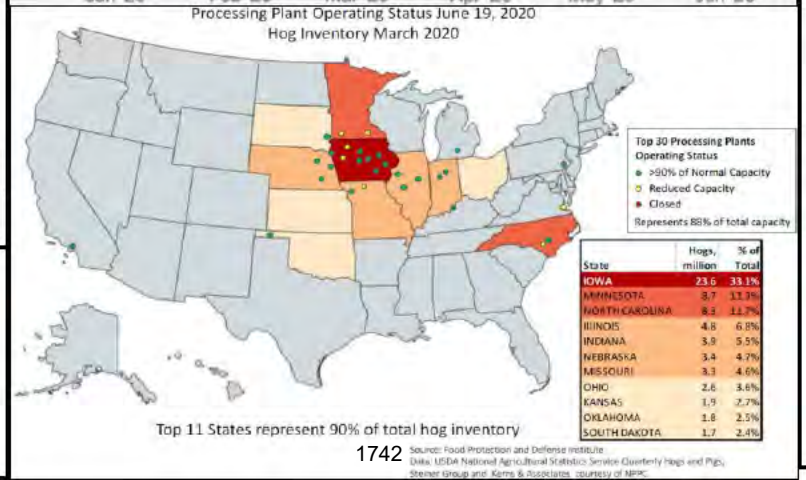
NBEOC Lifeline Snapshot
Coronavirus (COVID-19) – Report #105
June 26, 2020

Business & Industry - Domestic Supply Chains

Background: 1.48M Americans filed for unemployment benefits for the week ending June 20, higher than most economist projections by 200K. While this is the 12th straight weekly decline since first-time claims peaked at 6.9 million at the end of March, it also marks the 2nd week in a row where weekly jobless claims have been higher than estimated. Over the past 14 weeks, more than 47M Americans have filed for unemployment insurance. This is also the 14th straight week that filings remained above 1M. While a number of sectors are seeing increases in revenue, the continuing high claims is a worrying indicator of a plateau or stall in the economy. If the pace of labor market improvement does not accelerate significantly in the next few weeks, more federal stimulus will be needed to keep the economy afloat and on track for recovery. Hot spots of infection may also slow the reopening of the nation as several states have paused re-opening plans in the face of rising infection rates. Unemployed Americans will face a substantial reduction in the unemployment safety net next month as the CARES Act which gives an additional $600 a week to jobless workers, on top of their weekly state benefits is still set to expire after July 31st. National pork overstock estimates are now at 3.5M, lower than the previous week. It is likely that overstock levels will continue to drop as long as instances of infection within industry decline. Overstock estimates do not include depopulation numbers as these are not widely reported publicly.

Lifeline		Status
Safety and Security	US	• 1.48M new jobless claims were filed for the week ending June 20th. More than 47M Americans have applied for unemployment in the last fourteen weeks. • The insured unemployment rate averaged 13.4% for the week ending June 13, a decrease of 0.5% from the previous week's 12.9%. • US GDP contracted by 4% in the first quarter of 2020 and analysts estimate a fall between -36.9% and -45.5% in the second quarter. • The national average price of gasoline has increased for the eighth straight week in a row. U.S. gasoline demand rose 3% versus last week. • Refineries increased utilization by 0.7% from 73.1% to 73.8% of capacity last week to meet growing demand. This is still off from normal seasonal utilization of 80-95%. • Retail sales in May rose 17.7% on a seasonally adjusted basis from April, however they still are down 6.1% year-over-year.
Food, Water, Shelter	US	• US pork processing capacity is at 99% pre-Covid capacity. Overstock estimates of above market weight hogs remained at 3.5M. It is likely that livestock overages will continue into September and October. • CPI for food at home increased 4.8% in the last 12 months. Overall prices for food have risen 0.7% in May.





Lifeline		Status
Health and Medical	US	• Maritime imports of PPE and existing supply chain channels are sufficient to meet national PPE demands. FEMA Project Airbridge will be phased out by the end of the month, however it will remain an open option to expedite deliveries of medical supplies in the event of a second Covid-19 wave.
Transportation	Ground	• The Federal Motor Carrier Administration extended the emergency hours-of-service waiver until July 14th. • National outbound tender volumes continued a resurgence for last week, up 0.84%. The index is still up nearly 8% year-over-year. If consumer spending remains strong, it is expected that volumes will continue to rise. • National outbound tender rejections continued a positive trajectory. The steady rise of this index for the past two months suggests that carriers are beginning to have more choice in the freight and routes they can choose. Trucking capacity is commensurately tightening in many markets across the country.
	Maritime	• At least 200K seafarers working as ship crew have been marooned since the pandemic. Pre-pandemic, some 90-100K monthly crew changes were made. Since the pandemic, crew changes have averaged 15-30K a month. If plans cannot be made to expeditiously change out crews, this could affect global maritime trade and US imports and exports.

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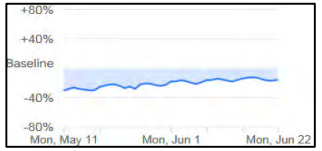
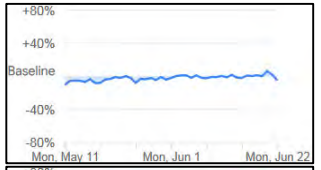
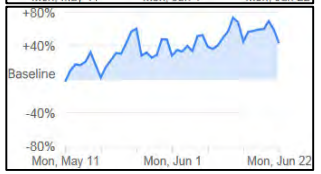
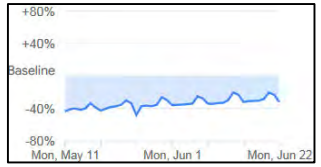
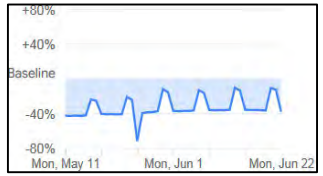
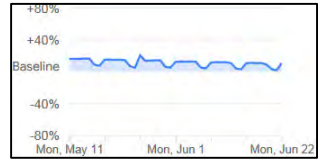
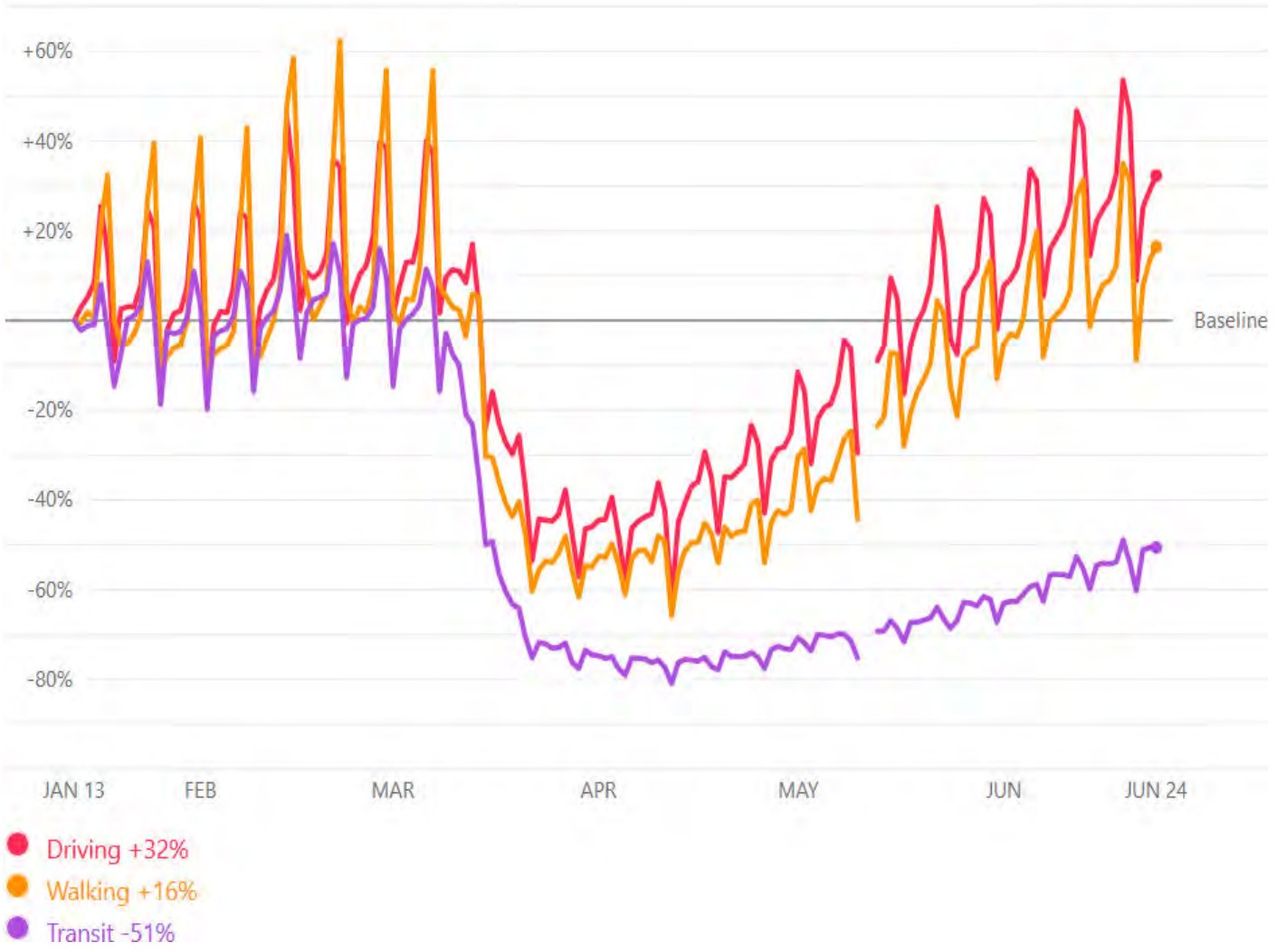
National Mobility Trends*

Google Users Mobility Trends

June 19 - June 22, 2020	Δ From Last Week	
Retail & Recreation -15% → -16%	↓1%	
Grocery & Pharmacy -2%→ -5%	↓3%	
Parks 60% → 43%	↓17%	
Transit Stations -28% → -32%	↓4%	
Workplaces -36% → -38%	↓2%	
Residential 9% → 11%	↑2%	

Apple Maps Users Mobility Trends (June 26, 2020)



*As of 11/2020 Google Maps (154.4 million) and Apple Maps (23.3 million) had over 177.7 million unique users a month. By recognizing trends over time across different categories of places and modalities of travel a better understanding of how and when Americans are transitioning from a shelter-at-home posture to more normal day-to-day activities is possible. **This data should be used in conjunction with other sources, reports and analyses to generate a holistic view of mobility trends and not in isolation.** Google mobility data is also provided state by state and may be found at https://www.google.com/covid19/mobility/. **Information from Google is lagging data.** Apple mobility date is located at https://www.apple.com/covid19/mobility?utm_source=morning_brew.

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Consumer Packaged Goods (CPG) Demand Trends*

CPG Demand: Multi-Outlet & Convenience (June 28, 2020)

2020 Week Ending	03.29	04.05	04.12	04.19	04.26	05.03	05.10	05.17	05.24	05.31	06.07	06.14	06.28 ESTIMATED
Total CPG	112	114	114	101	119	116	117	114	113	111	110	111	105
Total Edible	121	126	127	109	128	123	122	119	118	116	112	112	105
Beverages	99	101	100	98	108	108	110	108	107	109	111	113	104
Frozen	131	135	132	128	149	136	134	130	129	126	120	120	110
General Food	121	124	126	102	121	119	119	116	116	113	110	110	102
Beverage Alcohol	121	128	127	82	131	135	136	130	124	124	125	120	118
Refrigerated	121	128	127	115	134	127	125	120	119	116	115	114	106
Total Non Edible	102	101	100	101	109	107	109	107	106	105	103	106	103
Beauty	90	93	94	97	111	110	114	108	107	105	101	107	102
General Merch	110	110	110	108	119	117	118	113	112	109	107	108	103
Health	101	95	90	91	98	96	100	98	100	99	98	103	100
Home Care	125	118	115	119	130	118	120	119	120	114	110	116	114
Tobacco	94	98	98	100	101	103	103	103	102	103	103	103	102
Fresh Foods*	113	117	119	102	124	123	119	113	113	112	112	108	113
Deli Cheese [1]	116	118	116	106	132	119	117	115	114	112	115	112	114
Deli Meat [1]	108	108	101	102	118	108	107	105	105	106	107	109	107
Deli Prep [1]	64	60	56	59	65	66	69	69	74	74	75	77	74
Floral	87	76	94	91	76	104	103	92	109	103	101	98	94
Meat [2]	138	143	146	118	151	153	143	127	122	120	120	116	122
Produce [2]	109	115	117	104	123	118	118	116	115	113	113	110	115
Bakery [3]	106	108	109	96	111	107	106	105	104	104	104	103	106
Seafood [3]	100	103	119	96	140	140	151	148	151	146	143	124	156

- For the week ending 6/14/20, Total CPG demand levels grew 11% vs. Year At a Glance (YAG), and increased slightly on a sequential basis, ending a four week streak of declining growth rates.
- The sequential improvement was driven by Non-Edible demand (106), which increased 300 basis points from the prior week. Total Edible demand growth remained consistent with the prior week, up 12% vs. YAG.
- Fresh Food demand (108) declined 400 basis points from the prior week, driven by a sequential decline in demand in all Fresh Food categories except Deli Meat (109) and Deli Prep (77).
- Deli Prep (77) continued to show the weakest demand vs. YAG of any category by far, but increased slightly compared to demand for the category measured a week earlier.

CPG Demand: Grocery (June 28, 2020)

2020 Week Ending	03.29	04.05	04.12	04.19	04.26	05.03	05.10	05.17	05.24	05.31	06.07	06.14	06.28 ESTIMATED
Total CPG	128	134	131	118	136	128	127	123	121	119	119	116	109
Total Edible	132	140	136	120	142	130	130	126	124	121	120	117	111
Beverages	113	118	116	108	122	117	119	116	113	116	119	116	108
Frozen	138	144	140	135	154	140	139	134	132	130	127	124	118
General Food	135	142	138	117	141	129	128	125	123	120	118	115	107
Beverage Alcohol	131	140	135	119	140	140	141	135	126	128	128	119	117
Refrigerated	128	137	135	120	141	132	130	124	122	120	120	116	110
Total Non Edible	121	123	118	115	120	116	116	113	112	110	112	109	103
Beauty	112	118	112	115	122	119	122	119	117	115	116	114	104
General Merch	125	129	130	120	130	125	124	118	115	114	115	110	104
Health	117	113	102	102	103	99	102	102	102	102	105	105	100
Home Care	141	141	131	134	132	122	122	121	121	110	113	114	110
Tobacco	99	105	100	99	102	101	101	100	99	100	103	101	102
Fresh Foods*	114	119	123	103	127	125	122	115	115	113	114	108	114
Deli Cheese [1]	116	118	116	106	131	119	117	114	113	110	115	112	113
Deli Meat [1]	107	108	102	104	119	108	106	105	104	106	107	108	106
Deli Prep [1]	62	58	55	59	65	66	69	69	74	75	76	77	75
Floral	83	68	104	80	75	100	103	88	104	102	102	97	94
Meat [2]	138	147	150	118	157	157	148	131	125	123	124	115	123
Produce [2]	112	118	121	106	126	119	119	117	115	114	116	110	115
Bakery [3]	109	113	115	98	116	110	110	108	107	107	109	105	110
Seafood [3]	98	103	119	95	140	140	152	149	152	147	145	124	138

- For the week ending 6/14/20, Total CPG demand grew 16% vs. YAG, but declined 300 basis points from the prior week, continuing a seven week trend of declining or flat growth rates.
- While all departments continue to show growth vs. YAG, demand declined sequentially across Total Edible (117), Total Non-Edible (109) and Fresh Foods (108).
- The only categories to demonstrate demand growth compared to the prior week are Home Care (114), Deli Meat (108) and Deli Prep (77). Health (105) demand remained steady. Demand in every other category declined sequentially.
- The strongest performing categories were Frozen and Seafood, which both grew 24% vs. YAG.

*The IRI CPG Demand Index is calculated weekly from point of sales data of measured retail channels which include convenience and multi-outlets (food, drug, mass, club, dollar, military), including click-and-collect orders for all brick-and-mortar stores, as well as delivery services like Instacart. IRI CPG Demand Index also includes insights into changes in weekly dollar sales by U.S. state and region as well as changes in basket size (the average spending per trip) and trip frequency (how often the shopper makes a purchase in a store or for online orders picked up at the store). Dynamic charts from IRI may be found at https://advantage.iriworldwide.com/Engineering/covid19/.

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Consumer Packaged Goods (CPG) Inflation Trends*

CPG Inflation: Multi-Outlet and Convenience Stores (June 14, 2020)

2020 Week Ending	03.29	04.05	04.12	04.19	04.26	05.03	05.10	05.17	05.24	05.31	06.07	06.14
Total CPG	104	104	104	105	108	107	107	107	107	107	107	106
Total Edible	105	106	107	109	110	109	109	109	108	108	108	108
Beverages	109	110	110	110	111	109	108	108	108	107	107	106
Frozen	108	108	109	112	112	112	111	112	111	110	110	109
General Food	103	104	105	105	107	107	107	107	107	107	107	107
Beverage Alcohol	112	113	112	132	111	112	112	110	109	109	109	107
Refrigerated	110	110	111	113	112	112	110	110	109	109	109	108
Total Non Edible	101	101	102	104	104	104	104	104	104	105	105	105
Beauty	97	98	99	103	103	104	104	104	104	105	105	105
General Merch	103	104	105	110	112	110	110	109	109	108	107	107
Health	104	104	105	106	107	106	107	107	108	109	109	108
Home Care	100	100	101	102	103	103	104	104	103	104	104	106
Tobacco	103	103	103	102	102	101	101	101	101	101	101	101
Fresh Foods*	105	106	107	101	105	108	106	104	105	106	106	106
Deli Cheese [1]	105	106	106	105	104	108	107	107	107	105	106	106
Deli Meat [1]	104	105	104	106	103	105	103	103	103	103	103	104
Deli Prep [1]	101	100	99	100	102	102	102	102	103	103	103	103
Floral [2]	87	92	96	84	91	96	103	100	99	103	105	103
Meat [2]	109	109	114	101	111	114	112	112	114	114	115	114
Produce [2]	99	100	99	98	98	99	99	100	99	100	101	100
Bakery [2]	108	110	112	106	109	111	110	109	109	110	111	109
Seafood [2]	103	103	102	114	106	108	108	105	106	104	107	103

- For the week ending 6/14/20, average price per unit of Total CPG (up 6% vs. Year At a Glance [YAG]) dropped slightly after six consecutive weeks of remaining up 7% vs. YAG.
- Edible inflation (up 8% vs. YAG) continues to outpace Non-Edible inflation (up 5% vs. YAG), as it has for every week since at least late-March.
- General Food (107) was the only category in the Total Edible (108) department where inflation stayed level with the week prior, all other categories dropped slightly.
- Meat (114) continues to show the highest inflation of any category vs. YAG, however it dropped slightly compared to the week prior (115).
- Produce is the only category where average price per unit is consistent with YAG, all other categories across departments showed an increase.

CPG Inflation: Grocery (June 14, 2020)

2020 Week Ending	03.29	04.05	04.12	04.19	04.26	05.03	05.10	05.17	05.24	05.31	06.07	06.14
Total CPG	107	108	109	111	110	110	109	110	109	109	109	108
Total Edible	106	107	109	112	111	110	109	110	109	109	109	108
Beverages	111	112	112	112	113	110	109	109	109	108	108	107
Frozen	109	108	110	115	112	112	112	112	112	110	111	110
General Food	104	105	106	109	109	108	107	108	107	107	108	107
Beverage Alcohol	109	110	111	109	110	109	109	108	108	108	108	107
Refrigerated	111	112	113	116	114	114	112	112	111	111	111	109
Total Non Edible	106	106	107	110	108	108	108	110	108	108	109	108
Beauty	100	101	102	104	105	105	104	106	104	104	106	106
General Merch	109	110	114	117	116	115	114	115	114	112	112	111
Health	106	108	108	108	106	107	108	109	107	108	108	106
Home Care	105	103	106	105	104	103	106	107	104	107	108	110
Tobacco	110	111	111	110	110	110	109	109	109	109	110	109
Fresh Foods*	105	107	107	101	105	108	107	105	106	106	107	105
Deli Cheese [1]	105	106	106	105	104	108	107	107	107	105	106	105
Deli Meat [1]	104	105	105	107	104	106	104	103	103	104	103	104
Deli Prep [1]	97	96	95	96	97	98	98	97	98	98	98	98
Floral [2]	92	100	96	86	92	96	104	96	98	101	104	102
Meat [2]	110	111	116	100	113	116	116	115	118	116	117	115
Produce [2]	101	102	101	101	99	100	100	100	100	101	102	101
Bakery [2]	110	112	114	108	112	113	113	112	112	112	113	111
Seafood [2]	103	103	102	116	106	108	109	106	107	104	108	103

- For the week ending 6/14/20, Total CPG inflation (up 8% vs. YAG) declined on a sequential basis. This was driven by small drops in inflation across every department, particularly Fresh Foods (105), which saw average price per unit drop 200 basis points compared to the week prior.
- The sequential drop in average price per unit of Fresh Foods (105) was driven by dips in every category except Deli Meat (104).
- Within Non-Edible (108), Home Care (110) was the only category that saw average price per unit increase on a sequential basis.
- Meat (115) continues to show the highest level of inflation of any category. However, it dropped 200 basis points on sequential basis, continuing a downward trend that began the week ending 5/31.

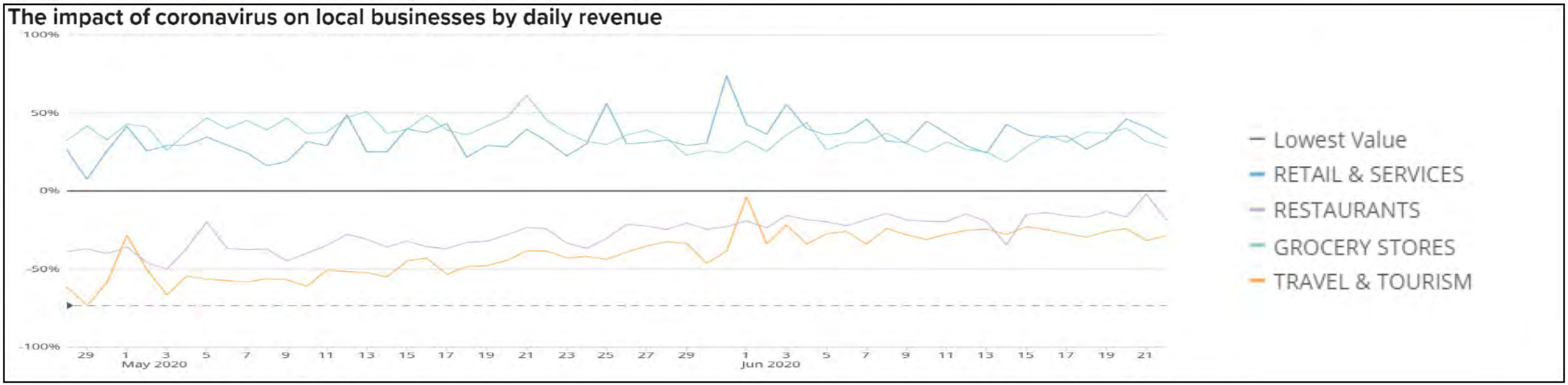
*The IRI CPG Inflation Tracker™ provides the well-known price per unit metric for tracking changes in pricing of consumer packaged goods. It provides weekly changes in consumer prices, price per unit against the year-ago period across departments including fixed and random weight products, grocery aisles and retail formats. Price per unit changes can be due to one or more of four factors: list price changes, changes in price promotions, trading up or down to higher or lower priced products, and finally, purchasing of larger or smaller packages. The IRI CPG Inflation Tracker™ is calculated from point of sales data of measured retail channels which include convenience and multi-outlets (food, drug, mass, club, dollar, military), including click-and-collect orders for all brick-and-mortar stores, as well as delivery services like Instacart. Dynamic charts from IRI may be found at https://advantage.iriworldwide.com/Engineering/covid19/.

NBEOC
National Business Emergency Operations Center
FEMA

NBEOC Lifeline Snapshot
Coronavirus (COVID-19) – Report #105
June 26, 2020

National Impacts on Business Revenue

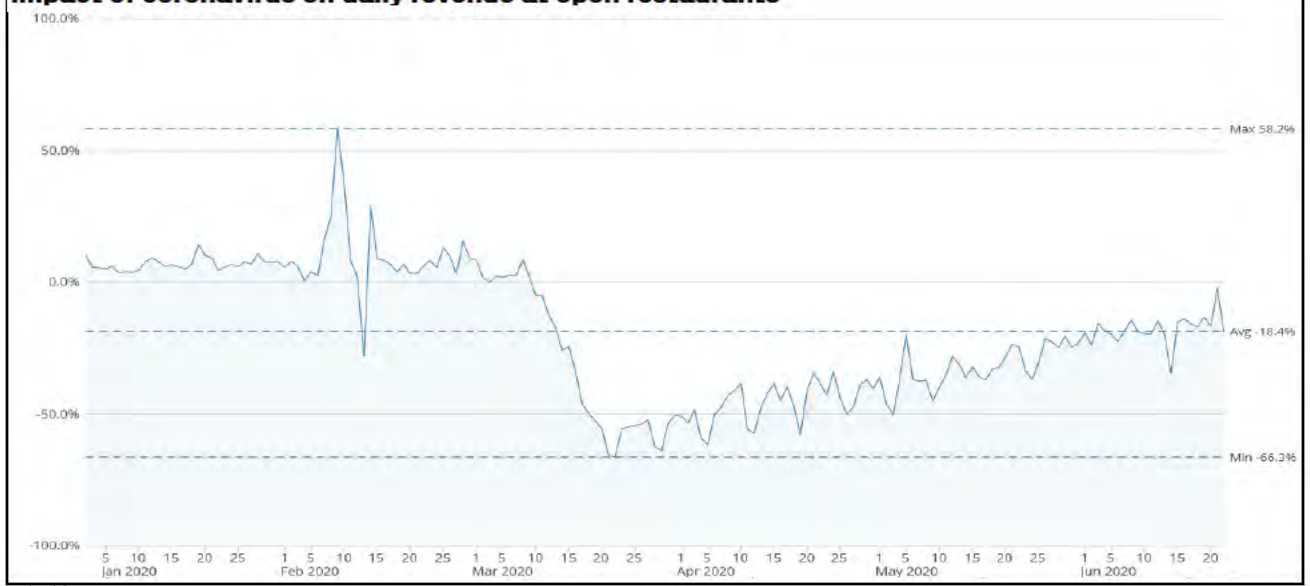
The impact of coronavirus on local businesses by daily revenue



Impact of coronavirus on daily revenue at open grocery stores



Impact of coronavirus on daily revenue at open restaurants



Charts from https://www.womply.com/blog/data-dashboard-how-coronavirus-covid-19-is-impacting-local-business-revenue-across-the-u-s/;

FEMA NBEOC National Business Emergency Operations Center

NBEOC Lifeline Snapshot
Coronavirus (COVID-19) – Report #105
June 26, 2020

MAX Dashboard Ticket Results

TODAY- 8 PROCESSED



TYPES OF INQURIES

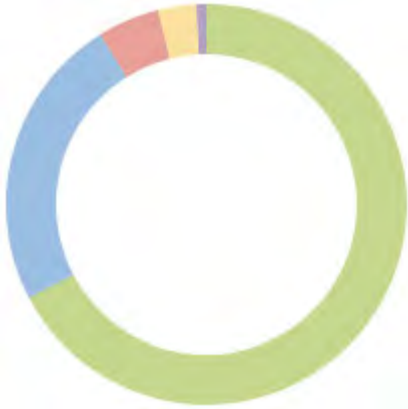
4 (50%)	Request for Information
3 (38%)	Status Update
1 (12%)	Offer of Support



STATUS OF TICKETS

3 (38%)	Resolved
3 (38%)	Waiting For Support
1 (12%)	Waiting For Customer
1 (12%)	In Progress

TOTAL TICKETS- 7095 PROCESSED



TYPES OF INQURIES

4494 (63%)	Offers of Support
1693 (24%)	Requests for Information
504 (7%)	Status Update
349 (5%)	NBEOC Membership Request
55 (1%)	Meeting Request



STATUS OF TICKETS

6836 (96%)	Resolved
146 (2%)	Waiting For Support
81 (1%)	In Progress
23 (1%)	Waiting For Customer
9 (1%)	Closed

From:	Mccoy, Todd - OHS, Washington, DC
To:	Mccoy, Todd - OHS, Washington, DC
Subject:	IFSCT Meeting July 14 Follow Up
Date:	Tuesday, July 14, 2020 4:43:37 PM
Attachments:	IFSCT SOC 07142020.docx IFSCT Briefing 07142020.pptx

IFSCT Members,

Thank you for your participation on this morning's call. Attached is the briefing we discussed and a summary of what we covered. Below are links to the two media articles Dr. McElroy referenced in her out brief.

Please keep in mind these media articles are based on a "preprint" version of an USAMRIID research paper, meaning that the research paper has <u>not</u> gone through a formal peer review or publication process:

- **South China Morning Post**: Coronavirus can live for four days on animal skin: US military study July 6, 2020

- **SWARAJYA**: Coronavirus Can Stay Active On Animal Skin For Four Days, Meatpacking Plants Could Facilitate Virus Spread: US Army Study July 7, 2020

If you would like more information about the preprint USAMRIID research, please reach out to Dr. McElroy directly:

Dr. Kristina McElroy, DVM, MPH, DACVPM
Veterinary Public Health Officer
Veterinary DSCA (Defense Support of Civil Authorities) & Interagency Coordinator | DOD - DHA - Veterinary Services kristina.m.mcelroy2.civ@mail.mil
O: 703-681-0497 (DSN 761-0497)
Mobile: (b) (6) (VM and text enabled)
SIPR: Kristina.m.mcelroy2.civ@mail.smil.mil

Again thank you for your participation this morning. Please feel free to reach out to me if you have questions about the attachments, or suggestions on how we should move forward.

Best,
Todd

Todd McCoy
Emergency Management and Homeland Security Branch Chief (Acting)
Animal and Plant Health Inspection Service
United States Department of Agriculture
O: 202.720.5886
M: (b) (6)

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From: Brashears, Mindy - OSEC, Washington, DC
To: Yiannas, Frank
Cc: Sweatt, Loren E. - OSHA
Subject: Introductions
Date: Thursday, May 14, 2020 1:48:35 PM

Frank,
I have copied Loren Sweatt on this email. The two of you may already know each other.

Loren has been very helpful with us in addressing OSHA needs through the Executive Order and as we move forward with re-opening our meat and poultry establishments.

LOREN…Frank will be overseeing the re-opening of FDA operations under the EO. I am sure he will want to coordinate with you or other members of your team.

Thank you.

Mindy Brashears

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From: Sweatt, Loren E. - OSHA
To: Newsome, Shawna - OSEC, Washington, DC
Cc: Pearce, Krisann - OSHA
Subject: Is there any way to answer these questions?
Date: Sunday, May 24, 2020 2:19:05 PM

---

1. (b) (5) [redacted]
2. (b) (5) [redacted]

From:	Brown, Christopher K. - OSHA
To:	Fantinato, Jessica - OHS, Washington, DC; Stiefel, David - OHS, Washington, DC
Cc:	Sweatt, Loren E. - OSHA; Edens, Mandy - OSHA; Levinson, Andrew - OSHA
Subject:	Meatpacking guidance
Date:	Saturday, April 11, 2020 3:49:42 PM

Hi Jessica and David,

OSHA is looking for a USDA contact who could tell us if your agency is doing anything on meatpacking worker safety during the COVID-19 pandemic. We're interested to hear about any guidance in the works similar to what FDA recently put out for supermarkets and food retail.

See: https://www.washingtonpost.com/news/voraciously/wp/2020/04/10/fda-issues-new-supermarket-food-retail-safety-guidelines-to-protect-workers-customers/?itid=hp_rhp-top-table-low_fda-725am%3Ahomepage%2Fstory-ans

Thanks,
Chris

Get Outlook for iOS

From:	Sweatt, Loren E. - OSHA
To:	Newsome, Shawna - OSEC, Washington, DC; Pearce, Krisann - OSHA
Subject:	RE: Ag Approps language
Date:	Wednesday, July 8, 2020 11:52:50 AM

From last year's bill. See highlight. They removed it in this year's draft says our OCIA.

https://www.congress.gov/116/plaws/publ94/PLAW-116publ94.pdf

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
SALARIES AND EXPENSES
For necessary expenses for the Occupational Safety and Health Administration, $581,787,000, including not to exceed $108,575,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the ''Act''), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $499,000 per fiscal year of training institute course tuition and fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education: *Provided*, That notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, 2020, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees:

From: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Sent: Wednesday, July 8, 2020 11:46 AM
To: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>; Pearce, Krisann - OSHA <Pearce.Krisann@dol.gov>
Subject: Ag Approps language

SEC. 751. (a) The Secretary of Agriculture, acting through the Administrator of the Food Safety and Inspection Service, shall—
(1) revoke any line speed waivers issued to a processor subject to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) during the period beginning on or after the first day of the COVID-19 emergency period and ending on the date of the enactment of this Act; and
(2) subject to subsection (b), not issue any such waivers on or after such date of enactment, for the duration of the COVID-19 emergency period.
(b) Notwithstanding subsection (a), the Secretary may issue a line speed waiver to a processor

referred to in such subsection, if such processor—
(1) agrees to an inspection for such purpose conducted by the Assistant Secretary of Labor for Occupational Safety and Health; and
(2) the Assistant Secretary certifies to the Secretary of Agriculture that any increases in line speed at such processor's facilities would not have an adverse impact on worker safety.
(c) For purposes of this section, the term ''COVID-19 emergency period'' has the meaning given the term ''emergency period'' in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)).

Shawna Newsome
Chief of Staff
Office of Food Safety, USDA
1400 Independence Ave., SW
Washington, D.C. 20250
Cell: (202) 684-5522
Email: shawna.newsome@usda.gov

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From: Newsome, Shawna - OSEC, Washington, DC
To: Pearce, Krisann - OSHA
Subject: Re: attestation question
Date: Friday, May 15, 2020 4:36:00 PM

Yeah I think that's fine.

Shawna Newsome
Office of Food Safety, USDA
Cell: (202) 684-5522

From: Pearce, Krisann - OSHA <Pearce.Krisann@dol.gov>
Sent: Friday, May 15, 2020 3:56:15 PM
To: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Subject: attestation question

We ran the attestation by dr. howard at cdc. (b) (5) [redacted]?

h. (b) (5) [redacted].

Thanks!

-k

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From:	Reed, Jeremy Todd - FSIS
To:	Pearce, Krisann - OSHA
Cc:	Nintemann, Terri - FSIS; Newsome, Shawna - OSEC, Washington, DC
Subject:	RE: attestation
Date:	Thursday, May 7, 2020 10:56:31 AM
Attachments:	CovidAttestation comments5.5 1020 5 6 20 - jtrAR.docx Draft USDAOSHA Attestation Letter 5-7-20.docx

Krisann,

Attached are two documents. The first is the attestation form with the recommended edits that we discussed. The second document is a draft letter that would be sent to establishments explaining what the form is and providing instructions to them. Please let us know if you have any comments or concerns with the letter.

In regard to the Paperwork Reduction Act, our POC is Gina Kouba gina.kouba@usda.gov. She is available to provide information to the submission to OMB if needed.

We're updating the list of establishments now, and I'll send that to you soon.

I think that is everything, but let us know if there is anything else.

V/r,

Todd

_____

Jeremy "Todd" Reed
Chief Operating Officer
Food Safety and Inspection Service, USDA

1400 Independence Ave, SW
Room 339-E, J.L. Whitten Building
Washington, DC 20250
(b) (6)
jeremy.reed@usda.gov

From: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Sent: Wednesday, May 6, 2020 6:51 PM
To: Pearce, Krisann - OSHA <Pearce.Krisann@dol.gov>
Cc: Reed, Jeremy Todd - FSIS <jeremy.reed@usda.gov>; Nintemann, Terri - FSIS <terri.nintemann@usda.gov>
Subject: RE: attestation

Thank you! Looping in Todd and Terri who can get the info we promised you. Thanks!

Shawna Newsome
Office of Food Safety

Cell: (202) 684-5522

From: Pearce, Krisann - OSHA <Pearce.Krisann@dol.gov>
Sent: Wednesday, May 6, 2020 6:46 PM
To: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Cc: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Subject: attestation

Follow ups from today's call

To confirm, here's the correct email address – FSIS-Attest@dol.gov

And thanks in advance for sending over the edit to the form and the list of 6500ish entities.

And I'll get the regional contact info for you. It may be in what loren send earlier, but I'll confirm.

-krisann

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From:	Reed, Jeremy Todd - FSIS
To:	Pearce, Krisann - OSHA
Cc:	Nintemann, Terri - FSIS; Newsome, Shawna - OSEC, Washington, DC; Sweatt, Loren E. - OSHA
Subject:	RE: attestation
Date:	Thursday, May 7, 2020 5:15:42 PM
Attachments:	AllMPIByEstName.xls

Attached is the FSIS establishment list.

Additionally, as we discussed, FSIS updates our establishment list on a monthly basis on our website. The link is below.
https://www.fsis.usda.gov/wps/portal/fsis/topics/inspection/mpi-directory

V/r,

Todd

_____

Jeremy "Todd" Reed
Chief Operating Officer
Food Safety and Inspection Service, USDA

1400 Independence Ave, SW
Room 339-E, J.L. Whitten Building
Washington, DC 20250
(b) (6)
jeremy.reed@usda.gov

From: Pearce, Krisann - OSHA <Pearce.Krisann@dol.gov>
Sent: Thursday, May 7, 2020 11:04 AM
To: Reed, Jeremy Todd - FSIS <jeremy.reed@usda.gov>
Cc: Nintemann, Terri - FSIS <terri.nintemann@usda.gov>; Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>; Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Subject: RE: attestation

Thanks!! And here's the region contact info

-k

From: Reed, Jeremy Todd - FSIS <jeremy.reed@usda.gov>
Sent: Thursday, May 7, 2020 10:56 AM
To: Pearce, Krisann - OSHA <Pearce.Krisann@dol.gov>
Cc: Nintemann, Terri - FSIS <terri.nintemann@usda.gov>; Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Subject: RE: attestation

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V/r,

Todd

_____

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Chief Operating Officer
Food Safety and Inspection Service, USDA

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Washington, DC 20250
(b) (6)
jeremy.reed@usda.gov

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Sent: Wednesday, May 6, 2020 6:51 PM
To: Pearce, Krisann - OSHA <Pearce.Krisann@dol.gov>
Cc: Reed, Jeremy Todd - FSIS <jeremy.reed@usda.gov>; Nintemann, Terri - FSIS <terri.nintemann@usda.gov>
Subject: RE: attestation

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Shawna Newsome
Office of Food Safety
Cell: (202) 684-5522

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Sent: Wednesday, May 6, 2020 6:46 PM
To: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Cc: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>

Subject: attestation

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-krisann

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From:	Newsome, Shawna - OSEC, Washington, DC
To:	Kitt, Margaret (CDC/NIOSH/OD); Walke, Henry (CDC/DDID/NCEZID/DPEI); Brashears, Mindy - OSEC, Washington, DC; Sweatt, Loren E. - OSHA; Hearl, Frank J. (CDC/NIOSH/OD)
Cc:	Beal, Mary Dee - OSEC, Washington, DC; Shuford, Campbell - OSEC, Washington, DC
Subject:	RE: Discussion on EO
Date:	Wednesday, April 29, 2020 4:09:20 PM
Attachments:	image001.png

Hey all – I will send an invite out now for the 4:30 call.

Shawna Newsome
Office of Food Safety
Cell: (202) 684-5522

From: Kitt, Margaret (CDC/NIOSH/OD) <ajy8@cdc.gov>
Sent: Wednesday, April 29, 2020 4:08 PM
To: Walke, Henry (CDC/DDID/NCEZID/DPEI) <hfw3@cdc.gov>; Brashears, Mindy - OSEC, Washington, DC <Mindy.Brashears@usda.gov>; Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>; Hearl, Frank J. (CDC/NIOSH/OD) <fjh1@cdc.gov>
Cc: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>; Beal, Mary Dee - OSEC, Washington, DC <MaryDee.Beal@usda.gov>; Shuford, Campbell - OSEC, Washington, DC <campbell.shuford@usda.gov>
Subject: RE: Discussion on EO

Mindy,
Frank Hearl, NIOSH Chief of Staff, will be our POC for this potential effort so looping him in here.

Frank,
Please note they are hoping to have a call at 430 today.
Margaret

Margaret M. Kitt, MD, MPH
Rear Admiral (Retired), United States Public Health Service
Deputy Director for Program
National Institute for Occupational Safety and Health
304-285-6368

From: Walke, Henry (CDC/DDID/NCEZID/DPEI) <hfw3@cdc.gov>
Sent: Wednesday, April 29, 2020 3:57 PM
To: Brashears, Mindy - OSEC, Washington, DC <Mindy.Brashears@usda.gov>; Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Cc: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>; Beal, Mary Dee - OSEC, Washington, DC <MaryDee.Beal@usda.gov>; Shuford, Campbell - OSEC, Washington, DC <campbell.shuford@usda.gov>; Kitt, Margaret (CDC/NIOSH/OD) <ajy8@cdc.gov>
Subject: RE: Discussion on EO

I can make 430 or make sure we have the right CDC person on the call. Adding Margaret Kitt from CDC. Henry

---

From: Brashears, Mindy - OSEC, Washington, DC <Mindy.Brashears@usda.gov>
Sent: Wednesday, April 29, 2020 3:51 PM
To: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>; Walke, Henry (CDC/DDID/NCEZID/DPEI) <hfw3@cdc.gov>
Cc: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>; Beal, Mary Dee - OSEC, Washington, DC <MaryDee.Beal@usda.gov>; Shuford, Campbell - OSEC, Washington, DC <campbell.shuford@usda.gov>
Subject: RE: Discussion on EO

Loren
Since we haven't heard back from Henry yet, can you let me know your availability in the morning?
Thanks.
Mindy

From: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Sent: Wednesday, April 29, 2020 2:52 PM
To: Brashears, Mindy - OSEC, Washington, DC <Mindy.Brashears@usda.gov>; hwalke@cdc.gov
Cc: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>; Beal, Mary Dee - OSEC, Washington, DC <MaryDee.Beal@usda.gov>; Shuford, Campbell - OSEC, Washington, DC <campbell.shuford@usda.gov>
Subject: RE: Discussion on EO

I could do a call at 4:30.

From: Brashears, Mindy - OSEC, Washington, DC <Mindy.Brashears@usda.gov>
Sent: Wednesday, April 29, 2020 2:29 PM
To: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>; hwalke@cdc.gov
Cc: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>; Beal, Mary Dee - OSEC, Washington, DC <MaryDee.Beal@usda.gov>; Shuford, Campbell - OSEC, Washington, DC <campbell.shuford@usda.gov>
Subject: Discussion on EO

Loren and Henry,
Would the two of you be able to have a quick phone call today to discuss the implementation plan for the President's Executive Order for re-opening meat and poultry facilities? Your participation and insight is highly valuable. If you could let me know times that work for your schedule, we can get it set up.
Thanks.
Mindy Brashears

Mindy M. Brashears, Ph.D.

Under Secretary of Food Safety
United States Department of Agriculture

Office: (202) 720-0350
Mobile: (202)794-4587
mindy.brashears@usda.gov

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From:	Newsome, Shawna - OSEC, Washington, DC
To:	Sweatt, Loren E. - OSHA; Brashears, Mindy - OSEC, Washington, DC; hwalke@cdc.gov
Cc:	Beal, Mary Dee - OSEC, Washington, DC; Shuford, Campbell - OSEC, Washington, DC
Subject:	RE: Discussion on EO
Date:	Wednesday, April 29, 2020 2:53:33 PM
Attachments:	image001.png

Any chance 5:30 works for the group?

Shawna Newsome
Office of Food Safety
Cell: (202) 684-5522

From: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Sent: Wednesday, April 29, 2020 2:52 PM
To: Brashears, Mindy - OSEC, Washington, DC <Mindy.Brashears@usda.gov>; hwalke@cdc.gov
Cc: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>; Beal, Mary Dee - OSEC, Washington, DC <MaryDee.Beal@usda.gov>; Shuford, Campbell - OSEC, Washington, DC <campbell.shuford@usda.gov>
Subject: RE: Discussion on EO

I could do a call at 4:30.

From: Brashears, Mindy - OSEC, Washington, DC <Mindy.Brashears@usda.gov>
Sent: Wednesday, April 29, 2020 2:29 PM
To: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>; hwalke@cdc.gov
Cc: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>; Beal, Mary Dee - OSEC, Washington, DC <MaryDee.Beal@usda.gov>; Shuford, Campbell - OSEC, Washington, DC <campbell.shuford@usda.gov>
Subject: Discussion on EO

Loren and Henry,
Would the two of you be able to have a quick phone call today to discuss the implementation plan for the President's Executive Order for re-opening meat and poultry facilities? Your participation and insight is highly valuable. If you could let me know times that work for your schedule, we can get it set up.
Thanks.
Mindy Brashears

Mindy M. Brashears, Ph.D.
Under Secretary of Food Safety
United States Department of Agriculture

Office: (202) 720-0350
Mobile: (202)794-4587



mindy.*brashears*@usda.gov

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From:	Newsome, Shawna - OSEC, Washington, DC
To:	Sweatt, Loren E. - OSHA
Subject:	RE: Draft language
Date:	Tuesday, May 5, 2020 10:59:52 AM

Completely understand. Thanks for the update and working to get this through as expeditiously as possible.

Shawna Newsome
Office of Food Safety
Cell: (202) 684-5522

From: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Sent: Tuesday, May 5, 2020 10:58 AM
To: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Subject: RE: Draft language

(b) (6), (b) (5) [redacted]

From: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Sent: Tuesday, May 5, 2020 8:44 AM
To: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Subject: RE: Draft language

(b) (5) [redacted].

For the below language, it would be to lay out the process and then we would need to send out the form separately (or attached?)

Shawna Newsome
Office of Food Safety
Cell: (202) 684-5522

From: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Sent: Tuesday, May 5, 2020 8:40 AM
To: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Subject: RE: Draft language

(b) (5) [redacted]

(b) (5) [redacted]

It was something I wanted to talk to you about today. Maybe that could added to the attestation?

From: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Sent: Tuesday, May 5, 2020 8:17 AM
To: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Subject: Draft language

DRAFT/DELIBERATIVE

(b) (5) [redacted]

[redacted]

[redacted]

Shawna Newsome
Chief of Staff
Office of Food Safety, USDA
1400 Independence Ave., SW
Washington, D.C. 20250
Cell: (202) 684-5522
Email: shawna.newsome@usda.gov

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From:	Newsome, Shawna - OSEC, Washington, DC
To:	Sweatt, Loren E. - OSHA; Brown, Christopher K. - OSHA
Cc:	Edens, Mandy - OSHA; Pearce, Krisann - OSHA
Subject:	RE: FSIS stakeholder call
Date:	Tuesday, May 19, 2020 10:49:00 AM

Hi all,

We received this question which provides more background on this issue and I wanted to pass it along to you all.

The Executive Order signed by President Trump makes it clear that in addition to taking all reasonable actions to provide for employees' safety, meat and processing facilities are to operate at the maximum capacity possible, within the constraints of imposed by staffing limits. Operating in that manner is important not only for purposes of producing meat and poultry for dinner tables across the country but it is also is critical for livestock producers and the supply chain at large.

Against that background, the guidelines are replete with qualifying terms such as "if feasible" particularly regarding social distancing and the 6ft recommendation. To provide clarity and achieve the goals outlined in the EO, the guidelines set by CDC/OSHA as well as the expectation set by Secretary Perdue, USDA and its partner agencies need to confirm that the term "if possible" means "if possible while also maintaining maximum operating capacity."

Although it may be possible or feasible to maintain social distancing at reduced capacity, it is critical the meat and poultry processing industry continues full production. It may not be possible or feasible to maintain the recommended 6 ft of distance and also run at a speed necessary for maximum output.

Confirmation is needed from federal government that when not possible to maintain 6 ft of distance and run at full capacity, other controls can and should be employed to provide for safe operation. The establishments' specific COVID-19 control and assessment plan should address the controls that establishments will utilize, according to the hierarchy of controls outlined in the CDC/OSHA guidance document. These controls should align with the CDC/OSHA guidance, but employers may need to make adaptations to suit their specific operations.

I would propose editing the question I proposed yesterday a bit to:

Question:
In some areas of meat and poultry processing facilities, social distancing at 6ft of distance may not be feasible in order to maintain continued operation at the maximum capacity possible. In these areas, are other controls, based on the hierarchy of controls outlined in the CDC/OSHA guidance, e.g. PPE, acceptable in order to maintain safe operations at the maximum capacity possible?

Shawna Newsome

Office of Food Safety
Cell: (202) 684-5522

From: Newsome, Shawna - OSEC, Washington, DC
Sent: Monday, May 18, 2020 5:10 PM
To: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>; Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov>
Cc: Edens, Mandy - OSHA <Edens.Mandy@dol.gov>; Pearce, Krisann - OSHA <Pearce.Krisann@dol.gov>
Subject: RE: FSIS stakeholder call

Hi Loren,

Thanks for making the connection. Chris, I'll follow up with you separately about the stakeholder call.

For the FAQ, the question we get asked the most is: For areas in meat processing facilities where social distancing or physical barriers are not feasible in order to maintain continued operation, is PPE, such as face masks and/or face shields, an acceptable alternative?

Shawna Newsome
Office of Food Safety
Cell: (202) 684-5522

From: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Sent: Monday, May 18, 2020 12:01 PM
To: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>; Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov>
Cc: Edens, Mandy - OSHA <Edens.Mandy@dol.gov>; Pearce, Krisann - OSHA <Pearce.Krisann@dol.gov>
Subject: FSIS stakeholder call

Shawna,
As discussed, I've copied Dr. Chris Brown on the email to find a time that works for you to conduct a stakeholder call.
We can also work to provide you the answer on barriers v. PPE.
Thanks.

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penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

To:	Brashears, Mindy - OSEC, Washington, DC
Cc:	Newsome, Shawna - OSEC, Washington, DC
Subject:	RE: Greetings
Date:	Saturday, April 11, 2020 12:51:54 PM

Great to hear from you. OSHA issued this guidance document:
https://www.osha.gov/Publications/OSHA3990.pdf
In Spanish: https://www.osha.gov/Publications/OSHA3992.pdf

And we have being doing quick tips (literally 10-15 seconds) on different issues:
https://www.youtube.com/watch?v=GCglmnV-3M0

From: Brashears, Mindy - OSEC, Washington, DC <Mindy.Brashears@usda.gov>
Sent: Saturday, April 11, 2020 12:40 PM
To: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Cc: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Subject: Re: Greetings

Loren,
Good to hear from you.

We have a set of FAQs and also have been sending out information in our constituent updates each week. We are also having weekly calls with industry.

I appreciate you reaching out and would like to see your guidance documents if you don't mind sharing them.

I've copied Shawna Newsome, my chief, so she can share what we have.

Thanks and stay safe!

Mindy

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From: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Sent: Saturday, April 11, 2020 12:10:08 PM
To: Brashears, Mindy - OSEC, Washington, DC <Mindy.Brashears@usda.gov>
Subject: Greetings

Apologies in advance for intruding on your Saturday.

Is FSIS doing guidance for meat packers in the world of Covid-19? If so, is there anything OSHA can do to be of assistance? We have a lot of guidance documents available already in English and Spanish. Please let me know if there is anything we can do support such an effort.

Thank you for all you're doing,

Loren

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From:	Sweatt, Loren E. - OSHA
To:	Brashears, Mindy - OSEC, Washington, DC
Subject:	RE: Inclement Weather
Date:	Monday, June 1, 2020 9:33:00 AM

Yes, took a while to find the FEMA link.
https://www.fema.gov/media-library-data/1589997234798-adb5ce5cb98a7a89e3e1800becf0eb65/2020_Hurricane_Pandemic_Plan.pdf

From: Brashears, Mindy - OSEC, Washington, DC <Mindy.Brashears@usda.gov>
Sent: Monday, June 1, 2020 9:28 AM
To: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Subject: RE: Inclement Weather

Is this a public document? Can we share it?

From: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Sent: Monday, June 1, 2020 8:59 AM
To: Brashears, Mindy - OSEC, Washington, DC <Mindy.Brashears@usda.gov>
Subject: RE: Inclement Weather

FEMA has some information (attached), but it is more on mass shelter issues. We're trying to figure out if we need a best practice document to address the kind of shelters you all are seeing.

From: Brashears, Mindy - OSEC, Washington, DC <Mindy.Brashears@usda.gov>
Sent: Monday, June 1, 2020 8:42 AM
To: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Subject: RE: Inclement Weather

Any progress on this?
Thanks.

From: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Sent: Thursday, May 28, 2020 8:21 PM
To: Brashears, Mindy - OSEC, Washington, DC <Mindy.Brashears@usda.gov>
Subject: Re: Inclement Weather

Thank you. A very interesting question. I'll get an answer ASAP.

> On May 28, 2020, at 7:58 PM, Brashears, Mindy - OSEC, Washington, DC <Mindy.Brashears@usda.gov> wrote:
>
> Hello Loren! I hope all is well. I appreciate all of your help over the past few weeks.

(b) (5) [redacted]

[redacted]

Thank you.

Mindy.

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From:	Sweatt, Loren E. - OSHA
To:	Brashears, Mindy - OSEC, Washington, DC; Yiannas, Frank
Subject:	RE: Introductions
Date:	Thursday, May 14, 2020 2:15:00 PM

Thanks. I owe Frank an email.

From: Brashears, Mindy - OSEC, Washington, DC <Mindy.Brashears@usda.gov>
Sent: Thursday, May 14, 2020 1:48 PM
To: Yiannas, Frank <Frank.Yiannas@fda.hhs.gov>
Cc: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Subject: Introductions

Frank,
I have copied Loren Sweatt on this email. The two of you may already know each other.

Loren has been very helpful with us in addressing OSHA needs through the Executive Order and as we move forward with re-opening our meat and poultry establishments.

LOREN…Frank will be overseeing the re-opening of FDA operations under the EO. I am sure he will want to coordinate with you or other members of your team.

Thank you.

Mindy Brashears

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From:	Sweatt, Loren E. - OSHA
To:	Newsome, Shawna - OSEC, Washington, DC
Cc:	Pearce, Krisann - OSHA
Subject:	RE: Iowa
Date:	Thursday, June 4, 2020 2:03:29 PM

(b) (5) . I will share with the region.

From: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Sent: Thursday, June 4, 2020 2:02 PM
To: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Cc: Pearce, Krisann - OSHA <Pearce.Krisann@dol.gov>
Subject: RE: Iowa

I did see they expanded on that statement in other outlets:

https://finance.yahoo.com/news/tyson-reinstates-policy-penalizes-absentee-012737585.html

"We're reinstating our standard attendance policy," Tyson spokesperson Gary Mickelson said in an email. "But our position on Covid-19 has not changed: Workers who have symptoms of the virus or have tested positive will continue to be asked to stay home and will not be penalized. They will also continue to qualify for short-term disability pay so they can continue to be paid while they're sick."

Happy to connect the right folks if there are concerns from you all.

Shawna Newsome
Office of Food Safety
Cell: (202) 684-5522

From: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Sent: Thursday, June 4, 2020 1:50 PM
To: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Cc: Pearce, Krisann - OSHA <Pearce.Krisann@dol.gov>
Subject: Iowa

Iowa is a state plan, (b) (6) . We can discuss tomorrow maybe.

- Tyson Foods is reinstating an attendance policy that punishes workers for missing shifts, even as it reports new COVID-19 outbreaks in its Iowa meatpacking plants. Company spokeswoman Liz Croston confirmed to the Des Moines Register on Wednesday that Tyson Foods is returning to the policy it had put on hold in mid-March, when the coronavirus began spreading rapidly through closely spaced workers on the meatpacking lines at Iowa processing plants. Under the policy, employees are assessed points for missing shifts. Those who accumulate too many can be fired.

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From:	Brown, Christopher K. - OSHA
To:	Fantinato, Jessica - OHS, Washington, DC
Subject:	Re: Meatpacking guidance
Date:	Saturday, April 11, 2020 6:06:59 PM
Attachments:	image001.jpg

Excellent, thank you for making the connections.

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From: Fantinato, Jessica - OHS, Washington, DC <jessica.fantinato@usda.gov>
Sent: Saturday, April 11, 2020 5:24:38 PM
To: Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov>; Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>; Stiefel, David - OHS, Washington, DC <david.stiefel@usda.gov>
Cc: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>; Edens, Mandy - OSHA <Edens.Mandy@dol.gov>; Levinson, Andrew - OSHA <Levinson.Andrew@dol.gov>
Subject: RE: Meatpacking guidance

Hey Chris-
Loren Sweatt reached out to Under Secretary Mindy Brashears earlier so the appropriate connection has been made. I have included Shawna Newsome, the Food Safety Mission Area Chief of Staff on this email if you want/need to connect with her.
Thanks for reaching out.
Jessica

Jessica Fantinato

Director
Office of Homeland Security
United States Department of Agriculture

Office: 202.720.2582
Mobile: (b) (6)

USDA Operations Center:
202.720.5711 and OpsCenter@dm.usda.gov

From: Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov>
Sent: Saturday, April 11, 2020 3:50 PM
To: Fantinato, Jessica - OHS, Washington, DC <jessica.fantinato@usda.gov>; Stiefel, David - OHS, Washington, DC <david.stiefel@usda.gov>
Cc: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>; Edens, Mandy - OSHA <Edens.Mandy@dol.gov>; Levinson, Andrew - OSHA <Levinson.Andrew@dol.gov>
Subject: Meatpacking guidance

Hi Jessica and David,

OSHA is looking for a USDA contact who could tell us if your agency is doing anything on meatpacking worker safety during the COVID-19 pandemic. We're interested to hear about any guidance in the works similar to what FDA recently put out for supermarkets and food retail.

See: https://www.washingtonpost.com/news/voraciously/wp/2020/04/10/fda-issues-new-supermarket-food-retail-safety-guidelines-to-protect-workers-customers/?itid=hp_rhp-top-table-low_fda-725am%3Ahomepage%2Fstory-ans

Thanks,
Chris

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From:	Sweatt, Loren E. - OSHA
To:	Hearl, Frank J. (CDC/NIOSH/OD); Newsome, Shawna - OSEC, Washington, DC
Cc:	Pearce, Krisann - OSHA
Subject:	RE: Comments: COVID Questionnaire & Attestation
Date:	Friday, May 15, 2020 3:57:24 PM

(b) (5) [redacted]

From: Hearl, Frank J. (CDC/NIOSH/OD) <fjh1@cdc.gov>
Sent: Friday, May 15, 2020 3:25 PM
To: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Cc: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Subject: FW: Comments: COVID Questionnaire & Attestation

From: Howard, John (CDC/NIOSH/OD) <zkz1@cdc.gov>
Sent: Friday, May 15, 2020 3:16 PM
To: Hearl, Frank J. (CDC/NIOSH/OD) <fjh1@cdc.gov>
Subject: RE: Comments: COVID Questionnaire & Attestation

(b) (5) [redacted]

From: Hearl, Frank J. (CDC/NIOSH/OD) <fjh1@cdc.gov>
Sent: Friday, May 15, 2020 3:01 PM
To: Howard, John (CDC/NIOSH/OD) <zkz1@cdc.gov>
Cc: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Subject: FW: Comments: COVID Questionnaire & Attestation

Can you elaborate?

‹Frank›
Frank J. Hearl
email: fhearl@cdc.gov
phone: 202-245-0652
cell: (b) (6) [redacted]

From: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Sent: Friday, May 15, 2020 2:55 PM
To: Hearl, Frank J. (CDC/NIOSH/OD) <fjh1@cdc.gov>; Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Cc: Edens, Amanda (CDC dol.gov) <edens.mandy@dol.gov>; Brashears, Mindy - OSEC, Washington, DC <Mindy.Brashears@usda.gov>
Subject: RE: Comments: COVID Questionnaire & Attestation

(b) (5) [redacted]

(b) (5) .

Shawna Newsome
Office of Food Safety
Cell: (202) 684-5522

From: Hearl, Frank J. (CDC/NIOSH/OD) <fjh1@cdc.gov>
Sent: Friday, May 15, 2020 2:51 PM
To: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>; Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Cc: Edens, Amanda (CDC dol.gov) <edens.mandy@dol.gov>; Brashears, Mindy - OSEC, Washington, DC <Mindy.Brashears@usda.gov>
Subject: Comments: COVID Questionnaire & Attestation

I shared the document with John Howard. His comments are attached.

<Frank>
Frank J. Hearl
email: fhearl@cdc.gov
phone: 202-245-0652
cell: 2(b) (6)

From: Howard, John (CDC/NIOSH/OD) <zkz1@cdc.gov>
Sent: Friday, May 15, 2020 2:32 PM
To: Hearl, Frank J. (CDC/NIOSH/OD) <fjh1@cdc.gov>
Subject: RE: Questionnaire

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From:	Brashears, Mindy - OSEC, Washington, DC
To:	Newsome, Shawna - OSEC, Washington, DC; Reed, Jeremy Todd - FSIS; Shuford, Campbell - OSEC, Washington, DC; Hearl, Frank J. (CDC/NIOSH/OD); Beal, Mary Dee - OSEC, Washington, DC; Sweatt, Loren E. - OSHA
Subject:	RE: Food Safety eNews - June 8, 2020
Date:	Monday, June 8, 2020 9:24:47 AM

Here is the data from the Midwest Center for Investigative Reporting:

https://investigatemidwest.org/2020/04/16/tracking-covid-19s-impact-on-meatpacking-workers-and-industry/

We need (b) (5) [redacted]

From: Brashears, Mindy - OSEC, Washington, DC
Sent: Monday, June 8, 2020 9:14 AM
To: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>; Reed, Jeremy Todd - FSIS <jeremy.reed@usda.gov>; Shuford, Campbell - OSEC, Washington, DC <campbell.shuford@usda.gov>; Hearl, Frank J. (CDC/NIOSH/OD) <fjh1@cdc.gov>; Beal, Mary Dee - OSEC, Washington, DC <MaryDee.Beal@usda.gov>; Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Subject: FW: Food Safety eNews - June 8, 2020

Please see story #1 about outbreaks a US meatpacking plants.

(b) (5) [redacted]

(b) (5) [redacted]

Please let me know your thoughts on how to do this, what data is available to do this or other ideas.

Thank you.

Mindy

From: Fuller, Stephanie - FSIS <stephanie.fuller@usda.gov>
Sent: Monday, June 8, 2020 7:56 AM
To: FSIS - Food Safety News <Temp-FoodSafetyNews@usda.gov>; Brashears, Mindy - OSEC, Washington, DC <Mindy.Brashears@usda.gov>; Albers, Gregory - FSIS <gregory.albers@usda.gov>; Hanes, Tina - FNS <tina.hanes@usda.gov>; Stanley, Mary - FSIS <mary.stanley@usda.gov>; Lee, Evan - OSEC, Washington, DC <evan.lee@usda.gov>; Norrington, Bryan - ARS

<bryan.norrington@usda.gov>; Newsome, Shawna - OSEC, Washington, DC
<Shawna.Newsome@usda.gov>
Subject: Food Safety eNews - June 8, 2020

Food Safety News

June 8, 2020

Top Stories:

- **Coronavirus outbreaks climb at U.S. meatpacking plants despite protections, Trump order (*USA Today*, Rachel Axon, 6/6)**

  Coronavirus outbreaks at U.S. meatpacking plants continue to soar as the beleaguered industry ramps up production, scales back plant closures and tries to return to normal in the weeks after President Donald Trump declared it an essential operation. Meat production, which had briefly tanked, quickly rebounded after the order to near pre-coronavirus levels and quelled consumer fears of pork, beef and poultry shortages. But the number of coronavirus cases tied to meatpacking plants has more than doubled since then, topping 20,400 infections across 216 plants in 33 states, the Midwest Center for Investigative Reporting found. The joint guidance issued by OSHA and the CDC and cited in Trump's executive order says plants must make only "good faith" efforts to keep workers safe. A month later, it's unclear what, if any, impact the guidelines have had. Officials from OSHA have previously said they can enforce the guidelines under a legal provision that employers have a general duty to provide safe working conditions. But it's unclear how rigorously the USDA follows up with plants to ensure changes have been made.

- **Bill Marler's last word (or maybe not) on the Salmonella petition (*Food Safety News*, Dan Flynn, 6/8)**

  Bill Marler is getting the last word on the petition he filed with USDA's Food Safety and Inspection Service (FSIS) in January, which is on behalf of Rick Schiller, Steven Romes, the Porter Family, Food & Water Watch, Consumer Federation of America, and Consumer Reports. Marler is getting the "last word" in a June 5 letter to Mindy Brashears, USDA's Under Secretary for Food Safety. In it, he provides a "supplement" to the original petition "with additional and updated" information.

- **Slaughterhouse briefly suspended over inhumane slaughter of hog (*The Daily Sentinel*, Dennis Webb, 6/6)**

  A Fruita slaughterhouse's slaughtering and meat-processing operations were briefly suspended after an incident in which a hog was inhumanely killed, having been left conscious and "vocalizing" after a failed initial attempt to stun it, according to a federal agency. The Food Safety and Inspection Service, part of the Department of Agriculture, notified owner Gary Baysinger of Mountain Meat Packing of the suspension April 29. On May 4, the agency ended the suspension after a review of the plant's corrective actions.

Food Safety Related News:

- **Give meat a chance (*Food Safety News*, Guest Contributor, 6/8)**

As to that delicious steak or pork chop you are about to sink your teeth into, do you know where it came from? Will the grocery refrigerated cooler where you purchased that meat be empty tomorrow?

- **WEBINAR: Workers, Food Safety, and the Global Pandemic (*YouTube*, Food & Water Action, 6/5)**
  The COVID-19 outbreak has put essential workers in harm's way. Many workers, including those who work in food production, aren't being provided with the protections they need to be safe, and they're getting sick in record numbers.

- **Summer Food Safety: 9 Tips to Prevent Foodborne Illness (*IFT*, News Desk, 6/5)**
  Incorporate these tips into your plans for outdoor gatherings this summer to help ensure your plans and your food aren't spoiled.

Registration or Subscription Required:

- **Report: DOJ takes action in meatpacking probe (*Agri-Pulse*, Spencer Chase, 6/5)**

The Department of Justice is seeking information from the nation's largest meatpackers, a move that provides further indication of an investigation into the practices of the four major players in the industry.

According to a report from Bloomberg, a source familiar with the matter says DOJ sent civil investigative demands to the so-called "big four" meatpackers: Tyson, JBS, Cargill, and National Beef. The department has not publicly confirmed its investigation into beef packers, but when asked about the disparity between prices in the meat case and prices producers receive for live animals, President Donald Trump said he would "ask the Justice Department to look into it."

"I will ask them to take a very serious look into it, because it shouldn't be happening that way," Trump said in May. "And we want to protect our farmers. But they're looking into that very strongly."

DOJ did not respond to an inquiry from *Agri-Pulse*. Tyson declined to comment; JBS, Cargill, and National Beef did not respond to a request for comment.

Many have long been critical of the meatpacking sector due to the high level of control exerted by a small amount of companies. At the onset of the COVID-19 pandemic, plants were forced to shut down after outbreaks among workers, a move resulting in shrinkage in processing capacity. Prices offered for live cattle fell while retail prices for steaks, roasts, and ground beef rose, leading to calls for an investigation into the pricing practices.

The Department of Agriculture has been investigating beef pricing practices since last year following a fire at a beef packing plant in Holcomb, Kan. That investigation was expanded to include price disparities in the early days of the coronavirus outbreak.

The news comes on the heels of four indictments in a separate investigation into the poultry industry. On Wednesday, a Colorado grand jury indicted executives with Pilgrim's, including current CEO Jayson Penn, and Claxton Poultry Farms stemming from "an ongoing criminal investigation into price fixing and bid rigging involving broiler chickens."

In a statement, Claxton said the "allegations attributed to our company are without merit and we intend to vigorously defend our company and its good name as this process moves forward." Pilgrim's said it takes "this matter very seriously" and "will continue to fully cooperate with the Department of Justice in their investigation."

- **FSIS to expand testing for Shiga toxin-producing E. coli (*Meatingplace*, Susan Kelly, 6/5)**

The Food Safety and Inspection Service (FSIS) has announced plans to expand its routine verification testing for six Shiga toxin-producing Escherichia coli that are adulterants and the adulterant E. coli O157:H7.

The testing is being expanded to cover ground beef, bench trim, and raw ground beef components other than raw beef manufacturing trimmings, product from advanced meat recovery systems, partially defatted chopped beef and partially defatted beef fatty tissue, low temperature rendered lean finely textured beef, and heart meat.

FSIS currently tests only its beef manufacturing trimmings samples for the six non-O157 STEC (O26, O45, O103, O111, O121, or O145) and E. coli O157:H7; all other raw beef products are tested for E. coli O157:H7 only.

FSIS is requesting comments, submitted by Aug. 3, on the proposed sampling and testing of ground beef, bench trim, and other raw ground beef components. FSIS will announce the date it will implement the new testing in a subsequent Federal Register notice.

FSIS also is responding to comments on the Nov. 19, 2014 Federal Register notice titled "Shiga Toxin-Producing Escherichia coli (STEC) in Certain Raw Beef Products." FSIS is making available its updated analysis of the estimated costs and benefits associated with the implementation of its non-O157 STEC testing on raw beef manufacturing trimmings and the expansion of its non-O157 STEC testing to ground beef, bench trim, and other raw ground beef components.

Congressional Summary

June 8, 2020

Legislative Schedule
The House stands adjourned.

The Senate stands adjourned until 3 p.m. with votes starting at 5:30 p.m.

Hearings and Markups
None to report.

Other News
None to report.

Stephanie Fuller
Digital and Executive Communications Staff
Office of Public Affairs and Consumer Education
Food Safety and Inspection Service, USDA
Room 1175 South Building
Washington, DC 20250
Phone: (202) 690-2438
E-mail: stephanie.fuller@usda.gov

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From: Mccoy, Todd - OHS, Washington, DC
To: Mccoy, Todd - OHS, Washington, DC
Subject: RE: IFSCT Call - Follow Up & Feedback Requested
Date: Wednesday, July 1, 2020 10:33:36 AM

IFSCT Members – Just a reminder, please click here provide your feedback on the way forward for the IFSCT. The working group may meet as early as tomorrow morning, and we want to make sure your feedback is considered in our initial discussion.

From: Mccoy, Todd - OHS, Washington, DC
Sent: Tuesday, June 30, 2020 2:15 PM
To: Mccoy, Todd - OHS, Washington, DC <todd.mccoy@usda.gov>
Subject: IFSCT Call - Follow Up & Feedback Requested

IFSCT Members,

Below are two follow up items and one action item from this morning's call:

- Attached is the National Business Emergency Operations Center (NBEOC) Snapshot referenced in our discussion.
- Protecting Seafood Processing Workers from COVID-19 – This is the recent guidance for seafood industry employers that was developed jointly by CDC, OSHA and FDA.
- **ACTION** – If you cannot participate in the smaller working group session, we still want to hear from you.
  - Click here to provide your feedback on the IFSCT.

Thank you for your continued efforts; your dedication to this critical work is greatly appreciated.

Best,
Todd

Todd McCoy
Emergency Management and Homeland Security Branch Chief (Acting)
Animal and Plant Health Inspection Service
United States Department of Agriculture
O: 202.720.5886
M: (b) (6)

-----Original Appointment-----
From: Mccoy, Todd - OHS, Washington, DC
Sent: Tuesday, June 16, 2020 10:16 AM
To: Interagency Food Supply Chain Team
Subject: USDA ESF #11 Interagency Food Supply Chain Team
When: Tuesday, June 30, 2020 8:00 AM-8:30 AM (UTC-05:00) Eastern Time (US & Canada).
Where: (b) (6)

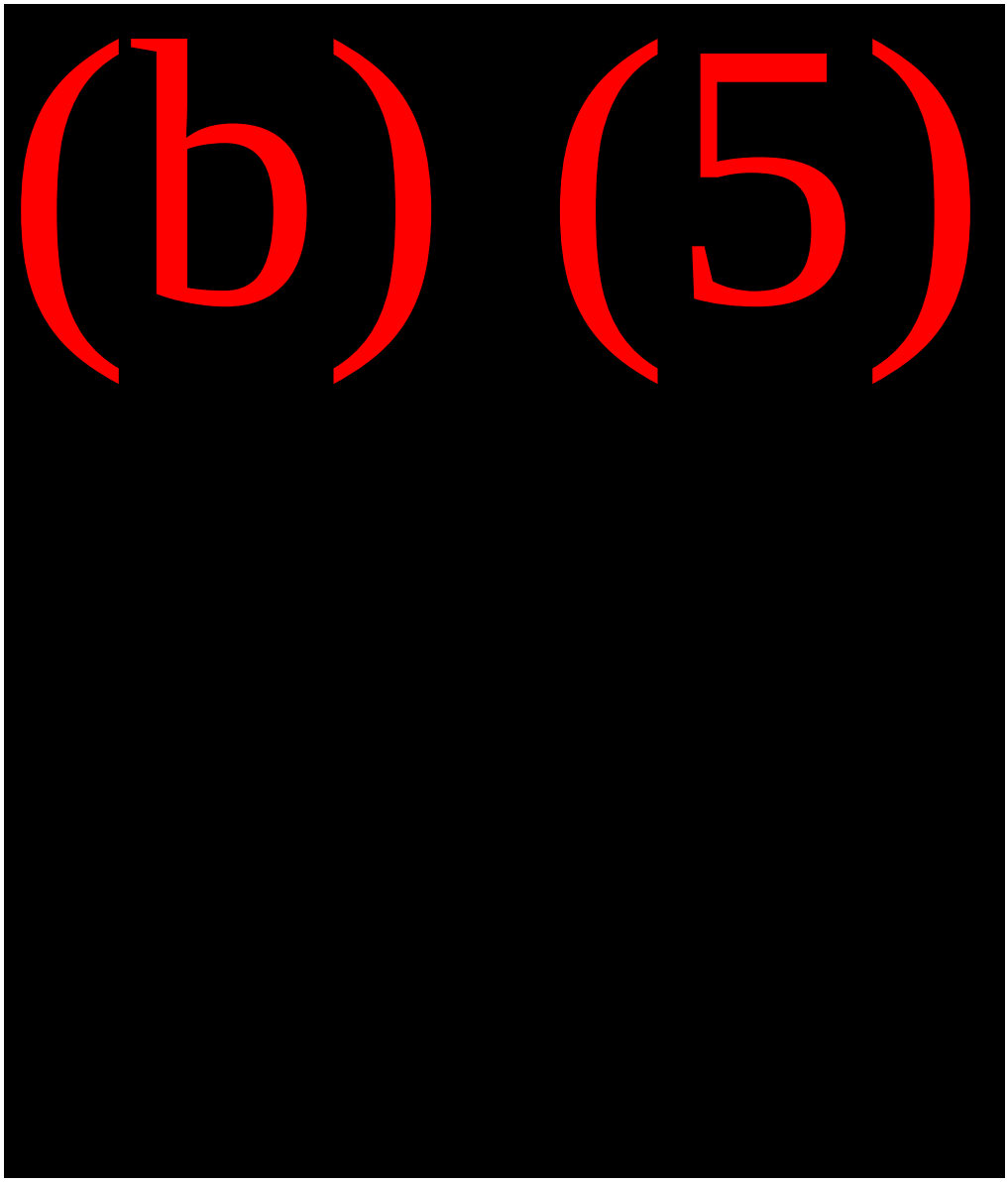
Purpose: (b) (5)

(b) (5)

Frequency: Every Tuesday (weekly) from 8:00 AM to 8:30 AM ET.

Location: (b) (6)

Agenda:



Background: The global COVID-19 pandemic and cascading supply chain impacts are unprecedented and there are unique challenges to the Food and Agriculture (FA) Sector including but not limited to worker safety; depopulation and carcass disposal; food production and processing; supply/demand/distribution; food security; cross-sector interdependencies;

and related.

The FA Sector is composed of complex production, processing, and delivery systems and has the capacity to feed people and animals both within and beyond the boundaries of the United States. These food and agriculture systems are almost entirely under private ownership, operate in highly competitive global markets, strive to operate in harmony with the environment, and provide economic opportunities and an improved quality of life for American citizens and others worldwide. These factors contribute to unique challenges related to disparate and disconnected data sources to inform FSC intelligence.

The continuity of critical infrastructure sectors, including the Food and Agriculture Sector, is not a given. (b) (5) [redacted]

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From:	Newsome, Shawna - OSEC, Washington, DC
To:	Sweatt, Loren E. - OSHA
Cc:	Reed, Jeremy Todd - FSIS; Nintemann, Terri - FSIS
Subject:	RE: language for constituent update
Date:	Friday, May 8, 2020 7:44:17 PM
Attachments:	Implementation of Executive Order 13917.docx

I agree! Attached is the article that went out today to industry stakeholders.

Shawna Newsome
Office of Food Safety
Cell: (202) 684-5522

From: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Sent: Friday, May 8, 2020 2:54 PM
To: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Cc: Reed, Jeremy Todd - FSIS <jeremy.reed@usda.gov>; Nintemann, Terri - FSIS <terri.nintemann@usda.gov>
Subject: RE: language for constituent update

Can you send us a copy for our files? Really appreciate the cooperative efforts!!

From: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Sent: Friday, May 8, 2020 2:53 PM
To: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Cc: Reed, Jeremy Todd - FSIS <jeremy.reed@usda.gov>; Nintemann, Terri - FSIS <terri.nintemann@usda.gov>
Subject: RE: language for constituent update

Ok great. that will be going out today. Thanks!

Shawna Newsome
Office of Food Safety
Cell: (202) 684-5522

From: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Sent: Friday, May 8, 2020 2:47 PM
To: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Cc: Reed, Jeremy Todd - FSIS <jeremy.reed@usda.gov>; Nintemann, Terri - FSIS <terri.nintemann@usda.gov>
Subject: RE: language for constituent update

Apologies for the delay. Please share with stakeholders!

From: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Sent: Friday, May 8, 2020 12:58 PM
To: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Cc: Reed, Jeremy Todd - FSIS <jeremy.reed@usda.gov>; Nintemann, Terri - FSIS <terri.nintemann@usda.gov>
Subject: language for constituent update

Loren ,

May we use this language in a note that we are sending out to our stakeholders today?

OSHA has an extensive consultation program that offers no-cost and confidential occupational health and safety services in all 50 states. Though usually aimed at small- and medium-sized employers, OSHA has waived this size requirement for meat processing facilities during the national emergency. Facilities that need assistance in implementing the CDC/OSHA guidance in their facilities may contact their local consultation office.

Shawna Newsome
Chief of Staff
Office of Food Safety, USDA
1400 Independence Ave., SW
Washington, D.C. 20250
Cell: (202) 684-5522
Email: shawna.newsome@usda.gov

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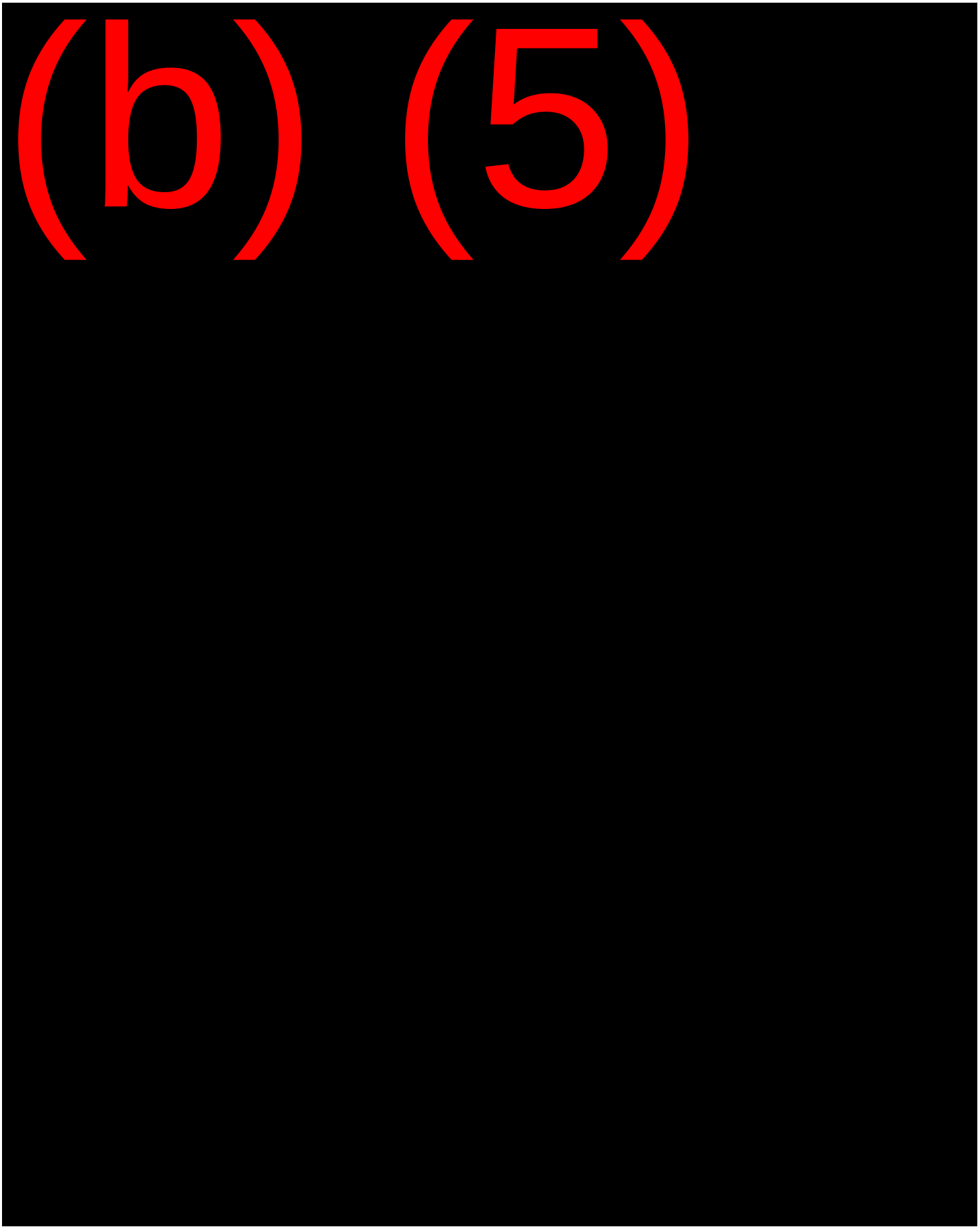
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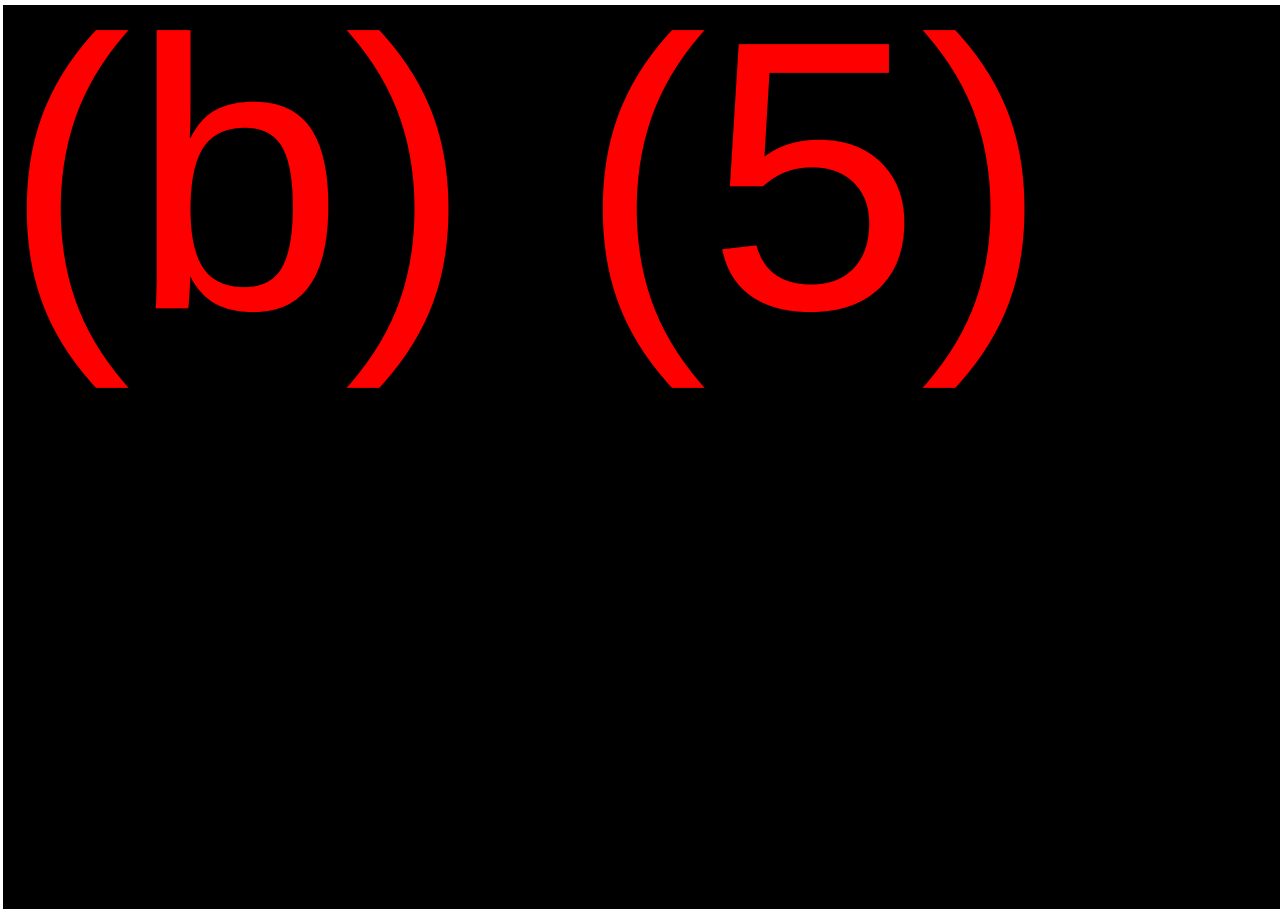
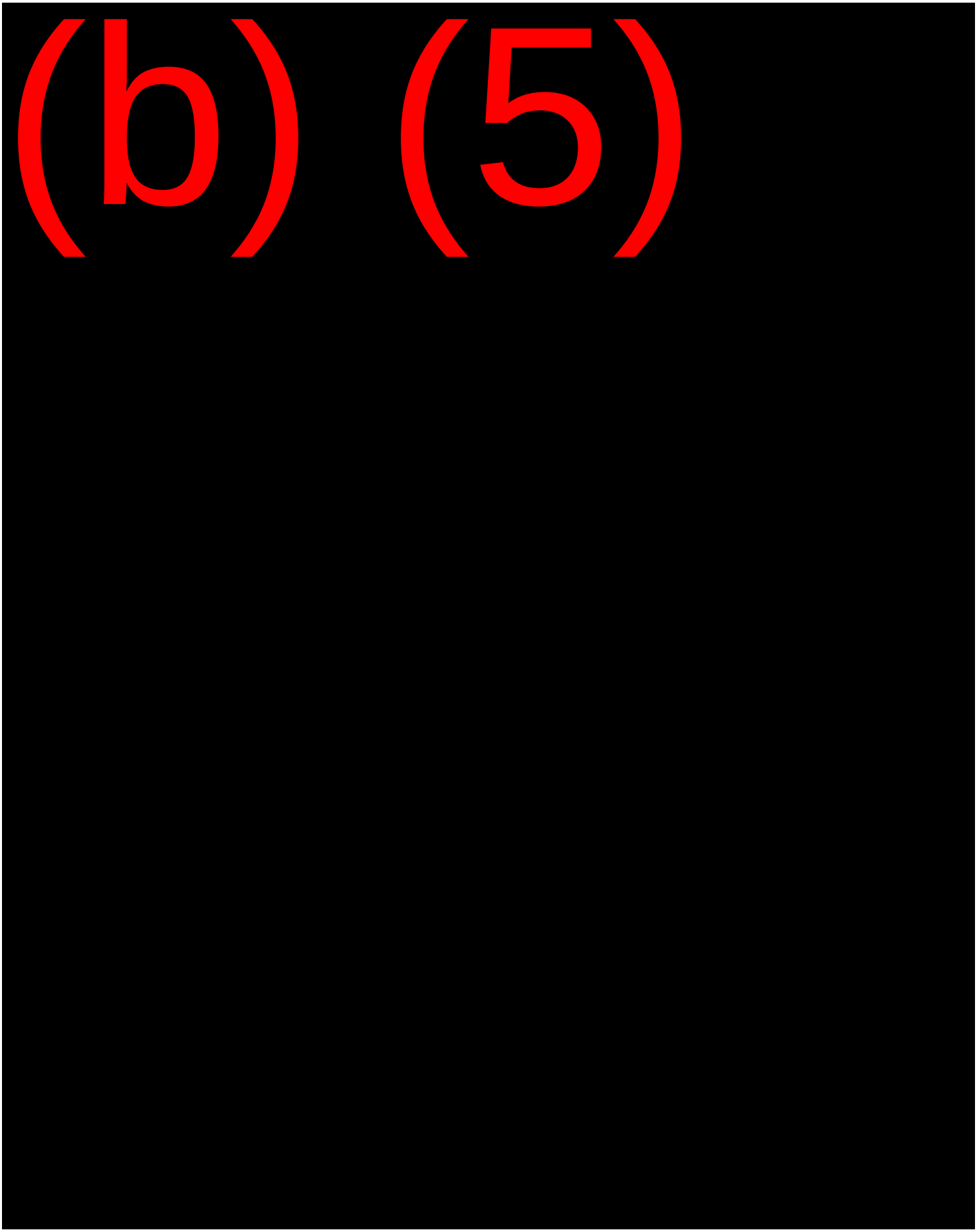


Signature: _____ Date: _____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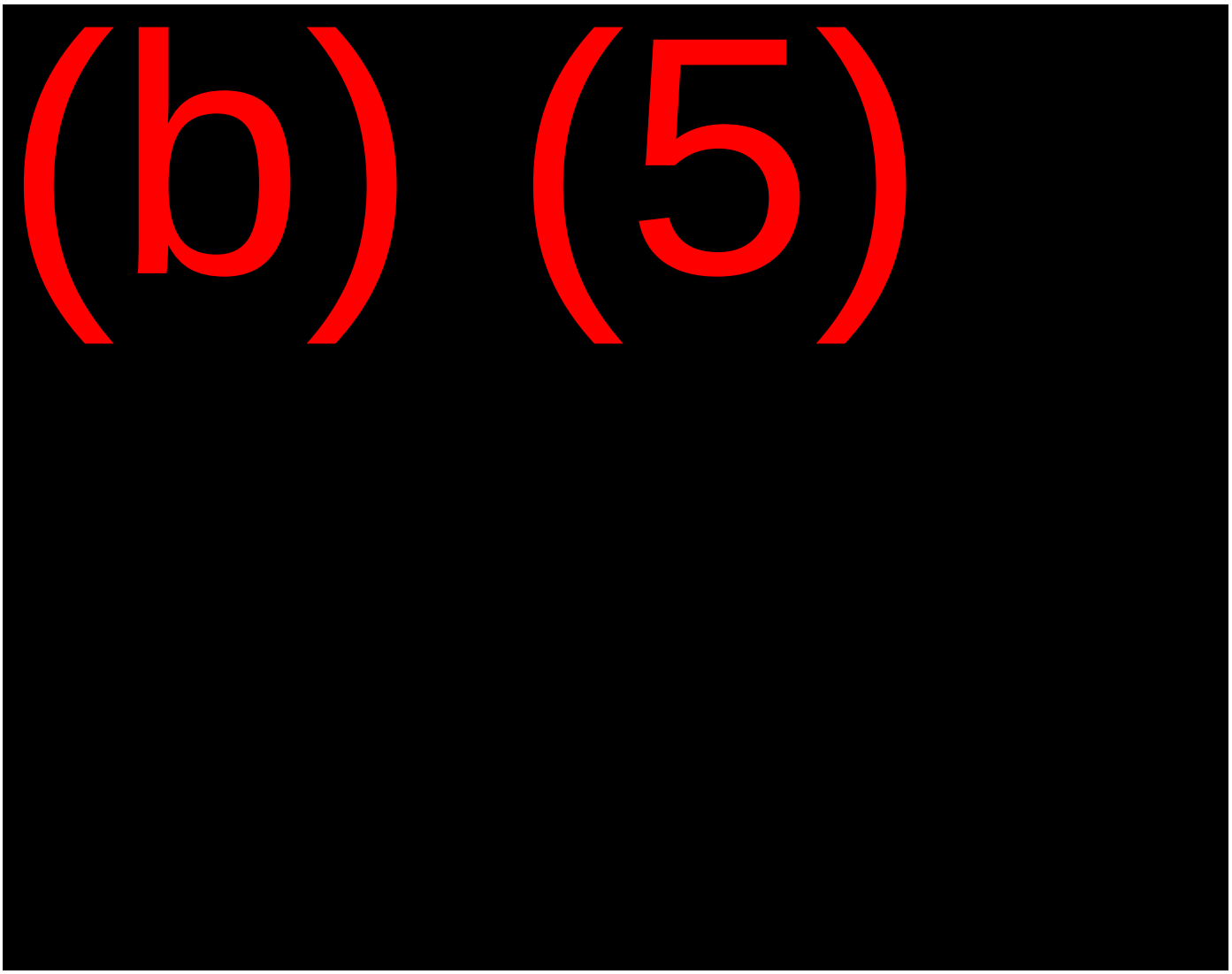
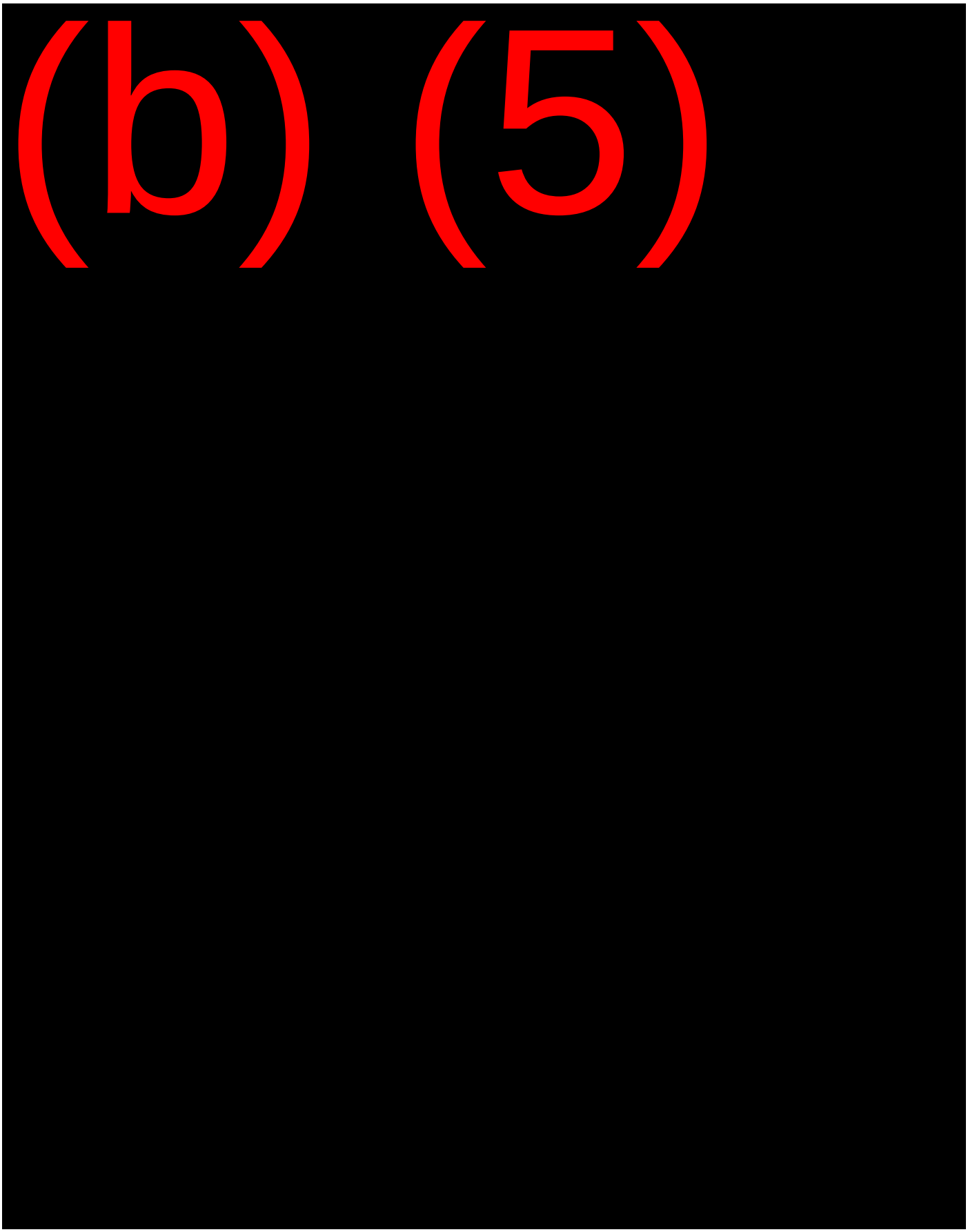


Signature: _____ Date: _____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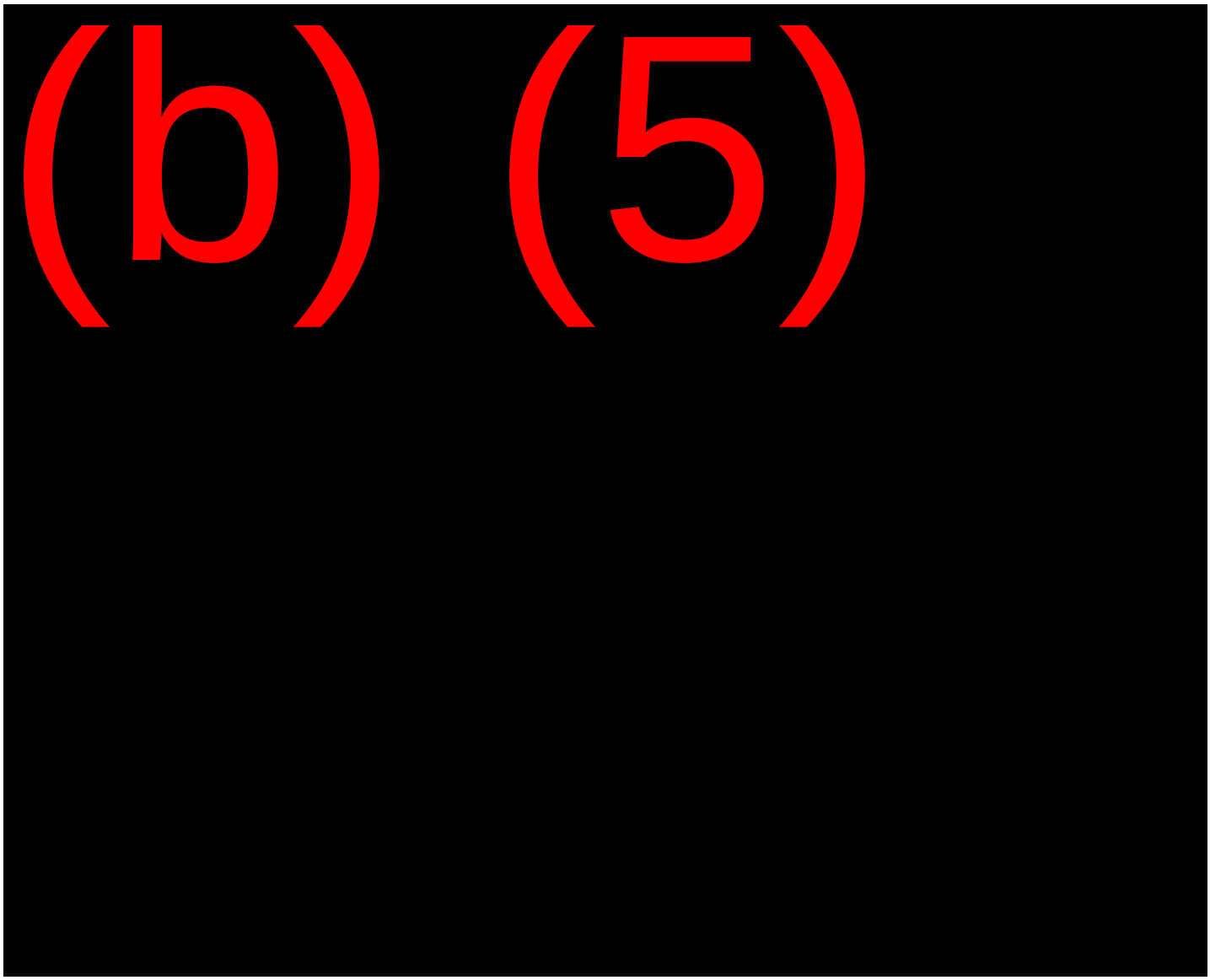
Signature: _____ Date: _____

TITLE: Interim Guidance for Meat and Poultry Processing Facilities - Coronavirus Disease 2019 (COVID-19)



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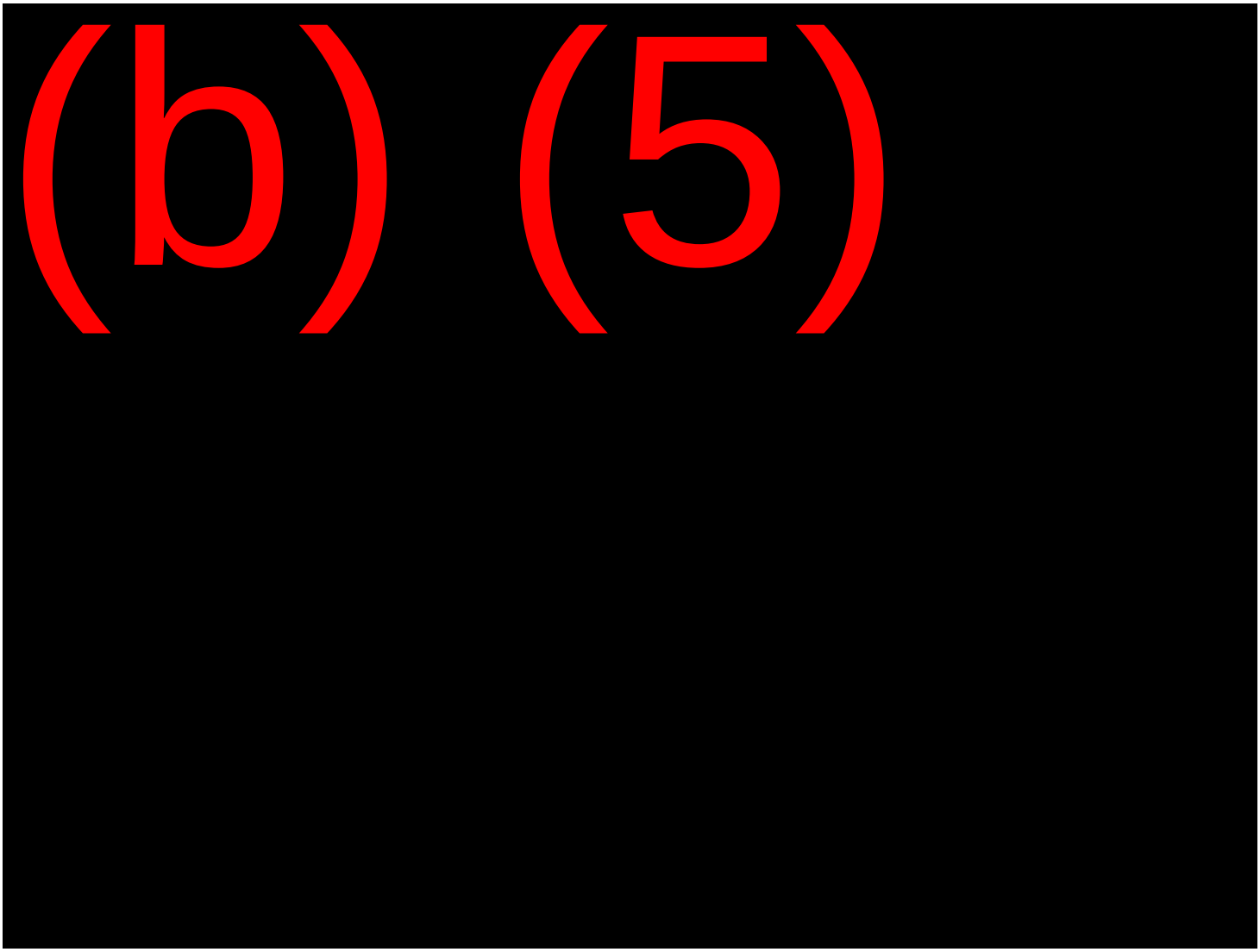
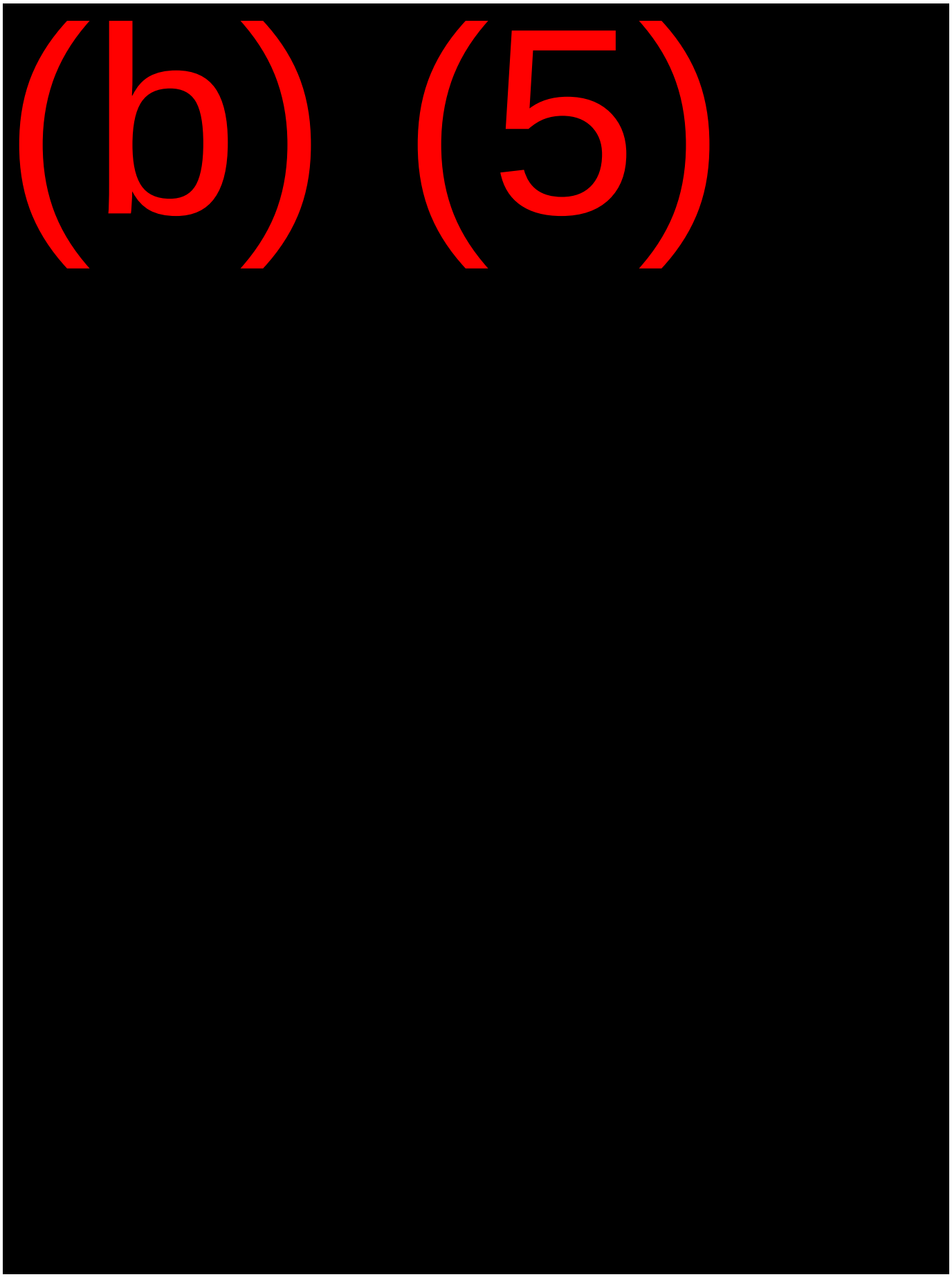


Signature: _____ Date: _____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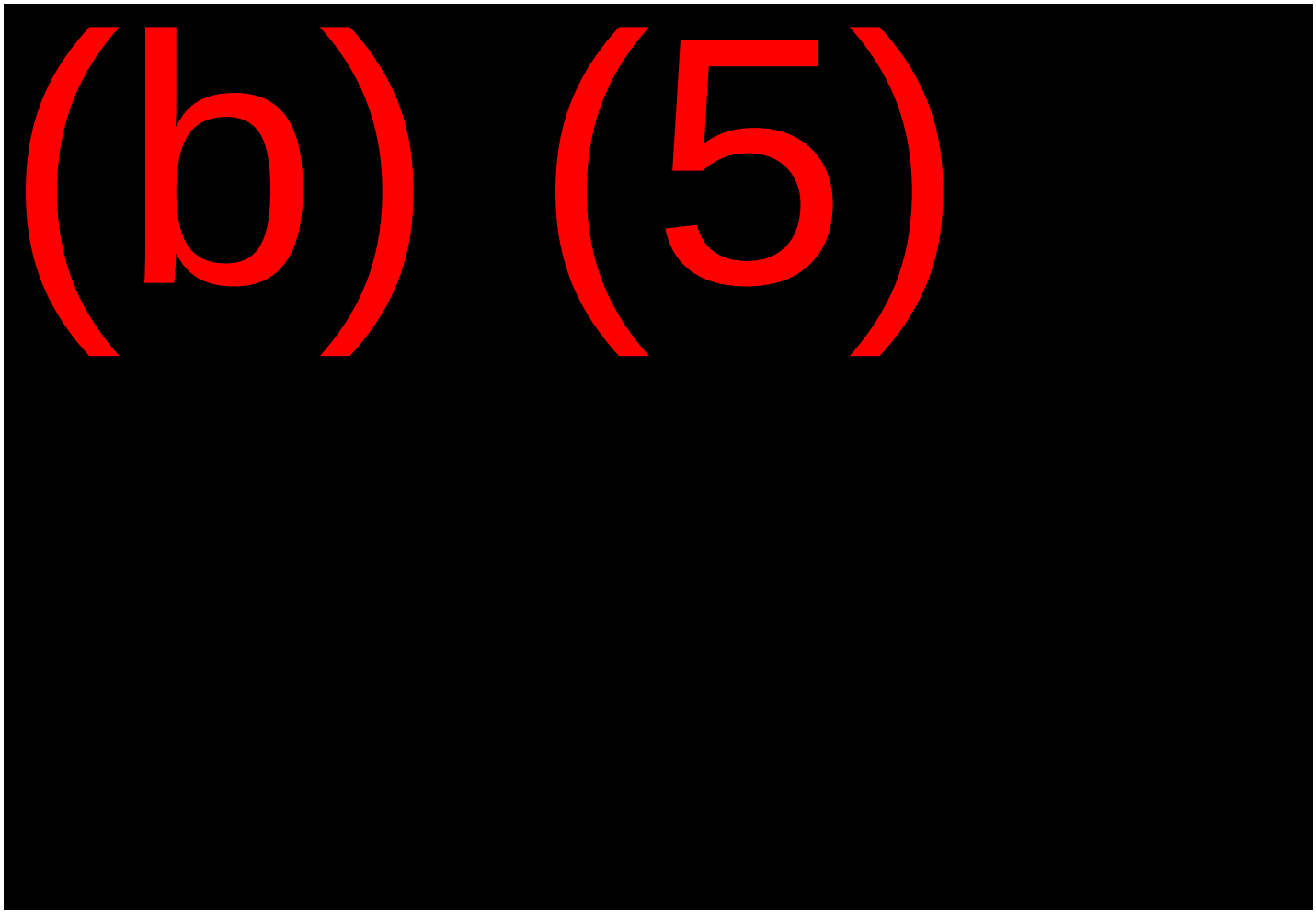

Signature: _____ Date: _____

From:	Holmes, Mikki - OSHA
To:	Scott, Gina - OSHA; Reed, Jeremy Todd - FSIS
Subject:	RE: OSHA Alerts
Date:	Monday, April 20, 2020 9:35:00 AM

Any of those times work for me. Should we go with 12:30?

From: Scott, Gina - OSHA <Scott.Gina@dol.gov>
Sent: Monday, April 20, 2020 9:31 AM
To: Reed, Jeremy Todd - FSIS <jeremy.reed@usda.gov>; Holmes, Mikki - OSHA <Holmes.Mikki@dol.gov>
Subject: RE: OSHA Alerts

GM Todd & Mikki-

I 'm available at:
-12:30
-2:30 – 3:00 pm
-after 4 pm

Thanks,
Gina

From: Reed, Jeremy Todd - FSIS <jeremy.reed@usda.gov>
Sent: Monday, April 20, 2020 8:35 AM
To: Holmes, Mikki - OSHA <Holmes.Mikki@dol.gov>
Cc: Scott, Gina - OSHA <Scott.Gina@dol.gov>
Subject: RE: OSHA Alerts

Mikki,

Any update on this alert? We started plugging it last week, but I haven't seen it yet. I apologize in advance if I'm the one who missed it.

On a side note, any chance you or Gina have a few minutes to talk this afternoon? I can be available any time after 12:00 today. I want to discuss a related, but slightly different topic.

Thank you,

Todd

Jeremy "Todd" Reed
Chief Operating Officer
Food Safety and Inspection Service, USDA

1400 Independence Ave, SW
Room 339-E, J.L. Whitten Building
Washington, DC 20250
(b) (6)
jeremy.reed@usda.gov

From: Holmes, Mikki - OSHA <Holmes.Mikki@dol.gov>
Sent: Monday, April 13, 2020 11:43 AM
To: Reed, Jeremy Todd - FSIS <jeremy.reed@usda.gov>
Cc: Scott, Gina - OSHA <Scott.Gina@dol.gov>
Subject: OSHA Alerts

Hi Todd,

Hope you and yours are doing well.

OSHA has been publishing some safety/health alerts for different industries about COVID-19. We're working to get something out for the meat/poultry processing industries and didn't want to duplicate efforts. Of course, everything is on the fast track, so anything you can do respond asap is appreciated.

I've cc'ed Gina, whose taking the lead, in case you have specific questions.

Here's a link to provide examples. alerts

Many thanks, Mikki

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From:	Holmes, Mikki - OSHA
To:	Blake, Carol - FSIS; Scott, Gina - OSHA
Cc:	Reed, Jeremy Todd - FSIS
Subject:	RE: OSHA Alerts
Date:	Monday, April 20, 2020 8:50:00 AM

Hi Carol,

It is currently going through clearance.

Mikki

From: Blake, Carol - FSIS <carol.blake@usda.gov>
Sent: Monday, April 20, 2020 8:49 AM
To: Scott, Gina - OSHA <Scott.Gina@dol.gov>
Cc: Holmes, Mikki - OSHA <Holmes.Mikki@dol.gov>
Subject: RE: OSHA Alerts

Hi Gina and Mikki – I wanted to check in to see if the alert you shared last week has been posted. We made reference to it (that it was coming) in our call with industry last Wednesday.

Thanks, Carol

Carol Blake
Assistant Administrator
Office of Public Affairs and Consumer Education
Food Safety and Inspection Service, USDA
Room 3137-S
Washington, DC 20250
Cell: (b) (6)

From: Scott, Gina - OSHA <Scott.Gina@dol.gov>
Sent: Tuesday, April 14, 2020 12:17 PM
To: Blake, Carol - FSIS <carol.blake@usda.gov>
Cc: Holmes, Mikki - OSHA <Holmes.Mikki@dol.gov>
Subject: RE: OSHA Alerts

Thanks, Carol.

Stay safe!

From: Blake, Carol - FSIS <carol.blake@usda.gov>
Sent: Tuesday, April 14, 2020 12:14 PM
To: Scott, Gina - OSHA <Scott.Gina@dol.gov>
Cc: Holmes, Mikki - OSHA <Holmes.Mikki@dol.gov>
Subject: RE: OSHA Alerts

Hi Gina. We've got no comments on your alert. Thanks!

Carol Blake
Assistant Administrator
Office of Public Affairs and Consumer Education
Food Safety and Inspection Service, USDA
Room 3137-S
Washington, DC 20250
Cell: (b) (6)

From: Scott, Gina - OSHA <Scott.Gina@dol.gov>
Sent: Tuesday, April 14, 2020 10:45 AM
To: Blake, Carol - FSIS <carol.blake@usda.gov>
Cc: Holmes, Mikki - OSHA <Holmes.Mikki@dol.gov>
Subject: RE: OSHA Alerts

Carol, we look forward to your continued help.
After review, if there are bullets that you suggest we amend or remove, please let us know.
This document is moving through our clearance process and we will let you know once it is approved for posting.

Gina

From: Blake, Carol - FSIS <carol.blake@usda.gov>
Sent: Tuesday, April 14, 2020 9:49 AM
To: Scott, Gina - OSHA <Scott.Gina@dol.gov>
Cc: Holmes, Mikki - OSHA <Holmes.Mikki@dol.gov>
Subject: RE: OSHA Alerts

Hi Gina – thank you for sending this. We can't co-brand with you, but we do want to help. We hope to put a Q&A on the USDA covid-19 page, and we will mention this as we hold our call with industry. We will still need to get clearance from the Departmental comms for the Q&A. When do you expect to post this?

Thanks, Carol

Carol Blake
Assistant Administrator
Office of Public Affairs and Consumer Education
Food Safety and Inspection Service, USDA
Room 3137-S
Washington, DC 20250
Cell: (b) (6)

From: Scott, Gina - OSHA <Scott.Gina@dol.gov>

Sent: Monday, April 13, 2020 6:11 PM
To: Blake, Carol - FSIS <carol.blake@usda.gov>
Cc: Holmes, Mikki - OSHA <Holmes.Mikki@dol.gov>
Subject: RE: OSHA Alerts

Hi Carol-

Thanks for your assistance. Attached is the draft alert.
Can you take a look at it and let us know if you have any comments before noon on Tuesday?
Also, would FSIS be interested in co-branding this piece w/OSHA? If yes, we will add your logo.

Regards,

Gina Scott
Deputy Director, Office of Communications
U.S. Department of Labor, OSHA
200 Constitution Ave., NW – N3647
Washington, DC 20002
202.693.1907 (phone)

From: Blake, Carol - FSIS <carol.blake@usda.gov>
Sent: Monday, April 13, 2020 1:05 PM
To: Holmes, Mikki - OSHA <Holmes.Mikki@dol.gov>
Cc: Scott, Gina - OSHA <Scott.Gina@dol.gov>
Subject: RE: OSHA Alerts

Hi Mikki – I'm happy to help. Most of USDA's guidance is on www.usda.gov/coronavirus. We are sticking very closely to CDC guidance and recommendations. Is there something specific that I could assist you with locating?

Carol

Carol Blake
Assistant Administrator
Office of Public Affairs and Consumer Education
Food Safety and Inspection Service, USDA
Room 3137-S
Washington, DC 20250
Cell: (b) (6)

From: Reed, Jeremy Todd - FSIS <jeremy.reed@usda.gov>
Sent: Monday, April 13, 2020 11:57 AM
To: Holmes, Mikki - OSHA <Holmes.Mikki@dol.gov>
Cc: Scott, Gina - OSHA <Scott.Gina@dol.gov>; Blake, Carol - FSIS <carol.blake@usda.gov>; Nintemann, Terri - FSIS <terri.nintemann@usda.gov>
Subject: RE: OSHA Alerts

Mikki,

I hope you all are doing okay as well.

Carol Blake, copied on this email, can help coordinate communications from the FSIS side.

V/r,

Todd

_____

Jeremy "Todd" Reed
Chief Operating Officer
Food Safety and Inspection Service, USDA

1400 Independence Ave, SW
Room 339-E, J.L. Whitten Building
Washington, DC 20250
[redacted]
jeremy.reed@usda.gov

From: Holmes, Mikki - OSHA <Holmes.Mikki@dol.gov>
Sent: Monday, April 13, 2020 11:43 AM
To: Reed, Jeremy Todd - FSIS <jeremy.reed@usda.gov>
Cc: Scott, Gina - OSHA <Scott.Gina@dol.gov>
Subject: OSHA Alerts

Hi Todd,

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OSHA has been publishing some safety/health alerts for different industries about COVID-19. We're working to get something out for the meat/poultry processing industries and didn't want to duplicate efforts. Of course, everything is on the fast track, so anything you can do respond asap is appreciated.

I've cc'ed Gina, whose taking the lead, in case you have specific questions.

Here's a link to provide examples. alerts

Many thanks, Mikki

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From: Reed, Jeremy Todd - FSIS
To: Holmes, Mikki - OSHA; Scott, Gina - OSHA
Subject: RE: OSHA Alerts
Date: Monday, April 20, 2020 9:36:24 AM

12:30 is great. I'll send a meeting invitation.

V/r,

Todd

_____

Jeremy "Todd" Reed
Chief Operating Officer
Food Safety and Inspection Service, USDA

1400 Independence Ave, SW
Room 339-E, J.L. Whitten Building
Washington, DC 20250
(b) (6)
jeremy.reed@usda.gov

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Sent: Monday, April 20, 2020 9:35 AM
To: Scott, Gina - OSHA <Scott.Gina@dol.gov>; Reed, Jeremy Todd - FSIS <jeremy.reed@usda.gov>
Subject: RE: OSHA Alerts

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Subject: RE: OSHA Alerts

GM Todd & Mikki-

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-12:30
-2:30 – 3:00 pm
-after 4 pm

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Gina

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To: Holmes, Mikki - OSHA <Holmes.Mikki@dol.gov>
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Thank you,

Todd

_____
Jeremy "Todd" Reed
Chief Operating Officer
Food Safety and Inspection Service, USDA

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Room 339-E, J.L. Whitten Building
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I've cc'ed Gina, whose taking the lead, in case you have specific questions.

Here's a link to provide examples. alerts

Many thanks, Mikki

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From: Reed, Jeremy Todd - FSIS
To: Holmes, Mikki - OSHA
Subject: RE: OSHA Alerts
Date: Monday, April 20, 2020 12:35:06 PM

Mikki,

I'll call you directly. What number should I call?

Todd

_____

Jeremy "Todd" Reed
Chief Operating Officer
Food Safety and Inspection Service, USDA

1400 Independence Ave, SW
Room 339-E, J.L. Whitten Building
Washington, DC 20250
(b) (6)
jeremy.reed@usda.gov

From: Holmes, Mikki - OSHA <Holmes.Mikki@dol.gov>
Sent: Monday, April 20, 2020 9:35 AM
To: Scott, Gina - OSHA <Scott.Gina@dol.gov>; Reed, Jeremy Todd - FSIS <jeremy.reed@usda.gov>
Subject: RE: OSHA Alerts

Any of those times work for me. Should we go with 12:30?

From: Scott, Gina - OSHA <Scott.Gina@dol.gov>
Sent: Monday, April 20, 2020 9:31 AM
To: Reed, Jeremy Todd - FSIS <jeremy.reed@usda.gov>; Holmes, Mikki - OSHA <Holmes.Mikki@dol.gov>
Subject: RE: OSHA Alerts

GM Todd & Mikki-

I 'm available at:
-12:30
-2:30 – 3:00 pm
-after 4 pm

Thanks,
Gina

From: Reed, Jeremy Todd - FSIS <jeremy.reed@usda.gov>
Sent: Monday, April 20, 2020 8:35 AM
To: Holmes, Mikki - OSHA <Holmes.Mikki@dol.gov>
Cc: Scott, Gina - OSHA <Scott.Gina@dol.gov>
Subject: RE: OSHA Alerts

Mikki,

Any update on this alert? We started plugging it last week, but I haven't seen it yet. I apologize in advance if I'm the one who missed it.

On a side note, any chance you or Gina have a few minutes to talk this afternoon? I can be available any time after 12:00 today. I want to discuss a related, but slightly different topic.

Thank you,

Todd

_____
Jeremy "Todd" Reed
Chief Operating Officer
Food Safety and Inspection Service, USDA

1400 Independence Ave, SW
Room 339-E, J.L. Whitten Building
Washington, DC 20250
(b) (6)
jeremy.reed@usda.gov

From: Holmes, Mikki - OSHA <Holmes.Mikki@dol.gov>
Sent: Monday, April 13, 2020 11:43 AM
To: Reed, Jeremy Todd - FSIS <jeremy.reed@usda.gov>
Cc: Scott, Gina - OSHA <Scott.Gina@dol.gov>
Subject: OSHA Alerts

Hi Todd,

Hope you and yours are doing well.

OSHA has been publishing some safety/health alerts for different industries about COVID-19. We're working to get something out for the meat/poultry processing industries and didn't want to duplicate efforts. Of course, everything is on the fast track, so anything you can do respond asap is appreciated.

I've cc'ed Gina, whose taking the lead, in case you have specific questions.

Here's a link to provide examples. alerts

Many thanks, Mikki

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From:	Newsome, Shawna - OSEC, Washington, DC
To:	Sweatt, Loren E. - OSHA
Cc:	Pearce, Krisann - OSHA
Subject:	RE: Question
Date:	Friday, May 22, 2020 3:06:51 PM

Great. I sent it on to its next stop - to get posted on our website. From there, it will go into the newsletter.

Shawna Newsome
Office of Food Safety
Cell: (b) (6) [redacted]

From: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Sent: Friday, May 22, 2020 2:58 PM
To: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Cc: Pearce, Krisann - OSHA <Pearce.Krisann@dol.gov>
Subject: RE: Question

Works for me.

From: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Sent: Friday, May 22, 2020 2:56 PM
To: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Cc: Pearce, Krisann - OSHA <Pearce.Krisann@dol.gov>
Subject: RE: Question

Thank you! We had one suggestion to link to the guidance. Thoughts on this?

Question:
In some areas of meat and poultry processing facilities, social distancing at 6ft of distance may not be feasible in order to maintain continued operation at the maximum capacity possible. In these areas, are other controls, based on the hierarchy of controls outlined in the CDC/OSHA guidance, e.g. PPE, acceptable in order to maintain safe operations at the maximum capacity possible?

Answer

Employers should use the hierarchy of controls to control hazards and protect workers as outlined in the CDC/OSHA guidance, including by first trying to eliminate hazards from the workplace, then implementing engineering controls followed by administrative controls and safe work practices, and finally using personal protective equipment. When engineering controls, such as physical barriers, are not feasible in a particular workplace or for a certain

operation, other types of controls, including PPE, may be considered in accordance with the hierarchy.

Shawna Newsome
Office of Food Safety
Cell: (b) (6) [redacted]

From: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Sent: Friday, May 22, 2020 2:18 PM
To: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Cc: Pearce, Krisann - OSHA <Pearce.Krisann@dol.gov>
Subject: Question

Our OPA has cleared this Q&A. I hope it helps.

Question:
In some areas of meat and poultry processing facilities, social distancing at 6ft of distance may not be feasible in order to maintain continued operation at the maximum capacity possible. In these areas, are other controls, based on the hierarchy of controls outlined in the CDC/OSHA guidance, e.g. PPE, acceptable in order to maintain safe operations at the maximum capacity possible?

Answer

(b) (5) [redacted]

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From:	Newsome, Shawna - OSEC, Washington, DC
To:	Sweatt, Loren E. - OSHA
Subject:	RE: Quick call
Date:	Monday, May 4, 2020 11:23:14 AM
Attachments:	CovidAttestation.docx

As discussed. Open to your edits and input on process. Thanks!

Shawna Newsome
Office of Food Safety
Cell: (b) (6)

From: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Sent: Monday, May 4, 2020 11:16 AM
To: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Subject: RE: Quick call

I'll call you now. I have to be on a call at 11:30. Does that work?

From: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Sent: Monday, May 4, 2020 11:14 AM
To: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Subject: Quick call

Hi - do you have 5-10 minutes for a call?

Shawna Newsome
Office of Food Safety, USDA
Cell: (b) (6)

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From:	Sweatt, Loren E. - OSHA
To:	Wolfson, Jonathan A - ASP
Cc:	Newsome, Shawna - OSEC, Washington, DC; Young, Benjamin - OGC, Washington, DC; OScannlain, Kate S - SOL; Kilberg, Andrew G - OSEC
Subject:	RE: Regroup on the Attestation
Date:	Saturday, May 23, 2020 5:36:00 PM

I did a calendar invite. But this is the number:

Conference Line:
(b) (6)

Participant Code:
(b) (6)

From: Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>
Sent: Saturday, May 23, 2020 5:36 PM
To: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Cc: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>; Young, Benjamin - OGC, Washington, DC <Benjamin.Young@usda.gov>; OScannlain, Kate S - SOL <OScannlain.Kate.S@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>
Subject: Re: Regroup on the Attestation

6 works for me. Loren, can you circulate a number?

Jonathan Wolfson
T: 202-693-5078
M: (b) (6)

Sent from my iPhone

> On May 23, 2020, at 5:34 PM, Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov> wrote:
>
> I'll put this on for everyone at 6. Give people time to organize. Thanks!
>
> ---
>
> **From:** Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
> **Sent:** Saturday, May 23, 2020 5:33 PM
> **To:** Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>; Young, Benjamin - OGC, Washington, DC <Benjamin.Young@usda.gov>
> **Cc:** OScannlain, Kate S - SOL <OScannlain.Kate.S@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>
> **Subject:** Re: Regroup on the Attestation

Can we chat now? Or at 6?

Shawna Newsome
Office of Food Safety, USDA
Cell: (b) (6)

From: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Sent: Saturday, May 23, 2020 5:16:15 PM
To: Young, Benjamin - OGC, Washington, DC <Benjamin.Young@usda.gov>; Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Cc: OScannlain, Kate S - SOL <OScannlain.Kate.S@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>
Subject: RE: Regroup on the Attestation

OK. Since it is closing in on 5:30, is there time on Sunday to work through some of these issues? I'd offer 10:00 or 11:00, or the afternoon. Please let us know and I can send a meeting notice/conference line.

From: Sweatt, Loren E. - OSHA
Sent: Saturday, May 23, 2020 3:54 PM
To: Benjamin.Young@usda.gov; Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Cc: OScannlain, Kate S - SOL <OScannlain.Kate.S@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>
Subject: Regroup on the Attestation
Importance: High

Is there an opportunity to discuss the call we just had regarding the attestation? DOL folks are available this afternoon. Maybe 4:30, 5:00, 5:30?

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From: Newsome, Shawna - OSEC, Washington, DC
To: Sweatt, Loren E. - OSHA; Young, Benjamin - OGC, Washington, DC
Cc: OScannlain, Kate S - SOL; Kilberg, Andrew G - OSEC; Wolfson, Jonathan A - ASP
Subject: Re: Regroup on the Attestation
Date: Saturday, May 23, 2020 5:33:15 PM

Can we chat now? Or at 6?

Shawna Newsome
Office of Food Safety, USDA
Cell: (b) (6)

From: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Sent: Saturday, May 23, 2020 5:16:15 PM
To: Young, Benjamin - OGC, Washington, DC <Benjamin.Young@usda.gov>; Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Cc: OScannlain, Kate S - SOL <OScannlain.Kate.S@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>
Subject: RE: Regroup on the Attestation

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From: Sweatt, Loren E. - OSHA
Sent: Saturday, May 23, 2020 3:54 PM
To: Benjamin.Young@usda.gov; Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Cc: OScannlain, Kate S - SOL <OScannlain.Kate.S@dol.gov>; Kilberg, Andrew G - OSEC <Kilberg.Andrew.G@dol.gov>; Wolfson, Jonathan A - ASP <Wolfson.Jonathan.A@dol.gov>
Subject: Regroup on the Attestation
Importance: High

Is there an opportunity to discuss the call we just had regarding the attestation? DOL folks are available this afternoon. Maybe 4:30, 5:00, 5:30?

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From:	Pearce, Krisann - OSHA
To:	Newsome, Shawna - OSEC, Washington, DC; Sweatt, Loren E. - OSHA
Cc:	Nintemann, Terri - FSIS; Reed, Jeremy Todd - FSIS; Young, Benjamin - OGC, Washington, DC; Novak, Sheila - OGC, Washington, DC
Subject:	RE: Updated Docs based on 11:30 Convo
Date:	Thursday, May 14, 2020 10:58:00 AM
Attachments:	CovidAttestation comments 5.14.docx

Attached is the most recent draft on the attestation – I think we are there☺

-k

From: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Sent: Wednesday, May 13, 2020 7:12 PM
To: Pearce, Krisann - OSHA <Pearce.Krisann@dol.gov>; Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Cc: Nintemann, Terri - FSIS <terri.nintemann@usda.gov>; Reed, Jeremy Todd - FSIS <jeremy.reed@usda.gov>; Young, Benjamin - OGC, Washington, DC <Benjamin.Young@usda.gov>; Novak, Sheila - OGC, Washington, DC <sheila.novak@usda.gov>
Subject: Re: Updated Docs based on 11:30 Convo

I appreciate it! We will stand by.

Shawna Newsome
Office of Food Safety, USDA
Cell: (b) (6)

From: Pearce, Krisann - OSHA <Pearce.Krisann@dol.gov>
Sent: Wednesday, May 13, 2020 6:41:24 PM
To: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>; Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Cc: Nintemann, Terri - FSIS <terri.nintemann@usda.gov>; Reed, Jeremy Todd - FSIS <jeremy.reed@usda.gov>; Young, Benjamin - OGC, Washington, DC <Benjamin.Young@usda.gov>; Novak, Sheila - OGC, Washington, DC <sheila.novak@usda.gov>
Subject: RE: Updated Docs based on 11:30 Convo

I've got one person I still need to hear back from. I am not expecting problems. But want to update you all at the end of the day.

From: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Sent: Wednesday, May 13, 2020 10:09 AM
To: Pearce, Krisann - OSHA <Pearce.Krisann@dol.gov>; Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Cc: Nintemann, Terri - FSIS <terri.nintemann@usda.gov>; Reed, Jeremy Todd - FSIS <jeremy.reed@usda.gov>; Young, Benjamin - OGC, Washington, DC <Benjamin.Young@usda.gov>; Novak, Sheila - OGC, Washington, DC <sheila.novak@usda.gov>
Subject: RE: Updated Docs based on 11:30 Convo

Hi- one comment for consideration. Thanks!

Shawna Newsome
Office of Food Safety
Cell: (b) (6) [redacted]

From: Pearce, Krisann - OSHA <Pearce.Krisann@dol.gov>
Sent: Tuesday, May 12, 2020 7:20 PM
To: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>; Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Cc: Nintemann, Terri - FSIS <terri.nintemann@usda.gov>; Reed, Jeremy Todd - FSIS <jeremy.reed@usda.gov>; Young, Benjamin - OGC, Washington, DC <Benjamin.Young@usda.gov>; Novak, Sheila - OGC, Washington, DC <sheila.novak@usda.gov>
Subject: RE: Updated Docs based on 11:30 Convo

Apologies for the lateness of this round of edits – I tried to insert a quick explanation for the edits.

Thanks!

-k

From: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Sent: Monday, May 11, 2020 11:48 AM
To: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>; Pearce, Krisann - OSHA <Pearce.Krisann@dol.gov>
Cc: Nintemann, Terri - FSIS <terri.nintemann@usda.gov>; Reed, Jeremy Todd - FSIS <jeremy.reed@usda.gov>; Young, Benjamin - OGC, Washington, DC <Benjamin.Young@usda.gov>; Novak, Sheila - OGC, Washington, DC <sheila.novak@usda.gov>
Subject: Updated Docs based on 11:30 Convo

Attached. Thanks, all!

Shawna Newsome
Chief of Staff
Office of Food Safety, USDA
1400 Independence Ave., SW
Washington, D.C. 20250
Cell: (b) (6) [redacted]
Email: shawna.newsome@usda.gov

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From:	Newsome, Shawna - OSEC, Washington, DC
To:	Brown, Christopher K. - OSHA
Cc:	Lincoln, Jennifer M. (CDC/NIOSH/OD); Broadwater, Kendra (CDC/NIOSH/DFSE/HETAB); Shumate, Alice M. (CDC/NIOSH/WSD); Hale, Kis Robertson - FSIS
Subject:	RE: Updates to CDC/OSHA guidance
Date:	Friday, June 26, 2020 3:11:59 PM

Hi Chris,

Thank you for the heads up! I appreciate it.

Let us know if you need anything from USDA and otherwise we look forward to the continued collaboration.

Shawna Newsome
Office of Food Safety
Cell: (b) (6) [redacted]

From: Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov>
Sent: Friday, June 26, 2020 12:37 PM
To: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Cc: Lincoln, Jennifer M. (CDC/NIOSH/OD) <jxw7@cdc.gov>; Broadwater, Kendra (CDC/NIOSH/DFSE/HETAB) <xgh1@cdc.gov>; Shumate, Alice M. (CDC/NIOSH/WSD) <wii5@cdc.gov>
Subject: Updates to CDC/OSHA guidance

Good afternoon, Shawna,

I'm reaching out to give USDA an early heads up that CDC and OSHA are working to update our four cobranded COVID-19 guidance documents for meat and poultry processing, manufacturing, agriculture, and seafood processing. (b) (5) [redacted]

We'll aim to share updates with USDA as we move through the process; things are still preliminary.

Thanks for your continued collaboration and partnership throughout the USG response to the pandemic.

Chris

--

Christopher K. Brown, PhD, MPH, CPH
Special Assistant
Office of the Assistant Secretary
Occupational Safety & Health Administration (OSHA)
U.S. Department of Labor
(o) 202-693-2368 / (c) (b) (6)
brown.christopher.k@dol.gov

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From:	Mccoy, Todd - OHS, Washington, DC
To:	Mccoy, Todd - OHS, Washington, DC
Subject:	RE: USDA ESF #11 Interagency Food Supply Chain Team
Date:	Thursday, July 9, 2020 2:32:25 PM
Importance:	High

Reminder: If you have not done so already, please take a few minutes to validate and prioritize our areas of interest as soon as possible. We have less than 20 responses, which is insufficient to help inform our priorities going forward.

From: Mccoy, Todd - OHS, Washington, DC <todd.mccoy@usda.gov>
Sent: Tuesday, July 7, 2020 9:36 AM
To: Mccoy, Todd - OHS, Washington, DC <todd.mccoy@usda.gov>
Subject: RE: USDA ESF #11 Interagency Food Supply Chain Team

IFSCT Members,

Thank you for your participation in this morning's call.

We need your feedback on two quick surveys as soon as possible:

1. Feedback on IFSCT
2. Validate and Prioritize Areas of Interest

Action Requested – Send your D/A's primary POC info to Todd McCoy – This person should have authority to speak on behalf of your D/A priorities, and have access to your D/A's rep on the National Economic Council's Food Supply Chain Policy Coordination Committee.

Below is a quick summary of today's call:

(b) (5)

(b) (5)

Not discussed but attached for consideration, the most recent report on *COVID-19 Near-Term Issues Spotting in Food Supply Chain*.

Thank you all again for you participation, and please feel free to reach out if you have any questions.

Best,
Todd

-----Original Appointment-----
From: Mccoy, Todd - OHS, Washington, DC
Sent: Tuesday, June 16, 2020 10:16 AM
To: Interagency Food Supply Chain Team
Subject: USDA ESF #11 Interagency Food Supply Chain Team
When: Tuesday, July 7, 2020 8:00 AM-8:30 AM (UTC-05:00) Eastern Time (US & Canada).
Where: (b) (6)

Update: Attachments added to support tomorrow's call.

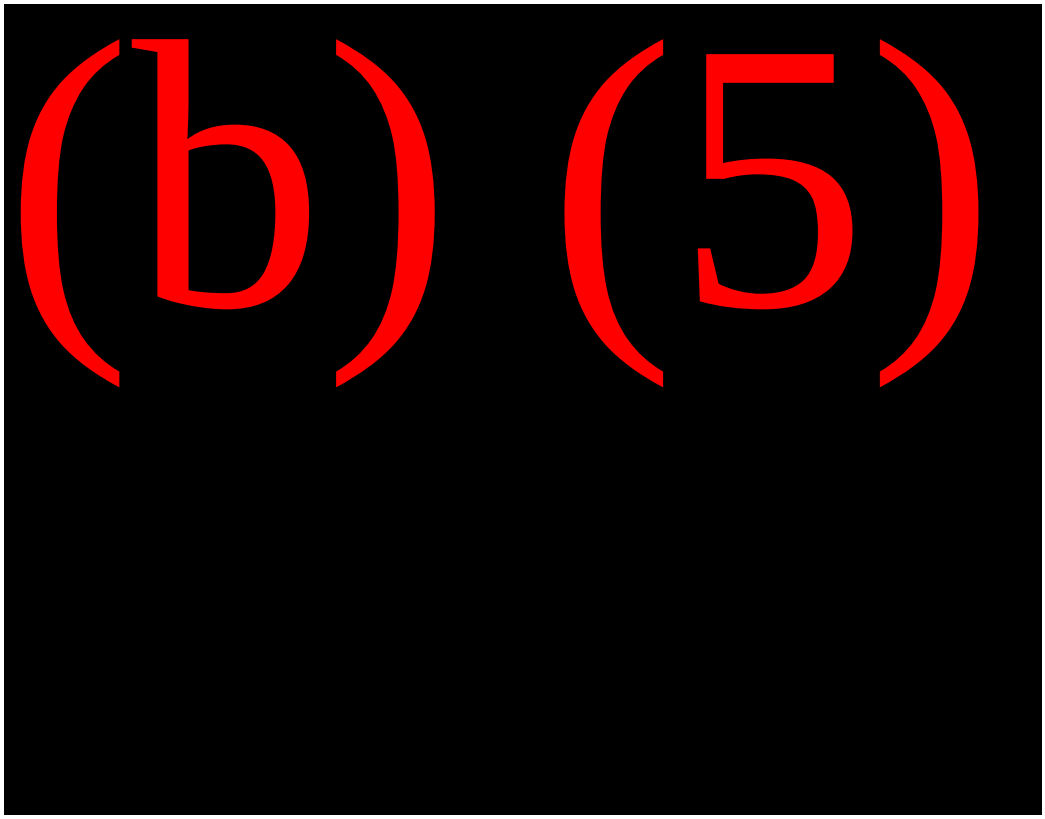
Purpose: (b) (5)

Frequency: Every Tuesday (weekly) from 8:00 AM to 8:30 AM ET.

Location: (b) (6)

Agenda:

(b) (5)



Background: The global COVID-19 pandemic and cascading supply chain impacts are unprecedented and there are unique challenges to the Food and Agriculture (FA) Sector including but not limited to worker safety; depopulation and carcass disposal; food production and processing; supply/demand/distribution; food security; cross-sector interdependencies; and related.

The FA Sector is composed of complex production, processing, and delivery systems and has the capacity to feed people and animals both within and beyond the boundaries of the United States. These food and agriculture systems are almost entirely under private ownership, operate in highly competitive global markets, strive to operate in harmony with the environment, and provide economic opportunities and an improved quality of life for American citizens and others worldwide. These factors contribute to unique challenges related to disparate and disconnected data sources to inform FSC intelligence.

The continuity of critical infrastructure sectors, including the Food and Agriculture Sector, is not a given. (b) (5) [redacted].

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From:	Mccoy, Todd - OHS, Washington, DC
To:	Mccoy, Todd - OHS, Washington, DC
Subject:	RE: USDA ESF #11 Interagency Food Supply Chain Team
Date:	Tuesday, July 7, 2020 9:38:33 AM
Attachments:	2020.07.03 Update 34 - Near Term Issue Meat Supply Chain.pdf

IFSCT Members,

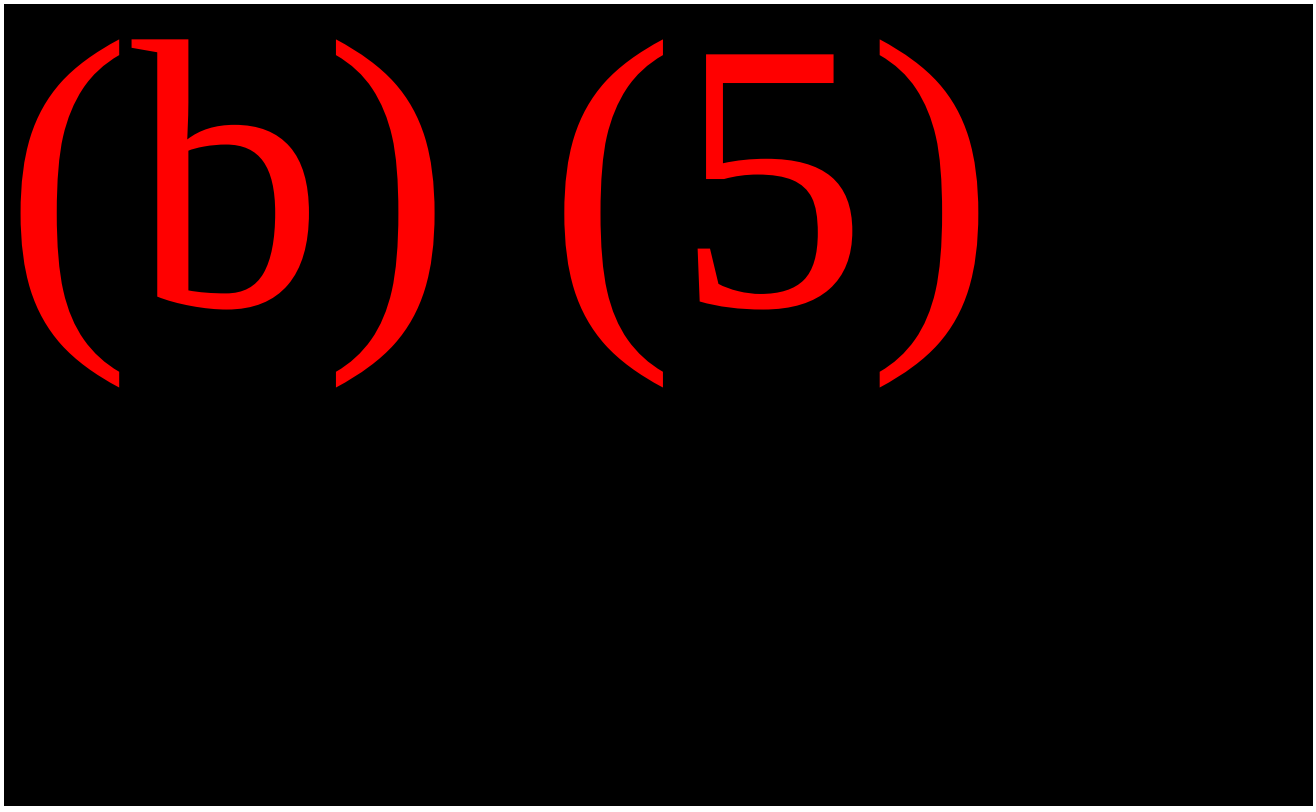
Thank you for your participation in this morning's call.

We need your feedback on two quick surveys as soon as possible:

1. Feedback on IFSCT
2. Validate and Prioritize Areas of Interest

Action Requested – Send your D/A's primary POC info to Todd McCoy – This person should have authority to speak on behalf of your D/A priorities, and have access to your D/A's rep on the National Economic Council's Food Supply Chain Policy Coordination Committee.

Below is a quick summary of today's call:



Not discussed but attached for consideration, the most recent report on *COVID-19 Near-Term Issues Spotting in Food Supply Chain*.

Thank you all again for you participation, and please feel free to reach out if you have any questions.

Best,
Todd

-----Original Appointment-----
From: Mccoy, Todd - OHS, Washington, DC
Sent: Tuesday, June 16, 2020 10:16 AM
To: Interagency Food Supply Chain Team
Subject: USDA ESF #11 Interagency Food Supply Chain Team
When: Tuesday, July 7, 2020 8:00 AM-8:30 AM (UTC-05:00) Eastern Time (US & Canada).
Where: (b) (6)

Update: Attachments added to support tomorrow's call.

Purpose: (b) (5)

Frequency: Every Tuesday (weekly) from 8:00 AM to 8:30 AM ET.

Location (b) (6)

Agenda:

(b) (5)



Background: The global COVID-19 pandemic and cascading supply chain impacts are unprecedented and there are unique challenges to the Food and Agriculture (FA) Sector including but not limited to worker safety; depopulation and carcass disposal; food production and processing; supply/demand/distribution; food security; cross-sector interdependencies; and related.

The FA Sector is composed of complex production, processing, and delivery systems and has the capacity to feed people and animals both within and beyond the boundaries of the United States. These food and agriculture systems are almost entirely under private ownership, operate in highly competitive global markets, strive to operate in harmony with the environment, and provide economic opportunities and an improved quality of life for American citizens and others worldwide. These factors contribute to unique challenges related to disparate and disconnected data sources to inform FSC intelligence.

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From: Mccoy, Todd - OHS, Washington, DC
To: Todd McCoy; (b) (6)

[redacted]

Subject: RE: USDA ESF #11 Interagency Food Supply Chain Team
Date: Tuesday, June 23, 2020 9:28:44 AM
Attachments: CDAP Access Instructions_200605.pdf
DAWG MAX Access Instructions_200605.pdf

IFSCT Members,

Per this morning's call, attached are two sets of instructions related to the demo provided:

- **COVID-19 Data and Assessment Portal (CDAP) Access Instructions** –This provides instructions for accessing the Data and Assessment Working Group's (DAWG) CDAP, which is the tool demo'ed this morning.
    - The first step in the process is to request access to the CDAP tool by emailing DAWG@anl.gov. In your request, you must provide your name and organizations. Access is free to all federal D/As.

- **DAWG MAX Access Instructions** – This provides instructions on how to access the DAWG's website on MAX.gov. MAX.gov is a government-wide suite of advanced collaboration, information sharing and data collection tools used to facilitate cross-government collaboration and knowledge management.

If anyone would like to follow up with SBA on their out brief this morning, please contact Lynda Lowe at SBA's Office of Disaster Assistance by emailing her at lynda.lowe@sba.gov.

Please let us know if there are any addition topics or questions that should be addressed in next week's meeting.

Thank you for participating in this morning's call, and we look forward to hearing from you next week.

Best,
Todd

From: Mccoy, Todd - OHS, Washington, DC
Sent: Tuesday, June 23, 2020 8:01 AM
To: IFSCT
Subject: RE: USDA ESF #11 Interagency Food Supply Chain Team

IFSCT Members,

Good morning!

Please follow this link below to view the demo of the DAWG Analytics Portal.

WebEx: (b) (6) [redacted]

Thanks,
Todd

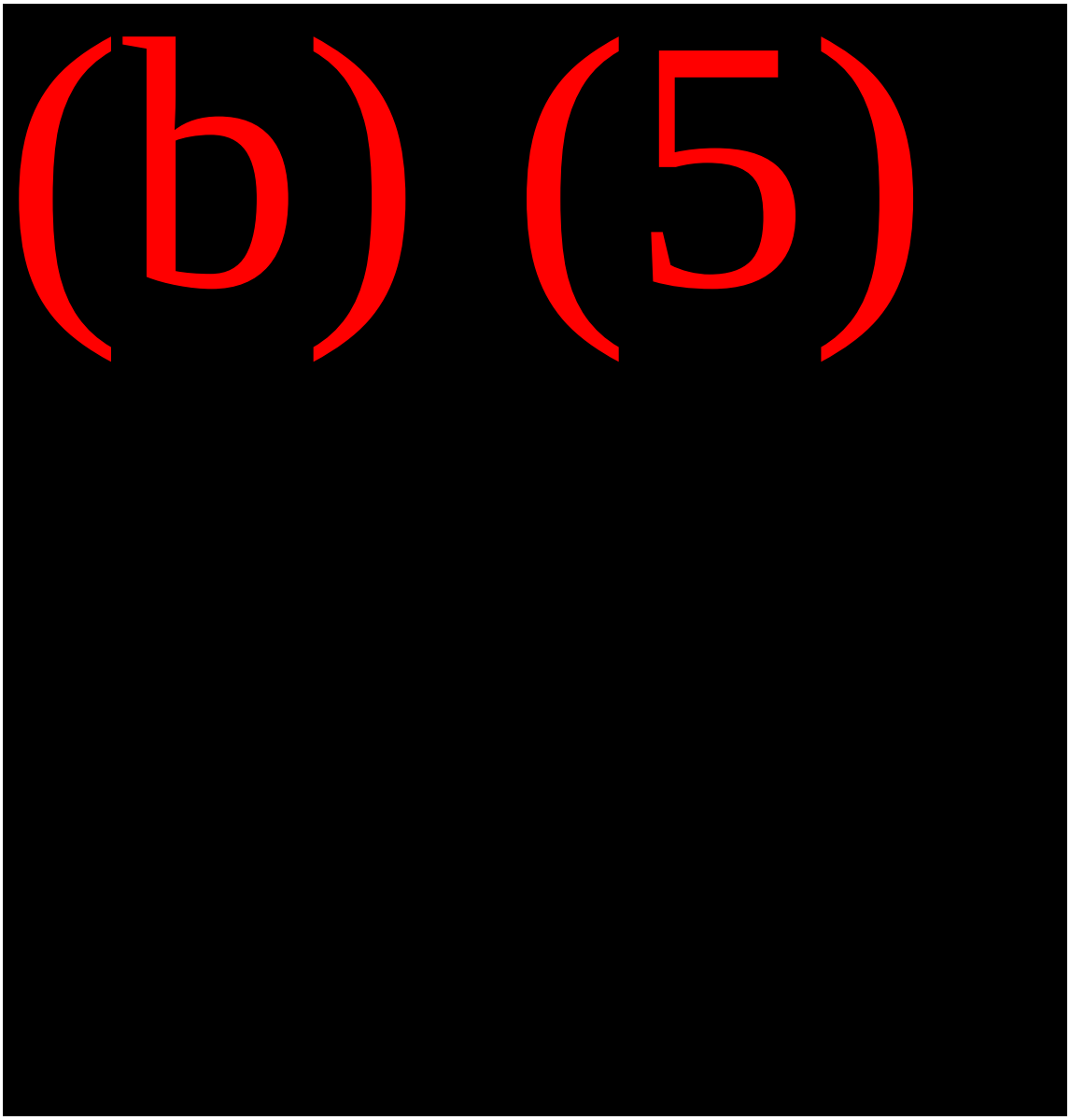
-----Original Appointment-----
From: Mccoy, Todd - OHS, Washington, DC
Sent: Tuesday, June 16, 2020 10:16 AM
To: Interagency Food Supply Chain
Subject: USDA ESF #11 Interagency Food Supply Chain Team
When: Tuesday, June 23, 2020 8:00 AM-8:30 AM (UTC-05:00) Eastern Time (US & Canada).
Where: (b) (6) [redacted]

Purpose: (b) (5) [redacted]

Frequency: Every Tuesday (weekly) from 8:00 AM to 8:30 AM ET.

Location: (b) (6) [redacted]

Agenda:



Background: The global COVID-19 pandemic and cascading supply chain impacts are unprecedented and there are unique challenges to the Food and Agriculture (FA) Sector including but not limited to worker safety; depopulation and carcass disposal; food production and processing; supply/demand/distribution; food security; cross-sector interdependencies; and related.

The FA Sector is composed of complex production, processing, and delivery systems and has the capacity to feed people and animals both within and beyond the boundaries of the United States. These food and agriculture systems are almost entirely under private ownership, operate in highly competitive global markets, strive to operate in harmony with the environment, and provide economic opportunities and an improved quality of life for American citizens and others worldwide. These factors contribute to unique challenges

related to disparate and disconnected data sources to inform FSC intelligence.

The continuity of critical infrastructure sectors, including the Food and Agriculture Sector, is not a given. (b) (5) [redacted]

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From: Mccoy, Todd - OHS, Washington, DC
To: Mccoy, Todd - OHS, Washington, DC
Subject: RE: USDA ESF #11 Interagency Food Supply Chain Team
Date: Friday, July 10, 2020 11:35:42 AM

IFSCT Members,

Based on feedback we will reschedule our weekly IFSCT meetings to reoccur at a later time. Click here and select a later day/time that best fits your weekly schedule. If we get enough responses today, we will reschedule our next meeting which is currently set for Tuesday (July 14) at 8:00 AM ET.

If you have not done so already, please take a few minutes to validate and prioritize our areas of interest.

Best,
Todd

From: Mccoy, Todd - OHS, Washington, DC
Sent: Thursday, July 9, 2020 2:32 PM
To: Mccoy, Todd - OHS, Washington, DC <todd.mccoy@usda.gov>
Subject: RE: USDA ESF #11 Interagency Food Supply Chain Team
Importance: High

Reminder: If you have not done so already, please take a few minutes to validate and prioritize our areas of interest as soon as possible. We have less than 20 responses, which is insufficient to help inform our priorities going forward.

From: Mccoy, Todd - OHS, Washington, DC <todd.mccoy@usda.gov>
Sent: Tuesday, July 7, 2020 9:36 AM
To: Mccoy, Todd - OHS, Washington, DC <todd.mccoy@usda.gov>
Subject: RE: USDA ESF #11 Interagency Food Supply Chain Team

IFSCT Members,

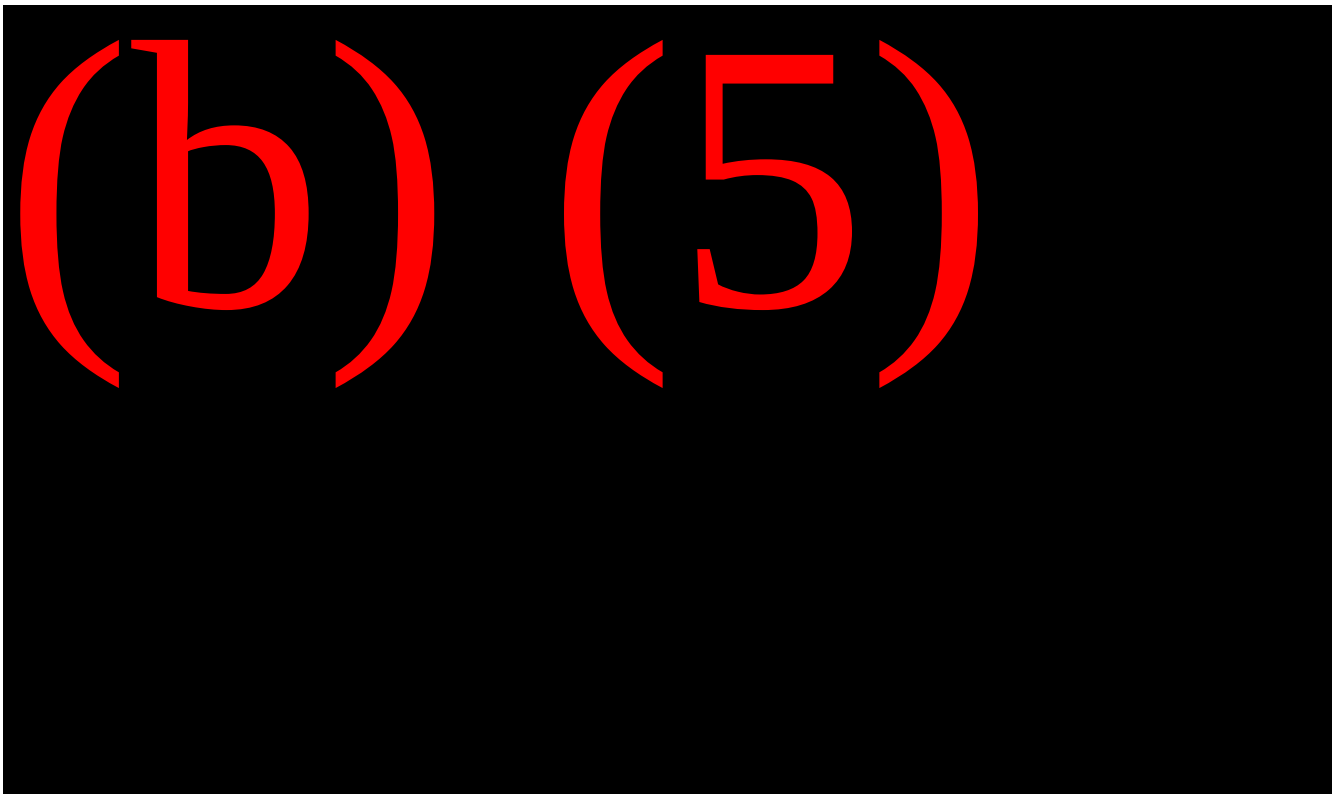
Thank you for your participation in this morning's call.

We need your feedback on two quick surveys as soon as possible:

1. Feedback on IFSCT
2. Validate and Prioritize Areas of Interest

Action Requested – Send your D/A's primary POC info to Todd McCoy – This person should have authority to speak on behalf of your D/A priorities, and have access to your D/A's rep on the National Economic Council's Food Supply Chain Policy Coordination Committee.

Below is a quick summary of today's call:



Not discussed but attached for consideration, the most recent report on *COVID-19 Near-Term Issues Spotting in Food Supply Chain*.

Thank you all again for you participation, and please feel free to reach out if you have any questions.

Best,
Todd

-----Original Appointment-----
From: Mccoy, Todd - OHS, Washington, DC
Sent: Tuesday, June 16, 2020 10:16 AM
To: Interagency Food Supply Chain Team
Subject: USDA ESF #11 Interagency Food Supply Chain Team
When: Tuesday, July 7, 2020 8:00 AM-8:30 AM (UTC-05:00) Eastern Time (US & Canada).
Where: (b) (6)

Update: Attachments added to support tomorrow's call.

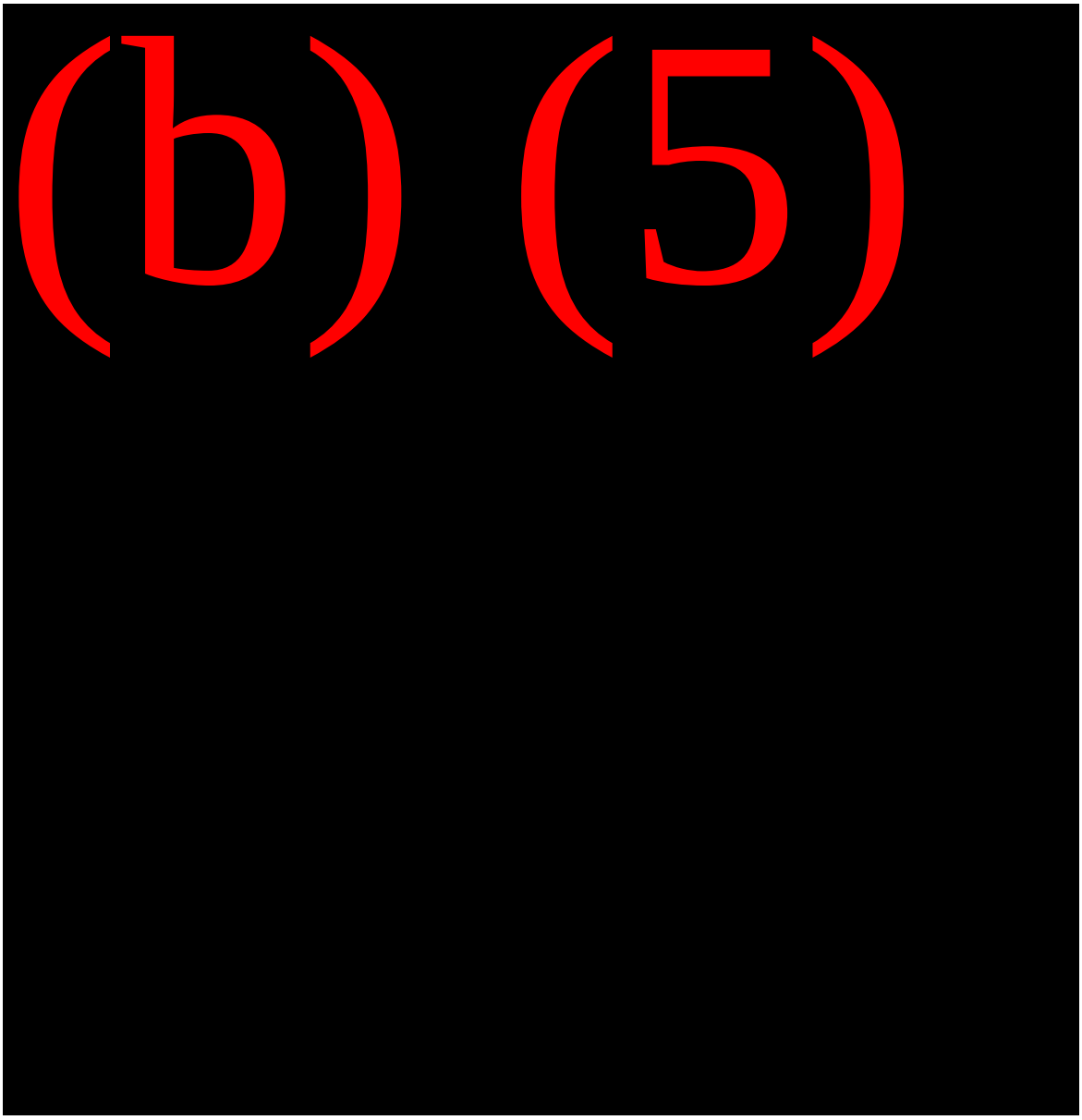
Purpose: (b) (5)

(b) (5)

Frequency: Every Tuesday (weekly) from 8:00 AM to 8:30 AM ET.

Location: (b) (6)

Agenda:



Background: The global COVID-19 pandemic and cascading supply chain impacts are unprecedented and there are unique challenges to the Food and Agriculture (FA) Sector including but not limited to worker safety; depopulation and carcass disposal; food production and processing; supply/demand/distribution; food security; cross-sector interdependencies; and related.

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The continuity of critical infrastructure sectors, including the Food and Agriculture Sector, is not a given. (b) (5) [redacted]

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From: Sweatt, Loren E. - OSHA
To: Newsome, Shawna - OSEC, Washington, DC; Hearl, Frank J. (CDC/NIOSH/OD)
Subject: RE: USDA, FDA Strengthen U.S. Food Supply Chain Protections During COVID-19 Pandemic
Date: Tuesday, May 19, 2020 6:53:00 PM

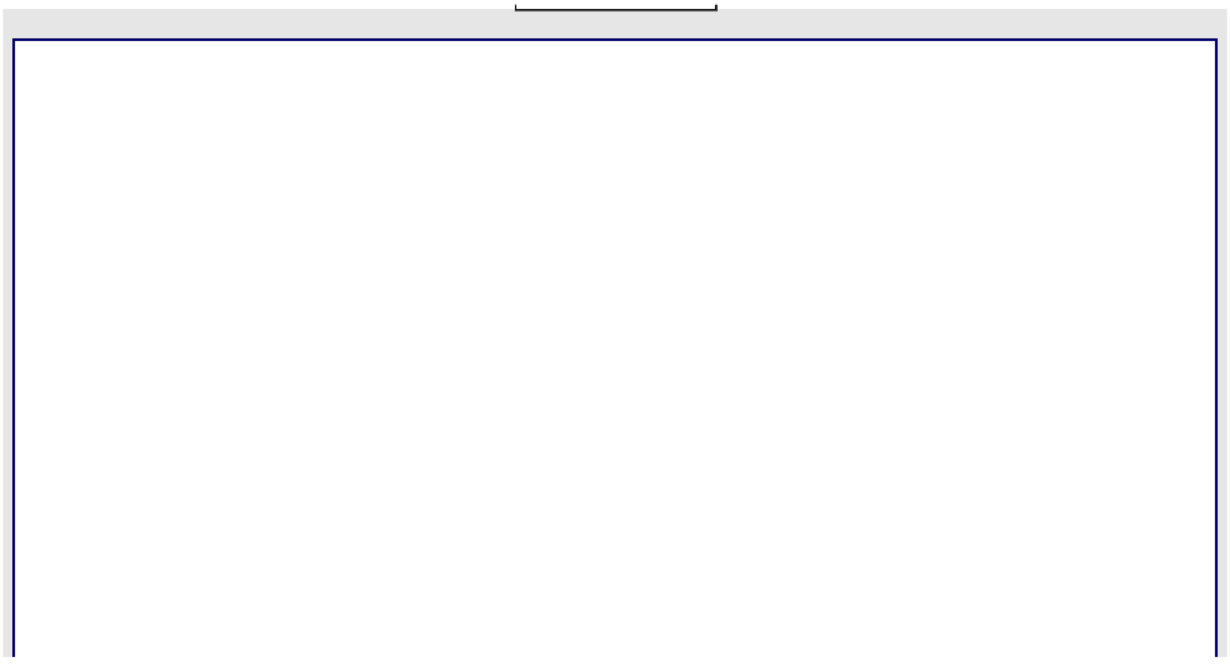
Thanks. Our hearing was postponed. (b) (6) ?

From: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Sent: Tuesday, May 19, 2020 6:09 PM
To: Hearl, Frank J. (CDC/NIOSH/OD) <fjh1@cdc.gov>; Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Subject: Fwd: USDA, FDA Strengthen U.S. Food Supply Chain Protections During COVID-19 Pandemic

Fyi.

Shawna Newsome
Office of Food Safety, USDA
Cell: (b) (6)

From: USDA Office of Communications <feedback@oc.usda.gov>
Sent: Tuesday, May 19, 2020 6:03 PM
To: Newsome, Shawna - OSEC, Washington, DC
Subject: USDA, FDA Strengthen U.S. Food Supply Chain Protections During COVID-19 Pandemic



USDA, FDA Strengthen U.S. Food Supply Chain Protections During COVID-19 Pandemic

(Washington, D.C.) May 19, 2020

The following statement is attributed to Mindy Brashears, Ph.D., USDA Under Secretary for Food Safety, and Frank Yiannas, FDA Deputy Commissioner for Food Policy and Response.

As the COVID-19 pandemic response continues, the U.S. Department of Agriculture and the U.S. Food and Drug Administration have been working around the clock on many fronts to support the U.S. food and agriculture sector so that Americans continue to have access to a safe and robust food supply. As a next step in carrying out Executive

Order 13917, the USDA and FDA today announced a Memorandum of Understanding (MOU) to help prevent interruptions at FDA-regulated food facilities, including fruit and vegetable processing.

This is an important preparedness effort as we are approaching peak harvesting seasons, when many fruits and vegetables grown across the U.S. are sent to be frozen or canned. The MOU creates a process for the two agencies to make determinations about circumstances in which the USDA could exercise its authority under the Defense Production Act (DPA) with regard to certain domestic food resource facilities that manufacture, process, pack, or hold foods, as well as to those that grow or harvest food that fall within the FDA's jurisdiction.

While the FDA will continue to work with state and local regulators in a collaborative manner, further action under the DPA may be taken, should it be needed, to ensure the continuity of our food supply. As needed, the FDA will work in consultation with state, local, tribal and territorial regulatory and public health partners; industry or commodity sector; and other relevant stakeholders (e.g. Centers for Disease Control and Prevention, Occupational Safety and Health Administration) to chart a path toward resuming and/or maintaining operations while keeping employees safe.

We are extremely grateful to essential workers for everything they do every day to keep our pantries, refrigerators and freezers stocked. All of the food and agriculture sector -- whether it is regulated by the USDA or FDA -- are considered critical infrastructure, and it is vital for the public health that they continue to operate in accordance with guidelines from the CDC and OSHA regarding worker health and safety. As we work to get through the current challenge together, we remain committed to workers' safety, as well as ensuring the availability of foods, and that our food remains among the safest in the world.

Additional Information

On April 28, 2020, President Donald J. Trump signed Executive Order 13917, Delegating Authority Under the Defense Production Act with Respect to the Food Supply Chain Resources During the National Emergency Caused by the Outbreak of COVID-19, delegating the powers of the President under the DPA to the Secretary of Agriculture to ensure continuity of operations for our nation's food supply chain. The Executive Order gave the Secretary of Agriculture the authority to utilize the DPA if needed to require the fulfillment of contracts at food processing facilities. The MOU makes clear that the FDA will work with stakeholders to monitor the food supply for food resources not under the USDA's exclusive jurisdiction in order to prevent interruptions at FDA-regulated food facilities.

This action is another in a series of proactive steps the USDA and FDA have taken to maximize food availability following unprecedented disruptions the COVID-19 pandemic has caused to food supply chains that have been established and refined for decades.

Supporting Industry and Protecting Frontline Workers

Our nation's food and agriculture facilities and workers play an integral role in the

continuity of our food supply chain.

The USDA and FDA have been working to ensure that frontline workers in food facilities and retailers that have remained on the job during this crisis have the information and resources they need for business continuity and to continue working safely, which includes mitigating the risk of spreading COVID-19. We continue to provide information and update frequently asked questions on both the FDA and USDA's websites.

We will continue to work with facilities and farms, CDC, OSHA, and state, tribal, and local officials to ensure facilities and farms are implementing practices consistent with federal worker safety guidelines to keep employees safe and continue operations.

We are working with our federal partners who have the authority and expertise over worker safety to develop information on protecting worker health. We are also working with other federal partners to assist the food and agriculture industry in addressing shortages of personal protective equipment (PPE), cloth face coverings, disinfectants and sanitation supplies.

Monitoring and Securing Human and Animal Food Supply Chains 24/7

Throughout the pandemic, the USDA and FDA have been closely monitoring the food supply chain for shortages in collaboration with industry and our federal and state partners. We are in regular contact with food manufacturers and grocery stores.

We have issued guidances to ensure regulatory flexibility to safely reroute food that typically would be bought in bulk by food facilities and restaurants, like eggs and flour, directly to consumers.

Food Safety Reminders for Every American

As we continue to respond to COVID-19, we want to remind consumers that there is no evidence that COVID-19 has been transmitted by food or food packaging, as well as the importance of taking precautionary food safety steps to protect against foodborne illness pathogens such as *Salmonella* and *E. Coli*.

With respect to the safety of food across the U.S., both the USDA and FDA continue to use their respective authorities, including conducting inspections, as appropriate. The agencies also continue to monitor foods for hazards, work with industry on any potential or reported issues in their facilities, and conduct food recalls when appropriate. This applies to both domestically produced food and food that is imported from other countries.

Unlike foodborne gastrointestinal (GI) viruses like norovirus and hepatitis A that often make people ill through contaminated food, foodborne exposure is not known to be a route of transmission for SARS-CoV-2, which causes COVID-19.

With respect to foodborne pathogens, the CDC, FDA and FSIS continue to work with state and local partners to investigate foodborne illness and outbreaks. During this coronavirus outbreak, we will continue to operate to prepare for, coordinate and carry

out response activities to incidents of foodborne illness in both human and animal food.

Additional Resources:

- USDA's COVID-19 Response webpage
- FDA's COVID-19 Response webpage
- USDA's Food Supply and COVID-19 webpage
- FDA's Food Safety and COVID-19 webpage
- FDA's Voices Piece on Food and COVID-19
- FDA: Best Practices for Food Businesses During COVID-19
- Contact the FDA CFSAN Information Center

# # #



Department of Agriculture | 1400 Independence Ave., S.W., Washington, DC 20250

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From: Mccoy, Todd - OHS, Washington, DC
To: Todd McCoy; (b) (6)

[redacted]

Subject: RE: USDA ESF #11 Interagency Food Supply Chain Team
Date: Tuesday, June 23, 2020 8:06:45 AM

IFSCT Members,

Good morning!

Please follow this link below to view the demo of the DAWG Analytics Portal.

WebEx: (b) (6) [redacted]

Thanks,
Todd

-----Original Appointment-----
From: Mccoy, Todd - OHS, Washington, DC
Sent: Tuesday, June 16, 2020 10:16 AM
To: Interagency Food Supply Chain
Subject: USDA ESF #11 Interagency Food Supply Chain Team
When: Tuesday, June 23, 2020 8:00 AM-8:30 AM (UTC-05:00) Eastern Time (US & Canada).
Where: (b) (6) [redacted]

Purpose: (b) (5) [redacted]

(b) (5)

Frequency: Every Tuesday (weekly) from 8:00 AM to 8:30 AM ET.

Location: (b) (6)

Agenda:

(b) (5)

Background: The global COVID-19 pandemic and cascading supply chain impacts are unprecedented and there are unique challenges to the Food and Agriculture (FA) Sector including but not limited to worker safety; depopulation and carcass disposal; food production and processing; supply/demand/distribution; food security; cross-sector interdependencies;

and related.

The FA Sector is composed of complex production, processing, and delivery systems and has the capacity to feed people and animals both within and beyond the boundaries of the United States. These food and agriculture systems are almost entirely under private ownership, operate in highly competitive global markets, strive to operate in harmony with the environment, and provide economic opportunities and an improved quality of life for American citizens and others worldwide. These factors contribute to unique challenges related to disparate and disconnected data sources to inform FSC intelligence.

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SARS-CoV-2 failure to infect or replicate in mosquitoes: an extreme challenge

Yan-Jang S. Huang[1,2], Dana L. Vanlandingham[1,2], Ashley N. Bilyeu[1,2], Haelea M. Sharp[1,2], Susan M. Hettenbach[2] & Stephen Higgs[1,2]✉

This research addresses public speculation that SARS-CoV-2 might be transmitted by mosquitoes. The World Health Organization has stated "To date there has been no information nor evidence to suggest that the new coronavirus could be transmitted by mosquitoes". Here we provide the first experimental data to investigate the capacity of SARS-CoV-2 to infect and be transmitted by mosquitoes. Three widely distributed species of mosquito; *Aedes aegypti*, *Ae. albopictus* and *Culex quinquefasciatus*, representing the two most significant genera of arbovirus vectors that infect people, were tested. We demonstrate that even under extreme conditions, SARS-CoV-2 virus is unable to replicate in these mosquitoes and therefore cannot be transmitted to people even in the unlikely event that a mosquito fed upon a viremic host.

The question has been asked as to whether or not SARS-CoV-2, the causative agent of COVID-19, can infect and be transmitted by mosquitoes. The WHO has definitively stated that mosquitoes cannot transmit the virus[1], and in interviews, various experts have unanimously and definitively also dispelled the suggestion that SARS-CoV-2 could be transmitted by mosquitoes. The presumption may be based on various observations and facts extrapolated from other coronaviruses. For example, neither the closely related SARS-CoV nor MERS produce the level of virus in the blood that for typical arthropod-borne viruses such as dengue and yellow fever, would be regarded as high enough to infect mosquitoes. Recent studies with infected humans and non-human primates infected with SARS-CoV-2, found no detectable virus in peripheral blood[2,3]. Lack of viremia is also suggested by the fact that neither SARS-CoV nor MERS infections have resulted from blood transfusions or organ transplantations. Since mechanical transmission of viruses by arthropods requires a very high viremia[4], even if mosquitoes were interrupted when feeding on a SARS-CoV-2 infected person, the mouthparts would not be contaminated. Although we do not know the duration of virus infectivity on contaminated surfaces, mechanical transmission by non-hematophagous arthropods seems highly unlikely, and even if not impossible, would result in very few, if any human infections, and not be epidemiologically relevant. Despite the lack of detectable viremia, experiments to determine the potential role of mosquitoes in SARS-CoV-2 transmission, are necessary because previous experiments have demonstrated that mosquitoes may become infected with viruses even when exposed to levels of infectious virus that are below the level of detection[5–7].

To be a biological vector of viruses, mosquitoes must take up sufficient virus to infect midgut epithelial cells, and the virus must then disseminate to infect other organs in the hemocoel, notably the salivary glands. Overcoming the midgut infection and escape barriers is essential for a virus to be transmissible by mosquitoes. If these barriers are bypassed by direct inoculation of virus into the hemocoel, then even non-susceptible mosquitoes can be infected. Intrathoracic inoculation[8,9] of virus directly into the hemocoel can accomplish short-term infection of insects that could never be naturally infected because they do not feed on blood. These include not only non-hematophagous mosquitoes such as *Toxorhynchites* spp, but also male mosquitoes and even beetles and butterflies[10,11]. The use of intrathoracic inoculation, also addressed published reports that the natural physical breaching of the midgut wall by filarial, may enable a disseminated coinfection of viruses in resistant mosquitoes[12].

Similar to over 500 viruses that are transmitted by arthropods[13], with the exception of African swine fever virus, coronaviruses have an RNA genome. In spite of the recovery of coronavirus or coronavirus-like agents

[1]Department of Diagnostic Medicine and Pathobiology, College of Veterinary Medicine, Kansas State University, Manhattan, KS 66506, USA. [2]Biosecurity Research Institute, Kansas State University, Manhattan, KS 66506, USA. ✉email: shiggs@bri.ksu.edu

Species	Inoculum	Time (days post infection)					
		0*	1	3	7	10	14
Ae. aegypti	Mock**	0.0% (0/6)	0.0% (0/3)	0.0% (0/5)	0.0% (0/5)	0.0% (0/6)	0.0% (0/5)
	SARS-CoV-2	83.3% (5/6)	0.0% (0/17)	0.0% (0/17)	0.0% (0/24)	0.0% (0/26)	0.0% (0/27)
Ae. albopictus	Mock**	0.0% (0/6)	0.0% (0/4)	0.0% (0/2)	0.0% (0/4)	0.0% (0/2)	0.0% (0/5)
	SARS-CoV-2	83.3% (5/6)	7.1% (1/14)	0.0% (0/15)	0.0% (0/20)	0.0% (0/21)	0.0% (0/32)
Cx. quinquefasciatus	Mock**	0.0% (0/3)	0.0% (0/1)	N/A	0.0% (0/1)	N/A	0.0% (0/1)
	SARS-CoV-2	100.0% (3/3)	0.0% (0/17)	0.0% (0/17)	0.0% (0/25)	0.0% (0/28)	0.0% (0/25)

Table 1. Recovery rates of SARS-CoV-2 in mosquitoes receiving intrathoracic injection. * Mosquitoes obtained at day 0 post infection were collected within 2 h from the time of intrathoracic injection. ** All mock control groups of mosquitoes received Leibovitz's L-15 media.

from various arthropods[14,15], no virus in the family has been isolated from mosquitoes. To date, only one report related to epidemic coronaviruses and mosquitoes has been published[16]. This study that evaluated the potential use of mosquitoes for surveillance, included feeding of MERS virus to *Anopheles gambiae* mosquitoes. Residual viral RNA, probably in the remains of the bloodmeal in the midgut, was detected up to 1-day post-feeding. Similarly, positive PCR detection was observed for *Bacillus anthracis*, *Trypanosoma brucei gambiensis,* and Zika virus, none of which infect or are transmitted by *An. gambiae*. Levels of detected RNA were equal to or below the input level, indicating a lack of replication. By analyzing samples using in vitro cultivation, rather than using molecular approaches, we focused specifically on detection of infectious virus rather than on RNA. As illustrated by, for example, the use of inactivation techniques specifically developed to enable safe handling and shipping of viral material, the mere presence of RNA does not mean that any infectious virus is actually present. It is well known that viral RNA can be detected in mosquitoes simply because they have fed on a viremic host, and so RNA detection should never be interpreted as proof of mosquito susceptibility to infection and competence to transmit the virus.

Results

In this study, the susceptibility of three mosquito species, *Ae. aegypti*, *Ae. albopictus* and *Cx. quinquefasciatus*, were determined through the intrathoracic inoculation with SARS-CoV-2. Infectious viruses were recovered from 13/15 mosquitoes collected within two hours of inoculation. It is possible, that in the two negative mosquitoes, the inoculated virus lost infectivity during the holding period. No virus was detected in the 277 inoculated mosquitoes collected and titrated at time points beyond 24 h, suggesting a rapid loss of infectivity and the lack of replication after injection. From a total of 48 mosquitoes analyzed, infectious viruses were only recovered from one *Ae. albopictus* collected at 24 h post-inoculation. The quantity of infectious virus in this mosquito corresponded to the amount of inocula, producing infectious titers at approximately 1.5 $\log TCID_{50}$/ml. No virus was detected in control L-15 medium inoculated mosquitoes. Collectively, our findings suggest that mosquitoes in the *Aedes* and *Culex* genera are refractory to SARS-CoV-2 and unlikely to contribute to viral maintenance and transmission in nature (Table 1.).

Discussion

The most extreme approach for viral challenge of mosquitoes, namely intrathoracic inoculation, was used as an ultimate test of the capacity of SARS-CoV-2 to infect and replicate in mosquitoes. The hypothesis was that if the virus did not replicate in mosquitoes after intrathoracic inoculation, then even if mosquitoes did feed on viremic people, and the virus disseminated from the midgut, the lack of replication would preclude the possibility of biological transmission. Three widely distributed species of mosquito, representing the two most significant genera of arbovirus vectors that infect people, were tested. All three of the species: *Aedes aegypti*, *Ae. albopictus,* and *Culex quinquefasciatus* are present in China, the country of origin of SARS-CoV-2. Samples collected within two hours of inoculation confirmed efficient delivery of infectious viruses to mosquitoes. Based upon the lack of detectable infectious virus in any of the 277 samples collected at all time points beyond 24 h post-inoculation, we conclude that SARS-CoV-2 is unable to replicate in mosquitoes and that even if a mosquito fed on a person with virus in the blood, that the mosquito would not be a vector if feeding on a naïve host.

Methods

Virus: SARS-CoV-2 virus WA1/2020 strain was obtained from BEI Resources (Catalog # NR-52281). Virus was propagated in Vero76 cells at the approximate multiplicity of infection of 0.01. Using serial tenfold dilutions in 96-well plates[17], infectious titers of viral stocks used for intrathoracic injection were approximately 5.5 $\log TCID_{50}$/ml.

Mosquitoes: The colonized *Aedes aegypti* strain Rex D, Higgs white eye was originally obtained from Puerto Rico[18], *Ae. albopictus* generation F11 originated from New Jersey, and *Culex quinquefasciatus* F43 were from Florida[19,20]. All mosquitoes were reared at 28 °C, relative humidity of 80% and a 12 h light:12 h dark photoperiod. These colonized mosquitoes have proven to be susceptible to several arboviruses[19,21–26].

Viral challenge of mosquitoes: For intrathoracic inoculation[9], mosquitoes were cold-anaesthetized on ice, transferred to a secure glove box, and then inoculated with approximately 0.5 µl of viral stock. It was anticipated that each mosquito received approximately 2.0 $\log TCID_{50}$/ml of infectious viruses. L-15 medium was inoculated

as a negative control. The results were compiled from two experiments using *Ae. aegypti* and *Ae. albopictus* and one experiment using *Cx. quinquefasciatus*. Experimentally challenged mosquitoes were maintained and sampled under conditions as described above. Mosquitoes were individually triturated in 1 ml of medium using a TissueLyser II platform (Qiagen, Valencia, CA), and titrated on Vero cells as previously described.

Received: 26 May 2020; Accepted: 29 June 2020
Published online: 17 July 2020

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Acknowledgements

This work was performed in the ACL-3 insectary at Kansas State University's Biosecurity Research Institute. The research was in part supported by the State of Kansas National Bio and Agro-defense Facility (NBAF) Transition Fund.

Author contributions

S.H., D.L.V., and Y.S.H. conceived the study. Y.S.H., A.B., H.M.S., and S.H. executed the experimental plans. D.L.V. provided financial support and reviewed the manuscript. S.M.H. prepared approvals for the research, coordinated experiments, and prepared manuscript. All authors reviewed the manuscript.

Competing interests

The authors declare no competing interests.

Additional information

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From:	Mccoy, Todd - OHS, Washington, DC
To:	Mccoy, Todd - OHS, Washington, DC
Subject:	SARS-CoV-2 fails to replicate in mosquitoes
Date:	Monday, July 20, 2020 8:25:08 AM
Attachments:	Mosquito SARSCOV2experiment -Scientific_Reports.pdf

FYI: Mosquitoes are not seen as a likely transition vector for SARS-CoV-2, as published by the Kansas State University's Biosecurity Research Institute last Friday.

Abstract: This research addresses public speculation that SARS-CoV-2 might be transmitted by mosquitoes. The World Health Organization has stated "To date there has been no information nor evidence to suggest that the new coronavirus could be transmitted by mosquitoes". Here we provide the first experimental data to investigate the capacity of SARS-CoV-2 to infect and be transmitted by mosquitoes. Three widely distributed species of mosquito; *Aedes aegypti, Ae. albopictus and Culex quinquefasciatus*, representing the two most significant genera of arbovirus vectors that infect people, were tested. We demonstrate that even under extreme conditions, SARS-CoV-2 virus is unable to replicate in these mosquitoes and therefore cannot be transmitted to people even in the unlikely event that a mosquito fed upon a viremic host.

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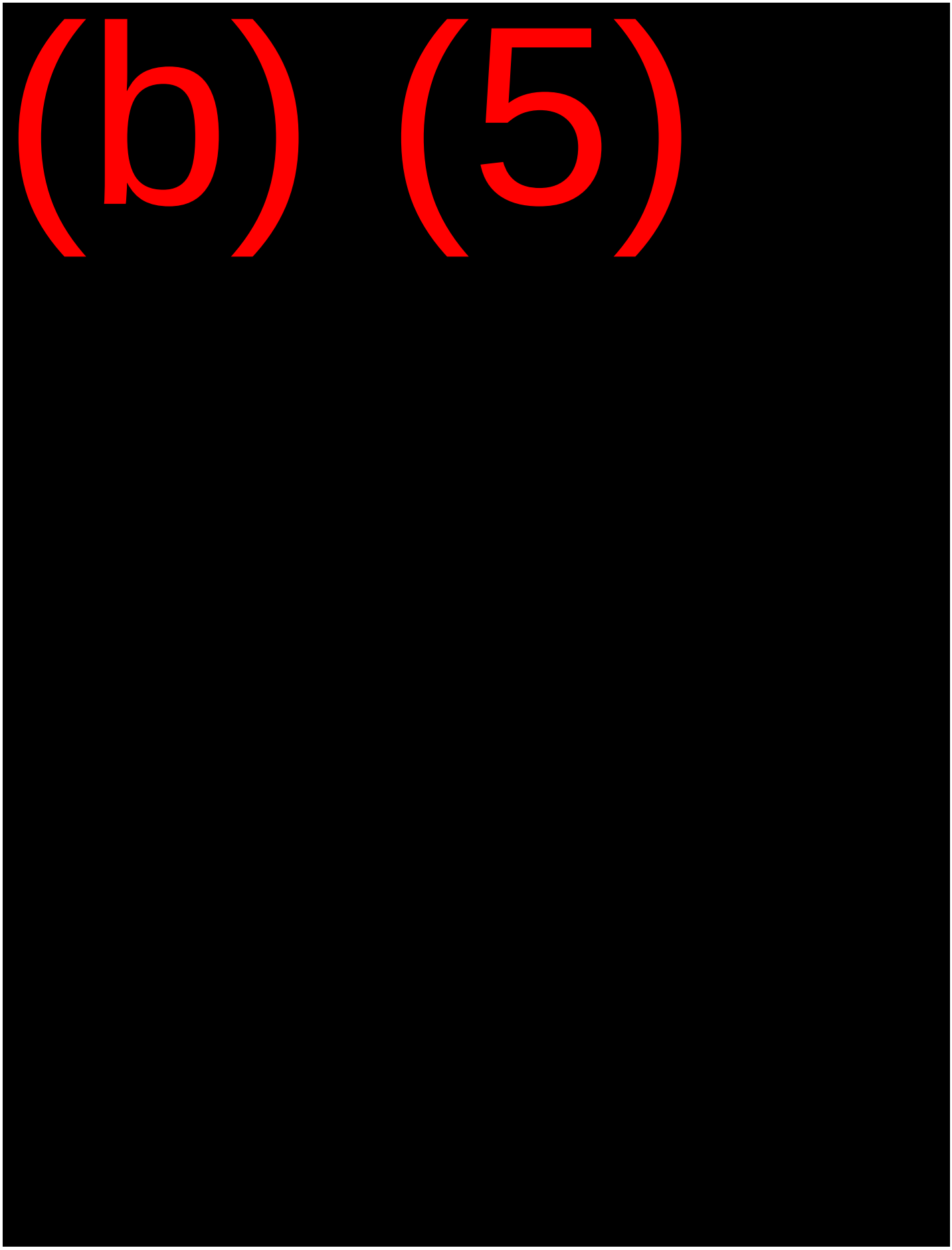
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From:	Newsome, Shawna - OSEC, Washington, DC
To:	Sweatt, Loren E. - OSHA; Hearl, Frank J. (CDC/NIOSH/OD)
Subject:	Self assessment checklist
Date:	Thursday, April 30, 2020 8:26:12 AM
Attachments:	SelfAssessmentChecklist.docx

DRAFT/DELIBERATIVE

Loren, Frank,

Mindy has put together a checklist for establishments to use for self-assessment of their mitigation plans. (b) (5) [redacted]. Let me know if you guys have any thoughts/edits. Thanks!

Shawna Newsome
Chief of Staff
Office of Food Safety, USDA
1400 Independence Ave., SW
Washington, D.C. 20250
Cell: (b) (6) [redacted]
Email: shawna.newsome@usda.gov

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From:	Days-Austin, Rosalynn C - APHIS
Cc:	Stiefel, David - OHS, Washington, DC; Days-Austin, Rosalynn C - APHIS
Subject:	Survey-USDA ESF #11 (Agriculture and Natural Resources) INTERAGENCY FOOD SUPPLY CHAIN TEAM (ISFT)
Date:	Thursday, May 21, 2020 2:30:14 PM
Importance:	High

All,

Thank you so much for your participation on the ESF #11 Interagency Food Supply Chain Team. As we are continuing to build momentum, I would like to take the temperature of our members. I am working with the standing, and new, working groups and want to make sure that our team is hitting the mark on the current needs. With that, **I request that you all respond to David Stiefel (david.stiefel@usda.gov) by COB tomorrow (5/22) with your responses to the following short survey:**

- (b) (5) [redacted]
- [redacted]
- [redacted]

Thank you so much for your help making this group as useful as possible.

Have a great rest of your day.

Sincerely,

Rosalynn Days-Austin
ESF #11 COVID-19 Response
United States Department of Agriculture (USDA)
Email: rosalynn.days-austin@usda.gov
BB: (b) (6) [redacted]

Emergency Support Function #11 (ESF #11) - **Agriculture and Natural Resources** works during actual and potential incidents to provide nutrition assistance; respond to animal and agricultural health issues; provide technical expertise, coordination and support of animal and agricultural emergency management; ensure the safety and defense of the Nation's supply of meat, poultry, and processed egg products; and ensure the protection of natural and cultural resources and historic properties.

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From:	Newsome, Shawna - OSEC, Washington, DC
To:	Sweatt, Loren E. - OSHA; Pearce, Krisann - OSHA
Cc:	Nintemann, Terri - FSIS; Reed, Jeremy Todd - FSIS; Young, Benjamin - OGC, Washington, DC; Novak, Sheila - OGC, Washington, DC
Subject:	Updated Docs based on 11:30 Convo
Date:	Monday, May 11, 2020 11:48:09 AM
Attachments:	Draft USDAOSHA Attestation Letter 5.10.docx CovidAttestation comments5.10.docx

Attached. Thanks, all!

Shawna Newsome
Chief of Staff
Office of Food Safety, USDA
1400 Independence Ave., SW
Washington, D.C. 20250
Cell: (b) (6)
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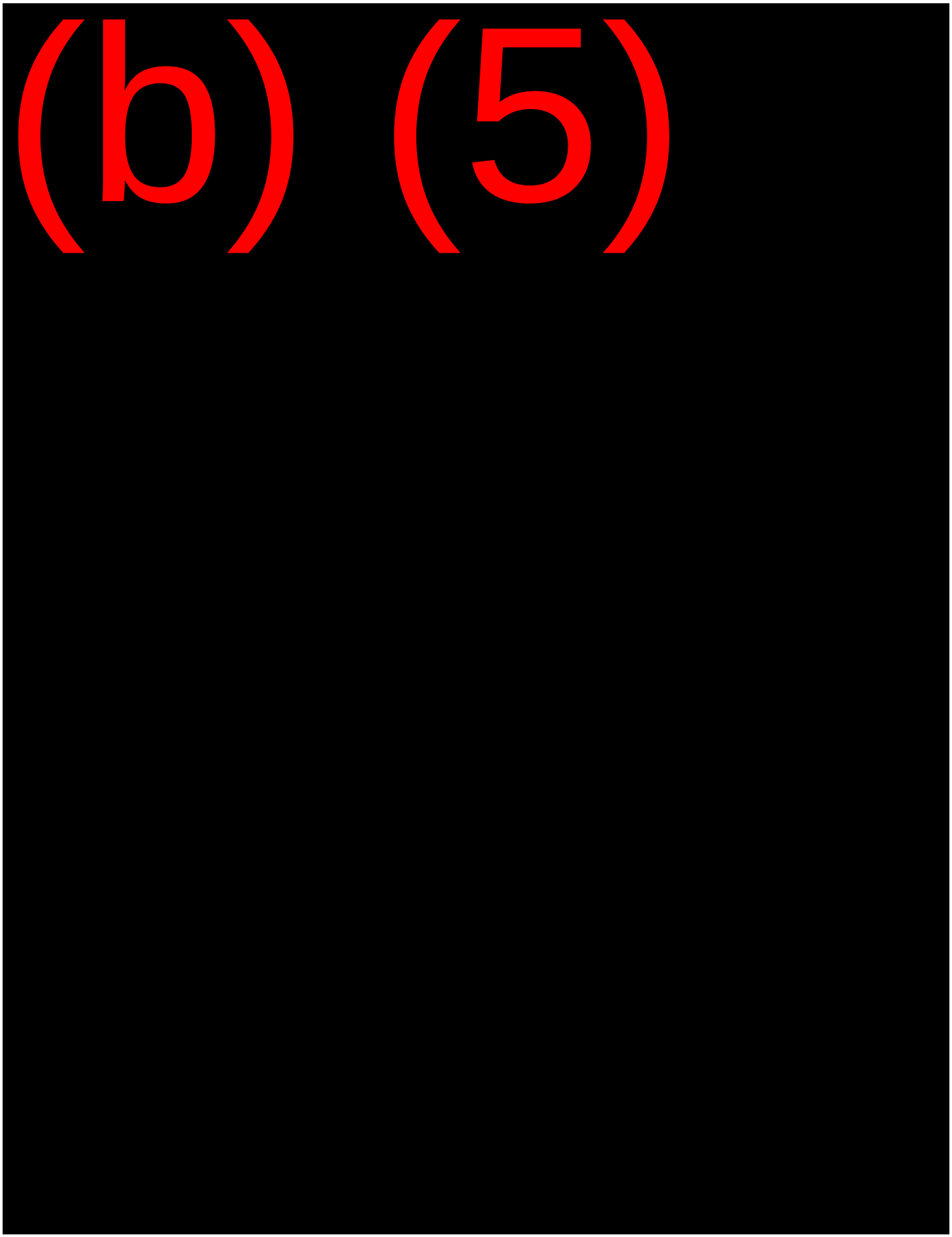
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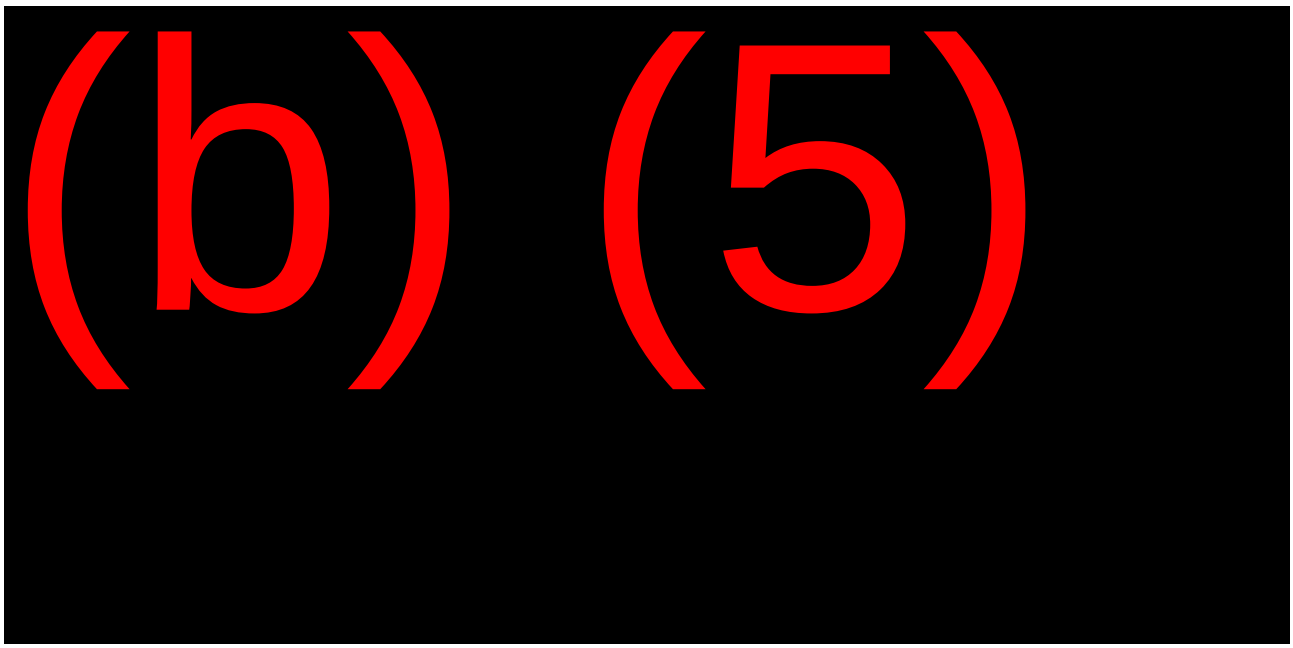

Signature: _____ Date: _____

OPA Production
02/05/2021

From:	Kilberg, Andrew G - OSEC </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS /CN=285BFB7C58734E858F9CBD77C1BCF3C7-KILBERG, AN>
To:	Bozzuto, Robert F - OPA
CC:	OScannlain, Kate S - SOL; Sweatt, Loren E. - OSHA; Mondl, Rachel E - OSEC
Sent:	4/28/2020 4:41:37 PM
Subject:	statement -- prep for release but HOLD
Attachments:	Statement on Meatpacking - 2020.04.28 1621 clean.docx

Bob:

Attached is the statement I discussed with you earlier. Please prepare it so that it is in the correct format and ready to distribute, but HOLD it until it is approved for release. We cannot release until the White House has announced that the President has signed the executive order invoking the DPA for protein processing.

Thanks!

Andrew

Andrew G. I. Kilberg
Counselor to the Secretary
U.S. Department of Labor
202.693.6018

Statement of Enforcement Policy by Solicitor of Labor Kate O'Scannlain and Principal Deputy Assistant Secretary for OSHA Loren Sweatt regarding Meat and Poultry Processing Facilities

The Occupational Safety and Health Administration (OSHA) and the Centers for Disease Control and Prevention (CDC) recently issued joint interim guidance for meat and poultry processing workers and employers (Joint Meat Processing Guidance) in light of multiple outbreaks of COVID-19 among meat, pork, and poultry processing facility workers. It is vitally important that employers in this critical industry adhere to the Joint Meat Processing Guidance to protect their workers from the risk of COVID-19 infection. Moreover, the security of America's food supply relies on meat, pork, and poultry processing facilities continuing to operate, which they cannot do without a healthy workforce. In light of President Trump's invocation of the Defense Production Act (DPA) with respect to protein processing, OSHA and the Solicitor of Labor issue this statement to clarify the effect of the Joint Meat Processing Guidance in this circumstance.

OSHA has issued enforcement guidance indicating the agency will use enforcement discretion for employers adhering to appropriate guidance, including the Joint Meat Processing Guidance. As stated in the Joint Meat Processing Guidance, employers should conduct worksite assessments to identify COVID-19 risks and prevention strategies and then implement them. It is important that employers seek to adhere to this Guidance. To the extent employers determine that certain measures are not feasible in the context of specific plants and circumstances, they are encouraged to document why that is the case. In the event of an investigation, OSHA will take into account good faith attempts to follow the Joint Meat Processing Guidance. OSHA does not anticipate citing employers that adhere to the Joint Meat Processing Guidance. Additionally, because of the President's invocation of the DPA, no part of the Joint Meat Processing Guidance should be construed to indicate that state and local authorities may direct a meat and poultry processing facility to close, to remain closed, or to operate in accordance with procedures other than those provided for in this Guidance

In addition, courts often consider compliance with OSHA standards and guidance as evidence in an employer's favor in litigation. Where a meat, pork, or poultry processing employer operating pursuant to the President's invocation of the DPA has demonstrated good faith attempts to comply with the Joint Meat Processing Guidance and is sued for alleged workplace exposures, the Department of Labor will consider a request to participate in that litigation in support of the employer's compliance program. Likewise, the Department of Labor will consider similar

requests by workers if their employer has not taken steps in good faith to follow the Joint Meat Processing Guidance.

OSHA encourages employers to contact OSHA for compliance assistance or the OSHA On-Site Consultation Program for assistance in applying the joint guidance to their worksites. Employers also may contact CDC for assistance.

OSHA Production
05/10/2021

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DC Circuit Order Upholding OSHA Decision to Not Issue Emergency Temporary Standard for Infectious Diseases

July 17, 2020

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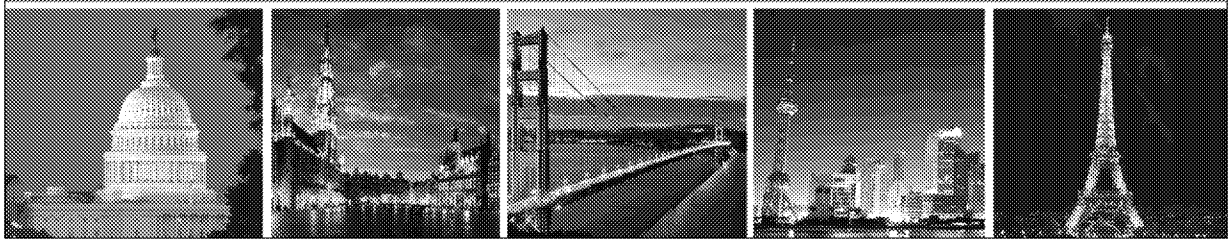


Briefly discuss practice group

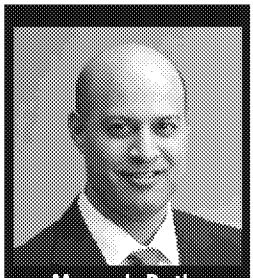
MANESH K. RATH

Manesh Rath is a partner in Keller and Heckman's litigation and OSHA practice groups. He has been the lead amicus counsel on several cases before the U.S. Supreme Court including *Staub v. Proctor Hospital* and *Vance v. Ball State University*.

Mr. Rath is a co-author of three books in the fields of wage/hour law, labor and employment law, and OSHA law.

Mr. Rath served for six years on the Board of Advisors for the National Federation of Independent Business (NFIB) Small Business Legal Center. He served on the Society For Human Resources (SHRM) Special Expertise Panel for Safety and Health law for several years.

He was voted by readers to Smart CEO Magazine's Readers' Choice List of Legal Elite; by fellow members to The Best Lawyers in America 2016, 2017 and 2018; selected by Super Lawyers 2016 – 2017, 2017 – 2018; and by corporate counsel as the 2017 Lexology winner of the Client Choice Award.



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DAVID G. SARVADI

Mr. Sarvadi practices in the areas of occupational health and safety, toxic substance management, pesticide regulation, and product safety.

Mr. Sarvadi represents clients before a variety of federal and state enforcement agencies in legal proceedings involving OSHA citations, EPA Notice of Violations, TSCA consent orders, CPSC Notices, FIFRA Stop Sale Use and Removal Orders, and EEOC Charges of Discrimination. He works with clients in developing, reviewing, and auditing compliance programs in all of these areas, and in obtaining agency rulings on proposed or novel activities and questions, seeking interpretations of regulations as they apply to specific sets of facts. He has been counsel to the National Coalition on Ergonomics from its inception.

He has a background in occupational safety and health, having worked as an industrial hygienist for more than 15 years and became a Certified Industrial Hygienist in 1978, a designation he held until he voluntarily relinquished it in 2010. Prior to becoming an attorney, he managed a corporate industrial hygiene program for a Fortune 500 company. Mr. Sarvadi was selected by the National Academy of Sciences to participate in a panel of the Institute of Medicine that was asked to review a NIOSH study on the use of respirators. He was asked to participate because of his expertise in law and industrial hygiene.



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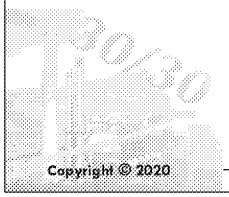
TOPICS TO BE DISCUSSED

- Background on AFL-CIO emergency petition
- Understanding OSHA Emergency Temporary Standards
- Agency deference
- OSHA's approach to COVID-19
- What employers should do



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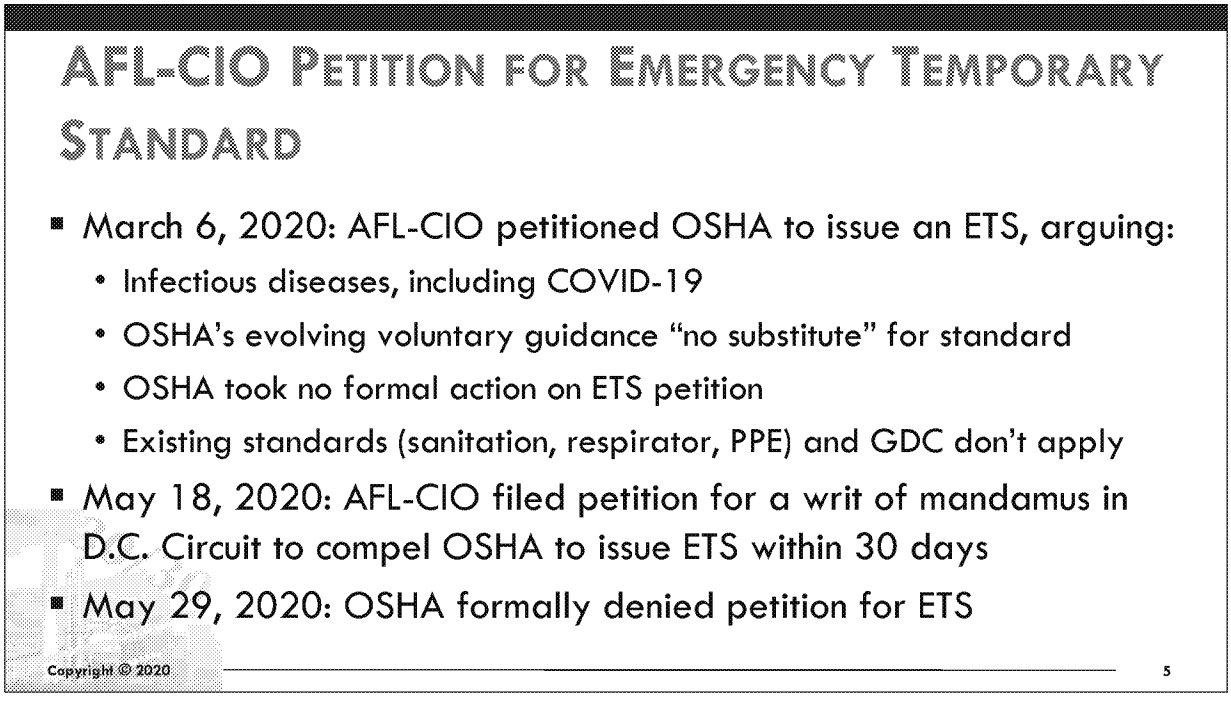


RATH

This is not the first time the AFL-CIO has petitioned OSHA to issue a rulemaking for infectious disease. AFL-CIO has done similar petitions in the past:
Asked OSHA to issue ETS in 2005 to address influenza
Asked OSHA to issue permanent standard in 2009 for infectious diseases
OSHA began rulemaking for infectious diseases but never completed it
Request for information from 2010
SBREFA panel took place and issued report on infectious diseases in 2014
Public stakeholder meetings on an infectious disease standard in 2011.

This petition came about in response to COVID-19
AFL-CIO: in the face of a global health emergency causing more deaths in less time than any other workplace crisis OSHA has faced in its fifty-year existence, OSHA's refusal to issue an ETS constitutes an abuse of agency discretion so blatant and of "such magnitude" as to amount to a clear "abdication of statutory responsibility."

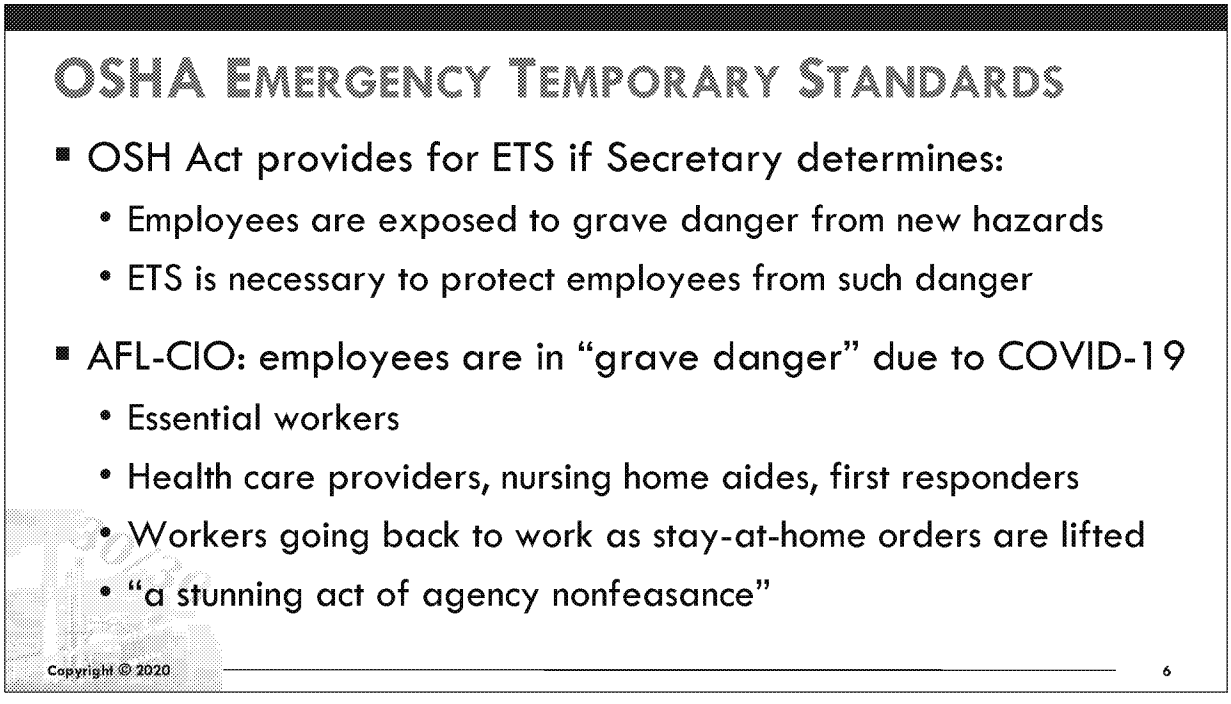
Argued that OSHA's evolving voluntary guidance "no substitute" for mandatory COVID-19-specific duties on employers.

AFL-CIO argued that OSHA effectively denied its petition and is unreasonably delaying its statutory obligations by not formally responding to the petition in 2 months, besides an informal letter from the Secretary or Labor defending the adequacy of OSHA's guidance.

The AFL-CIO filed a petition for a writ of mandamus in the DC Circuit to compel OSHA to issue the ETS within 30 days (Argue OSHA can issue ETS within 30 days because it has been working on infectious disease standard already).

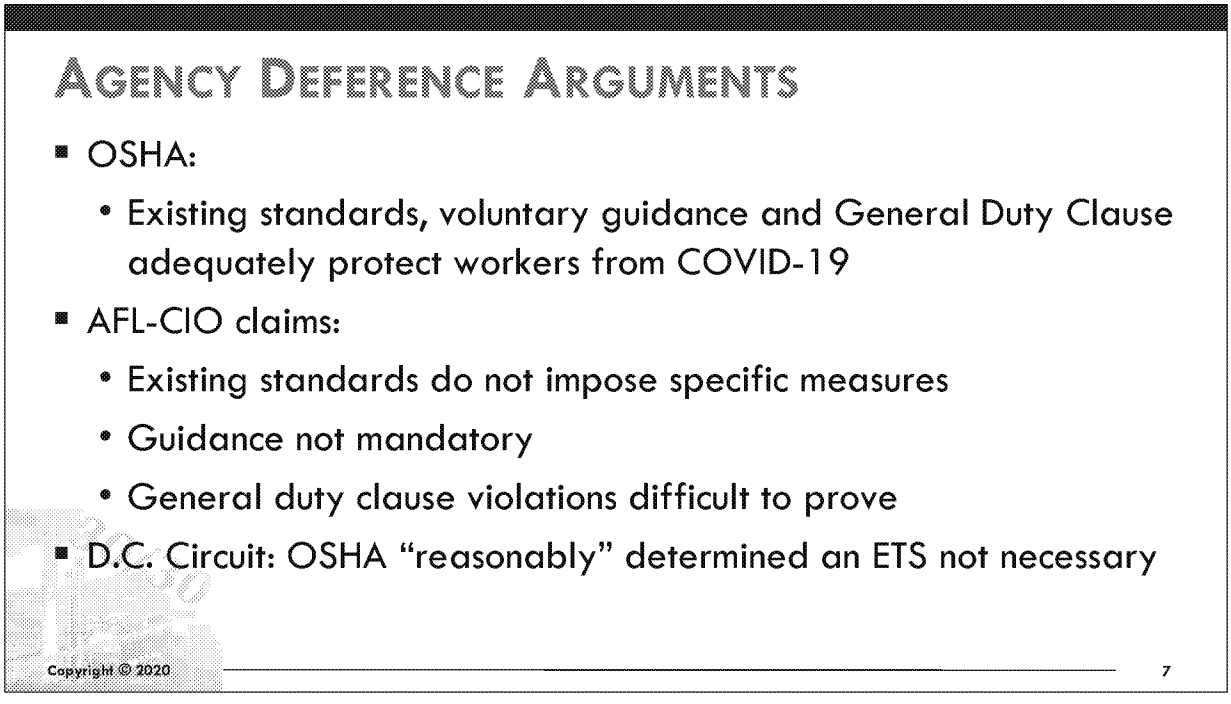
The Court of Appeals has authority to consider claims that an agency unlawfully withheld or unreasonably delayed regulatory action and the court can compel the agency to take action

OSHA denial of petition: Letter from Loren Sweatt , Principal Deputy Assistant Secretary for OSHA, said that OSHA determined it lacks compelling evidence to find that an undefined category of infectious diseases generally pose a grave danger for which an ETS is an appropriate remedy. Also not necessary to issue an ETS for COVID-19 because the guidance issued, enforcement of existing standards, in combination with COVID-19 related requirements and guidelines by other entities render an ETS unnecessary
It would be counter productive to attempt to fashion a COVID-19 standard at this time given that it is the subject of a constantly evolving multi-agency response



JAV
- Section 6 of the OSH Act gives OSHA the authority to issue emergency temporary standards if the Agency determines:
--that employees are exposed to grave danger from exposure to new hazards, and
--that an emergency standard is necessary to protect employees from such danger.
-So if OSHA issues an emergency temporary standard, it takes effect immediately until it is superseded by a permanent standard which OSHA is supposed to promulgate within 6 months of the ETS
AFL-CIO argued that and ETS is appropriate because COVID-19 put employees in grave danger, saying that the virus poses a danger of incurable, permanent, or fatal consequences to workers exposed to the hazard. They cite to figures that over 2 million people in the US have been infected with the virus and about 110,000 people have died.
The AFL-CIO also discussed how the dangers of COVID are especially true for workers who were deemed to be essential workers so they still went into work, and of course health care workers and nursing home aides and emergency responders who come into direct contact with people with the virus, and also for workers going back to work as state stay at home orders are lifted.
AFL-CIO argued that an OSHA standard for infectious diseases is necessary to protect employees from this grave danger. They asked OSHA to issue an ETS that would require employers to evaluate their workplaces for the risk of airborne disease transmission and to develop a comprehensive infection control plan with specified elements like social distancing, PPE, access to hand sanitizers, testing and quarantining.

And the AFL-CIO called OSHA's refusal to take action on an ETS a stunning act of nonfeasance in the midst of this workplace heath emergency.



RATH

OSHA:
-- two prong strategy:
1) enforcing existing rules
2) using rapid, flexible guidance that is industry specific so that it can be easily updated as information on COVID and spread prevention continues to evolve
- AFL-CIO wants OSHA to issue ETS which would go into effect immediately without public input, and then a permanent rule informed by comment just 6 mos later
- "That is warp-speed for an agency like OSHA that must act upon substantial evidence with extensive public input, and ill-suited for an evolving hazard"
--ETS is rarely used and a drastic measure
-- to find that an ETS is necessary to address the grave danger, OSHA has to show that an ETS would substantially reduce the grave danger during the time the ETS would be in effect and that such a reduction could not be obtained by enforcing existing OSH Act requirements or widespread voluntary efforts to address the hazard
-- AFL-CIO lacks evidence that infectious diseases generally (as a group) pose a grave danger to worker safety (cannot issue broad standard to entire class of known and unknown substances and agents) or that enforcement of existing standards would not substantially reduce the danger and so an ETS is needed
-- AFL-CIO fails to meet its high burden of overcoming the great deference that is due to OSHA's assessment of facts and policies underlying its decision that an ETS is not necessary now.
-- all enforcement guidance and guidance to industries; investigations of complaints
-- existing standards and general duty clause
-- coordination with other agencies and businesses and employee groups
-- coordination with state plans
-- monitoring state and local activities and industry guidance
-- attempting to permanently address workplace exposure to COVID based on evolving information is counterproductive and would deprive agency of needed flexibility to respond
AFL-CIO has not demonstrated that the lack of an ETS is the traceable cause of any injury
Setting rules in stone through an ETS and later a permanent rule may undermine worker protection by permanently mandating precautions that later prove to be ineffective

AFL-CIO
--Concerned about nonmandatory guidance because of non-uniform implementation
--Says given reported illnesses and deaths, it "should be obvious" that voluntary employer action has not adequately protected workers from COVID
--Also argued other agencies are taking regulatory action to address COVID to OSHA should too

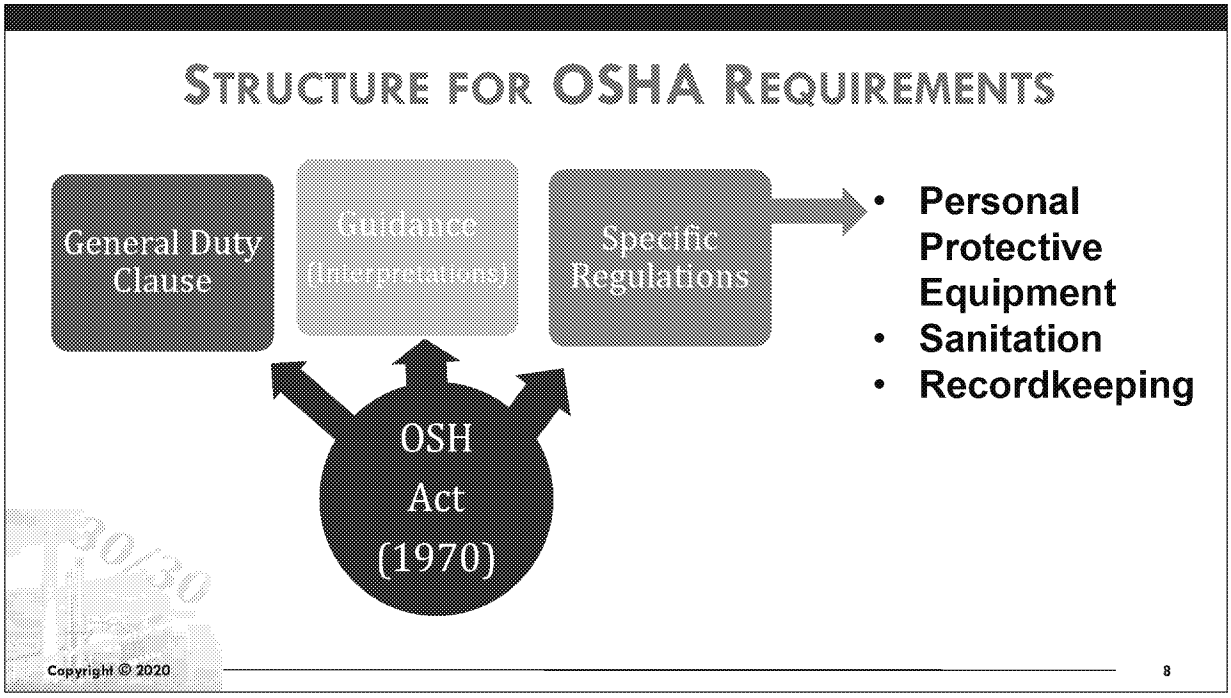
--General duty clause: difficult to prove that hazard is present and that it is feasible for employers to abate the hazard

The Court accords great deference to the policy judgments of the agency unless their decision lacks support in the record.
DC Circuit: denied AFL-CIO petition for a writ of mandamus
OSHA's decision to not issue an ETS is entitled to considerable deference
In light of the unprecedented nature of the COVID 19 pandemic, as well as the regulatory tools that OSHA has at its disposal to ensure employers are maintaining hazard-free work environments, OSHA reasonably determined that an ETS is not necessary at this time

---

FYI Amicus briefs arguing why Secretary's decision is supported:
Chamber and other associations amicus brief
Secretary's decision is supported
Enforceable OSHA standards already protect workers from COVID such as PPE, eye and face protection, respiratory protection, sanitation, and hazard communication standard
OSHA has issued industry specific guidance explaining how these existing standards apply and articulated best practices for businesses and employers to follow in light of evolving scientific understanding of COVID
Approach is reasonable and preferable because data on COVID continues to develop so employers have to be able to adapt to the changing circumstances
Also CDC has issued guidance for industries
Better than a rigid uniform standard
Easier to quickly revise guidance
Guidance can be tailored to the needs of a specific industry
Private sector also issuing best practices

NAHB, ABC and other contractors amicus brief
Already a lot of construction specific guidance out there so no need for ETS
Not enough time for OSHA to assess how rule can apply to all industries
AFL-CIO petition does not present evidence of a need or risk specific to construction
Petition trivializes extensive industry efforts to implement control measures and active involvement of state and local authorities
The ETS would not provide for construction specific considerations (like being outdoors with continuous air flow)


STRUCTURE FOR OSHA REQUIREMENTS
General Duty Clause
Guidance (Interpretations)
Specific Regulations
• Personal Protective Equipment
• Sanitation
• Recordkeeping
OSH Act (1970)
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8

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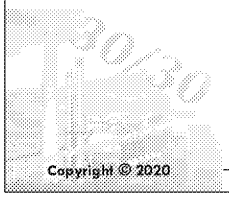
AGENCY DEFERENCE ON ETS DECISIONS

- "The OSHA's decision not to issue an ETS is entitled to considerable deference."
  - *Pub. Citizen Health Research Grp. v. Auchter* (D.C. Cir. 1983)
  - *the unprecedented nature of the pandemic*
  - *Regulatory tools available to OSHA*



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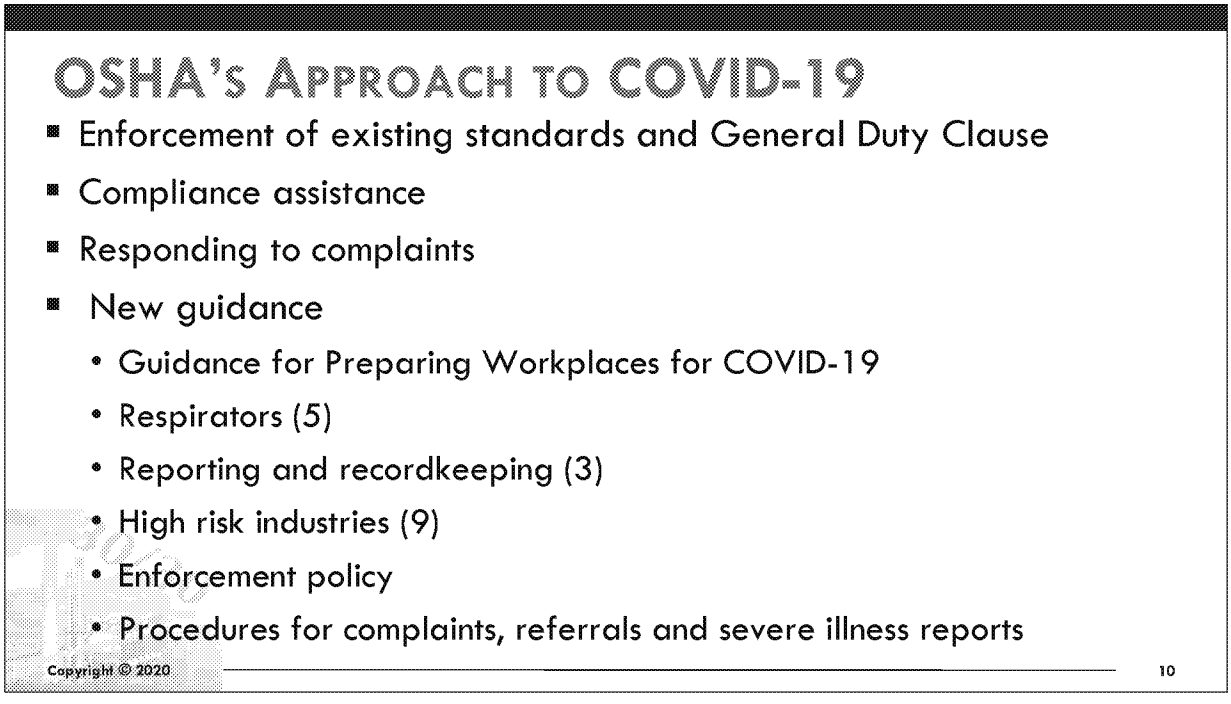
JAV
So before we get into the DC Circuit's ruling on the case, we wanted to give some background on the level of deference the D.C. Circuit affords OSHA when it decides not to issue an ETS

The D.C. Circuit here looked to precedent in the Public Citizen Health Research Group vs. Auchter case from 1983 where the DC Circuit decided that OSHA is entitled to considerable deference when deciding whether or not to issue an ETS unless their decision lacks support in the record.

So that was the standard applied in this case by the D.C. Circuit.



JAV
Let's dig in more to the actions that OSHA has taken so far to address COVID-19 that OSHA cited to for support that an ETS is not required

First, OSHA already has existing standards that can address worker protections that are relevant to infectious diseases. For example, the respiratory protection, PPE, hazard communication, sanitation and bloodborne pathogens standards impose enforceable requirements on employers that can protect employees from airborne exposures.

OSHA has also worked to provide compliance assistance to companies by answering employers', workers', industry representatives and union representatives questions webinars, OSHA's online portal, and phone calls.
OSHA also shares best practices with its State Plan states every two weeks
OSHA's consultation programs have also conducted over 4,000 outreach activities and its regional and area offices have conducted over 900 outreach activities related to COVID-19.

OSHA has also responded to COVID-19- related complaints. OSHA cited that as of May 21, OSHA has received about 4,200 COVID-19 related complaints, of which almost 3000 have been closed. And they are addressing whistleblower complaints

And finally, OSHA has issued numerous guidance documents since March that address COVID-19, starting with guidance for preparing workplaces for COVID-19 so employers can assess the hazards in their workplaces; to issuing 5 different guidances on the use of respirators, and 3 different guidances that address recordkeeping and reporting, and at least 9 guidance documents addressing specific high risk industries like nursing home workers and food delivery services and meat packaging workers
And it clarified its enforcement policy during COVID-19 as well as its procedures for handling complaints and referrals during the pandemic

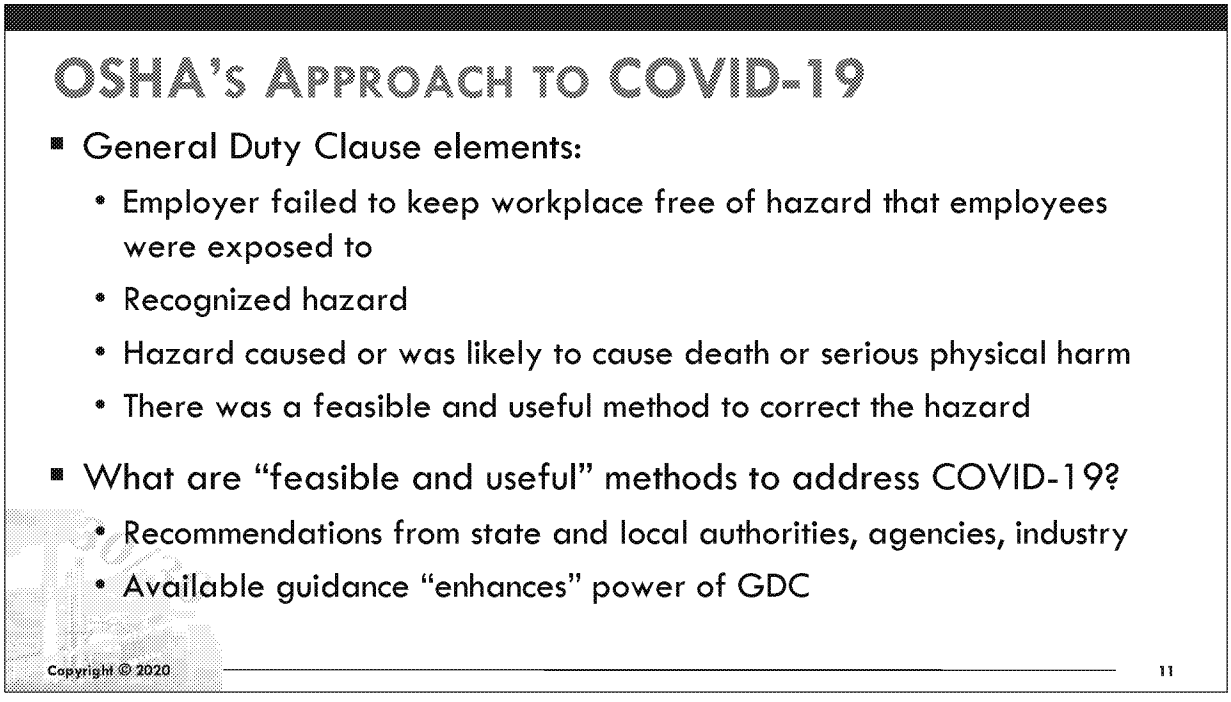
So OSHA has been using all of these tools to address COVID-19

Guidance: From: https://www.osha.gov/news/newsreleases/national/05282020

Respirator Guidance:
U.S. Department of Labor Expands Temporary Guidance for Respirator Fit-Testing to All Industries During COVID-19 Pandemic – OSHA has expanded temporary guidance provided in a March 14, 2020, memorandum regarding supply shortages of N95s or other filtering facepiece respirators (FFRs) due to the COVID-19 pandemic. This expanded guidance applies to all workplaces covered by OSHA where there is required respirator use.
U.S. Department of Labor Issues Temporary Enforcement Guidance for Respirator Fit-Testing in Healthcare during COVID-19

Outbreak – Following President Donald J. Trump's memorandum on the availability of respirators during the COVID-19 outbreak, OSHA has issued new temporary guidance regarding the enforcement of its s Respiratory Protection standard.
U.S. Department of Labor Issues Additional Respirator Guidance for Healthcare During The Coronavirus Pandemic – OSHA issued its fifth guidance document aimed at expanding availability of respirators as front line workers respond to the coronavirus pandemic. The latest interim guidance document outlines acceptable methods for decontaminating and reusing disposable N95 FFRs.
U.S. Department of Labor Issues Guidance for Respirators Certified under Other Countries' Standards During COVID-19 Pandemic – OSHA has issued interim enforcement guidance regarding disposable N95 FFRs that are either certified under certain standards of other countries or jurisdictions or certified under other countries' or jurisdictions' standards but are expired.
U.S. Department of Labor Issues Guidance for Respiratory Protection During N95 Shortage Due to COVID-19 Pandemic – OSHA has issued interim enforcement guidance to help combat supply shortages of disposable N95 FFRs. The action marks the department's latest step to ensure the availability of respirators and follows President Donald J. Trump's Memorandum on Making General Use Respirators Available.
Protecting Workers in High-Risk Industries
U.S. Department of Labor Issues Alert to Keep Nursing Home and Long-Term Care Facility Workers Safe During Coronavirus Pandemic – OSHA issued an alert listing safety tips employers can follow to help protect nursing home and long-term care facility workers from exposure to the coronavirus.
U.S. Department of Labor Issues Alert to Help Keep Retail Pharmacy Workers Safe During the Coronavirus Pandemic – OSHA has issued an alert listing safety tips employers can follow to help protect retail pharmacy workers from exposure to the coronavirus.
U.S. Department of Labor Issues Alert for Rideshare, Taxi And Car Service Safety During Coronavirus Pandemic – OSHA has issued an alert listing safety tips to help reduce the risk of exposure to the coronavirus in the car service industry.
U.S. Department of Labor Publishes New OSHA Poster Aimed At Reducing Workplace Exposure to the Coronavirus – OSHA issued a new poster listing steps all workplaces can take to reduce the risk of exposure to coronavirus.
U.S. Department of Labor Issues Alert to Keep Package Delivery Workers Safe during COVID-19 Pandemic – OSHA issued an alert listing safety tips employers can follow to help protect package delivery workers from exposure to coronavirus.
U.S. Department of Labor Issues Alert to Keep Retail Workers Safe During Coronavirus Pandemic – OSHA issued an alert listing safety tips employers can follow to help protect retail workers from exposure to coronavirus.
U.S. Department of Labor Issues Alert to Help Keep Manufacturing Workers Safe During Coronavirus Pandemic – OSHA issued an alert identifying workplace safety practices to help protect manufacturing workers from exposure to coronavirus.
U.S. Department of Labor Issues Alert to Help Keep Construction Workers Safe During The Coronavirus Pandemic – OSHA issued an alert identifying workplace safety practices to help protect construction workers from exposure to coronavirus.
OSHA Issue Safety Alert for Restaurant, Food and Beverage Businesses Providing Curbside Pickup and Takeout Service – OSHA released guidance to help restaurant, food and beverage businesses to keep employees safe while utilizing curbside pickup and takeout service delivery methods. The guidance includes practical recommendations like avoiding direct hand-off when possible and practicing social distancing.
Enforcing Safety in the Workplace
U.S. Department of Labor Adopts Revised Enforcement Policies For Coronavirus – OSHA has adopted revised policies for enforcing its requirements with respect to coronavirus as economies reopen in states throughout the country.
U.S. Department of Labor Announces OSHA Interim Enforcement Response Plan to Protect Workers During The Coronavirus Pandemic – OSHA announced an interim enforcement response plan for the coronavirus pandemic that provides instructions and guidance to OSHA Area Offices and compliance safety and health officers for handling coronavirus-related complaints, referrals and severe illness reports. The plan concentrates enforcement on coronavirus exposures of health workers, emergency responders and others.
U.S. Department of Labor Reminds Employers That They Cannot Retaliate Against Workers Reporting Unsafe Conditions During Coronavirus Pandemic – OSHA is reminding employers that it is illegal to retaliate against workers because they report unsafe and unhealthful working conditions during the coronavirus pandemic. Acts of retaliation can include terminations, demotions, denials of overtime or promotion, or reductions in pay or hours.
OSHA and CDC Issue Interim Guidance to Protect Workers in Meatpacking and Processing Industries – OSHA and the Centers for Disease Control and Prevention released joint interim guidance for meatpacking and meat processing workers and employers—including those involved in beef, pork, and poultry operations. The guidance includes recommended actions employers can take to reduce the risk of exposure to the coronavirus.
Statement of Enforcement Policy by Solicitor of Labor Kate O'Scannlain and Principal Deputy Assistant Secretary for OSHA Loren Sweatt regarding Meat and Poultry Processing Facilities – Responding to President Trump's Executive Order, Solicitor of Labor Kate O'Scannlain and OSHA Principal Deputy Assistant Secretary Loren Sweatt released a statement of enforcement policy. The statement, which addresses guidance and enforcement actions regarding worker safety at meat, pork and poultry processing facilities, provides clarity for businesses whose continued operation will be critical to America's food supply.
Offering Clear Direction for Employers:
U.S. Department of Labor Issues Enforcement Guidance For Recording Cases of COVID-19 – OSHA issued interim guidance for enforcing its recordkeeping requirements (29 CFR Part 1904) as it relates to recording cases of COVID-19.
U.S. Department of Labor Considers Employer's Good Faith Efforts When Enforcing Compliance During COVID-19 Pandemic – OSHA issued interim guidance that advises compliance safety and health officers to evaluate an employer's good faith efforts to comply with safety and health standards during the coronavirus pandemic. Employers are also expected to take corrective

action as soon as possible once normal activities resume.

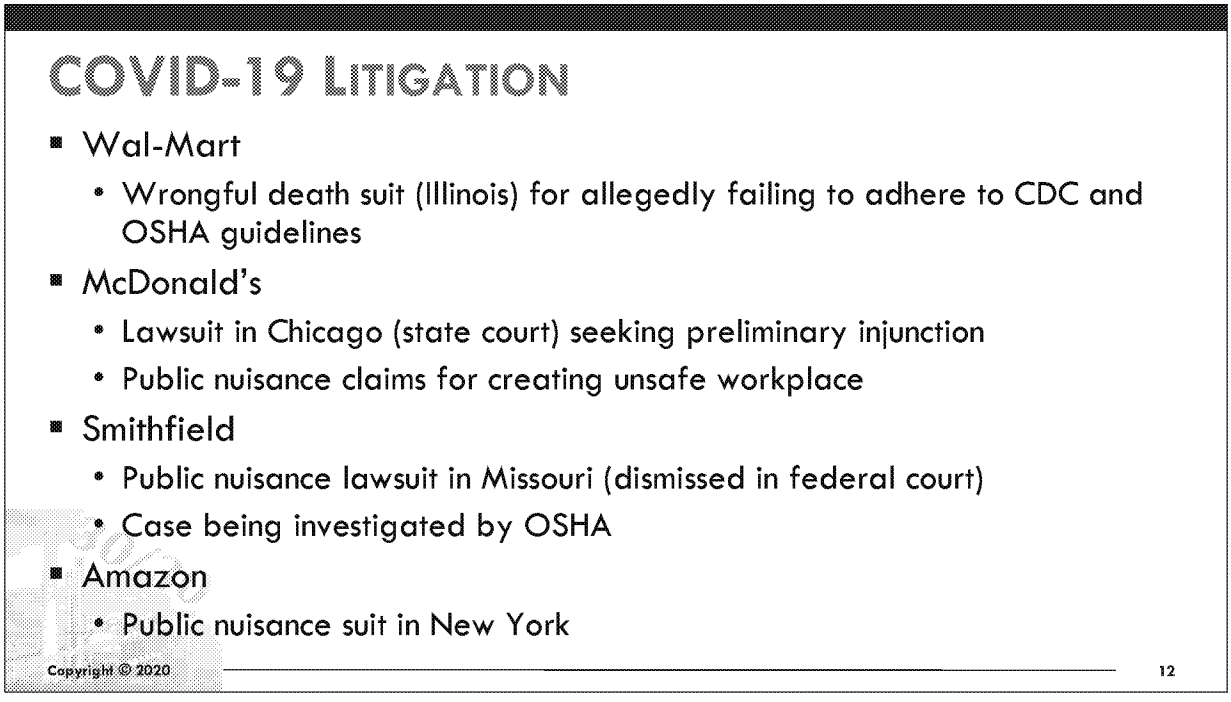


JAV

OSHA also has asserted that in addition to its standards, the General Duty Clause imposes additional mandatory obligations on employers.
Under Section 5(a)(1) of the OSH Act, employers are required to furnish its employees a place of employment free from recognized hazards that cause or are likely to cause death or serious physical harm
And so OSHA can cite an employer for a general duty clause violation if (READ ELEMENTS)

Even in OSHA's April guidance on Interim Enforcement Response for Coronavirus, it says that if there are deficiencies that are not addressed by OSHA's standards, then the general duty clause can be considered

OSHA said in its brief that COVID is a recognized hazard and that "employers who fail to take preventative measures against COVID-19 face potential liability under the general duty clause."
-- So all of the guidance from CDC, OSHA, and other government authorities and private entities demonstrate the possible feasible methods employers may use.
--employers have the ability to choose the effective method to abate the hazard under the general duty clause.
--The public availability of so much COVID-19 guidance actually enhances the power of the general duty clause as an enforcement tool.



RATH
Walmart case: from April OSHA 30/30
Wal-Mart claim in Cook County, Illinois
Two employees died of COVID-19 and others experienced symptoms
Estate of one deceased employee brought suit alleging wrongful death, negligence, and willful and wanton misconduct for allegedly failing to adhere to CDC and OSHA guidelines
Alleged failures:
Cleaning failures
Social distancing
Failures in Providing PPE
Failure to warn employees of other symptomatic employees
Infection prevention measures
https://abcnews.go.com/Business/walmart-hit-wrongful-death-lawsuit-employee-dies-covid/story?id=70040675
McDonalds
Suit brought by 4-5 employees
Public nuisance claim: https://news.bloomberglaw.com/daily-labor-report/mcdonalds-case-tests-nuisance-theory-for-workplace-virus-safety
Legal theory in the public heath context and could provide a way for the courts to enforce COVID-19 safety precautions
Allegedly failed to provide hand sanitizer, gloves, masks, and has not notified its staff when an employee becomes infected with coronavirus
https://www.nydailynews.com/coronavirus/ny-coronavirus-chicago-mcdonalds-file-lawsuit-fail-adequate-protection-20200526-wqhq43yvejgzdpk47ivvsh5lmu-story.html
https://www.law360.com/articles/1281347/covid-suits-test-public-nuisance-claim-in-workplace-cases

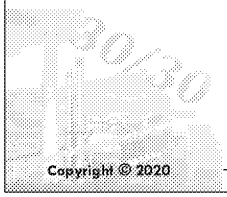
Smithfield– similar suit but bought in federal court. Dismissed. The court concluded that dismissal was appropriate because the two traditional requirements of the primary jurisdiction doctrine applied. First, the court reasoned that the merits of plaintiffs' claims will hinge on the determination of whether the company is complying with the CDC/OSHA joint guidance for industry operations, a matter that OSHA, in coordination with the USDA, is better positioned to assess. Second, the court concluded that deference to OSHA/USDA will ensure uniform national enforcement of the regulatory guidance. The court rejected plaintiffs' argument that deferral would result in delay that might adversely impact employees and the community, citing emergency relief procedures available through OSHA's statutory framework.
https://www.crowell.com/NewsEvents/AlertsNewsletters/all/Court-Tosses-Complaint-Against-Meatpacker-Alleging-COVID-19-Related-Health-and-Safety-Violations

Amazon public nuisance suit (common law)
Brief from members of Congress (Open Society Policy Center)- brief submitted to U,.S. District Court for the Eastern District of

New York in Amazon case (also public nuisance case).
Plaintiffs identified practices in a fulfilment center that promote the spread of COVID like practices that limit handwashing, sanitization, use of sick and personal leave, and limiting worker knowledge of potential exposures.
Brief asks court to take action and not defer to OSHA (primary jurisdiction doctrine). OSHA has not promulgated a relevant standard here and OSHA does not protect non-employees (family members of plaintiffs)
OSHA has not issued citations for COVID violations– only one, and it was a recordkeeping violation
Argue OSHA not inspecting enough facilities (only focusing on health care facilities); mostly doing non-formal investigations (hazard alert letters) and not prioritizing onsite inspections
No standard directly addresses exposure to airborne or aerosol diseases in the workplace
Court can enforce common law tort of public nuisance
This is a claim that affects the public (outside of the workplace) and not just workers
Not preempted by OSHA
No state law actions are preempted by GDC

AFL-CIO Filed For Rehearing

- June 18
- Moved for rehearing *en banc*
- Alleges that the three-judge panel "misstated" OSHA's arguments



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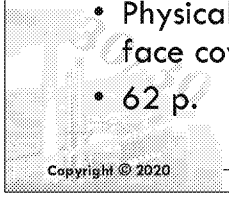
COMMONWEALTH OF VIRGINIA

- State Plan State
- Emergency Temporary Standard
  - Six month
  - Recognizes droplet, airborne nuclei droplets, surface contact
  - Compliance with CDC publications deemed compliance
  - Exposure assessment
  - Training
  - Reporting symptoms and barring from workplace, return policy
  - Physical barriers, telecommuting, staggered shifts, mandatory distancing, face coverings, hand washing, sanitizing
  - 62 p.



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WHAT EMPLOYERS SHOULD DO

- Develop an exposure assessment and control plan
- Continue to follow:
  - CDC and OSHA guidance
  - Other agency guidance
  - State and local regulations
  - Monitor as guidance evolves
- Tailor employee protections to specific industry and circumstances
- If require certain precautions (social distancing, face masks, testing, disinfecting procedures, etc.) document source of recommendation and date of source

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RATH AND JAV

IF YOU HAVE QUESTIONS:

Catch Manesh Rath on Twitter:

@RathManesh

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The OSHA 30/30 is now available as a Podcast!
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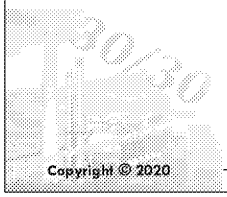
2. Keller and Heckman Workplace Safety and Health



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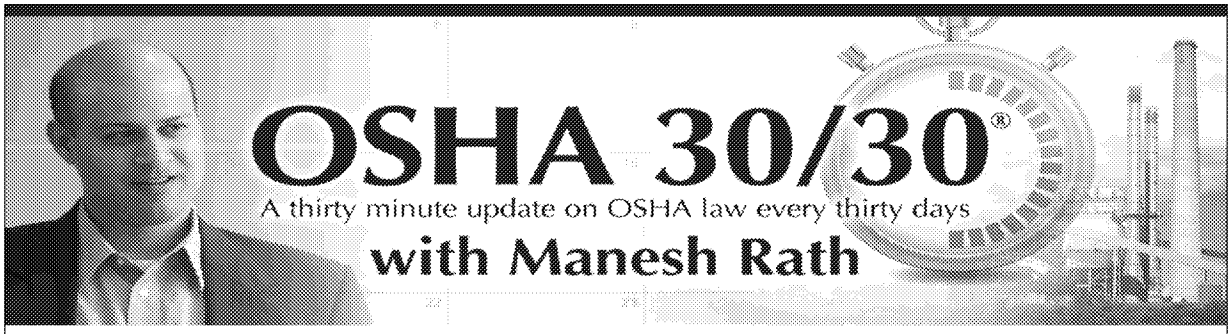

at 1:00 PM Eastern U.S.

July 22, 2020

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Thank you!

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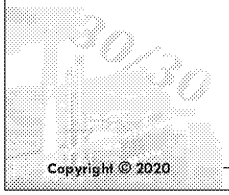



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IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI ST. JOSEPH DIVISION

RURAL COMMUNITY WORKERS ALLIANCE and JANE DOE,[1]	)	
Plaintiffs,	)	
v.	)	No. 5:20-CV-06063-DGK
SMITHFIELD FOODS, INC. and SMITHFIELD FRESH MEATS CORP.,	)	
Defendants.	)	

ORDER GRANTING DEFENDANTS' MOTION TO DISMISS

This lawsuit arises from Plaintiffs' allegations that Defendant Smithfield Foods, Inc. and its wholly owned subsidiary, Defendant Smithfield Fresh Meats Corporation (collectively, "Smithfield") have failed to adequately protect workers at its meat processing plant in Milan, Missouri, ("the Plant" or "the Milan Plant") from the virus that causes COVID-19. Now before the Court are Plaintiffs' Motion for a Temporary Restraining Order ("TRO") and Preliminary Injunction (Doc. 3), and Smithfield's motion to dismiss and/or stay pursuant to the primary-jurisdiction doctrine (Doc. 28).

After carefully reviewing the motions and the existing record, the Court holds that it should decline to hear this matter pursuant to the primary-jurisdiction doctrine to allow the Occupational Health and Safety Administration ("OSHA") to consider the issues raised by this case. But even if the Court did not apply the primary-jurisdiction doctrine, the Court would not

[1] The Court notes that there is currently a motion pending to allow Jane Doe to proceed using a pseudonym (Doc. 42). Given the Court's dismissal of this action and the denial of injunctive relief, the Court finds that requiring Plaintiff to reveal her identity would serve no important purpose, especially given that another named plaintiff appears in this case. The issues presently before the Court are—for the most part—purely legal, and the majority of Plaintiff's allegations are not individualized. Thus, the public's interest in Plaintiff's identity and the prejudice to Smithfield in allowing Plaintiff to proceed anonymously for purposes of deciding the instant motions is minimal. Plaintiff Doe may therefore use a pseudonym for purposes of the motions presently before this Court. This Court reserves judgment on her ability to do so should this case proceed to further stages of litigation.

issue a preliminary injunction because Plaintiffs have not met their burden of proving that the extraordinary remedy of an affirmative injunction is justified. Smithfield's motion is GRANTED, and the case is DISMISSED WITHOUT PREJUDICE.

Background

The Background section of this order is arranged in chronological order. Although regrettably lengthy, it details how the regulatory environment in which meat-processing plants operate is constantly changing during this unique national emergency.

In late 2019, a new coronavirus emerged named severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).[2] This virus causes coronavirus disease 2019 (COVID-19), a respiratory illness that can cause serious health problems, including death.[3] SARS-CoV-2 is highly contagious; it appears to spread from person to person through respiratory droplets produced when an infectious person coughs, sneezes, or talks, and the virus can be spread by presymptomatic, or even asymptomatic, individuals.[4]

A global pandemic ensued, and the virus and COVID-19 reached the United States in early 2020. On March 13, 2020, the President declared a national emergency concerning COVID-19. That same day, Missouri's governor also declared a state emergency, and on April 3, the Missouri Department of Health and Senior Services issued a stay-at-home order that mandated all individuals abide by social-distancing requirements and closed all nonessential

[2] Ctrs. for Disease Control and Prev. & Occ. Safety and Health Admin., Meat and Poultry Processing Workers and Employers, https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/meat-poultry-processing-workers-employers.html (April 26, 2020).

[3] *Id.*

[4] *Id.*

OSHA-001972

businesses in Missouri through May 4.[5] The stay-at-home order defines essential businesses in accordance with guidance from the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency ("Homeland Security"), which identified livestock-slaughter facilities, including the Plant and its operations, as "critical infrastructure."[6] On April 9, the Centers for Disease Control ("CDC") published *Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19)*, which outlined several policies and procedures employers should implement to help prevent workplace exposure and community spread of the virus.

On April 22, OSHA sent Smithfield a "Rapid Response Investigation" requesting information regarding its COVID-19 work practices and infection at the Milan Plant, giving Smithfield seven days to respond. As part of its inquiry, OSHA requested information about Smithfield's COVID-19 practices including what, if any, personal protective equipment has been given to its workers, what engineering controls have been implemented, what contact tracing methods have been employed, and what policies have been changed or implemented in light of the pandemic (Doc. 29-2). Smithfield responded on April 29 (Doc. 41).

The next day, on April 23, Plaintiffs Jane Doe and the Rural Community Workers Alliance ("RCWA") filed suit. They allege Smithfield is not taking adequate steps to prevent transmission of the virus at its Plant, thereby endangering workers and members of the surrounding community. According to her declaration, Doe is a current Smithfield employee who has worked at its Milan Plant for at least five years. She claims she currently works on the

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[5] Mo. Dep't of Health & Senior Servs., Stay at Home Order, https://governor.mo.gov/priorities/stay-home-order (Apr. 3, 2020).

[6] U.S. Dep't of Homeland Sec., Cybersec. & Infrastructure Sec. Agency, Guidance on the Essential Critical Infrastructure Workforce, https://www.cisa.gov/sites/default/files/publications/Version_3.0_CISA_Guidance_on_Essential_Critical_Infrastructure_Workers_3.pdf (April 17, 2020).

OSHA-001973

"cut floor" where animals are broken down into products and packaged.

The RCWA is a Missouri non-profit advocacy group whose members consist exclusively of workers in Northern Missouri. Several members of RCWA's current leadership council work at the Plant, and sixty to seventy workers who attend its meetings work at the Plant, including Jane Doe.

Defendant Smithfield is one of the largest meat-processing companies in the world, with meat-processing plants all over the United States, including in Milan, Missouri. Several of its meat-processing plants in the United States have closed recently due to outbreaks of COVID-19 among its workers.

The Complaint (Doc. 1) alleges that several meat-processing plants in this country owned and operated by Smithfield have become major COVID-19 "hot spots." It also alleges that in direct contravention of CDC guidelines, Smithfield has not implemented certain precautions to keep its workers and the Milan community safe from the virus. Such measures include keeping adequate distance between workers, prohibiting workers from taking a break to wash their hands or face, preventing workers from covering their faces if they need to cough or sneeze, implementing a sick-leave policy that penalizes workers for missing work even if they are exhibiting COVID-19 symptoms, and failing to implement plans for testing and contact tracing.

The Complaint brings state-law claims for public nuisance and breach of duty to provide a safe workplace. Plaintiffs are not seeking monetary damages, only declaratory judgments stating that: (1) Smithfield's practices at the Plant constitute a public nuisance; and (2) Smithfield has breached its duty to provide a safe workplace.

The same day Plaintiffs filed suit, they also moved for a temporary restraining order and preliminary injunction (Doc. 3), seeking to force Smithfield to: provide masks; ensure social

distancing; give employees an opportunity to wash their hands while on the line; provide tissues; change its leave policy to discourage individuals to show up to work when they have symptoms of the virus; give workers access to testing; develop a contact-tracing policy; and allow their expert to tour the Plant. Attached to the motion were declarations from: (1) Jane Doe, who described working conditions at the Plant and stated she was afraid for health and safety, as well as the health and safety of the Milan community, because of what she considers inadequate safety procedures at the Plant; (2) RCWA's Executive Director, Alex Fuentes; (3) a senior lobbyist with the non-profit organization Food & Water Watch ("FWW"), Anthony Corbo; (4) a lawyer, Thomas Fritzsche, who has interviewed a number of Alabama poultry-plant workers about working conditions and authored a 2013 report for the Southern Poverty Law Center about modern industrial slaughterhouse workers; and (5) an occupational-medicine specialist, Dr. Robert Harrison, who works as Clinical Professor of Medicine at the University of California, and also serves the California Department of Public Health.

On April 26, the Court set a videoconference hearing on the preliminary injunction motion for April 30. That same day, the CDC and OSHA issued *Meat and Poultry Processing Workers and Employers – Interim Guidance* ("the Joint Guidance"), which provided supplemental guidance to meat-processing plants concerning COVID-19.[7] The Joint Guidance states that to reduce the risk of transmission among employees, employers at meat-processing facilities should, where "feasible," implement engineering controls, such as staggering shifts and breaks, requiring workers to stay six-feet apart, and/or erecting physical barriers; place handwashing or hand-sanitizing stations in multiple locations and encourage hand hygiene; give workers additional short breaks to wash hands; provide tissues; and allow workers to take breaks

[7] Ctrs. for Disease Control and Prev. & Occ. Safety and Health Admin., Meat and Poultry Processing Workers and Employers, https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/meat-poultry-processing-workers-employers.html (Apr. 26, 2020).

OSHA-001975

in alternative areas to ensure social distancing. It also recommends employers provide personal protective equipment for workers to use during their shift and increase the frequency of sanitization in work and common spaces. It states employers should educate employees on measures they can take to decrease the risk of spreading the virus and provides a specific list of measures employers should take to promote social distancing, such as providing visual cues on floors, as reminders for social distancing. It encourages employers to screen workers for COVID-19 by implementing temperature checks prior to entering the workplace and sending home workers who appear to have symptoms (e.g., cough, fever, or shortness of breath), and monitor workers' contacts so they can alert anyone who may have been exposed to the virus. Finally, it recommends employers review leave and incentive policies so as to not penalize workers for taking sick leave if they contract COVID-19.

On April 27, Smithfield filed a motion to dismiss this case pursuant to the primary-jurisdiction doctrine, arguing this Court should defer to OSHA in this case. The next day—April 28—the President signed an executive order ("the Executive Order") under § 4511(b) of the Defense Production Act ("DPA"), 50 U.S.C. § 2061 *et seq*., delegating authority to the Secretary of Agriculture to take all appropriate action "to ensure that meat and poultry processors continue operations consistent with the guidance for their operations jointly issued by" the CDC and OSHA.[8]

On April 29, Smithfield made several filings, including a supplemental brief to its motion to dismiss, which alleged that pursuant to the Executive Order, the United States Department of Agriculture ("USDA") now had jurisdiction over this case. It also submitted its Suggestions in

[8] Exec. Order on Delegating Authority Under the DPA with Respect to Food Supply Chain Resources During the National Emergency Caused by the Outbreak of COVID-19, https://www.whitehouse.gov/presidential-actions/executive-order-delegating-authority-dpa-respect-food-supply-chain-resources-national-emergency-caused-outbreak-covid-19/ (Apr. 28, 2020).

OSHA-001976

Opposition (Doc. 32) to the preliminary injunction motion. Attached to its brief as exhibit A (Doc. 32-1) is a declaration from the Plant's general manager, Tim Messman, along with pictures of the Plant and copies of the Plant's policies and procedures related to COVID-19. Exhibit B (Doc. 32-2) is a declaration from John Henshaw, the head of OSHA from 2001 to 2003.

Later that same day, Plaintiffs' filed their suggestions in opposition (Doc. 35) to Smithfield's motion to dismiss. Included in it is a declaration from Dr. Melissa Perry (Doc. 35-2), a professor of environmental health at George Washington University.

On April 30, the Court held a hearing on the motion via teleconferencing. The Court offered the parties an opportunity to introduce evidence, including witness testimony, but both parties elected to stand on the existing record. The parties then argued their respective positions.

After the hearing, the parties filed supplemental briefs. Attached to Smithfield's brief (Doc. 46) is a supplemental declaration from Smithfield's plant manager, clarifying Smithfield's leave policy and updating the Court on additional safety changes at the Plant.

Plaintiffs concede that Smithfield implemented new policies and procedures after this lawsuit was filed and have narrowed their requested injunctive relief to direct Smithfield to:

> (1) make all reasonable changes to its "production practices," including potentially lowering its line speeds, to place as many workers as possible at least six feet apart; (2) provide reasonable additional breaks to allow workers to care for their personal hygiene without penalty, including blowing their noses, using tissues, and hand washing; and (3) ensure that its policies do not require workers to come to the Plant to obtain COVID-19-related sick leave and take all reasonable steps to communicate that policy clearly to workers.

(Doc. 48 at 10). Plaintiffs characterize their requested relief as compliance with the Joint Guidance.

Findings of Fact

The Court gives the various declarations submitted by the parties the following

evidentiary weight.[9]

The Court gives Jane Doe's declaration limited weight. While she has personal knowledge of conditions in those parts of the Plant in which she works, it is unclear exactly what part of the "cutting floor" she works in, and whether she can see all that she claims to see from this area. Further, it appears that some of the information in her declaration is no longer accurate due to recent changes in the Plant's policies and procedures. For example, although her declaration may be correct that Smithfield initially told workers they would receive only one mask per week, this policy has been superseded. As discussed below, workers are now given masks every day. Finally, because her identify is unknown, there is no way to determine, through the adversarial process or otherwise, whether Doe has some bias against Smithfield that could lead her to misrepresent or exaggerate conditions at the Plant. The Court notes that at least one of her statements—that Smithfield has increased the line speed at the Plant during the pandemic—is contradicted by other, more persuasive evidence.

Mr. Fuentes' declaration concerning working conditions at the Plant are even less reliable than Jane Doe's, and so the Court gives them less weight. Mr. Fuentes has no personal knowledge of conditions at the Plant because he has never set foot in it. His understanding is based on hearsay from unidentified employees whose statements to him, even if accurately relayed by Mr. Fuentes, were not made under penalty of perjury. That said, the Court finds the portions of his declaration concerning RCWA's membership and activities are credible.

The Court finds the declarations of Messrs. Corbo, Fritzsche, and Harrison are based on some relevant knowledge, education, and experience concerning working conditions in American meat-processing plants generally, and so they possess some limited insight into what

[9] Smithfield filed a motion to strike Plaintiffs' five declarations attached to the motion for a temporary restraining order and/or preliminary injunction (Doc. 34). The Court denies the motion, since, in considering these motions, the issues it complains of go to the weight of the evidence rather than its admissibility.

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steps could be taken to prevent the spread of the SARS-CoV-2 virus in a generic American meat-processing facility. Because they are unfamiliar with specific working conditions at the Plant, however, their declarations provide limited help in determining whether Smithfield's policies and procedure at the Plant are sufficient to stem transmission of the virus.

Finally, the Court turns to the declaration of Dr. Melissa J. Perry, Professor and Chair of Environmental and Occupational Health at the Milken Institute School of Public Health of the George Washington University. Dr. Perry credentials are excellent: She is a past President of the American College of Epidemiology and a past chair of the Board of Scientific Counselors for the CDC. She has also served as a member of the National Institute for Occupational Safety and Health research grant-review panel. She has studied meat-processing facilities since 2004 and has published six peer-reviewed-journal articles on work health and safety at meat-processing facilities. As part of that work, she has visited four meat-processing plants and spoken with engineers regarding the organizational structure of processing plants and how they can be redesigned to further worker health and safety.

Dr. Perry opines that meat-processing plants can allow workers to stand six feet apart if they reduce production line speed, and that, if they do not space production line workers six feet apart, the plants will "inevitably" have a COVID-19 outbreak. She contends slowing the production line is the only way the plant will be able to continue meat production without an outbreak. She also endorses the other requests Plaintiffs make, such as for more rest breaks and paid leave, as "absolutely necessary" so the Plant can continue operating.

This Court has respect for Dr. Perry's opinion but finds it of limited value in this case. While this Court agrees that slowing down line speed may be beneficial for workers and allow more opportunities for social distancing, the Court found nothing in the Joint Guidance

recommending a decrease in line speed. To that point, she provides no specific opinion regarding whether the Milan Plant is currently in compliance with the Joint Guidance, and there is no evidence that Dr. Perry reviewed the policies and procedures at the Milan Plant in forming her opinion. Accordingly, the Court gives little weight to her opinion that unless the production line speed is slowed and workers spread six feet apart, spread of the virus through the Plant is "inevitable" and it "will be forced to shutter." This assertion appears to be more of a good-faith speculation than an evidenced-based conclusion.

The Court gives more weight to the declarations provided by Smithfield. The statements made by Mr. Messman, the Plant's general plant manager, are almost all based on his personal knowledge. He possesses the most recent information concerning working conditions at the Plant, and he appears to be a reliable source of information about Smithfield's policies and procedures there.

The Court gives considerable weight to the declaration of John Henshaw, Smithfield's expert witness. After reviewing Smithfield's written policies and procedures at the Plant, the general manager's declaration, the pictures, and the declarations in Plaintiffs' motion, Mr. Henshaw opined that Smithfield's current policies and procedures, if followed, were consistent with the Joint Guidance as of April 29, 2020. Although the Court is aware that he is a retained expert witness whose assumptions and conclusions have not been tested by cross-examination, his opinion is measured, qualified, and grounded in the facts at the Milan Plant.

With the credibility determinations in mind, the Court makes the following findings of fact concerning current the Plant's working conditions and Smithfield's COVID-19 policies and procedures.

Before entering the Plant, Smithfield requires all employees to undergo thermal screening. If employees exhibit one primary symptom or two secondary symptoms of COVID-19,[10] Smithfield provides them with instructions for next steps, including directions to quarantine and call their physician for guidance, and sends the employee home for fourteen days of paid leave or until the individual receives a negative COVID-19 test result. Employees with underlying health concerns—verified by a doctor—that place them at a higher risk of COVID-19 are given fourteen days of paid leave and then are shifted to short-term disability leave.

While quarantining as a result of COVID-19 symptoms, Smithfield requires employees to complete a questionnaire that in part entails naming all other employees they have closely contacted within the two days before experiencing symptoms. If the employee tests positive for COVID-19, Smithfield notifies and screens the close contacts. As of April 29, 2020, thirteen employees had been tested for COVID-19. None were positive.

If employees miss work as a result of COVID-related symptoms, Smithfield does not penalize them. They do not receive attendance points and remain eligible for Smithfield's Responsibility Bonus ($500), regardless of whether individuals provide a doctor's or nurse's note. Moreover, Smithfield has expanded its employee benefits by eliminating co-pays for COVID-related testing and treatment.

To ensure that those inside the Plant are complying with Smithfield's COVID-19 safety procedures and policies, Smithfield has assigned both a nurse and a health-and-safety clerk to perform checks throughout the Plant. Smithfield has communicated these procedures and policies to its employees by several different media, including on televisions and signs at the Plant, through the Beekeeper communications app, and through the Textcaster mass

[10] Primary symptoms include fever, persistent dry cough, and shortness of breath, while secondary symptoms include chills, repeated shaking with chills, muscle pain/extreme fatigue, headache, sore throat, and/or loss of taste or smell (Doc. 46-2 at 8).

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text-messaging tool. Signs at the Plant relay the information in English, Spanish, and French, while the Beekeeper and Textcaster communications are available in the employee's language of choice. Interpreters are also available at the Plant to assist with these communications.

The Plant provides workers with an ear-looped face mask upon entry to the Plant each day, and if a mask breaks or becomes soiled, it provides a new one. Smithfield now requires all workers at the Plant to wear a mask at all times other than during meals and in certain offices where employees are spaced six feet apart. These masks prevent the spread of germs if an employee sneezes or coughs while on the line, reducing the need for tissues to reduce the spread of COVID-19. Additionally, Smithfield requires employees on the production floor to wear nitrile gloves and a plastic face shield.

As Smithfield concedes, it does not provide tissues to employees. It cannot provide tissues to individuals working on the production line because doing so would violate health standards set by the USDA. Thus, one of Plaintiff's original complaints cannot be remedied. Smithfield could, however, provide tissues for employees to wipe their nose while on breaks, but the record does not support that employees are banned from bringing their own tissues or other hygienic wipes to use while on breaks.

As for Plaintiffs' claim that Smithfield does not allow employees to wash their hands without penalty, the Court finds that Smithfield policies and procedures are reasonable under the circumstances. Due to the nature of the meat-processing business, employees must wear gloves on the production line. When workers leave the line for a break, they remove their gloves and sanitize their hands before entering common areas. They must also wash their hands and put on gloves before returning to the line. Smithfield currently administers hand sanitizer to employees every thirty minutes to use on their gloves and has added approximately 110 hand-sanitizing

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stations throughout the Plant. Smithfield also expects a shipment of small hand-sanitizer bottles soon, which it will make available to employees for personal use. In the meantime, the Plant has invited employees to bring in personal bottles they may refill using the company supply. Thus, the need for continued hand washing is unnecessary because any contamination that may occur on the line is contained by the required use of gloves.

Moreover, Smithfield has also enhanced cleaning and disinfection of the Plant's frequently touched surfaces in common areas using cleaning solutions identified by the CDC for use against the virus. These cleanings are performed as often as every two hours throughout the workday. Additional deep cleanings occur over the weekends, and Smithfield is working to implement use of fogging/misting disinfectants where possible.

Finally, the Court turns to the steps Smithfield has taken steps to facilitate social distancing at the Plant. Smithfield has staggered workday start times, as well as lunch and break times, to avoid large numbers of workers congregating in break rooms or around time clocks. Smithfield is currently working to secure a wireless means for employees to clock in and out of their shifts to minimize crowding. In the meantime, it has expanded the number of available clocks for employees to use and will implement a grace period for workers to clock in and out of their shifts, all increasing the ability of workers to maintain social distance.

Smithfield has erected two large tents and three carport structures on the Plant lawn and placed tables and chairs underneath each so that workers have more space to eat while on breaks. The Plant has also installed plastic barriers on eating tables that separate employees from those sitting beside and across from them. Tables are sanitized after one employee leaves and before another sits down.

Smithfield has also reduced the number of hogs harvested each day and sends some employees home before lunch. This requires fewer employees to be at the Plant, helping to minimize crowding in the cafeteria and other areas. However, these policies reduce the number of hours worked by the affected employees, thereby decreasing their weekly pay. To ease the resulting financial burden on employees, Smithfield has temporarily increased pay by $5/hour, and such pay is available to any employee who takes an approved leave as a result of COVID-related symptoms. Smithfield has also installed clear plastic barriers along the Plant production line to separate employees working across from each other and employees working side by side.

Discussion

I. The primary-jurisdiction doctrine applies.[11]

Before reaching the merits of Plaintiffs' request for a preliminary injunction, the Court must determine whether it should dismiss or stay this case pursuant to the primary-jurisdiction doctrine. "Primary jurisdiction is a common-law doctrine that is utilized to coordinate judicial and administrative decision making." *Access Telecomms. v. Sw. Bell Tel. Co.,* 137 F.3d 605, 608 (8th Cir. 1998) (citation omitted). "The doctrine allows a district court to refer a matter to the appropriate administrative agency for ruling in the first instance, even when the matter is initially cognizable by the district court." *Id.* (citation omitted). "There exists no fixed formula for determining whether to apply the doctrine of primary jurisdiction." *Id.* (citing *United States v. W. Pac. R.R. Co.,* 352 U.S. 59, 64 (1956)). Instead, courts must consider in each case "whether the reasons for the doctrine are present and whether applying the doctrine will aid the purposes

[11] Although Smithfield previously argued *Burford* abstention also applied here, it conceded during the preliminary-injunction hearing that that argument no longer applies due to the President's Executive Order. Accordingly, the Court does not address it. Because this Court finds the primary jurisdiction doctrine applies, it does not address Smithfield's preemption arguments, which were asserted after the preliminary-injunction hearing.

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for which the doctrine was created." *Id.* (citation omitted). In undertaking this analysis, a court must be mindful that the primary-jurisdiction doctrine "is to be invoked sparingly, as it often results in added expense and delay." *Alpharma, Inc. v. Pennfield Oil Co.*, 411 F.3d 934, 938 (8th Cir. 2005). "Once a district court decides to refer an issue or claim to an administrative agency under the doctrine of primary jurisdiction, it may either dismiss or stay the action." *Chlorine Inst., Inc. v. Soo Line R.R.*, 792 F.3d 903, 913 (8th Cir. 2015).

There are two primary reasons courts apply the primary-jurisdiction doctrine. First, "to obtain the benefit of an agency's expertise and experience . . . 'in cases raising issues of fact not within the conventional experience of judges or cases requiring the exercise of administrative discretion. . . .'" *Access Telecomms.*, 137 F.3d at 608 (noting "'agencies created by Congress for regulating the subject matter should not be passed over'") (quoting *Far E. Conference v. United States*, 342 U.S. 570, 574 (1952)). Second, "to promote uniformity and consistency within the particular field of regulation." *Id.* (citation omitted). Thus, in deciding whether to apply the doctrine, courts focus on two questions: (1) "whether the issues raised in the case 'have been placed within the special competence of an administrative body,'" and (2) whether the court's disposition of the case could lead to inconsistent regulation of businesses in the same industry. *Sprint Spectrum L.P. v. AT&T Corp.*, 168 F. Supp. 2d 1095, 1098 (W.D. Mo. 2001) (quoting *United States v. W. Pac. R.R. Co.,* 352 U.S. at 64). In this case, the answer to both questions is yes.

Plaintiffs allege that because the Plant is not abiding by the Joint Guidance, it constitutes a public nuisance and has created an unreasonably unsafe workplace. Thus, Plaintiffs' claims both succeed or fail on the determination of whether the Plant is complying with the Joint Guidance. Due to its expertise and experience with workplace regulation, OSHA (in

coordination with the USDA per the Executive Order) is better positioned to make this determination than the Court is. Indeed, this determination goes to the heart of OSHA's special competence: its mission includes "enforcing" occupational safety and health standards. In fact, OSHA has already shown interest in determining whether the Plant is abiding by the Joint Guidance. The day before Plaintiffs filed this lawsuit, OSHA sent Smithfield a request for information regarding its COVID-19 work practices and infection at the Plant.

Turning to the second question, the Court finds only deference to OSHA/USDA will ensure uniform national enforcement of the Joint Guidance. If the Court ruled on whether the Plant is complying with the Joint Guidance, this ruling would be binding on Smithfield but not other meat-processing facilities because the Court lacks personal jurisdiction over them. Thus, any determination by this Court whether the Plant is complying with the Joint Guidance could easily lead to inconsistent regulation of businesses in the same industry. And under these circumstances, where the guidelines are rapidly evolving, maintaining a uniform source for guidance and enforcement is crucial.

Plaintiffs' argue that deference will add delay. But OSHA has already requested information about the Plant's safety measures. And if OSHA fails to act quickly on this information, Plaintiffs have a remedy: they may receive emergency relief through OSHA's statutory framework. Section 662(a) of the Occupational Safety and Health Act ("the Act"), 29 U.S.C. §§ 651 *et seq.*, permits the Secretary of Labor to petition the court "to restrain any [dangerous] conditions or practices in any place of employment . . . which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by [the Act]." Upon the filing of such petition, "the district court shall have jurisdiction to grant such injunctive

relief or temporary restraining order pending the outcome of an enforcement proceeding." *Id.* at § 662(b). If the Secretary "arbitrarily or capriciously fails to seek relief," a worker can file a writ of mandamus to compel the Secretary to seek such an order. *Id.* at § 662(d). Granted, there may be some delay before Plaintiffs can invoke this procedure, but following this procedure ensures the USDA and OSHA can take a measured and uniform approach to the meat-processing plants under its oversight. The Court's intervention at this point, on the other hand, would only risk haphazard application of the Joint Guidance.

In sum, the Court holds that the issue of Smithfield's compliance with OSHA's guidelines and regulations falls squarely within OSHA/USDA's jurisdiction. The Court finds dismissal without prejudice is preferable to a stay here so that Plaintiffs may seek relief through the appropriate administrative and regulatory framework.

III. Plaintiffs' have not met their burden for a preliminary injunction.

Although the Court's ruling on the primary-jurisdiction doctrine is dispositive, to aid in any appellate review, the Court will consider whether Plaintiffs have met their extraordinary burden of proving an affirmative preliminary injunction is proper in this case.

In determining whether to grant injunctive relief the Court considers the following factors, which were set forth in the seminal decision *Dataphase Sys., Inc. v. C L Sys., Inc.*, 640 F.2d 109, 114 (8th Cir. 1981): 1) the threat of irreparable harm to the movant; 2) the balance between this harm and any injury that granting the injunction will inflict on the non-moving party; 3) the likelihood that the moving party will prevail on the merits; and 4) the public interest. *Phelps-Roper v. Nixon*, 509 F.3d 480, 484 (8th Cir. 2007). No single factor is determinative; they must be "balanced to determine whether they tilt towards or away" from

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granting the injunction. *Noodles Dev., LP. v. Ninth St. Partners, LLP*, 507 F. Supp. 2d 1030, 1034 (E.D. Mo. 2007).

Preliminary injunctive relief "is an 'extraordinary and drastic remedy, one that should not be granted unless the movant, by a clear showing, carries the burden of persuasion.'" *North Dakota v. U.S. Army Corps of Eng'rs*, 264 F. Supp. 2d 871, 878 (N.D. 2003) (quoting *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997)). This burden is particularly great where, as here, Plaintiffs seek a preliminary injunction requiring an affirmative act. *Sanborn Mfg. Co. v. Campbell Hausfeld/Scott Fetzer Co.*, 997 F.2d 484, 484 (8th Cir. 1993).

1. Plaintiffs have not demonstrated a threat of irreparable harm.

To demonstrate a sufficient threat of irreparable harm, the moving party must show that there is no adequate remedy at law; that is, that an award of damages cannot compensate the movant for the harm. *See Noodles Dev.*, 507 F.Supp.2d at 1036-37. But, when analyzing this factor, the Eighth Circuit has held that "[m]erely demonstrating the 'possibility of harm' is not enough." *Chlorine Inst., Inc. v. Soo Line R.R.*, 792 F.3d 903, 915 (8th Cir. 2015); *see also S.J.W.* ex rel *Wilson v. Lee's Summit R–7 Sch. Dist.,* 696 F.3d 771, 779 (8th Cir. 2012) ("Speculative harm does not support a preliminary injunction."). In the context of a global pandemic, this Court must consider the threat after "accounting for the protective measures" defendant has already implemented. *Valentine v. Collier*, --- F.3d ---, 2020 WL 1934431, *5 (5th Cir. Apr. 22, 2020).

Plaintiffs argue that their injury is potentially contracting COVID-19, which could result in serious illness or even death. But this type of injury is too speculative under Eighth Circuit precedent.

Plaintiffs' claim otherwise, citing two cases from the Eighth Circuit, which they argue held the possibility of "death or serious illness" constitutes an irreparable injury (Doc. 3 at 24). Plaintiffs' cite *Kai v. Ross*, 336 F.3d 650, 656 (8th Cir. 2003), a case in which the state of Nebraska revoked a program providing medical care for the needy. The plaintiffs, who suffered from physical and mental disabilities and received their prescription medications through the program, sought to enjoin revocation of the program. *Id.* The Eighth Circuit held that the present danger to plaintiffs' health without their medications is an irreparable harm. *Id.* Plaintiffs also cite *Harris v. Blue Cross Blue Shield of Mo.*, 995 F.2d 877, 879 (8th Cir. 1993), which similarly held that denial of coverage for the treatment of a life-threating illness is an irreparable injury. These two cases are inapposite, since the plaintiffs were already suffering from illnesses, and would undoubtedly suffer serious illness or death in the absence of an injunction.[12] In other words, the threat of serious injury or death was a certainty and not merely a possibility.

The Court is not unsympathetic to the threat that COVID-19 presents to the Plant's workers. But in conducting its analysis, the Court must determine whether Plaintiffs will suffer an actual, imminent harm if the injunction is denied. This is not the same as analyzing whether employees risk exposure if they continue to work, and, unfortunately, no one can guarantee health for essential workers—or even the general public—in the middle of this global pandemic.

[12] Plaintiffs also cite *Mertzlufft v. Bunker Res. Recycling & Reclamation, Inc.*, 760 S.W.2d 592 (Mo. Ct. App. 1988) as persuasive authority. In *Mertzluff*, the plaintiffs sought to enjoin a business which was illegally transporting, storing, and incinerating hazardous waste without a permit. *Id.* at 595. The plaintiffs brought a citizen's suit to enjoin the defendant from charging and loading the incinerator with hospital wastes, or otherwise operating it, which the trial court granted. *Id.* The Missouri court of appeals, reviewing the case under a standard deferential to the trial court's judgment—not operating under the preliminary injunction standard set forth in *Dataphase*—held that the preliminary injunction was warranted. *Id.* at 598. It did not, however, address whether the plaintiffs proved there was a threat of irreparable harm. *Id.* at 598. To the contrary, the court held that plaintiffs were "not obligated to allege and prove they had suffered irreparable harm in order to obtain injunctive relief, but were only required to prove that they were adversely affected in fact by the unlicensed operation, which they did." *Id.* Accordingly, this case is also inapplicable because the court of appeals did not consider—and plaintiffs were not required to prove—a threat of irreparable harm. But, even if they were, the defendant was illegally operating a hazardous waste facility, and thus presented a present threat of certain harm to the plaintiffs.

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But given the significant measures Smithfield is now taking to protect its essential workers from COVID-19 and the fact that there are no confirmed cases of COVID-19 currently at the Plant, the Court cannot conclude that the spread of COVID-19 at the Plant is inevitable or that Smithfield will be unable to contain it if it occurs. Thus, Plaintiffs have not established an immediate threat of irreparable harm.

2. Plaintiffs have not shown that the balance of harms favors issuing injunctive relief.

The second factor "examines the harm of granting or denying the injunction upon both of the parties to the dispute and upon other interested parties, including the public." *Noodles Dev.*, 507 F. Supp. 2d at 1038 (citing *Dataphase*, 640 F.2d at 114). "To determine what must be weighed, . . . courts of this circuit have looked at the threat to each of the parties' rights that would result from granting or denying the injunction." *Id.* The "potential economic harm to the parties" is a relevant consideration, as is "whether the defendant has already voluntarily taken remedial action." *Id.*

Here, there is no doubt that if workers at the Plant contract COVID-19, the harm to Plaintiffs could be great. But Plaintiffs have alleged only that—potential harm—and, in this time, no essential-business employer can completely eliminate the risk that COVID-19 will spread to its employees through the workplace. Thus, it is important that employers make meaningful, good faith attempts to reduce the risk. Here, Smithfield has taken significant remedial steps in accordance with the Joint Guidance to protect its workers from COVID-19.

Moreover, national and local guidance on COVID-19 is continuously evolving and changing. An injunction would deny Smithfield the flexibility needed to quickly alter workplace procedures to remain safe during the ever-changing circumstances of this pandemic. *Valentine*, 2020 WL 1934431 at *5 (staying injunction that would "interfer[e] with the rapidly changing and

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flexible system-wide approach that [defendant] has used to respond to the pandemic so far" and "[defendant's] ability to continue to adjust its policies is significantly hampered by the preliminary injunction, which locks in place a set of policies for a crisis that defies fixed approaches") (citing *Jacobson v. Massachusetts*, 197 U.S. 11, 28–29 (1905); *In re Abbott*, 954 F.3d 772, 791 (5th Cir. 2020)). Thus, the remedial measures Smithfield has implemented convince the Court that the balance of harms weighs in its favor.

3. Plaintiffs have not shown a likelihood of success on the merits.

To demonstrate likelihood of success on the merits, a movant does not need to show that it ultimately will succeed on its claims, only that the movant's prospects for success is *sufficiently likely* to support the kind of relief it requests. *See Noodles Dev.*, 507 F.Supp.2d at 1036–37 (emphasis added) (citations omitted). That is, the movant need only show "a fair chance of prevailing." *Phelps-Roper*, 509 F.3d at 485. On this record, Plaintiffs have not shown a fair chance of prevailing on either of their claims.

a. Plaintiffs have not shown they are likely to succeed on their public-nuisance claim.

Under Missouri law, "a public nuisance is an offense against the public order and economy of the state and violates the public's right to life, health, and the use of property, while, 'at the same time annoys, injures, endangers, renders insecure, interferes with, or obstructs the rights or property of the whole community, or neighborhood, or of any considerable number of persons.'" *State* ex rel. *Schmitt v. Henson*, ED 107970, 2020 WL 1862001, at *4 (Mo. Ct. App. April 14, 2020) (citations omitted).

The parties agree that the Plant cannot be a public nuisance simply by virtue of the fact that it is a meat-processing plant during a global pandemic. Moreover, in this case, Smithfield has implemented substantial health and safety measures to protect Plant workers, and no

employees of the Plant have been diagnosed with COVID-19. While Plaintiffs argue that Smithfield could do more to protect its workers, that is not the issue before this Court. The issue is whether the Plant, as it is currently operating, constitutes an offense against the public order. Because of the significant measures Smithfield has implemented to combat the disease and the lack of COVID-19 at the facility, the Plant cannot be said to violate the public's right to health and safety. Thus, the Court finds that Plaintiffs are unlikely to be succeed on their public nuisance claim.

b. Plaintiffs have shown they are unlikely to succeed on their right to a safe workplace claim.

Under Missouri law, Plaintiffs must prove that Smithfield negligently breached its duty to provide a safe place to work and that such negligence was the direct and proximate cause of the Plaintiffs injuries. *Hamilton v. Palm*, 621 F.3d 816, 818 (8th Cir. 2010). As discussed, Smithfield has taken substantial steps to reduce the potential for COVID-19 exposure at the Plant and appears to the Court to be complying with the Joint Guidance regarding the same. Thus, Plaintiffs are not substantially likely to prove Smithfield breached any duty.

More importantly, however, Plaintiffs have not alleged they have suffered any injury, only that they may suffer an injury in the future. A potential injury is insufficient to state a claim of the breach of the duty to provide a safe workplace under Missouri law. Plaintiffs citation to *Smith v. W. Elec. Co.*, 643 S.W.2d 10 (Mo. Ct. App. 1982), to establish that they have stated a sufficient injury is unavailing. In *Smith*, the plaintiff proved that he had been exposed to harmful second-hand smoke in the workplace which caused him to suffer a severe adverse reaction. *Id.* at 12. The adverse reaction was the actual injury he suffered, and he suffered this harm—and sought relief through an administrative process—before seeking an injunction. Thus, *Smith* is not analogous to this case, and Plaintiffs have not shown they are likely to be successful on their

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breach of a safe workplace claim.

4. The public interest factor is neutral.

Certainly, the spread of COVID-19 is a public-health matter of great concern, and, so, preventing transmission of the virus which causes COVID-19 is within the public interest. At the same time, the public has an interest in maintaining the food-supply chain and access to meat products, an interest which might be impaired if the Court granted the injunction. Because Smithfield's current policies and procedures temper public health worries, the Court finds a preliminary injunction is not in the public interest at this time.

Thus, Plaintiffs have not met their extraordinary burden of showing an affirmative preliminary injunction is warranted in this case.

III. Plaintiffs' requested relief lacks the specificity required for a preliminary injunction.

Finally, the Court finds that Plaintiffs requested relief is impermissibly vague. Federal Rule of Civil Procedure 65(d) states that an injunction must be "specific in [its] terms" and describe in reasonable detail the actions sought to be enjoined. Fed. R. Civ. P. 65(d). This specificity requirement is "designed to prevent uncertainty and confusion on the part of those to whom the injunction is directed and to avoid the possible founding of a contempt citation on a decree too vague to be understood." *Helzberg's Diamond Shops, Inc. v. Valley W. Des Moines Shopping Ctr., Inc.*, 564 F.2d 816, 820 (8th Cir. 1977).

In this case, Plaintiffs request this Court enter an injunction requiring Smithfield to "make all reasonable changes to its 'production practices,' including potentially lowering its line speeds, to place as many workers as possible at least six feet apart" (Doc. 46 at 10). Plaintiffs do not explain what changes would be "reasonable," except for "potentially" reducing line speeds. In other words, they do not specify in reasonable detail what Smithfield should do. They

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demand workers have "reasonable additional breaks to allow workers to care for their personal hygiene without penalty, including blowing their noses, using tissues, and hand washing," but they do not specify how often or how long such breaks should take place, or what would constitute a reasonable break. Finally, Plaintiffs request the Court order Smithfield to change its policies to "not require workers to come to the Plant to obtain COVID-19-related sick leave and take all reasonable steps to communicate that policy clearly to workers." But Plaintiffs do not identify which policies should be eliminated, what constitutes "reasonable steps," or why Smithfield's current policies are insufficient. Because "a person of ordinary intelligence" would not understand what is prohibited based on Plaintiffs' proposed preliminary injunction, *Schenck v. Pro-Choice Network of W. N.Y.*, 519 U.S. 357, 383 (1997), it is impermissibly vague, and thus unenforceable.

Conclusion

Plaintiffs are naturally concerned for their health and the health of their community in these unprecedented times. The Court takes their concern seriously. Nevertheless, the Court cannot ignore the USDA's and OSHA's authority over compliance with the Joint Guidance or the significant steps Smithfield has taken to reduce the risk of a COVID-19 outbreak at the Plant.

For the reasons discussed above, Defendants motion to dismiss is GRANTED, and the case is DISMISSED without prejudice.

IT IS SO ORDERED.

Date: May 5, 2020

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT

OSHA-001994



Occupational Safety and Health Administration (OSHA): Emergency Temporary Standards (ETS) and COVID-19

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SUMMARY

R46288

October 20, 2020

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Occupational Safety and Health Administration (OSHA): Emergency Temporary Standards (ETS) and COVID-19

The Occupational Safety and Health Administration (OSHA) does not currently have a specific standard that protects healthcare or other workers from airborne or aerosol transmission of disease or diseases transmitted by airborne droplets. Some in Congress, and some groups representing healthcare, meat and poultry processing, and other workers, are calling on OSHA to promulgate an emergency temporary standard (ETS) to protect workers from exposure to SARS-CoV-2, the virus that causes Coronavirus Disease 2019 (COVID-19). The Occupational Safety and Health Act of 1970 (OSH Act) gives OSHA the ability to promulgate an ETS that would remain in effect for up to six months without going through the normal review and comment process of rulemaking. OSHA, however, has rarely used this authority in the past—not since the courts struck down its ETS on asbestos in 1983.

The California Division of Occupational Safety and Health (Cal/OSHA), which operates California's state occupational safety and health plan, has had an aerosol transmissible disease (ATD) standard since 2009. This standard includes, among other provisions, the requirement that employers provide covered employees with respirators, rather than surgical masks, when these workers interact with ATDs, such as known or suspected COVID-19 cases. In addition, according to the Cal/OSHA ATD standard, certain procedures require the use of powered air purifying respirators (PAPR).

The Virginia state occupational safety and health plan (VOSH) and the Michigan state occupational safety and health plan (MIOSHA) have each promulgated emergency standards to specifically address COVID-19 in workplaces. Unlike the Cal/OSHA ATD standard, these emergency standards are in effect for only six months and apply to all employers.

H.R. 6139, the COVID-19 Health Care Worker Protection Act of 2020, would require OSHA to promulgate an ETS on COVID-19 that incorporates both the Cal/OSHA ATD standard and the Centers for Disease Control and Prevention's (CDC's) 2007 guidelines on occupational exposure to infectious agents in healthcare settings; similar provisions appear in S. 3475. The CDC's 2007 guidelines generally require stricter controls than its interim guidance on COVID-19 exposure. The provisions of H.R. 6139 were incorporated into the version of H.R. 6201, the Families First Coronavirus Response Act, as introduced in the House. The OSHA ETS provisions were not included in the House- and Senate-passed version of legislation that was signed into law as P.L. 116-127.

H.R. 6379, as introduced in the House, also would include a requirement for an OSHA ETS and permanent standard to address COVID-19 exposure; similar provisions appear in S. 3584. H.R. 6559 would include the requirements for an ETS and permanent standard, clarify the requirement that employers must report work-related COVID-19 cases, and expand protections for whistleblowers; similar provisions appear in S. 3677. The provisions of H.R. 6559 were included in H.R. 6800, The Heroes Act, passed by the House on May 15, 2020, and in the House Amendment to the Senate Amendment to H.R. 925, the revised Heroes Act passed by the House on October 1, 2020.

Through October 1, 2020, OSHA has issued COVID-19-related citations to employers at 62 work sites, with total proposed penalties of $913,133. These citations have been issued for violations of the OSH Act's General Duty Clause and other existing OSHA standards, such as those for respiratory protection, that may apply to COVID-19. Senators Elizabeth Warren and Cory A. Booker have raised concerns about the low amount of penalties being assessed for COVID-19-related violations.

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Occupational Safety and Health Administration Standards

Section 6 of the Occupational Safety and Health Act of 1970 (OSH Act) grants the Occupational Safety and Health Administration (OSHA) of the Department of Labor (DOL) the authority to promulgate, modify, or revoke occupational safety and health standards that apply to private sector employers, the United States Postal Service, and the federal government as an employer.[1] In addition, Section 5(a)(1) of the OSH Act, commonly referred to as the General Duty Clause, requires that all employers under OSHA's jurisdiction provide workplaces free of "recognized hazards that are causing or are likely to cause death or serious physical harm" to their employees.[2] OSHA has the authority to enforce employer compliance with its standards and with the General Duty Clause through the issuance of abatement orders, citations, and civil monetary penalties. The OSH Act does not cover state or local government agencies or units. Thus, certain entities that may be affected by Coronavirus Disease 2019 (COVID-19), such as state and local government hospitals, local fire departments and emergency medical services, state prisons and county jails, and public schools, are not covered by the OSH Act or subject to OSHA regulation or enforcement.

State Plans

Section 18 of the OSH Act authorizes states to establish their own occupational safety and health plans and preempt standards established and enforced by OSHA.[3] OSHA must approve state plans if they are "at least as effective" as OSHA's standards and enforcement.[4] If a state adopts a state plan, it also must cover state and local government entities, such as public schools, not covered by OSHA. Currently, 21 states and Puerto Rico have state plans that cover all employers, and 5 states and the U.S. Virgin Islands have state plans that cover only state and local government employers not covered by the OSH Act.[5] In the remaining states, state and local government employers are not covered by OSHA standards or enforcement. State plans may incorporate OSHA standards by reference, or states may adopt their own standards that are at least as effective as OSHA's standards. State plans do not have jurisdiction over federal agencies and generally do not cover maritime workers and private-sector workers at military bases or other federal facilities.

Promulgation of OSHA Standards

OSHA may promulgate occupational safety and health standards on its own initiative or in response to petitions submitted to the agency by various government agencies, the public, or employer and employee groups.[6] OSHA is not required, however, to respond to a petition for a

[1] 29 U.S.C. §655. The provisions of the Occupational Safety and Health Act of 1970 (OSH Act) are extended to the legislative branch as an employer by the Congressional Accountability Act (P.L. 104-1).

[2] 29 U.S.C. §654(a)(1).

[3] 29 U.S.C. §667.

[4] For additional information on Occupational Safety and Health Administration (OSHA) state plans, see CRS Report R43969, *OSHA State Plans: In Brief, with Examples from California and Arizona*.

[5] Information on specific state plans is available from the OSHA website at https://www.osha.gov/stateplans.

[6] Per Section 6(b)(1) of the OSH Act [29 §655(b)(1)], a petition may be submitted by "an interested person, a representative of any organization of employers or employees, a nationally recognized standards-producing

standard or to promulgate a standard in response to a petition. OSHA may also consult with one of the two statutory standing advisory committees—the National Advisory Committee on Occupational Safety and Health (NACOSH) or the Advisory Committee on Construction Safety and Health (ACCSH)—or an ad-hoc advisory committee for assistance in developing a standard.[7]

Notice and Comment

OSHA's rulemaking process for the promulgation of standards is largely governed by the provisions of the Administrative Procedure Act (APA) and Section 6(b) of the OSH Act.[8] Under the APA informal rulemaking process, federal agencies, including OSHA, are required to provide notice of proposed rules through the publication of a Notice of Proposed Rulemaking in the *Federal Register* and provide the public a period of time to provide comments on the proposed rules.

Section 7(b) of the OSH Act mirrors the APA in that it requires notice and comment in the rulemaking process.[9] After publishing a proposed standard, the public must be given a period of at least 30 days to provide comments. In addition, any person may submit written objections to the proposed standard and may request a public hearing on the standard.

Statement of Reasons

Section 6(e) of the OSH Act requires OSHA to publish in the *Federal Register* a statement of the reasons the agency is taking action whenever it promulgates a standard, conducts other rulemaking, or takes certain additional actions, including issuing an order, compromising on a penalty amount, or settling an issued penalty.[10]

Other Relevant Laws and Executive Order 12866

In addition to the APA and OSH Act, other federal laws that generally apply to OSHA rulemaking include the Paperwork Reduction Act,[11] Regulatory Flexibility Act,[12] Congressional Review Act,[13] Information Quality Act,[14] and Small Business Regulatory Enforcement Fairness Act (SBREFA).[15] Also, Executive Order 12866, issued by President Clinton in 1993, requires

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organization, the Secretary of Health and Human Services (HHS), the National Institute for Occupational Safety and Health, or a state or political subdivision."

[7] The National Advisory Committee on Occupational Safety and Health (NACOSH) was established by Section 7(a) of the OSH Act [29 U.S.C. §656(a)]. The Advisory Committee on Construction Safety and Health (ACCSH) was established by Section 107 of the Contract Work Hours and Safety Act (P.L. 87-581). Section 7(b) of the OSH Act provides OSHA the authority to establish additional advisory committees.

[8] The Administrative Procedure Act (APA) is codified at 5 U.S.C. §§500-596. For detailed information on federal agency rulemaking and the APA, see CRS Report RL32240, *The Federal Rulemaking Process: An Overview*.

[9] 29 U.S.C. §655(b).

[10] 29 U.S.C §655(e).

[11] 44 U.S.C. §§3501-3520.

[12] 5 U.S.C. §§601-612.

[13] 5 U.S.C. §§801-808.

[14] 44 U.S.C. §3516 note.

[15] 5 U.S.C. §601 note. For information on these additional laws that apply to OSHA rulemaking, see U.S. Government Accountability Office (GAO), *Workplace Safety and Health: Multiple Challenges Lengthen OSHA's Standard Setting*, GAO-12-330, April 2012, Appendix II, at https://www.gao.gov/products/GAO-12-330 (hereinafter cited as GAO-12-330, *Workplace Safety and Health*).

agencies to submit certain regulatory actions to the Office of Management and Budget (OMB) and Office of Information and Regulatory Affairs (OIRA) for review before promulgation.[16]

OSHA Rulemaking Time Line

OSHA rulemaking for new standards historically has been a relatively time-consuming process. In 2012, at the request of Congress, the Government Accountability Office (GAO) reviewed 59 significant OSHA standards promulgated between 1981 (after the enactments of the Paperwork Reduction Act and Regulatory Flexibility Act) and 2010.[17] For these standards, OSHA's average time between beginning formal consideration of the standard—either through publishing a Request for Information or Advance Notice of Proposed Rulemaking in the *Federal Register* or placing the rulemaking on its semiannual regulatory agenda—and promulgation of the standard was 93 months (7 years, 9 months). Once the Notice of Proposed Rulemaking was published for these 59 standards, the average time until promulgation of the standard was 39 months (3 years, 3 months).

In 2012, OSHA's Directorate of Standards and Guidance published a flowchart of the OSHA rulemaking process on the agency's website.[18] This flowchart includes estimated duration ranges for a variety of rulemaking actions, beginning with pre-rule activities—such as developing the idea for the standard and meeting with stakeholders—and ending with promulgation of the standard. The flowchart also includes an estimated duration range for post-promulgation activities, such as judicial review. The estimated time from the start of preliminary rulemaking to the promulgation of a standard ranges from 52 months (4 years, 4 months) to 138 months (11 years, 6 months). After a Notice of Proposed Rulemaking is published in the *Federal Register,* the estimated length of time until the standard is promulgated ranges from 26 months (2 years, 2 months) to 63 months (5 years, 3 months). **Table 1** provides OSHA's estimated time lines for six major pre-rulemaking and rulemaking activities leading to the promulgation of a standard.

Table 1. OSHA Rulemaking Process: Estimated Durations of Activities

Stage	Activities	Estimated Duration
1	Preliminary rulemaking activities	12-36 months
2	Developing the proposed rule	12-36 months
3	Publishing the Notice of Proposed Rulemaking (NPRM)	2-3 months
4	Developing and analyzing the rulemaking record, including public comments and hearings	6-24 months
5	Developing the final rule, including Office of Information and Regulatory Affairs (OIRA) submission	18-36 months
6	Publishing the final rule (promulgating the new standard)	2-3 months
Total estimated duration		52-138 months
Estimated duration from NPRM to final rule		26-63 months

Source: Congressional Research Service (CRS) with data from Occupational Safety and Health Administration (OSHA), Directorate of Standards and Guidance, *The OSHA Rulemaking Process*, October 15, 2012, at https://www.osha.gov/OSHA_FlowChart.pdf.

[16] Executive Order 12866, "Regulatory Planning and Review," 58 *Federal Register* 51735, October 4, 1993.

[17] GAO-12-330, *Workplace Safety and Health*.

[18] OSHA, Directorate of Standards and Guidance, *The OSHA Rulemaking Process*, October 15, 2012, at https://www.osha.gov/OSHA_FlowChart.pdf.

Judicial Review

Both the APA and the OSH Act provide for judicial review of OSHA standards. Section 7(f) of the OSH Act provides that any person who is "adversely affected" by a standard may file, within 60 days of its promulgation, a petition challenging the standard with the U.S. Court of Appeals for the circuit in which the person lives or maintains his or her principal place of business.[19] A petition for judicial review does not automatically stay the implementation or enforcement of the standard. However, the court may order such a stay. OSHA estimates that post-promulgation activities, including judicial review, can take between 4 and 12 months after the standard is promulgated.[20]

Emergency Temporary Standards

Section 6(c) of the OSH Act provides the authority for OSHA to issue an Emergency Temporary Standard (ETS) without having to go through the normal rulemaking process. OSHA may promulgate an ETS without supplying any notice or opportunity for public comment or public hearings. An ETS is immediately effective upon publication in the *Federal Register*. Upon promulgation of an ETS, OSHA is required to begin the full rulemaking process for a permanent standard with the ETS serving as the proposed standard for this rulemaking. An ETS is valid until superseded by a permanent standard, which OSHA must promulgate within six months of publishing the ETS in the *Federal Register*.[21] An ETS must include a statement of reasons for the action in the same manner as required for a permanent standard. State plans are required to adopt or adhere to an ETS, although the OSH Act is not clear on how quickly a state plan must come into compliance with an ETS.

ETS Requirements

Section 6(c)(1) of the OSH Act requires that both of the following determinations be made in order for OSHA to promulgate an ETS:

- that employees are exposed to grave danger from exposure to substances or agents determined to be toxic or physically harmful or from new hazards, and
- that such emergency standard is necessary to protect employees from such danger.

Grave Danger Determination

The term *grave danger*, used in the first mandatory determination for an ETS, is not defined in statute or regulation. The legislative history demonstrates the intent of Congress that the ETS process "not be utilized to circumvent the regular standard-setting process," but the history is unclear as to how Congress intended the term grave danger to be defined.[22]

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[19] 29 U.S.C. §655(f).

[20] OSHA, Directorate of Standards and Guidance, *The OSHA Rulemaking Process*, October 15, 2012, at https://www.osha.gov/OSHA_FlowChart.pdf.

[21] 29 U.S.C §655(c)(2).

[22] U.S. Congress, Senate Labor and Public Welfare, Subcommittee on Labor, *Legislative History of the Occupational Safety and Health Act of 1970 (S. 2193, P.L. 91-596)*, committee print, prepared by Subcommittee on Labor, 91st Cong., 1 sess., June 1971, 52-531 (Washington: GPO, 1971), p. 1218.

In addition, although the federal courts have ruled on challenges to previous ETS promulgations, the courts have provided no clear guidance as to what constitutes a grave danger. In 1984, the U.S. Court of Appeals for the Fifth Circuit in *Asbestos Info. Ass'n v. OSHA* issued a stay and invalidated OSHA's November 1983 ETS lowering the permissible exposure limit for asbestos in the workplace.[23] In its decision, the court stated that "gravity of danger is a policy decision committed to OSHA, not to the courts."[24] The court, however, ultimately rejected the ETS, in part on the grounds that OSHA did not provide sufficient support for its claim that 80 workers would ultimately die because of exposures to asbestos during the six-month life of the ETS.

Necessity Determination

In addition to addressing a grave danger to employees, an ETS must also be *necessary* to protect employees from that danger. In *Asbestos Info. Ass'n*, the court invalidated the asbestos ETS for the additional reason that OSHA had not demonstrated the necessity of the ETS. The court cited, among other factors, the duplication between the respirator requirements of the ETS and OSHA's existing standards requiring respirator use. The court dismissed OSHA's argument that the ETS was necessary because the agency felt that the existing respiratory standards were "unenforceable absent actual monitoring to show that ambient asbestos particles are so far above the permissible limit that respirators are necessary to bring employees' exposure within the PEL of 2.0 f/cc."[25] The court determined that "fear of a successful judicial challenge to enforcement of OSHA's permanent standard regarding respirator use hardly justifies resort to the most dramatic weapon in OSHA's enforcement arsenal."[26]

Although OSHA has not promulgated an ETS since the 1983 asbestos standard, it has since determined the necessity of an ETS. In 2006, the agency considered a petition from the United Food and Commercial Workers (UFCW) and International Brotherhood of Teamsters (IBT) for an ETS on diacetyl. The UFCW and IBT petitioned OSHA for the ETS after the National Institute for Occupational Safety and Health (NIOSH) and other researchers found that airborne exposure to diacetyl, then commonly used as an artificial butter flavoring in microwave popcorn and a flavoring in other food and beverage products, was linked to the lung disease *bronchiolitis obliterans*, now commonly referred to as "popcorn lung."[27] According to GAO's 2012 report on OSHA's standard-setting processes, OSHA informed GAO that although the agency may have been able to issue an ETS based on the grave danger posed by diacetyl, the actions taken by the food and beverage industries, including reducing or removing diacetyl from products, made it less likely that the necessity requirement could be met.[28]

ETS Duration

Section 6(c)(2) of the OSH Act provides that an ETS is effective until superseded by a permanent standard promulgated pursuant to the normal rulemaking provisions of the OSH Act. Section 6(c)(3) of the OSH Act requires OSHA to promulgate a permanent standard within six months of

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[23] 727 F.2d at 415, 425-427 (5th Cir. 1984).

[24] 727 F.2d at 427 (5th Cir. 1984).

[25] 727 F.2d at 427 (5th Cir. 1984). The ETS mandated a permissible exposure limit (PEL) for asbestos of two asbestos fibers per cubic centimeter of air (2.0 f/cc).

[26] 727 F.2d at 427 (5th Cir. 1984).

[27] See, for example, Centers for Disease Control and Prevention (CDC): National Institute for Occupational Safety and Health (NIOSH), *NIOSH Alert: Preventing Lung Disease in Workers who Use or Make Flavorings*, DHHS (NIOSH) publication no. 2004–110, December 2003, at https://www.cdc.gov/niosh/docs/2004-110/.

[28] GAO-12-330, *Workplace Safety and Health*.

promulgating the ETS. As shown earlier in this report, six months is well outside of historical and currently expected time frames for developing and promulgating a standard under the notice and comment provisions of the APA and OSH Act, as well as under other relevant federal laws and executive orders. This dichotomy between the statutory mandate to promulgate a standard and the time lines that, based on historical precedent, other provisions in the OSH Act might realistically require for such promulgation raises the question of whether or not OSHA could extend an ETS's duration without going through the normal rulemaking process. The statute and legislative history do not clearly address this question.

OSHA has used its ETS authority sparingly in its history and not since the asbestos ETS promulgated in 1983. As shown in **Table A-1** in the Appendix, of the nine times OSHA has issued an ETS, the courts have fully vacated or stayed the ETS in four cases and partially vacated the ETS in one case.[29] Of the five cases that were not challenged or that were fully or partially upheld by the courts, OSHA issued a permanent standard either within the six months required by the statute or within several months of the six-month period and always within one year of the promulgation of the ETS.[30] Each of these cases, however, occurred before 1980, when a combination of additional federal laws and court decisions added additional procedural requirements to the OSHA rulemaking process. OSHA did not attempt to extend the ETS's expiration date in any of these cases.

Although the courts have not ruled directly on an attempt by OSHA to solely extend the life of an ETS, in 1974, the U.S. Court Appeals for the Fifth Circuit held in *Florida Peach Growers Ass'n v. United States Department of Labor* that OSHA was within its authority to amend an ETS without going through the normal rulemaking process.[31] The court stated that "it is inconceivable that Congress, having granted the Secretary the authority to react quickly in fast-breaking emergency situations, intended to limit his ability to react to developments subsequent to his initial response."[32] The court also recognized the difficulty OSHA may have in promulgating a standard within six months due to the notice and comment requirements of the OSH Act, stating that in the case of OSHA seeking to amend an ETS to expand its focus, "adherence to subsection (b) procedures would not be in the best interest of employees, whom the Act is designed to protect. Such lengthy procedures could all too easily consume all of the temporary standard's six months life."[33]

[29] Mark A. Rothstein, "Substantive and Procedural Obstacles to OSHA Rulemaking: Reproductive Hazards as an Example," *Boston College Environmental Affairs Law Review*, vol. 12, no. 4 (August 1985), p. 673.

[30] For example, OSHA promulgated the Acrylonitrile (vinyl cyanide) ETS on January 17, 1978, and the permanent standard on October 3, 1978, with an effective date of November 2, 1978. The preamble to the permanent standard published in the *Federal Register* does not include information on the status of the ETS during the time between its expiration and the promulgation of the permanent standard. OSHA, "Occupational Exposure to Acrylonitrile (Vinyl Cyanide)," 43 *Federal Register* 45762, October 3, 1978.

[31] 489 F.2d. 120 (5th Cir. 1974).

[32] 489 F.2d. at 127 (5th Cir. 1974).

[33] 489 F.2d. at 127 (5th Cir. 1974).

OSHA Standards Related to COVID-19

Current OSHA Standards

Currently, no OSHA standard directly covers exposure to airborne or aerosol diseases in the workplace. As a result, OSHA is limited in its ability to enforce protections for healthcare and other workers who may be exposed to SARS-CoV-2, the virus that causes COVID-19.[34]

OSHA may enforce the General Duty Clause in the absence of a standard, if it can be determined that an employer has failed to provide a worksite free of "recognized hazards" that are "causing or are likely to cause death or serious physical harm" to workers.[35] In addition, OSHA's standards for the use of personal protective equipment (PPE) may apply in cases in which workers require eye, face, hand, or respiratory protection against COVID-19 exposure.[36]

As of October 1, 2020, OSHA has issued citations related to COVID-19 to employers at 62 work sites resulting in a total of $913,133 in proposed civil penalties.[37] The majority of these citations were issued to healthcare, nursing, and long-term care providers, including two Department of Veterans Affairs facilities—a hospital in Indianapolis, Indiana, and a community living center in Queens, New York.[38] Two employers in the meat processing industry—Smithfield Packaged Foods, Inc. in Sioux Falls, South Dakota and JBS Foods, Inc. in Greeley, Colorado—were also cited.[39] In the two meat processing cases, citations were issued for General Duty Clause violations. Other citations were issued for violations of OSHA's respiratory protection, injury and illness reporting, and recordkeeping standards.

The highest amount of proposed penalties issued to a single employer for COVID-19-related violations was $28,070 to the Harborage nursing home operated by Hackensack Meridian Healthcare in New Jersey for four serious and one other than serious violations of the respiratory protection standard.[40] For two of the serious violations, OSHA issued the maximum allowable penalty of $13,494.[41] For the other two serious violations, OSHA issued citations but no monetary penalties. For the other than serious violation, OSHA issued a penalty of $1,082. The two meat processing employers were each assessed maximum penalties of $13,494 for serious violations of the General Duty Clause.

In a letter to OSHA, Senators Elizabeth Warren and Cory A. Booker raised concerns over the amount of penalties issued to these employers.[42] The Senators asked OSHA why these employers

[34] OSHA has a standard on blood-borne pathogens (29 C.F.R. §1910.1030) but does not have a standard on pathogens transmitted by airborne droplets.

[35] 29 U.S.C. §654(a)(1).

[36] 29 C.F.R. §§1910.133, 1910.134, and 1910.138.

[37] OSHA, *U.S. Department of Labor's OSHA Announces $913,133 in Coronavirus Violations*, OSHA National News Release, October 9, 2020, https://www.osha.gov/news/newsreleases/national/10092020.

[38] A list of all COVID-19-related citations issued by OSHA through October 1, 2020, is available at https://www.osha.gov/enforcement/covid-19-data/inspections-covid-related-citations.

[39] OSHA has the authority to issue citations to Executive Branch agencies, but does not have the authority to issue civil monetary penalties to these agencies.

[40] Detailed information on the citations issued to this employer is available at https://www.osha.gov/pls/imis/establishment.inspection_detail?id=1476465.015.

[41] OSHA citations are classified as "serious," "other than serious," "willful," or "repeated." The maximum amounts of OSHA penalties are subject to annual inflationary adjustments.

[42] Letter from Senators Elizabeth Warren and Cory A. Booker to Loren Sweatt, Principal Deputy Assistant Secretary of

were each cited for single serious violations of the General Duty Clause rather than multiple violations for each area of the facilities in which social distancing measures were not implemented. They also asked why OSHA did not issue penalties for willful or repeated violations that carry maximum penalties of $134,937 per violation. None of the employers cited for COVID-19-related violations were issued penalties for willful or repeated violations.

OSHA Respiratory Protection Standard

National Institute for Occupational Safety and Health Certification

The OSHA respiratory protection standard requires the use of respirators certified by NIOSH in cases in which engineering controls, such as ventilation or enclosure of hazards, are insufficient to protect workers from breathing contaminated air.[43] Surgical masks, procedure masks, and dust masks are not considered respirators. NIOSH certifies respirators pursuant to federal regulations.[44] For nonpowered respirators, such as filtering face piece respirators commonly used in healthcare and construction, NIOSH classifies respirators based on their efficiency at filtering airborne particles and their ability to protect against oil particles. Under the NIOSH classification system, the letter (N, R, or P) indicates the level of oil protection as follows: N—no oil protection; R—oil resistant; and P—oil proof. The number following the letter indicates the efficiency rating of the respirator as follows: 95—filters 95% of airborne particles; 97—filters 97% of airborne particles; and 100—filters 99.7% of airborne particles. Thus an N95 respirator, the most common type, is one that does not protect against oil particles and filters out 95% of airborne particles. An R or P respirator can be used in place of an N respirator.

A respirator that is past its manufacturer-designated shelf life is no longer considered to be certified by NIOSH. However, in response to potential shortages in respirators, NIOSH has tested and approved certain models of respirators for certified use beyond their manufacturer-designated shelf lives.[45]

Respirators designed for certain medical and surgical uses are subject to both certification by NIOSH (for oil protection and efficiency) and regulation by the Food and Drug Administration (FDA) as medical devices. In general, respirators with exhalation valves cannot be used in surgical and certain medical settings because, although the presence of an exhalation valve does not affect the respirator's protection afforded the user, it may allow unfiltered air from the user into a sterile field. On March 2, 2020, FDA issued an Emergency Use Authorization (EUA) to approve for use in medical settings certain NIOSH-certified respirators not previously regulated by FDA.[46]

Labor, Occupational Safety and Health Administration, September 22, 2020, https://www.warren.senate.gov/imo/media/doc/Letter%20from%20Senators%20Warren,%20Booker%20to%20OSHA%209-22-20.pdf.

[43] 29 C.F.R. §1910.134.

[44] 42 C.F.R. Part 84.

[45] NIOSH, *Release of Stockpiled Filtering Facepiece Respirators Beyond the Manufacturer-Designated Shelf Life: Considerations for the COVID-19 Response*, February 28, 2020, at https://www.cdc.gov/coronavirus/2019-ncov/release-stockpiled-N95.html.

[46] Letter from RADM Denise M. Hinton, chief scientist, Food and Drug Administration (FDA), to Robert R. Redfield, Director, CDC, March 2, 2020, at https://www.fda.gov/media/135763/download. The list of respirators approved under this Emergency Use Authorization (EUA) is in Appendix B to this letter, updated at https://www.fda.gov/media/135921/download.

CDC Interim Guidance on Respiratory Protection

On March 10, 2020, the Centers for Disease Control and Prevention (CDC) updated its interim guidance for the protection of healthcare workers against exposure to COVID-19 to permit healthcare workers caring for known or suspected COVID-19 cases to use "facemasks" when respirators are not available or are in limited supply.[47] This differs from the CDC's 2007 guidelines for control of infectious agents in healthcare settings, which required the use of respirators for treatment of known or suspected cases.[48] CDC states that respirators should be prioritized for use in medical procedures likely to generate respiratory aerosols. Before this interim guidance was released, Representative Bobby Scott, Chairman of the House Committee on Education and Labor, and Representative Alma Adams, Chair of the Subcommittee on Workforce Protections, sent a letter to Secretary of Health and Human Services (HHS) Alex M. Azar II expressing their opposition to this change in the interim standard.[49]

Medical Evaluation and Fit Testing

The OSHA respiratory protection standard requires that the employer provide a medical evaluation to the employee to determine if the employee is physiologically able to use a respirator. This medical evaluation must be completed before any fit testing. For respirators designed to fit tightly against the face, the specific type and model of respirator that an employee is to use must be fit tested in accordance with the procedures provided in Appendix A of the OSHA respiratory protection standard to ensure there is a complete seal around the respirator when worn.[50] Once an employee has been fit tested for a respirator, he or she is required to be fit tested annually or whenever the model of respirator, but not the actual respirator itself, is changed. Each time an individual uses a respirator, he or she is required to perform a check of the seal of the respirator to his or her face in accordance with the procedures provided in Appendix B of the standard.[51] On March 14, 2020, OSHA issued guidance permitting employers to suspend annual fit testing of respirators for employees that have already been fit tested on the same model respirator.

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[47] Although the interim guidance does not specifically define the term *facemask*, it does differentiate between a facemask and a respirator such that any recommendation to use a facemask does not require the use of a respirator. CDC, *Interim Infection Prevention and Control Recommendations for Patients with Suspected or Confirmed Coronavirus Disease 2019 (COVID-19) in Healthcare Settings*, updated March 10, 2020, at https://www.cdc.gov/coronavirus/2019-ncov/infection-control/control-recommendations.html.

[48] CDC, *2007 Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings*, updated July 2019, at https://www.cdc.gov/infectioncontrol/pdf/guidelines/isolation-guidelines-H.pdf.

[49] Letter from Representative Robert C. "Bobby" Scott, chairman, House Committee on Education and Labor, and Representative Alma S. Adams, chair, Subcommittee on Workforce Protections, to The Honorable Alex M. Azar II, Secretary of HHS, March 9, 2020, at https://edlabor.house.gov/imo/media/doc/Azar%20Redfield%20Letter_SIGNED%202020-03-09.pdf.

[50] 29 C.F.R. §1910.134 Appendix A. Powered air purifying respirators (PAPR) that do not require a seal to the user's face do not need to be fit tested.

[51] 29 C.F.R. §1910.134 Appendix B.

Temporary OSHA Enforcement Guidance on the Respiratory Protection Standard

In response to shortages of respirators and other PPE during the national response to the COVID-19 pandemic, OSHA has issued three sets of temporary enforcement guidance to permit the following exceptions to the respiratory protection standard:

1. Employers may suspend annual fit testing of respirators for employees that have already been fit tested on the same model respirator;[52]
2. Employers may permit the use of expired respirators and the extended use or reuse of respirators, provided the respirator maintains its structural integrity and is not damaged, soiled, or contaminated (e.g., with blood, oil, or paint);[53] and
3. Employers may permit the use of respirators not certified by NIOSH, but approved under standards used by the following countries or jurisdictions, in accordance with the protection equivalency tables provided in Appendices A and B of the enforcement guidance document:
   - Australia,
   - Brazil,
   - European Union,
   - Japan,
   - Mexico,
   - People's Republic of China, and
   - Republic of Korea.[54]

California: Cal/OSHA Aerosol Transmissible Disease Standard

Although no OSHA standard specifically covers aerosol or airborne disease transmission, the California Division of Occupational Safety and Health (Cal/OSHA), under its state plan, promulgated its aerosol transmissible disease (ATD) standard in 2009.[55] The ATD standard covers most healthcare workers, laboratory workers, as well as workers in correctional facilities, homeless shelters, and drug treatment programs. Under the ATD standard, SARS-CoV-2, the virus that causes COVID-19, is classified as a disease or pathogen requiring airborne isolation. This classification subjects the virus to stricter control standards than diseases requiring only

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[52] OSHA, *Temporary Enforcement Guidance - Healthcare Respiratory Protection Annual Fit-Testing for N95 Filtering Facepieces During the COVID-19 Outbreak*, March 14, 2020, at https://www.osha.gov/memos/2020-03-14/temporary-enforcement-guidance-healthcare-respiratory-protection-annual-fit.

[53] OSHA, *Enforcement Guidance for Respiratory Protection and the N95 Shortage Due to the Coronavirus Disease 2019 (COVID-19) Pandemic*, April 3, 2020, at https://www.osha.gov/memos/2020-04-03/enforcement-guidance-respiratory-protection-and-n95-shortage-due-coronavirus. Under this guidance, employers are required to address in their written respiratory protection plans when respirators are contaminated and not available for use or reuse.

[54] OSHA, *Enforcement Guidance for Use of Respiratory Protection Equipment Certified under Standards of Other Countries or Jurisdictions During the Coronavirus Disease 2019 (COVID-19) Pandemic*, April 3, 2020, at https://www.osha.gov/memos/2020-04-03/enforcement-guidance-use-respiratory-protection-equipment-certified-under.

[55] Cal. Code Regs. tit. 8, §5199. The California state plan covers all state and local government agencies and all private-sector workers in the state, with the exception of maritime workers; workers on military bases and in national parks, monuments, memorials, and recreation areas; workers on federally recognized Native American reservations and trust lands; and U.S. Postal Service contractors.

droplet precautions, such as seasonal influenza.[56] The key requirements of the ATD standard include

- written ATD exposure control plan and procedures,
- training of all employees on COVID-19 exposure, use of PPE, and procedures if exposed to COVID-19,
- engineering and work practice controls to control COVID-19 exposure, including the use of airborne isolation rooms,
- provision of medical services to employees, including removal of exposed employees,
- specific requirements for laboratory workers, and
- PPE requirements.

Cal/OSHA Aerosol Transmissible Disease PPE Requirements

The Cal/OSHA ATD standard requires that employers provide employees PPE, including gloves, gowns or coveralls, eye protection, and respirators certified by NIOSH at least at the N95 level whenever workers

- enter or work in an airborne isolation room or area with a case or suspected case;
- are present during procedures or services on a case or suspected case;
- repair, replace, or maintain air systems or equipment that may contain pathogens;
- decontaminate an area that is or was occupied by a case or suspected case;
- are present during aerosol generating procedures on cadavers of cases or suspected cases;
- transport a case or suspected case within a facility or within a vehicle when the patient is not masked; and
- are working with a viable virus in the laboratory.[57]

In addition, a powered air purifying respirator (PAPR) with a high-efficiency particulate air (HEPA) filter must be used whenever a worker performs a *high-hazard procedure* on a known or suspected COVID-19 case.[58] High-hazard procedures are those in which "the potential for being exposed to aerosol transmissible pathogens is increased due to the reasonably anticipated generation of aerosolized pathogens"—they include intubation, airway suction, and caring for patients on positive pressure ventilation.[59] Emergency medical services (EMS) workers may use N100, R100, or P100 respirators in place of PAPRs.

[56] Cal. Code Regs. tit. 8, §5199 Appendix A.

[57] California Division of Occupational Safety and Health (Cal/OSHA), *Interim Guidance for Protecting Health Care Workers from Exposure to Coronavirus Disease (COVID-19)*, March 2020, at https://www.dir.ca.gov/dosh/Coronavirus-info.html.

[58] A PAPR uses a mechanical device to draw in room air and filter it before expelling that air over the user's face. In general, PAPRs do not require a tight seal to the user's face and do not need to be fit tested.

[59] Cal. Code Regs. tit. 8, §5199(b).

Cal/OSHA Interim Guidance on COVID-19

Cal/OSHA has issued interim guidance in response to shortages of respirators in the state due to the COVID-19 pandemic response.[60] Under this interim guidance, if the supply of N95 respirators or PAPRs are insufficient to meet current or anticipated needs, surgical masks may be used for low-hazard patient contacts that would otherwise require the use of respirators, and respirators may be used for high-hazard procedures that would otherwise require the use of PAPRs.

Virginia: VOSH COVID-19 ETS

On July 15, 2020, the Virginia Safety and Health Codes Board adopted an ETS to specifically protect employees from exposure to SARS-CoV-2, the virus that causes COVID-19.[61] This ETS, promulgated under Virginia's state occupational safety and health plan (VOSH) is the first state standard to specifically address COVID-19 in the workplace.[62] As an ETS, the VOSH standard expires within six months of its effective date, upon expiration of the Governor's State of Emergency, when superseded by a permanent standard, or when repealed by the Virginia Safety and Health Codes Board, whichever comes first. The ETS can be extended only through the normal state rulemaking process.

Unlike the Cal/OSHA ATD standard, the VOSH ETS applies to all state and local government agencies and all covered private-sector employees in the state. As part of a state plan, the VOSH ETS applies to state and local government entities, such as public schools, as employers. All covered employers in Virginia must comply with the following ETS requirements:

- exposure assessment and determination, notification of suspected cases and contacts with those cases, and employee access to their own exposure and medical records;
- return to work of employees known or suspected to have COVID-19 based on a duration of time since last symptoms or negative COVID-19 tests;[63]
- maintenance of physical distancing between employees while working and on paid breaks at the worksite, including restricted access to the worksite and common areas and break rooms;
- compliance with applicable existing PPE and respiratory protection standards when physical distancing between employees is not possible; and
- sanitation and disinfection requirements.

For all employers, if engineering, administrative, or work practice controls are not feasible or do not provide sufficient protection from SARS-CoV-2 transmission, then PPE, including respiratory PPE—such as respirators, if necessary—must be provided to employees.

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[60] California Division of Occupational Safety and Health (Cal/OSHA), *Cal/OSHA Interim Guidance on COVID-19 for Health Care Facilities: Severe Respirator Supply Shortages*, March 28, 2020, at https://www.dir.ca.gov/dosh/coronavirus/Cal-OSHA-Guidance-for-respirator-shortages.pdf.

[61] *Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19*, 16 Va. Admin. Code §25-220. This ETS is effective upon publication in a Richmond, VA, newspaper during the week of July 27, 2020.

[62] The Virginia state plan covers all state and local government agencies and all private-sector workers in the state, with the exception of maritime workers, U.S Postal Service contractors, workers at military bases or other federal enclaves in which the federal government has civil jurisdiction, workers at the U.S. Department of Energy's Southeastern Power Administration Kerr-Philpott System, and aircraft cabin crew members.

[63] A COVID-19 test for the purposes of determining if an employee can return to work must be paid for by the employer or offered such that the employee bears no cost for the test.

Hazard and Job Task Classification

The VOSH ETS requires that each employer assess its workplace for hazards and job tasks that potentially expose employees to the SARS-CoV-2 virus. Employers must classify each job task as having a "very high," "high," "medium," or "lower" risk level of exposure, according to the hazards to which employees are potentially exposed. The VOSH ETS provides the following examples of activities for the "very high" and "high" risk levels:

- "very high" risk activities include
  - using aerosol-generating procedures, such as intubation, on patients known or suspected to be infected with SARS-CoV-2;
  - collecting or handling specimens from patients known or suspected to be infected with SARS-CoV-2; and
  - performing an autopsy involving aerosol-generating procedures on the body of a person known or suspected to be infected with the SARS-CoV-2 virus at the time of death; and
- "high risk" activities include
  - health care services, including inpatient care, outpatient care, skilled nursing care, and nonmedical support services such as room cleaning, provided to patients known or suspected to be infected with SARS-CoV-2;
  - first responder and medical transport services to patients known or suspected to be infected with SARS-CoV-2; and
  - mortuary services to persons known or suspected to be infected with the SARS-CoV-2 virus at the time of death.

"Medium" risk activities are those that require employees to have more than minimal contact, within six feet of other employees, customers, or members of the public who are not known or suspected to be infected with SARS-CoV-2.[64] "Lower" risk activities are those that do not require contact with other persons within six feet or that are able to utilize the following types of engineering, administrative, or work practice controls to minimize contact between persons:

- installation of floor to ceiling barriers, such as barriers between cashiers and customers;
- telecommuting;
- staggered work shifts to reduce the number of workers at a site;
- delivering services remotely, including curbside pickup of retail purchases; and
- mandatory physical distancing of persons.

The use of face coverings other than respirators or medical or surgical masks, including cloth face coverings now required by several states, is not an acceptable method of minimizing physical contact between persons. However, the VOSH ETS requires the use of face coverings for brief contacts between persons within six feet of each other.

[64] Examples of "medium" risk work activities are provided in the VOSH ETS at 16 Va. Admin. Code §25-220-30.

Engineering, Administrative, Work Practice, and PPE Requirements for "Very High," "High," and "Medium" Risk Activities

Employers with job tasks or activities in the "very high," "high," or "medium" risk classifications must adhere to specific engineering, administrative, work practice, and PPE requirements. For "very high" and "high" risk activities, engineering controls include the use of airborne infection isolation rooms (AIIR) for known or suspected COVID-19 patients and aerosol-generating procedures and Biosafety Level 3 (BSL-3) precautions for the handling of specimens from known or suspected COVID-19 patients.[65]

Employers with "very high" and "high" risk activities must implement administrative and work practice controls, including the prescreening of all employees to ensure that employees do not have signs or symptoms of COVID-19; enhanced medical screening of employees during COVID-19 outbreaks; and the use of flexible work arrangements, such as telecommuting, when feasible. In addition, all employers with "very high" or "high" risk activities must provide, to the extent feasible, psychological and behavioral support to address employee stress at no cost to the employee.

The standard also provides for engineering, administrative, and work practice controls for "medium" risk activities.[66]

PPE Requirements for "Very High" and "High" Risk Activities

Employers with "very high" and "high" risk activities, who are not already covered by the general OSHA PPE standards, are required to comply with the VOSH ETS requirements for PPE. An employer subject to these requirements must assess the workplace to determine if there are any COVID-19 hazards present or likely to be present that would require the use of PPE by employees. The employer must provide for the participation of employees and employee representatives in this assessment process and verify that this assessment has been conducted through a written certification.

If hazards that require PPE are identified, the employer must select and provide the appropriate PPE to each employee and ensure that PPE fits properly. If respiratory PPE, such as respirators or PAPR are used as PPE, the existing OSHA standards for respiratory PPE, which include medical evaluation of employees and fit testing, must be followed.

Unless contraindicated by the hazard and PPE assessment, when any employee is in contact within six feet of any person known or suspected to be infected with SARS-CoV-2, that employee must be provided with the following types of PPE:

- gloves,
- gown large enough to cover areas needing protection,
- face shield or goggles, and
- respirator.

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[65] The VOSH ETS requires compliance with Biosafety Level 3 precautions provided in HHS, *Biosafety in Microbiological and Biomedical Laboratories. Fifth Edition*, HHS Publication no. (CDC) 21-1112, December 2009, at https://www.cdc.gov/labs/BMBL.html.

[66] Engineering, administrative, and work practice controls for "medium" risk activities are provided in the VOSH ETS at 16 Va. Admin. Code §25-220-60.

While there are no specific PPE requirements for "medium" risk activities, PPE may be required based on an assessment of the hazards of these activities.

Infectious Disease Preparedness and Response Plan and Training

Infectious Disease Preparedness and Response Plan

All employers with "very high" and "high" risk activities, and employers with 11 or more employees and "medium" risk activities, must develop written infectious disease preparedness and response plans. These plans must be developed with input from employees. The deadline for the development of these plans is 60 days from the effective date of the ETS.

The infectious disease preparedness plan must include a consideration of the COVID-19 risks in the workplace, and to the extent possible and in compliance with medical privacy laws, the specific risks faced by employees with certain preexisting medical conditions. The plan must include contingency plans for continued operations during a COVID-19 outbreak and provide for the prompt identification and isolation of employees with known or suspected COVID-19 and a procedure for employees to notify the employer of COVID-19 signs or symptoms. The plan must also address interactions between the employer's worksite and other businesses, such as vendors and contractors to ensure employees of these businesses comply with the VOSH ETS and the employer's infectious disease preparedness and response plan.

Training

All employers with "very high," "high," or "medium" risk activities must provide training to all employees, including those employees whose work does not involve any COVID-19 risks. This training must teach employees to recognize the hazards of the SARS-CoV-2 virus, signs and symptoms of COVID-19, and the procedures to minimize SARS-CoV-2 hazards. If the employer has an infectious disease preparedness and response plan, training must be provided on this plan. Written certification of training must be prepared, and retraining must be provided when necessary.

Employers with only "lower" risk activities are not required to prepare a formal training plan but must provide oral or written communication on the hazards of SARS-CoV-2, the signs and symptoms of COVID-19, and measures to minimize SARS-CoV-2 exposure. VOSH is required to develop an information sheet that employers can use to satisfy this training requirement.

Training must be provided within 30 days of the effective date of the standard, except for training on the infectious disease preparedness and response plan, which must be completed within 60 days.

Whistleblower Protections

The VOSH ETS prohibits any employer from discharging or otherwise discriminating against any employee who does the following:

- exercises his or her rights under the ETS or existing whistleblower protection provisions, including the limited right of an employee to refuse work because of a reasonable fear of injury or death or serious injury;[67]

[67] To exercise this right, the employee must, if possible, have sought unsuccessfully to have the employer remedy the hazard, and there must be insufficient time to attempt to remedy the hazard through normal regulatory enforcement

- provides and wears his or her own PPE, provided the PPE does not create a greater hazard to the employee or create a serious hazard to other employees; or
- raises a reasonable concern about SARS-CoV-2 and COVID-19 infection control to the employer, the employer's agent, other employees, the government, or the public through any type of media including social media.

Michigan: MIOSHA COVID-19 Emergency Rules

On October 14, 2020, the director of the Michigan Department of Labor and Economic Opportunity, which operates Michigan's state occupational safety and health plan (MIOSHA), promulgated emergency rules to address workplace exposure to COVID-19.[68] These rules, which apply to all employers in the state, went into immediate effect and will remain in effect for six months. In addition to rules that apply to all employers, the emergency rules include specific provisions that apply to the following industries:

- construction;
- manufacturing;
- retail, libraries, and museums;
- restaurants and bars;
- healthcare;
- in-home services such as house cleaning and repair;
- personal care services such as hair styling and tattooing;
- public accommodations such as sports and entertainment venues;
- sports and exercise facilities;
- meat and poultry processing; and
- casinos.[69]

Exposure Determination

Rule 3 of the MIOSHA emergency rules requires all employers to evaluate all routine and anticipated job tasks and categorize these job tasks based on potential employee exposure to COVID-19 into one of the following four categories:

1. "Lower exposure risk" tasks are those that do not require contact with known or suspected COVID-19 cases or frequent close (within six feet) contact with the general public.
2. "Medium exposure risk" tasks are those that require frequent or close contact with persons who may be infected with COVID-19 but who are not known or suspected COVID-19 cases. In areas of the state without ongoing community

channels. This right is provided in the OSHA standards at 29 C.F.R. §1977.12(b)(2) and in the VOSH standards at 16 Va. Admin. Code §25-60-110.

[68] Department of Labor and Economic Opportunity, Michigan Occupational Safety and Health Administration (MIOSHA) Emergency Rules: Coronavirus 2019 (COVID-19), available at https://www.michigan.gov//documents/leo/Final_MIOSHA_Rules_705164_7.pdf. The Michigan state plan covers all state and local government agencies and all private-sector workers in the state, with the exception of maritime workers, U.S. Postal Service contractors, workers at businesses owned or operated by tribal members at Indian reservations, and aircraft cabin crew members.

[69] MIOSHA Emergency Rules: Coronavirus 2019 (COVID-19), Rule 11.

transmission of COVID-19, tasks that require frequent contact with persons travelling from areas with widespread COVID-19 transmission are included in this category. In areas with ongoing community transmission, tasks that involve contact with the general public are included in this category.

3. "High exposure risk" tasks are those with high potential for exposure to known or suspected COVID-19 cases. Licensed healthcare providers, medical first responders, nursing home workers, law enforcement and correctional officers, and mortuary workers are examples of types of workers that may perform tasks in this category.
4. "Very high exposure risk" tasks are those that involve the generation of aerosols during medical or mortuary procedures on known or suspected COVID-19 cases and the collection and handling of laboratory specimens from known or suspected COVID-19 cases.

Preparedness and Response Plan

Rule 4 of the MIOSHA emergency rules requires all employers to develop a written COVID-19 preparedness and response plan based on current CDC and OSHA guidance. This plan must detail measures the employer will take to protect employees from COVID-19 exposure and must be readily available to employees and their representatives.

Basic Infection Prevention Measures

Rule 5 of the MIOSHA emergency rules requires all employers to implement the following basic infection prevention measures:

- promote frequent hand-washing and provide hand-washing facilities or hand sanitizer to workers, customers, and visitors;
- require employees who are sick to not report to work or to report to an isolated location;
- prohibit workers from using other workers' desks, phones, and other equipment when possible;
- increase facility cleaning, especially of high-touch surfaces and shared equipment;
- establish procedures, consistent with CDC guidance, for disinfection of the worksite if a worker, customer, or visitor has a known case of COVID-19;
- use Environmental Protection Agency (EPA) approved disinfectants that are expected to effective against SARS-CoV-2;
- follow all manufacturer's guidelines for use of all cleaning and disinfectant products; and
- prohibit in-person work for employees whose work can be done remotely.

Health Surveillance

Rule 6 of the MIOSHA emergency rules requires all employers to implement a health surveillance system for the workplace. This system must include, at a minimum, a COVID-19 screening questionnaire for all employees and contractors entering the workplace. Employees must be directed to immediately report any signs or symptoms of COVID-19 to the employer and known and suspected COVID-19 cases must be isolated from the rest of the workforce. When an

employer learns of an employee, contractor, customer, or visitor to the worksite with a known case of COVID-19, the employer must immediately notify the local health department and, must notify, within 24 hours, any workers, contractors, or suppliers who may have come into contact with the infected person. When determining if an employee with a known or suspected case of COVID-19 may return to the workplace, the employer must follow CDC guidelines and health department quarantine and isolation orders.

Workplace Controls

Rule 7 of the MIOSHA emergency rules requires all employers to implement the following workplace controls:

- designate one or more worksite COVID-19 safety coordinators to implement, monitor, and report on COVID-19 control strategies developed by the employer and to remain on site at all times when employees are present;
- place posters in appropriate languages in the workplace that provide information on staying away from work while sick, cough and sneeze etiquette, and hand hygiene;
- keep all persons at least six feet from each other using signs, floor markings, and barriers appropriate for the worksite, to the extent possible;
- provide all employees with non-medical grade face coverings at no cost to the employees;
- require the use of face coverings when employees cannot maintain six feet of distance from other persons in the workplace, and consider the use of face shields when three feet of distance cannot be maintained;
- require face coverings in shared spaces, such as restrooms and hallways and during in-person meetings.

PPE

Rule 8 of the MIOSHA emergency rules requires that employers provide appropriate PPE, including respiratory protection, to employees based on the exposure risks of the job and current CDC and OSHA guidelines. All PPE must be properly fitted, inspected, maintained, cleaned, stored, and disposed of. In workplaces that provide medical treatment to known or suspected COVID-19 cases, employees with frequent or prolonged close contact with such patients must be provided with and wear, at a minimum, an N95 respirator, goggles or face shield, and gown.

Training Requirements

Rule 10 of the MIOSHA emergency rules requires all employers to provide training and communication, in languages common among the employees, on the following subjects:

- workplace infection-control practices;
- proper use of PPE;
- how to notify the employer of COVID-19 symptoms or diagnosis;
- how to report unsafe working conditions.

This training must be updated if the employer's COVID-19 preparedness and response plan changes or new information on COVID-19 transmission becomes available.

Recordkeeping Requirements

Rule 11 of the MIOSHA emergency rules requires that all employers maintain, for one year, records of employee training, the screening of persons entering the workplace, and any health surveillance notifications required by Rule 6.

OSHA Infectious Disease Standard Rulemaking

In 2010, OSHA published a Request for Information in the *Federal Register* seeking public comments on strategies to control exposure to infectious diseases in healthcare workplaces.[70] After collecting public comments and holding public meetings, OSHA completed the SBREFA process in 2014. Since then, however, no public actions have occurred on this rulemaking; since spring 2017, this rulemaking has been listed as a "long-term action" in DOL's semiannual regulatory agenda.

Congressional Activity to Require an OSHA Emergency Temporary Standard on COVID-19

On March 5, 2020, Representative Bobby Scott, chairman of the House Committee on Education and Labor, and Representative Alma Adams, chair of the Subcommittee on Workforce Protections, sent a letter to Secretary of Labor Eugene Scalia calling on OSHA to promulgate an ETS to address COVID-19 exposure among healthcare workers.[71] This letter followed a January 2020 letter requesting that OSHA reopen its rulemaking on the infectious disease standard and begin to formulate for possible future promulgation an ETS to address COVID-19 exposure.[72] Senator Patty Murray, ranking member of the Senate Committee on Health, Education, Labor, and Pensions and a group of Democratic Senators sent a similar letter to the Secretary of Labor calling for an OSHA ETS.[73]

In addition, in March 2020, David Michaels, who served as the Assistant Secretary of Labor for Occupational Safety and Health during the Obama Administration, wrote an op-ed in *The Atlantic* calling on OSHA to promulgate a COVID-19 ETS.[74] On March 6, 2020, the AFL-CIO and 22 other unions petitioned OSHA for an ETS on infectious diseases that would cover all workers with potential exposures.[75] OSHA formally denied the AFL-CIO petition on May 29, 2020, claiming that an ETS is not necessary to protect employees from infectious diseases generally, or

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[70] OSHA, "Infectious Diseases," 75 *Federal Register* 24835, May 6, 2010.

[71] Letter from Representative Scott, chairman, House Committee on Education and Labor, and Representative Adams, chair, Subcommittee on Worker Protections, to The Honorable Eugene Scalia, Secretary of Labor, March 5, 2020, at https://edlabor.house.gov/imo/media/doc/2020-03-05%20OSHA%20ETS%20Letter.pdf.

[72] Letter from Representative Scott, chairman, House Committee on Education and Labor, and Representative Adams, chair, Subcommittee on Worker Protections, to The Honorable Eugene Scalia, Secretary of Labor, January 30, 2020, at https://edlabor.house.gov/imo/media/doc/2020-01-30%20RCS%20to%20DOL%20Corona%20Letter_SIGNED1.pdf.

[73] Letter from Senator Patty Murray, ranking member, Senate Committee on Health, Education, Labor, and Pensions, Senator Robert Menendez, and Senator Tammy Baldwin, et al. to The Honorable Eugene Scalia, Secretary of Labor, March 9, 2020, at https://www.baldwin.senate.gov/imo/media/doc/20200309%20OSHA%20ETS%20Letter.pdf.

[74] David Michaels, "What Trump Could Do Right Now to Keep Workers Safe From the Coronavirus," *The Atlantic*, March 2, 2020, at https://www.theatlantic.com/ideas/archive/2020/03/use-osha-help-stem-covid-19-pandemic/607312/.

[75] Letter from Richard L. Trumka, president, AFL-CIO, to The Honorable Eugene Scalia, Secretary of Labor, March 6, 2020, at https://aflcio.org/statements/petition-secretary-scalia-osha-emergency-temporary-standard-infectious-disease.

from COVID-19.[76] National Nurses United submitted a similar petition requesting that OSHA promulgate an ETS based largely on the Cal/OSHA ATD standard.[77] On May 4, 2020, the Center for Food Safety and Food Chain Workers Alliance submitted a petition requesting that OSHA promulgate an ETS to protect meat and poultry processing workers from COVID-19 exposure in the workplace.[78] On May 18, 2020, the AFL-CIO petitioned the U.S. Court of Appeals for the D.C. Circuit for a writ of mandamus to compel OSHA to promulgate a COVID-19 ETS.[79] The circuit court denied this petition on June 11, 2020.

H.R. 6139, the COVID-19 Health Care Worker Protection Act of 2020

On March 9, 2020, Representative Bobby Scott introduced H.R. 6139, the COVID-19 Health Care Worker Protection Act of 2020. This bill would require OSHA to promulgate a COVID-19 ETS within one month of enactment. The ETS would be required to cover healthcare workers and any workers in sectors determined by the CDC or OSHA to be at an elevated risk of COVID-19 exposure. The ETS would be required to include an exposure control plan provision and be, at a minimum, based on CDC's 2007 guidance and any updates to this guidance. The ETS would also be required to provide no less protection than any state standard on novel pathogens, thus requiring OSHA to include the elements of the Cal/OSHA ATD standard, the VOSH COVID-19 ETS, and the MIOSHA emergency rules in this ETS. Title II of the bill would provide that hospitals and skilled nursing facilities that receive Medicare funding and that are owned by state or local government units and not subject to state plans would be required to comply with the ETS. Similar provisions are included in S. 3475.

P.L. 116-127, the Families First Coronavirus Response Act

The provisions of H.R. 6139 were included as Division C of H.R. 6201, the Families First Coronavirus Response Act, as introduced in the House. The American Hospital Association (AHA) issued an alert to its members expressing its opposition to the OSHA ETS provisions in the bill.[80] Specifically, the AHA opposed the requirement that the ETS be based on the CDC's 2007 guidance. The AHA stated that unlike severe acute respiratory syndrome (SARS), which was transmitted through the air, COVID-19 transmission is through droplets and surface contacts. Thus, the requirement of the 2007 CDC guidance that N95 respirators, rather than surgical masks, be used for patient contact is not necessary to protect healthcare workers from COVID-19, and the use of surgical masks is consistent with World Health Organization guidance. The AHA also

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[76] Letter from Loren Sweatt, Principal Deputy Assistant Secretary of Labor, to Richard L. Trumka, president, AFL-CIO, May 29, 2020.

[77] Letter from Bonnie Castillo, executive director, National Nurses United, to The Honorable Eugene Scalia, Secretary of Labor, and The Honorable Loren Sweatt, Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health, March 4, 2020, at https://act.nationalnursesunited.org/page/-/files/graphics/NNUPetitionOSHA03042020.pdf.

[78] Center for Food Safety and Food Chain Workers Alliance, *Rulemaking Petition to the United States Department of Labor, Occupational Safety and Health Administration*, May 4, 2020, at https://www.centerforfoodsafety.org/files/2020-05-04-osha-ets-petition_58890.pdf.

[79] In re: American Federation of Labor and Congress of Industrial Organizations, D.C. Cir., No. 19-1158, May 18, 2020. This petition was filed in the U.S. Court of Appeals as Section 6(f) of the OSH Act [29 U.S.C. §655(f)] grants this court exclusive jurisdiction to provide judicial review of OSHA standards.

[80] Emily Kopp, "Hospitals want to kill a policy shielding nurses from COVID-19 because there aren't enough masks," *Roll Call*, March 3, 2020, at https://www.rollcall.com/2020/03/13/hospitals-want-to-kill-a-policy-shielding-nurses-from-covid-19-because-there-arent-enough-masks/. This alert is available to American Hospital Association (AHA) members on the AHA website at https://www.aha.org.

claimed that shortages of available respirators could reduce the capacity of hospitals to treat COVID-19 patients, due to a lack of respirators for staff. The OSHA ETS provisions were not included in the version of the legislation that was passed by the House and the Senate and signed into law as P.L. 116-127.

H.R. 6379, the Take Responsibility for Workers and Families Act

Division D of H.R. 6379, the Take Responsibility for Workers and Families Act, as introduced in the House on March 23, 2020, includes the requirement that OSHA promulgate an ETS on COVID-19 within seven days of enactment and a permanent COVID-19 standard within 24 months of enactment to cover healthcare workers, firefighters and emergency response workers, and workers in other occupations that CDC or OSHA determines to have an elevated risk of COVID-19 exposure. Division D of H.R. 6379 would amend the OSH Act, for the purposes of the ETS only, such that state and local government employers in states without state plans would be covered by the ETS. The provisions of Division D of H.R. 6379 were also included in S. 3584, the COVID-19 Workers First Protection Act of 2020, as introduced in the Senate.

This legislation would specifically provide that the ETS would remain in force until the permanent standard is promulgated and would explicitly exempt the ETS from the Regulatory Flexibility Act, Paperwork Reduction Act, and Executive Order 12866. OSHA would be granted enforcement discretion in cases in which it is not feasible for an employer to fully comply with the ETS (such as a case in which PPE is unavailable) if the employer is exercising due diligence to comply and implementing alternative means to protect employees.

Like the provisions in H.R. 6139 and the version of H.R. 6201 introduced in the House, the ETS and permanent standard under H.R. 6379 would be required to include an exposure control plan and provide no less protection than any state standard on novel pathogens, thus requiring OSHA to include the elements of the Cal/OSHA ATD, the VOSH COVID-19 ETS, and the MIOSHA emergency rules in this ETS and permanent standard. Although the ETS provisions in H.R. 6139 and H.R. 6201 would require that the ETS be based on the 2007 CDC guidance, specific reference to the 2007 guidance is not included in this legislation. Rather, under H.R. 6379, the ETS and permanent standard would have to incorporate, as appropriate, "guidelines issued by the Centers for Disease Control and Prevention, and the National Institute for Occupational Safety and Health, which are designed to prevent the transmission of infectious agents in healthcare settings" and scientific research on novel pathogens.

States with occupational safety and health plans would be required to adopt the ETS, or their own ETS at least as effective as the ETS, within 14 days of the legislation's enactment.

H.R. 6559, the COVID-19 Every Worker Protection Act of 2020

H.R. 6559, the COVID-19 Every Worker Protection Act of 2020, was introduced in the House by Representative Bobby Scott on April 21, 2020. This legislation includes the ETS and permanent standard provisions of Division D of H.R. 6379 and S. 3584 and would require that these standards cover healthcare workers, emergency medical responders, and "other employees at occupational risk" of COVID-19 exposure. This legislation also adds two provisions that would clarify the requirements for employers to record work-related COVID-19 infections and strengthen the protections against retaliation and discrimination offered to whistleblowers. Similar provisions are included in S. 3677 and were incorporated into H.R. 6800, the Heroes Act, as passed by the House.

COVID-19 Recordkeeping

Sections 8(c) and 24(a) of the OSH Act require employers to maintain records of occupational injuries and illnesses in accordance with OSHA regulations.[81] OSHA's reporting and recordkeeping regulations require that employers with 10 or more employees must keep records of work-related injuries and illnesses that result in lost work time for employees or that require medical care beyond first aid.[82] Employers must also report to OSHA, within 8 hours, any workplace fatality, and within 24 hours, any injury or illness that results in in-patient hospitalization, amputation, or loss of an eye. Employers in certain industries determined by OSHA to have lower occupational safety and health hazards are listed in the regulations as being exempt from the recordkeeping requirements but not the requirement to report to OSHA serious injuries, illnesses, and deaths.[83] Offices of physicians, dentists, other health practitioners, and outpatient medical clinics are included in the industries that are exempt from the recordkeeping requirements.

OSHA regulations require the employer to determine if an employee's injury or illness is related to his or her work and thus subject to the recordkeeping requirements.[84] The regulations provide a presumption that an injury or illness that occurs in the workplace is work-related and recordable, unless one of the exemptions provided in the regulations applies.[85] One of the listed exemptions is "The illness is the common cold or flu (Note: contagious diseases such as tuberculosis, brucellosis, hepatitis A, or plague are considered work-related if the employee is infected at work)."[86]

Because of the nature of COVID-19 transmission, which can occur in the community as well as the workplace, it can be difficult to determine the exact source of any person's COVID-19 transmission. Absent any specific guidance, this may make it difficult for employers to determine if an employee's COVID-19 is subject to the recordkeeping requirements.

Initial OSHA Recordkeeping Guidance

On April 10, 2020, OSHA issued enforcement guidance on how cases of COVID-19 should be treated under the recordkeeping requirements.[87] This guidance stated that COVID-19 cases were recordable if they were work-related.

Under this guidance, employers in the following industry groups were to fully comply with the recordkeeping regulations, including the requirement to determine if COVID-19 cases were work-related:

- healthcare;
- emergency response, including firefighting, emergency medical services, and law enforcement; and
- correctional institutions.

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[81] 29 U.S.C. §§657(c) and 673(a).

[82] OSHA's reporting and recordkeeping regulations are at 29 C.F.R. Part 1904.

[83] The list of exempted industries is at 29 C.F.R. Subpart B, Appendix A. States with state occupational safety and health plans may require employers in these exempted industries to comply with the recordkeeping requirements.

[84] 29 C.F.R. §1904.5.

[85] 29 C.F.R. §1905.5(a).

[86] 29 C.F.R. §1904.5(b)(2)(viii).

[87] OSHA, *Enforcement Guidance for Recording Cases of Coronavirus Disease 2019 (COVID-19)*, April 10, 2020, at https://www.osha.gov/memos/2020-04-10/enforcement-guidance-recording-cases-coronavirus-disease-2019-covid-19.

For all other employers, OSHA required employers to determine if COVID-19 cases were work-related and subject to the recordkeeping requirements only if both of the following two conditions were met:

1. There was objective evidence that a COVID-19 case may have been work-related. This could have included, for example, a number of cases developing among workers who worked closely together without an alternative explanation.
2. The evidence of work-relatedness was reasonably available to the employer. For purposes of this guidance, examples of reasonably available evidence included information given to the employer by employees, as well as information that an employer learned regarding its employees' health and safety in the ordinary course of managing its business and employees.

Updated OSHA Recordkeeping Guidance

OSHA issued new guidance, effective May 26, 2020, on recordkeeping of COVID-19 cases.[88] This new guidance rescinds the previous guidance issued by OSHA on April 10, 2020. Under this new guidance, all employers, regardless of type of industry or employment, are subject to the recordkeeping and recording regulations for work-related cases of COVID-19. To determine if an employer has made a reasonable determination that a case of COVID-19 was work-related, OSHA says it will consider the following factors:

- the reasonableness of the employer's investigation of the COVID-19 case and its transmission to the employee;
- the evidence that is available to the employer; and
- the evidence that COVID-19 was contracted at work.

The guidance provides examples of evidence that can be used to demonstrate that a COVID-19 case was or was not work-related such as if an employee had frequent close contact with members of the public in an area with ongoing community transmission of COVID-19.

H.R. 6559

H.R. 6559 would require that the ETS and permanent standard established pursuant to the legislation include the requirement for the recording and reporting of all COVID-19 cases in accordance with OSHA regulations in place at the time of enactment. By referencing the regulations in place, this provision would serve to supersede OSHA's guidance from April 10, 2020, and apply the requirement, currently provided in the guidance effective May 26, 2020, to determine the work-relatedness of COVID-19 cases to all employers covered by the recordkeeping regulations.

Whistleblower Protections

Section 11(c) of the OSH Act prohibits any person from retaliating or discriminating against any employee who exercises certain rights provided by the OSH Act.[89] Commonly referred to as the

[88] OSHA, *Revised Enforcement Guidance for Recording Cases of Coronavirus Disease 2019 (COVID-19)*, May 19, 2020, at https://www.osha.gov/memos/2020-05-19/revised-enforcement-guidance-recording-cases-coronavirus-disease-2019-covid-19.

[89] 29 U.S.C. §660(c). OSHA also enforces whistleblower provisions in 22 other federal statutes. Information on statutes with whistleblower provisions enforced by OSHA is at OSHA, *Whistleblower Statutes Summary Chart*, October 17, 2009, at https://www.whistleblowers.gov/sites/wb/files/2019-12/WB-Statute-Summary-Chart-10.8-Final.pdf.

whistleblower protection provision, this provision protects any employee who takes any of the following actions:

- files a complaint with OSHA related to a violation of the OSH Act;
- causes an OSHA proceeding, such as an investigation, to be instituted;
- testifies or is about to testify in any OSHA proceeding; and
- exercises on his or her own behalf, or on behalf of others, any other rights afforded by the OSH Act.[90]

Other rights afforded by the OSH Act that are covered by the whistleblower protection provision include the right to inform the employer about unsafe work conditions; the right to access material safety data sheets or other information required to be made available by the employer; and the right to report a work-related injury, illness, or death to OSHA.[91] In limited cases, the employee has the right to refuse to work if conditions reasonably present a risk of serious injury or death and there is not sufficient time to eliminate the danger through other means.[92]

H.R. 6559 would require that the ETS and permanent standard promulgated pursuant to the legislation expand the protections for whistleblowers. The following additional activities taken by employees would grant them protection from retaliation and discrimination from employers and agents of employers:

- reporting to the employer; a local, state, or federal agency; or the media; or on a social media platform; the following:
  - a violation of the ETS or permanent standard promulgated pursuant to the legislation;
  - a violation of the infectious disease control plan required by the ETS or permanent standard; or
  - a good-faith concern about an infectious disease hazard in the workplace;
- seeking assistance from the employer or a local, state, or federal agency with such a report; and
- using personally supplied PPE with a higher level of protection than offered by the employer.

H.R. 6800, The Heroes Act

The provisions of H.R. 6559, including the provisions relating to recordkeeping and whistleblower protections, were included as Title III of Division L of H.R. 6800, The Heroes Act. H.R. 6800 was passed by the House on May 15, 2020. In a letter to Speaker of the House Nancy Pelosi, the AHA expressed its opposition to the ETS provisions in The Heroes Act citing the potential for confusion that new regulations could bring and the "ongoing global lack of supplies, equipment and testing capability" faced by hospitals.[93] The AHA also stated that the provision

[90] 29 C.F.R. §1977.3. Public-sector employees, except employees of the United States Postal Service, are not protected by the whistleblower provision, but may be covered by whistleblower provisions in other federal and state statutes.

[91] For additional information on other rights covered by the whistleblower protection provision, see OSHA, January 9, 2019, *Investigator's Desk Aid to the Occupational Safety and Health Act (OSH Act) Whistleblower Protection Provision*, pp. 5-7, at https://www.osha.gov/sites/default/files/11cDeskAid.pdf.

[92] 29 C.F.R. §1977.12(b)(2).

[93] Letter from Thomas P. Nickels, executive vice president, American Hospital Association, to Hon. Nancy Pelosi,

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that would require the ETS to be based on state standards "suggests that the federal government is surrendering its responsibility to appropriately regulate the nation to a state government agency without consideration of whether that state's decisions are appropriate for implementation anywhere and everywhere."

H.R. 925, The Heroes Act (Revised)

The provisions of H.R. 6559 and H.R. 6800 were included in the House Amendment to the Senate Amendment to H.R. 925, the revised Heroes Act, passed by the House on October 1, 2020.

Speaker, U.S. House of Representatives, May 14, 2020, at https://www.aha.org/system/files/media/file/2020/05/web-AHALettertoHouseonHEROESAct051420final.pdf.

Appendix. OSHA Emergency Temporary Standards

Table A-1. OSHA Emergency Temporary Standards (ETS)

Year	Subject of ETS	*Federal Register* Citation of ETS	Result of Judicial Review	Judicial Review Case Citation
1971	Asbestos	36 *Federal Register* 23207 (December 7, 1971)	Not challenged	—
1973	Organophosphorous pesticides	38 *Federal Register* 10715 (May 1, 1973); amended by 38 *Federal Register* 17214 (June 29, 1973)	Vacated	*Florida Peach Growers Ass'n v. United States Department of Labor,* 489 F.2d 120 (5th Cir. 1974)
1973	Fourteen carcinogens	38 *Federal Register* 10929 (May 3, 1973)	Twelve upheld, two vacated	*Dry Color Mfrs. Ass'n v. Department of Labor,* 486 F.2d 98 (3d Cir. 1973)
1974	Vinyl chloride	39 *Federal Register* 12342 (April 5, 1974)	Not challenged	—
1976	Diving operations	41 *Federal Register* 24271 (June 15, 1976)	Stayed	*Taylor Diving & Salvage Co. v. Department of Labor,* 537 F.2d 819 (5th Cir. 1976)
1977	Benzene	42 *Federal Register* 22515 (May 3, 1977)	Stayed	*Industrial Union Dep't v. Bingham,* 570 F.2d 965 (D.C. Cir. 1977)
1977	1,2 Dibromo-3-chloropropane (DBCP)	42 *Federal Register* 45535 (September 9, 1977)	Not challenged	—
1978	Acrylonitrile (vinyl cyanide)	43 *Federal Register* 2585 (January 17, 1978)	Stay denied	*Vistron v. OSHA,* 6 OSHC 1483 (6th Cir. 1978)
1983	Asbestos	48 *Federal Register* 51086 (November 4, 1983)	Stayed	*Asbestos Info. Ass'n v. OSHA,* 727 F.2d 415 (5th Cir. 1984)

Source: CRS with data from Mark A. Rothstein, "Substantive and Procedural Obstacles to OSHA Rulemaking: Reproductive Hazards as an Example," *Boston College Environmental Affairs Law Review*, vol. 12, no. 4 (August 1985), p. 673.

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Message

From: Jay Withrow [jay.withrow@doli.virginia.gov]
Sent: 5/5/2020 2:41:39 PM
To: Soiza, Anne - OSHA State (SP-WA) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d102138a8c7146d99e110fd46a8dfdbf-Soiza, Anne]; Cameron Ruppe [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53bd23bb14684804a595bfa72a2d5fd6-CameronRupp]; Lozosky, Brandy M. - OSHA State (SP-IL) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9a1303ca284a4bd5a4cc4d73cd54ad6a-brandy.lozo]; bryon.m.snapp@oregon.gov; Burge, William - OSHA State (SP-VA) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=331cad2e78f14cefa24f5e61e8037b34-Burge, Will]; Gherga, Cora - OSHA State (CA) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=20c7eb355e5845cfbd50723b81148a5d-Gherga, Cor]; cherie.berry@labor.nc.gov; Graham, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1c270580e3d0464d979d2719513dda03-Graham, Chr]; Commissioner.labor@alaska.gov; Blackwood, Craig S. (LNI) [BLAC235@lni.wa.gov]; cristina.campbell@maryland.gov; Whipple, Dan - OSHA VT State Plan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=17c643211bb3497ca85c76bed6533982-Whipple, Da]; Andrews, Dean - OSHA State (SP-VI) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8294578ed8974ee087bc89bd2e390500-Andrews.Dea]; Darren Mrak [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c8a52022b22d4ca89e0b3586f5dc13c7-DarrenMrak]; Yamasaki, Deirdre T. - OSHA State (HI-SP) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b65c8d59821f4eaa90d9a55013b9aa67-Yamasaki, D]; DParker - OSHA State (SP-CA) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5670d87195634c99943d86e3a7df074b-DParker]; Franko, Eileen M. - OSHA State (NY) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e5781336f40c43a1ab3dd9656bcf0dc7-Franko, Eil]; emily.farr@llr.sc.gov; Erdman, Erica - OSHA State (MD-SP) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d4802b9f51d345d6bbc0b4892bc0f0ef-Erdman.Eric]; Fedewa, Kim - OSHA State (SP-MI) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7d1011313e694c0396bcd3526a788be6-Fedewa, Kim]; Centifonti, Gary - NJ [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5055d2036020421ca3ad2ca69bcbcda8-Centifonti,]; Glenn Pulliam [Glenn.Pulliam@doh.nj.gov]; Gwen Thomas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=96d1368dd6e94970868cbb938ceee99b-gwen.thomas]; Black, Howard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=69da6920971d4254a9fc4909894abc5e-Black, Howa]; Kenney, Janet - OSHA WA State Plan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=efe191e71e2c48e0a74acf3d8c4828bb-Kenney, Jan]; Rose, Jennifer [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3f3ae174aeb14bf48ef5b85701f09561-Rose, Jenni]; Atencio, Jessie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=626f3f0593204cef8dd7d4c81518735b-Atencio, Je]; Andrews, Jimmy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=16e7fd56d172414ab343545a208c9597-Andrews, Ji]; Jlander@dol.in.gov; Lankford, Jess [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=92d40122d3c44c798fe2ab955d9ba7f6-Lankford, J]; Rosa, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6dd6889d0779428c903516e34895a6c0-Rosa, John]; Josh Doughty [josh.doughty@wyo.gov]; Alexander, Julie - OSHA State IN [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=730e48c88b9b42b794d442e4a1d2afa5-Alexander,]; Niconienko, Judyth - OSHA State (SP-NC) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c5414330038345689 38c17ea466dd88b-Judyth.Nico]; Love, Julie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=388a6944536c4077ac5e8d3b60500559-Julie.A.Lov]; Godman, Karen - OSHA State (SP-WY) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3609f144674e49b5941b9b60f937d376-karen.godma]; Boucher, Kenneth

[/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4cea162366944ad4a279862b87c37233-KBoucher]; Keith Bobrowski [keith.bobrowski@doh.nj.gov]; kimc.perry@ky.gov; Baker, Kristina - OSHA State (SP-SC) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6e42a02abbe34250a3150099bb473a3d-KristinaBak]; Leonard Schwartz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b233a1cdaec24545b387974a5babb5d7-LeonardSchw]; LPardo@trabajo.pr.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0fdc89404235486ca80e3e0fa95e738e-LPardo]; Helminiak, Matt [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9fe2abe5ea534494ab538c57a815ec92-Matt.Helmin]; michael.flanagan@mass.gov; Michael laplante [michael.laplante@maine.gov]; Mauro, Michael - OSHA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1e919bf64cf24a9c97af039203a52211-Mauro, Mich]; Michael Penn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=43647abd30964a68891a315a07813f94-MichaelPenn]; Stracka, Michael - OSHA State (SP-MD) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=013d900affb94ef8b04376711a525f4e-michael.str]; Michael Wood [michael.wood@state.or.us]; VanReusel, Mischelle [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e84cae59af6f44488aaf0c4f34c8dda9-Mischelle.V]; Joseph, Marilyn - OSHA State (SP-VI) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f33ca849bb5e45f78ee7a26836b6c1b7-Joseph.Mari]; nancy.leppink@state.mn.us; Zentgraf, Nancy - MN [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=391827875b944d05b1955fe066a94d43-Zentgraf, N]; nicole.brown@labor.nc.gov; Bennett, Nicole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4679050fb076492fba343e2f53b4ca02-nicole.g.be]; Norman Ahu [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=855cc72ad5b14baaaa569dcb67fb2081-NormanAhu]; Normand Labbe [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f12a4d3fb36f4a15984732fb2086f153-NormandLabb]; nysdol@labor.ny.gov; Pamela Lundsten [pamela.g.lundsten@oregon.gov]; Sullivan, Paul [paul.sullivan@labor.nc.gov]; Pickelman, Bart [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=19c355ca7ec440ebb1e739b1ffccd440-Pickelman,]; Princy Doss [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=737d2fcccf5b4ef4acbe525c7c5238dc-doss.princy]; Harris, Randy R (Labor) [randyr.harris@ky.gov]; Davenport, Ray C. - OSHA State (SP-VA) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=805f5ae354b74a72ae7f6908186f07af-Davenport,]; Stapleton, Renee [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=281f381b40ec42d59e00b40922d2b707-Stapleton.R]; Ray Fierro [rfierro@business.nv.gov]; Genoway, Robert - OSHA NM State Plan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8e728dd55e8546ee9f6cb5d709ae6109-Genoway, Ro]; Graham, Ronald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=96fcbfeb74a141a284c60e5fac3f37c7-Graham, Ron]; Ric Ruble [rruble@dol.in.gov]; Perry, Russell - OSHA State (SP-IA) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=82589d00b0604f83b9d1036a20d384b8-Russell.Per]; Mabry, Scott - OSHA State (SP-NC) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8da7fbc980a94c76b6cd876cde59b1aa-Scott.Mabry]; Monahan, Steve - OSHA State (SP-VT) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5fe0877c4992424fad04206ccc04685e-Monahan, St]; Greeley, Steven [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d8dd8ea2330947798420203163 5e665b-Greeley, St]; Dressler, Tristan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ccac433654b44fba853687ec00c14f0-Dressler, T]; Lipski, Thomas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e53e55db36344502a9962ef00ade2d44-Lipski, Tho]; Chao, Tin Shing [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=64874c12b49543909184ab4b69de94d6-Tin Shing,]; Thorsen, Tom - OSHA State (SP-MD) [/o=ExchangeLabs/ou=Exchange Administrative Group

(FYDIBOHF23SPDLT)/cn=Recipients/cn=8bae316e10044a6e8dfc46220380f625-Thorsen.Tom]; Fisher, Wendy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aa94db31b5644daab57ea08e9d23ab9c-wendy.fishe]; Dallas, William E. - OSHA State (SP-MD) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=64397deace074fc18d03020c010c5e7e-Dallas.Will]; Beauregard, Kevin - OSHA State North Carolina, Assistant Director [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8c26d06353a84223b3ef7f6f762fcd44-Beauregard,]; Stribling, Chuck - Kentucky State Plan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=48d02d7a89b74a45a5ce4c2758ff7fe8-Stribling,]; Lawrence, Holly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b2e7d31e4188470596e749bbc66dd02e-Lawrence, H]; Jason Sokoloff Sokoloff [jsokoloff@utah.gov]; Krueger, Jim - OSHA State (SP-MN) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b58ac1f2d0314284a8436dde39eed57d-Krueger, Ji]; Ellison, Michelle [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c4075acb3cee4af0b5b3c2ba91258b02-Ellison, Mi]; Peter Kuhlman [Peter.Kuhlmann@washco.utah.gov]; Tucker, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3e336ed83f414c19bbd9102a12ac90de-Tucker, Ken]

CC: Goto, Barbara - OSHA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=709f042398a14761ae3a9fd898e8115a-Goto, Barba]; Baker, Dave - OSHA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=44edf1e03dfc4fdf909573e72fe4ae5d-Baker, Dave]; Rector, Jack - OSHA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f2158ae161784014aaf44a02905474ac-Rector, Jac]; Sweatt, Loren E. - OSHA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ad5299dc47d4277a956850442d8669b-Sweatt, Lor]; Edens, Mandy - OSHA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=62a657e4b88e43a1ba2c8cb84de2b16e-Edens, Mand]; Levinson, Andrew - OSHA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c71a236e7d8e428da9cf9d6192e4766b-Levinson, A]

Subject: Virginia Petition for an Emergency Temporary Standard for COVID-19 Hazards in the Poultry Processing/Meatpacking Industries

Attachments: Letter to Administration (Requests re Poultry Worker Protections) (2).pdf; Exhibit A - Model Language (Poultry).pdf

Importance: High

Hi All,

Virginia has received the attached petition for an Emergency Temporary Standard for COVID-19 Hazards in the Poultry Processing/Meatpacking Industries.

While I'm aware that OSHA has received a petition from the AFL-CIO for a broad based Emergency Temporary Standard for COVID-19 Hazards, I wanted to know if any other state plans are dealing with any such petitions (either broad based or focused on particular industries) and if you would be willing to share information with Virginia on what approach you are taking?

If you could provide contact information for someone we could contact directly, that would be very helpful.

Thanks much,

Jay

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OSHA-002029

Exhibit A
Model Policy Language & Commentary

Policy Language	Commentary
Section 1. Definitions (a) "Worker" means any person whom an employer suffers or permits to work, and shall include independent contractors, and persons performing work for an employer through a temporary services or staffing agency. (b) "Employer" means an individual or entity that suffers or permits a person to work, and shall include contracting for the services of a person. More than one entity may be the "employer." (c) "Hand sanitizer" means alcohol-based hand sanitizer that is at least 60% alcohol. (d) "Department" means the Department of Labor, or other state or local agency responsible for enforcing this Act.	• In order to protect workers and the public during the COVID-19 crisis, it is essential that worker health and safety protections, and related protections for whistleblowers, apply broadly to all workers who regardless of how they are classified – or in many cases misclassified. • This policy therefore uses a broad definition of "worker" that includes employees (using the broad "suffer or permit" to work employment standard found in the federal Fair Labor Standards Act), but also independent contractors and employees performing work through temporary services or staffing agencies. • It also recognizes a Department chiefly charged with enforcement of the policy – which could be either the state Department of Labor or, for a municipal policy, a city or county labor or health agency. • As discussed below in the enforcement section, it also empowers a full range of law enforcement entities, including the attorney general, district attorneys, and city and county attorneys to enforce the law, recognizing that limited enforcement capacity is a major obstacle to ensuring safe workplaces. • And crucially, it authorizes workers and other whistleblowers to enforce the law through a private right of action and "qui tam" enforcement, supplementing limited government enforcement resources.
Section 2. Protecting Workers From COVID-19 (b) **Employers**	• Since OSHA has failed to adopt a COVID-19 standard, or any infectious disease standard, to protect workers, states and even cities, can act to adopt such standards.

Employers must comply with the following measures: (1) Social Distancing: The employer shall maintain 6 feet between workers, and between workers and customers, by using one or more of the following measures: Implementing flexible worksites (e.g., telework); Implementing flexible work hours (e.g., staggered shifts); Increasing physical space between workers at the worksite to six feet; Increasing physical space between workers and customers (e.g., drive-through, partitions, and limits to the number of customers in grocery stores , for example); Implementing flexible meeting and travel options (e.g., postpone non-essential meetings or events); Delivering services remotely (e.g. phone, video, or web); or Delivering products through curbside pick-up or delivery. Further, this should include reconfiguring spaces where workers congregate including lunch and break rooms, locker rooms and time clocks. (2) Face Masks and Plastic Face Shields: All workers shall be provided (free of charge) cotton face masks (double layer cotton) by their employer. All customers in grocery stores and pharmacies shall be required to wear face masks. Face shields shall also be made available by employers to workers. (3) Hand Sanitizing, Hand Washing and Gloves: Employers must provide hand sanitizers that are readily available in multiple locations in the workplace. Workers must have the ability to wash their hands with soap and water regularly. Gloves shall be provided by employers to workers who request them. (4) Regular Disinfection: Employers must clean and disinfect regularly all frequently touched surfaces in the workplace, such as workstations, touchscreens, telephones, handrails, and doorknobs. (5) Increase ventilation rates. Increase the percentage of outdoor air that circulates in the system. (6) Notification of Workers: If a worker is confirmed to have COVID-19 infection, the employer must inform fellow workers of their possible exposure to COVID-19 in the workplace while keeping the infected worker's identity confidential as required by the Americans with Disabilities Act (ADA).	• This section outlines standards that states should adopt to protect workers. The model includes basic protections in six areas: (1) Social distancing; (2) Face masks and plastic face shields; (3) Hand sanitizing, hand washing and gloves; (4) Regular disinfection; (5) Ventilation (6) Notification of workers of illness in the workplace; and (7) Deep cleaning after confirmed cases. • This proposed standard is drawn in large part from voluntary, non-binding guidance that CDC and OSHA have issued for employers on how to protect all other essential workers. That guidance is gathered and linked to below the proposed standard. • Already states are beginning to step in to mandate some of these protections for workers during the COVID crisis – though none have yet mandated the full range of needed protections. In addition to California, New York Governor Andrew Cuomo recently issued an Executive Order that requires all employers to provide essential workers with masks free of charge when interacting with the public. • Cities are also now stepping in to require employers to protect workers. Los Angeles now requires that delivery employers provide masks, gloves or hand sanitizers and physical distancing to workers. They have also enacted specific limits to how many customers can be in stores. • The most critical guidance to follow to prevent COVID transmission in the workplace, is social distancing —physical distancing of workers from the public and from one another. • Equally important, face masks are recommended by CDC to help those who are infected with the virus and do not know it (those who are asymptomatic or pre-symptomatic) from spreading the virus to others. It is well established that there is significant risk of transmission from asymptomatic and presymptomatic individuals. CDC states: "It is critical to emphasize that maintaining six feet social distancing remains important to slowing the spread of the virus. CDC is additionally advising the use of simple cloth face coverings to slow the spread of the virus and help people who may have the virus and do not know it from transmitting it to others." • Because not all cotton face masks provide equal protection, face shields are also being provided

(7) Deep Cleaning after Confirmed Cases: If a worker is suspected or confirmed to have COVID-19, the employer shall close off workplace areas visited by the ill person. Open outside doors and windows and use ventilating fans to increase circulation in the area. Wait 24 hours or as long as practical, and then conduct cleaning and disinfection as directed by CDC Cleaning and Disinfection for Community Facilities guidelines. References: https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html; https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover.html (employers must provide masks that are at least as protective as the more protective masks made from two layers of cotton sheet); https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html; https://www.osha.gov/Publications/OSHA3990.pdf	in grocery stores and other workplace, and should be required for all such workers. Further, as N95 respirators become more available (now being prioritized during the shortage for use among the most at risk health care workers) states can require these for all workers interacting with the public or who work in workplaces where social distancing is not always followed. All equipment must be provided free of charge to workers. • Note that unfortunately CDC weakened its guidance on when COVID-19 exposed workers should return to work. The new guidance, which allows exposed workers to return with just masks and some other precautions is very dangerous. Many state health departments have rejected this guidance- including Minnesota and New York. States must make sure employers do not follow this guidance — but instead require COVID-19 exposed workers to quarantine for 14 days.
Section 3. Whistleblower Protection (a) No employer or other person shall discriminate or take adverse action against any worker or other person who raises any concern about infection control related to COVID-19 to the employer, the employer's agent, other workers, a government agency, or to the public such as through print, online, social, or any other media. (b) No employer shall discriminate or take adverse action against a worker who voluntarily brings in and wears his or her own personal protective equipment, such as a mask, faceguard, or gloves, if such equipment is not provided by the employer. (c) If an employer or other person takes an adverse action against a worker or other person within 90 days of the worker or person's engagement or attempt to engage in activities protected by this Section, such conduct shall raise a presumption that the action is retaliation in violation of this act. The presumption may be rebutted by clear and convincing evidence that the action was taken for other permissible reasons.	• Workers must feel free to speak up about threats to their health and safety from COVID-19. Their voice must be protected in order to mitigate the spread of the virus. • We have also seen front line health care works being retaliated against, and fired, for bringing in their own equipment when the employer cannot provide adequate protection. • Providing workers with a private right of action so that they may go to court if they are retaliated against is critical for ensuring workers are protected. • Similarly, most existing state whistleblower protections only narrowly protect workers from retaliation for filing formal complaints – and don't protect them from being punished for complaining informally to employers, or notifying fellow workers or the public about workplace threats. It is essential that whistleblower protections be expanded to protect that full range of communication, which is essential for publicizing and addressing serious workplace threats.

	• This model also includes a rebuttable presumption that any adverse action taken against an employee or person within 90 days of protected activity is retaliatory. Such a presumption is an effective approach for protecting whistleblowers and has been incorporated into state and local wage theft laws.
Section 4. Refusal to Work Under Dangerous Conditions (a) A worker shall have the right to refuse to work under conditions that the worker reasonably believes would expose him or her, other workers or the public to an unreasonable risk of illness or exposure to COVID-19. (b) An employer shall not discriminate or take adverse action against a worker for a good faith refusal to work if the worker has requested that the employer correct such a condition and the condition remains uncorrected. (c) A worker who has refused in good faith to work under such a condition and who has not been reassigned to other work by the employer shall, in addition to retaining a right to continued employment, shall continue to be paid by the employer for the hours that would have been worked until such time as the employer can demonstrate that the condition has been remedied. (d) If an employer or other person takes an adverse action against a worker or other person within 90 days of the worker or person's engagement or attempt to engage in activities protected by this Section, such conduct shall raise a presumption that the action is retaliation in violation of this act. The presumption may be rebutted by clear and convincing evidence that the action was taken for other permissible reasons.	• Workers should not have to choose between their lives and their paycheck. • While OSHA rules protect this right on paper, they are weak at best and are largely unenforced. • It is therefore urgent that states and cities step to ensure that workers may refuse to work under dangerous conditions without being subject to retaliation – and that they continue to be paid so long as the dangerous workplace condition remains unremedied. • This right to be free from retaliation should, like the whistleblower protections detailed above, include a rebuttable presumption that any adverse action taken against an employee or person within 90 days of protected activity is retaliatory.
Section 5. State Unemployment Insurance Benefits for Separating from Work Because of Dangerous Conditions Notwithstanding any other provisions of chapter X [the state Unemployment Insurance law]:	• State unemployment insurance laws should be amended to clarify that workers have good cause to quit -- and therefore should be eligible for unemployment insurance benefits -- if their

(a) A claimant who has left his or her employment, or had their hours reduced after they refused to work because their employer maintained and failed to cure a health or safety condition that made the environment unsuitable, or because the claimant needed to care for a sick or quarantined family member, shall be deemed constructively discharged and eligible for benefits. (b) In a public health emergency, no claimant shall be required to prove that an unreasonable condition created a risk unique to them. Nor shall a claimant be required to prove that the risk was not customary to their occupation. (c) The claimant shall not be subject to traditional exhaustion requirements, but shall be deemed to have exhausted alternatives if he or she notified the employer and the employer refused to cure, if another employee notified the employer and the employer refused to cure, or if the employer had or should have had reason to know that the condition made the work environment unsuitable and did not cure it. (d) In a public health emergency, when processing a claim for benefits for a worker who has quit for a health/safety-related reason, the worker shall be entitled to a presumption that he or she left their job for good cause, and the agency shall interpret any other existing statutory or regulatory requirement accordingly.	employer requires them to work under conditions that they believe would threaten their health and safety. Furthermore, good cause quits should include work assignments that violate workers' health and safety, and a workers' need to care for quarantined or sick family members. • While permanent reform of state unemployment insurance rules generally requires legislative action, in many states governors can – and in Michigan, Kentucky and Georgia are beginning to – adopt modifications to their unemployment insurance rules under their emergency powers. In many states, governors likely could adopt this crucial reform temporarily using those powers. Cities, however, cannot reform state unemployment insurance systems.
Section 6. Presumption of State Worker's Compensation Coverage for All Workers For purposes of workers compensation coverage under chapter X [the state workers' compensation law], a worker who contracts COVID-19 is presumed to have an occupational disease arising out of and in the course of employment if the worker is a worker of a health care and emergency responder employer, or a front-line worker, including workers of grocery stores and pharmacies, food beverage, cannabis production and agriculture, organizations that provide charitable and social services, gas stations and businesses needed for transportation, financial institutions, hardware and supplies stores, critical trades, mail, post, shipping, logistics, delivery, and pick-up services, educational institutions, laundry	• Workers' compensation provides a crucial source of healthcare coverage and income support for sick workers. Importantly, workers' compensation coverage is broadly available to all sick workers, regardless of factors such as immigration status. • During the COVID-19 crisis, states should ensure that COVID-19 and any associated quarantine are covered by the state workers' compensation program. • Governors and legislatures in some states are already acting to clarify or expand workers' compensation eligibility for COVID-19 illness through orders issued under their emergency

services, restaurants for consumption off-premises, supplies to work from home, supplies for essential businesses and operations, transportation, home-based care and services, residential facilities and shelters, professional services, day care centers, and manufacture, distribution, and supply chain for critical products and industries, media or any other worker deemed to be essential during the COVID-19 crisis.	powers, while other states are doing so through legislation. Cities, however, cannot reform state workers' compensation systems. • This model language is adapted from some of these new workers' compensation reforms that have been implemented in states across the country. • The best language contains a presumption that all workers who continue to work outside of their homes are covered by workers' compensation if they become sick with COVID-19. • These changes can be implemented by legislation or governors' executive orders. It would be advisable to have the orders include a requirement for immediate payment of benefits pending resolution of individual claims (and hold harmless the claimant for benefits paid). • Illinois' Emergency COVID-19 related workers' compensation amendment is a great model with broad coverage. It contains a rebuttable presumption that any COVID-19 illness is covered. https://www2.illinois.gov/sites/iwcc/news/Documents/13APR20-Emergency_Amendment_Only-50IAC9030_70.pdf • Kentucky's governor recently adopted a similar workers' compensation coverage presumption through an executive order issue pursuant to the governor's emergency powers: https://governor.ky.gov/attachments/20200409_Executive-Order_2020-277_Workers-Compensation.pdf • Washington State's governor took steps to ensure workers compensation coverage during the COVID crisis for healthcare workers and first responders: https://www.governor.wa.gov/news-media/inslee-announces-workers-compensation-coverage-include-quarantined-health-workersfirst • Alaska passed new legislation to ensure that COVID-19 illness among health care workers and first responders is presumed to be work-related: http://www.akleg.gov/PDF/31/Bills/SB0241Z.PDF • Here is a summary of workers' compensation action by states since April 2020: https://www.iaiabc.org/Document.asp?MODE=DOWNLOAD&DocID=8395

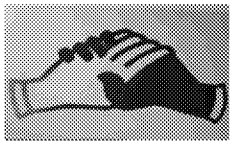
Section 7. Enforcement a. Administrative Enforcement. The Department shall enforce the requirements of this Act and shall have the authority to inspect workplaces, and to subpoena records and witnesses. Where an employer does not comply with any of them, the Department shall order relief as authorized in this Section. b. Private Civil Action. Where an employer does not comply with any requirement of this Act, an aggrieved worker or other person, may bring a civil action in a court of competent jurisdiction within three years of an alleged violation and, upon prevailing, shall be awarded the relief authorized in this section. Pursuing administrative relief shall not be a prerequisite for bringing a civil action. c. Other Government Enforcement. The attorney general, a district attorney, or a city or county attorney may also enforce the requirements of this Act, acting in the public interest, including the need to deter future violations. Such law enforcement agencies may inspect workplaces and subpoena records and witnesses and, where they determine that a violation has occurred, may bring a civil action as provided in Section 7(b). d. Relief. In a civil action or administrative proceeding brought to enforce this Act, the court or the Department shall order relief as follows: i. For any violation of any provision of this Act: i. An injunction to order compliance with the requirements of this Act and to restrain continued violations, including through a stop-work order or business closure; ii. Payment to a prevailing worker by the employer of reasonable costs, disbursements, and attorney's fees; and iii. Civil penalties payable to the state or city of not less than $100 per day per worker affected by any noncompliance with the provisions of this chapter.	• Strong enforcement of these important new protections is crucial in order for them to be effective. This proposed policy includes key components detailed below that are essential for strong enforcement. For an even more comprehensive model bill detailing the full range of state-of-the-art protections against retaliation, see NELP, Model Bill to Protect Workers Who Experience Wage Theft from Retaliation (Sept. 2019). • This proposal provides four distinct avenues for enforcement, to ensure maximum flexibility and empower a range of public and private actors to serve as watch dogs and fill the enforcement gap. • First, it authorizes administrative enforcement by the state or local Labor Department – the agency chiefly responsible for implementation and enforcement. • Second, it provides for a private right of action which is especially important to enforce worker whistleblower protections and the right to still be paid while refusing to work under dangerous conditions, together with attorney's fees and other remedies to make it realistic for low-wage workers to hire lawyer to help them enforce their rights. Given limited government enforcement capacity, a private right of action is crucial for ensuring meaningful enforcement – and is a key gap in OSHA's enforcement system. • Third, it empowers the full range of public enforcement officers, including the Labor Department, the state attorney general, district attorneys, and city and county attorneys to bring actions to enforce the law. Public enforcement by the full range of law enforcement entities can help fill the enforcement gap left by OSHA's failure to act during the COVID crisis. • Fourth, it authorizes "qui tam" enforcement to enlist whistleblowers in holding companies accountable, expand limited public enforcement capacity, and ensure that workers who are blocked by forced arbitration clauses from bringing private suits can play a powerful role in enforcement.

ii. For any violation of Sections 3 and 4 of this Act protecting whistleblowers and workers' right to refuse to work under dangerous conditions: i. Reinstatement of the worker to the same position held before any adverse personnel action, or to an equivalent position, reinstatement of full fringe benefits and seniority rights, and compensation for unpaid wages, benefits and other remuneration, or front pay in lieu of reinstatement; and ii. Compensatory damages payable to the aggrieved worker equal to the greater of $5,000 or twice the actual damages, including but not limited to unpaid wages, benefits and other remuneration. e. Qui tam enforcement. The relief specified in subdivision (d)(i) of this section may be recovered through a civil action brought on behalf of the Department in a court of competent jurisdiction by a whistleblower, defined herein as a worker, contractor, or employee of a contractor of the employer, or by a representative nonprofit or labor organization designated by said person, pursuant to the following procedures: i. The whistleblower shall give written notice to the Department of the specific provisions of this Act alleged to have been violated. The whistleblower or representative organization may commence a civil action under this subsection if no enforcement action is taken by the Department within 30 days. ii. Civil penalties recovered pursuant to this subsection shall be distributed as follows: 70 percent to the Department for enforcement of this act, with 25 percent of that amount reserved for grants to community organizations for outreach and education about worker rights under this Act; and 30 percent to the whistleblower or representative organization. iii. The right to bring an action under this section shall not be impaired by any private contract. A public enforcement	• For remedies, it authorizes the full range of necessary relief. • For violations of the workplace protection standards: injunctive relief, civil penalties payable to the state, and attorneys' fees to make it economically realistic for low-wage workers to find attorneys to represent them. • For violations of the whistleblower and right-to-refuse to work under dangerous conditions provisions: the above plus reinstatement or "front pay" in lieu of reinstatement, unpaid wages and benefits, and compensatory damages equal to the greater of $5,000 or twice any unpaid wages, to provide a strong deterrent against employers punishing whistleblowers during this time when public health and safety depend on workers' being able to speak up.

	action shall be tried promptly, without regard to concurrent adjudication of private claims.	

LEGAL AID JUSTICE CENTER

VIRGINIA ORGANIZING



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Richmond, VA 23219

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State Health Commissioner
Virginia Department of Health
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Richmond, VA 23219

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Richmond, Virginia 23219

RE: Protecting Poultry Workers During the COVID-19 Pandemic

Dear Governor Northam, Commissioner Oliver, Attorney General Herring, Commissioner Davenport, and Director Graham:

We write you with urgency to request immediate protection for the Commonwealth of Virginia's poultry plant worker community during this dire health care crisis.

As workers in the food supply chain, poultry plant workers are considered essential workers, both in normal times and especially now. As this global crisis deepens, these workers are as invaluable as they are at risk. Many poultry plant workers in Virginia are highly vulnerable to COVID-19 illness because they are low-income individuals, lack access to medical care, are sometimes not fluent in English (which limits their ability to relay health concerns to employers), and work in very tight spaces in factories with hundreds of other workers.

Meat processing plants typically employ hundreds of workers who work in tight quarters with others. Meat processing is one of the most dangerous jobs in the country, with injury rates at 2.4 times the national average and occupational illness rates at 17 times the national average. These statistics illustrate the heavy burden we already place on these workers and the duty we owe to them now.

Further, these plants are located in semi-rural areas such as Harrisonburg or extremely rural areas such Accomack, where resources are spread thin. As a result, poultry workers are much more likely to not have access to COVID-19 testing and will instead suffer in silence, or go to work even though they are symptomatic, out of both fear of losing their jobs and the necessity to keep food on their own tables.

Inaction could lead to rapid outbreaks in the processing plants, overwhelming rural health centers and quickly turning into a catastrophe. These workers' health and financial stability—and that of their families—must be unequivocally prioritized in recognition of their human rights and dignity, as well as their essential role in keeping our food system running during this emergency.

We stress that the above concerns are not merely hypothetical. Processing plants around the country are already experiencing outbreaks and are being forced to reckon with the fallout, including worker deaths.

Just this month, COVID-19 has killed four Tyson Foods poultry workers in Georgia and two in Iowa. In South Dakota, a massive Smithfield Foods swine plant was shut down after nearly 600 workers contracted the virus. **Most notably, workers indicate that most (if not all) poultry plants in the Commonwealth already have multiple workers who have tested positive for COVID-19, and that number is growing daily. Workers are dying from COVID-19 in the Commonwealth. In sum, the potential for an outbreak is ripe, and the time to act is now.**

States have broad power to protect public health and to protect workers. At present, however, there are few (if any) enforceable state or federal regulations in place to protect Virginia poultry workers. Fortunately, **federal OSHA law does not preempt or limit states from acting to protect workers from the threats of COVID-19 transmission in the workplace.** Indeed, as an OSHA "State Plan" state, **Virginia is free to promulgate its own standards regarding worker health and safety**, as long as they are at least as protective as the standards promulgated by the federal Occupational Safety and Health Administration (OSHA). And since OSHA has not adopted a federal standard that deals specifically with the workplace health and safety risks associated with COVID-19, the Virginia Occupational Safety and Health Program (VOSH) has free rein to create its own. Moreover, neither OSHA nor any other federal law would preempt state or local laws that protect whistleblowers who speak up about COVID-19 in the workplace.

Unfortunately, neither VOSH nor OSHA have issued any <u>enforceable</u> standards to protect workers during pandemics. Rather, only recommendations and suggested guidance have been issued, providing no oversight over employers and no protection to employees. As a State Plan state, however, **VOSH *does not* have to wait for OSHA to act** – it can issue enforceable emergency standards immediately in conjunction with the Governor's office and the Attorney General's office. *See* Va. Code § 2.2-4011; *see also* Va. Code § 32.1-13 (granting emergency rulemaking power to the State Board of Health); Va. Code § 44.146-17 (granting emergency rulemaking power to the Governor, including in cases of a communicable disease of public health threat).

In light of the above, we ask that VOSH and other state agencies immediately work with the Governor's and Attorney General's offices to promulgate enforceable emergency standards, as well as implement a procedure for inspections and enforcement of those standards.

For your review and consideration, we attached to this letter as Exhibit A recommended regulatory language, along with commentary. This model language is broad, and encompasses sectors beyond meat processing plants.

In addition to the requests delineated in Exhibit A, we further request that you strongly urge the General Assembly to enact emergency state legislation that applies the paid leave provisions in the federal Families First Coronavirus Response Act to employers with over 500 employees. As noted above, states have the ability to protect workers beyond what is required under federal law.

Finally, the following requested regulations are specific to the poultry and meatpacking industry:

1. To the maximum extent allowable under the law and in conformity with applicable privacy regulations, facilities must notify the local health department and facility workers immediately when an employee tests positive for COVID-19. The companies shall provide:
    a. The department(s) and shift(s) worked by the employees testing positive for COVID-19. This is a continuing request for information if other employees test positive for the COVID-19 virus.
    b. The names of all employees who worked in those department(s) and shift(s) on days when the COVID-19 positive employees last worked.
    c. The date or dates last worked by the employees testing positive for the COVID-19 virus.

2. Workers who failed the temperature check shall be sent home, and be paid at their regular rate of pay.
3. Poultry and meatpacking facilities must take the following actions in order to protect the health and safety of workers at all poultry and meatpacking facilities:
    a. Immediately shut down for a minimum of 72 hours the department(s) in which the COVID-19 positive employees worked and clean and sanitize the department in accordance with CDC recommended guidelines. Workers in these departments should be paid at their regular rate of pay during the duration of the cleaning.
    b. Pursuant to CDC guidelines, require that any employee who worked in the same department(s) and shift(s) with the COVID-19 positive employees quarantine for 14 consecutive days. Employees shall be paid during this period of quarantine at their regular rate of pay.
    c. Proper PPE shall be provided for all employees, including but not limited to gloves, masks, face shields, smocks and other appropriate PPE in order to prevent any transmission of the COVID-19 virus.
    d. Install Plexiglass shielding between workstations, especially on the deboning lines where some poultry companies are currently forcing employees to work shoulder to shoulder without proper PPE.
    e. Employers should set a schedule to ensure that all frequently touched surfaces are sanitized on a regular basis during the work day.
4. In addition to mandated daily temperature checks, as of the date of adoption of the regulations, facilities shall require mandatory COVID-19 testing of each employee. The employer shall bear the burden of the costs of such testing.

CONCLUSION

As Virginia addresses these concerns, we strive to ensure that the administration has the information and community trust needed to help implement the above requests. As such, we request a telephonic or videoconference meeting on or before Wednesday, April 29, 2020 to address the above concerns to ensure protection of all workers in Virginia (including but not limited to poultry plant workers), their families and communities, and the residents of the Commonwealth of Virginia. Finally, we acknowledge that you are exceedingly busy during this extraordinarily tasking time. As such, to the extent you would not be able to participate in such a call, we request the telephone or videoconference meeting be with the policy directors at your respective offices that are charged with oversight of the requested protections.

Sincerely,

Legal Aid Justice Center

Virginia Organizing

Community Solidarity with the Poultry Workers

Cc:

Rita Davis, Counselor to the Governor

Jessica Killeen, Deputy Counsel to the Governor

Senator Mark Warner, United States Senate

Senator Tim Kaine, United States Senate

Representative Elaine Luria, United States House of Representatives

Representative Ben Cline, United States House of Representatives

W. Lynwood Lewis, Jr., Senate of Virginia

Mark Obenshain, Senate of Virginia

Robert S. Bloxom, Jr., Virginia House of Delegates

Tony Wilt, Virginia House of Delegates

C. Reneta Major, Chair, Accomack County Board of Supervisors

Sally Wolf Garrison, Rockingham County Board of Supervisors

William B. Kyger, Chairman, Rockingham County Supervisor

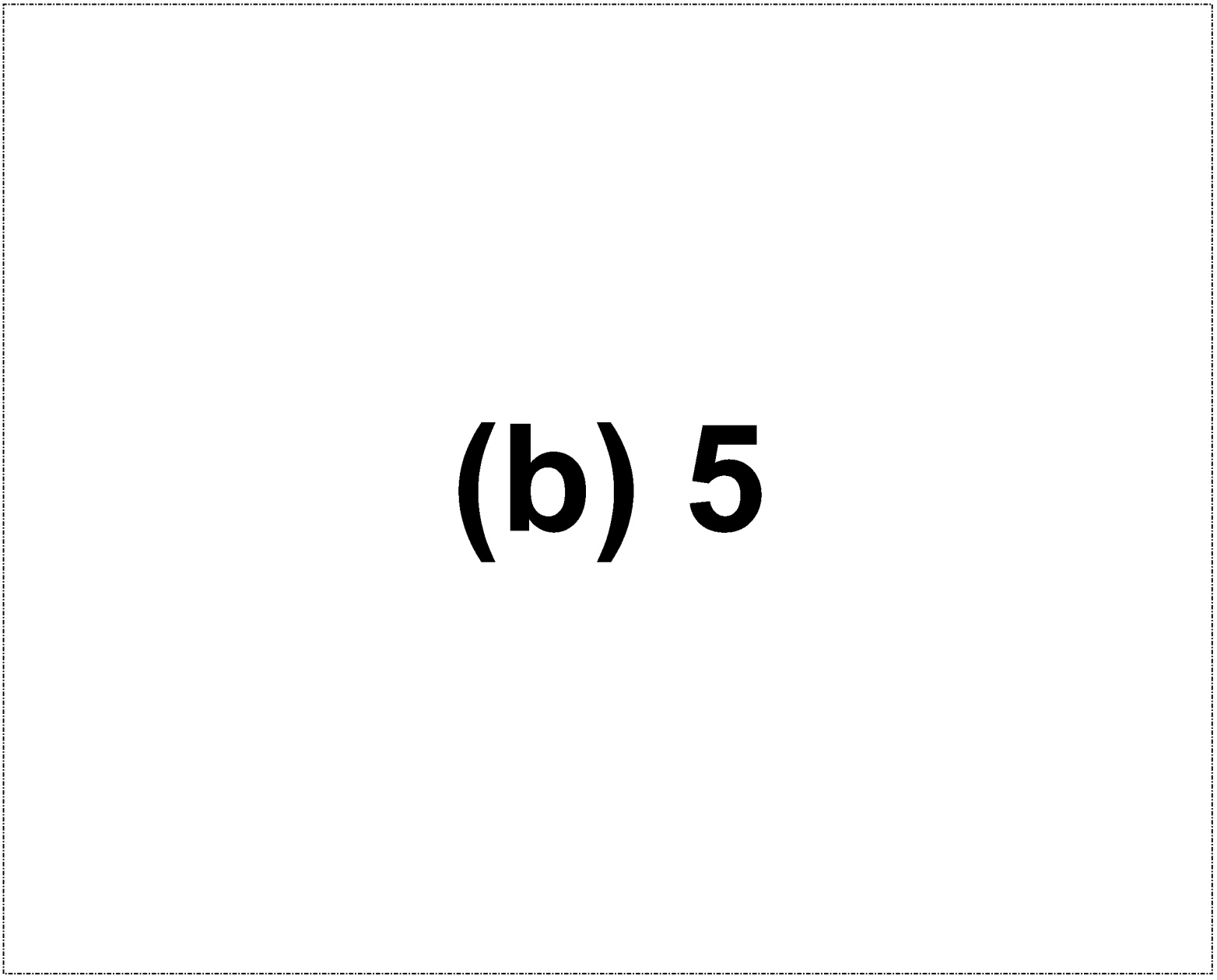
Salvador Romero, Vice-Mayor, Harrisonburg

Message

From: Kalinowski, Doug - OSHA [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=28CA4926BB7746E6B2231B565C155466-KALINOWSKI,]
Sent: 8/28/2020 12:51:17 PM
To: Goto, Barbara - OSHA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=709f042398a14761ae3a9fd898e8115a-Goto, Barba]; Wulff, James - OSHA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a5e7348dea7a417cb587dae751386b5e-Wulff, Jame]
CC: Williams, Arlene - OSHA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7d2731a954724282b7d1e6f6906c9426-Williams, A]; Smith, Suzanne M. - OSHA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0276f612fe5d4b43b5418a35cafc2a8b-Smith, Suza]
Subject: FW: Meat Plant COVID - Potential Case Coming
Attachments: Foster Farms Health Order FINAL 8.26.2020.pdf

Looping you all in. (I was off yesterday afternoon.)

(b) 5


(b) 5

ORDER OF THE HEALTH OFFICER OF THE COUNTY OF MERCED
DIRECTING FOSTER FARMS POULTRY PROCESSING PLANT
IN LIVINGSTON, CA TO RESPOND TO CURRENT OUTBREAKS AT THE LIVINGSTON
COMPLEX AND COMPLY WITH OTHER DIRECTIVES OF THIS ORDER
DATE OF ORDER: August 26 , 2020

WHEREAS, the worldwide pandemic of COVID-19 disease, also known as "novel coronavirus" has infected over 7,500 Merced County residents and has resulted in the death of 112 Merced County residents.

WHEREAS, over 800 residents in the City of Livingston, located in Merced County, have been infected with COVID-19.

WHEREAS, there is significant evidence of increasing transmission of COVID-19 within the County of Merced and surrounding counties, placing a measurable strain on the local healthcare systems.

WHEREAS, according to the Meat and Poultry Processing Workers and Employers Interim Guidance from CDC and the Occupational Safety and Health Administration (OSHA), meat and poultry processing facilities are particularly vulnerable to COVID-19 infections due to working conditions. These conditions include prolonged, close contact with coworkers on the production line.

WHEREAS, Foster Poultry Farms maintains a poultry processing facility located in the City of Livingston.

WHEREAS, the California Department of Public Health has defined an outbreak in a congregate employment setting as three (3) or more cases of laboratory confirmed COVID-19 in employees not linked outside of the workplace.

WHEREAS, the Foster Farms complex at Livingston consists of multiple buildings on the same campus. Foster Farms first experienced an outbreak of COVID-19 at their Livingston facility on June 29, 2020, the first known case dated to June 9, 2020. As of the date of this Order, the initial outbreak is ongoing and outbreaks are widespread throughout multiple separate buildings at the Livingston facility. One department at the facility currently has an active outbreak that has affected 105 workers and other departments have active outbreaks affecting over 20 workers. Of the approximate 2,600 workers at the Livingston facility, 13.7 percent of the workforce has received a positive test result based on worker self-reporting. Most concerning is that these current testing figures do not accurately represent the extent of outbreak at the facility as universal testing has not been accomplished within the timeline necessary to accurately identify the extent of the outbreak.

WHEREAS, since April 24, 2020, the Merced County Department of Public Health (MCDPH) has received report of 358 confirmed cases of COVID-19 and eight (8) deaths attributed to COVID-19 linked to workers from the Foster Farms Livingston facility. Five (5) of the eight (8) deaths occurred in a hospital located outside of Merced County, illustrating the serious impact of the Foster Farms outbreak on healthcare systems and the community-at-large in California.

WHEREAS, in the past month, Foster Farms has experienced an increase of 214 reported cases of COVID-19 positive workers and six (6) deaths. Weekly reports from Foster Farms indicate the outbreak has continued since the initial reported outbreak on June 29, 2020.

WHEREAS, to-date, there has been insufficient timely testing of Foster Farms workers to assess the true extent of cases at the facility. Without accurate information on the number of cases, it is not possible to properly identify workers who require testing and/or quarantine because of exposure to the virus. This is hampered by the difficulty of testing and monitoring a growing temporary workforce. Hospital data on current hospitalizations and mortality has been slowly reported to MCDPH, further complicating decisive interventions that would allow a safe production process to continue at the facility.

WHEREAS, the Merced County Health Officer issued Directives to Foster Farms on August 5, 2020 and August 11, 2020, providing specific direction on testing requirements and other measures to control the spread of COVID-19 within the Livingston building. In summary, these Directives required immediate COVID PCR testing of all permanent, volunteer, and temporary employees who share air within a facility that has an outbreak (three or more individuals within the same building). Once an outbreak is initiated within a building, the outbreak is not considered resolved until the building reports zero additional cases for two consecutive weeks, or until universal testing of the building within the previous three (3) day period, reveals less than 1% positivity rate within the workforce.

WHEREAS, in response to the previous Merced County Health Officer Directives, Foster Farms has not implemented the required universal testing of the entire Livingston Complex, as directed. Over the three-week period since the August 5, 2020 directive was issued, the spread of disease within the facility has not been contained and active outbreaks continue to spread, creating a public nuisance as defined by California Penal Code 370 and Civil Code 3479, and posing a great risk to the health and safety of Merced County residents and the surrounding counties. Given the current epidemiological data, the slowness in testing workers, and the time necessary to complete comprehensive contact tracing and quarantine those who are exposed, partial closure of the facility for timely, universal testing of all workers and sanitation is necessary.

WHEREAS, based on the increasing number of positive COVID-19 cases at the Foster Farms Livingston Facility, the mounting death rates, the delay in implementation of a comprehensive testing scheme, the need for comprehensive contact tracing and quarantine of those exposed, decisive intervention is essential to control the COVID-19 outbreak. It is imperative that the Merced County Health Officer issue this Order to protect and preserve the health of workers at the Facility and residents of Merced County, surrounding counties, and the State of California.

Under the authority of California Health and Safety Code Sections 101040, 101085, 120175; California Government Code Sections 8610, 8630, and 8634; Article XI of the California Constitution; Title 17 California Code of Regulations Section 2501; and Merced County Code Chapter 2.72, the Health Officer of the County of Merced ("Health Officer") Orders Foster Poultry Farms A Corp (Foster Farms):

1. **Livingston Plant (including, but not limited to, Food Service Operations, Livingston Plant 1, Livingston Plant 2, Livingston Retail Packaging, Livingston Weigh and Price, and Livingston Rotis Room)** located at 843 Davis St., Livingston, CA 95334: To cease all operations within twelve (12) hours of issuance of this Order including any and all on-site manufacturing, transportation, processing, food service, packing, administrative, and/or other similar operations within Livingston Plant for the purposes of deep cleaning and testing all workers (permanent, temporary, contract, volunteer, and other) for clearance (as defined as two (2) negative PCR COVID-19 tests taken at least three (3) days but no more than seven (7) days apart), and implementing other measures in compliance with this Order. Foster Farms is further required to direct its agents, employees, officers, and others acting on its behalf, as well as subsidiaries, affiliates, and other entities controlled by Foster Farms, in such a manner as to ensure the closure of the entire Livingston Plant and that Livingston Plant on-site operations cease and resume only in accordance with this Order.
    a. Once Foster Farms accomplishes the requirements of this Section to the satisfaction of the Merced County Public Health Officer and/or Health Officer designee (MCDPH contact), Foster Farms may be able to resume operations at the Livingston Plant facility.
    b. No worker may return to work at the Livingston Plant until they have received two (2) negative PCR COVID-19 tests taken at least three (3) days but no more than seven (7) days apart.

2. **NCDC 2** located at 843 Davis St., Livingston, CA 95334: will be allowed to remain open and operational despite active outbreak status due to the ability to maintain at least six (6) foot social distancing within the workplace and a lower worker density within the facility, if:
    a. Foster Farms enforces 6 feet of social distancing between workers at NCDC 2;
    b. The current break room(s) are closed and Foster Farms provides an alternative, appropriate break space that can accommodate and ensure social distancing (that is actively monitored); and
    c. Foster Farms to provides food provisions, accommodating dietary needs to its workers to preventing the need for kitchen facilities for all workers with the facility until outbreak is cleared from NCDC 2 facility;
    d. Items 2(b)-(c) shall remain in place until the facility is cleared, defined as <1% positivity rate of the entire workforce at the NCDC 2, tested same day, for 2 rounds of testing, three (3) days apart. If testing positivity rate is greater than 1%, testing must be continued every three (3) days until outbreak is cleared.

3. **All Other Facilities** located at 843 Davis St., Livingston, CA 95334 and 1000 Davis St., Livingston, CA 95334: can remain open and operational, if:
    a. All employees (permanent, temporary, contract, volunteer, and other) are tested immediately and every seven (7) days thereafter until Livingston Complex is cleared from outbreak. If testing positivity rate is greater than 1%, testing must be increased to every three (3) days.

4. Conduct a terminal cleaning of the entirety of the Livingston Complex through a qualified cleaning agency either during facility closure or within seven (7) days of the issuance of this Order. Ensure that high-traffic areas and high-touch areas are disinfected following CDC guidelines:
https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html and
https://www.cdc.gov/coronavirus/2019-ncov/community/pdf/REopening_America_Guidance.pdf.

5. The following COVID-19 line lists of data, at a minimum and as required by MCDPH, shall be reported to the MCDPH contact directly in a format determined by MCDPH and at intervals determined by MCDPH, but at no time less often than two times each week on Tuesdays and Fridays by 12:00PM:
    a. Worker full name, date of birth, gender, race, phone number, county of residence, job title, location in facility/assigned department, unit/shift (e.g., day, night, swing), if the individual works in another facility/location and name of the other facility, positive test date, last day worked, symptom start date (note if asymptomatic), testing location, if worker was tested due to part of mandated response testing, type of test used (e.g., PCR, antigen), return to work date, if worker was hospitalized due to illness, hospitalization date, if worker died due to illness (if yes, immediately e-mail the MCDPH contact), date of death, number of close contacts sent home/teleworking due to exposure, and if the case was a close contact to another index/case in the facility.
    b. The full laboratory testing line list data (including on-site testing), at a minimum, shall be reported to the MCDPH contact directly in a format and at intervals determined by MCDPH, including worker full name, date of birth, phone number, address of residence, county of residence, test result, and test date. Submission via the CalREDIE system alone will not be accepted.

6. Immediately upon issuance of this Order, a COVID-19 Mitigation Plan for the entire Livingston Complex is required to be prepared and submitted to and approved by the MCDPH contact and shall include continued proper COVID-19 worker medical screening, symptom-based testing, and testing of new hires and temporary workers, including the following:
    a. Permanent employees, temporary workers, contract workers, and/or volunteers that present with a positive COVID-19 test result shall be sent home from work for the required quarantine period and follow MCDPH, California Department of Public Health (CDPH), and CDC requirements and guidance. Workers who refuse or are unable to be tested as directed by MCDPH should be quarantined at home for 14 days, and shall not be allowed to work during the isolation period as defined by CDC:
    https://www.cdc.gov/coronavirus/2019-ncov/hcp/disposition-in-home-patients.html.
    b. Workplace contact tracing shall be conducted by Foster Farms within 24 hours of notification of a positive employee. Close contacts, is defined as being within six

(6) feet for more than 15 minutes during the case's infectious period to positive workers. Close contacts shall be sent home from work for a 14-day quarantine period. The infectious period begins 48 hours prior to development of symptoms. For the purposes of contact tracing of individual who were asymptomatic and tested positive, the infectious period commences 48 hours prior to the day the sample was collected.

c. Temporary workers, permanent employees, contract employees, and/or volunteers will not be allowed to begin work without submitting proof to Foster Farms of a COVID-19 negative point-of-care antigen or PCR test result dated same day before start of work up to 48 hours before the start date.

d. Symptom-based testing is required when a permanent employee, temporary worker, contract worker, and/or volunteer presents with any one of the COVID-19 symptoms described by the CDC in the following guidance: https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html. Immediately upon notice to or observation by Foster Farms of any one of the COVID-19 symptoms by any worker at the site, testing of the worker shall immediately occur by either PCR or point-of-care antigen testing, or other Health Officer approved testing method, and results shall be obtained within 24-48 hours.

e. When there is a COVID-19 outbreak of three (3) permanent employees, temporary workers, contract workers, and/or volunteers in any building, or area that shares the same air supply, all individuals who had worked in the area during the potential outbreak period (within 48 hours prior to the onset of symptoms of a positive employee throughout the duration of the outbreak) must be tested for COVID-19 by PCR immediately and every seven (7) days thereafter until the building reports zero additional cases for two consecutive weeks, or until universal testing of the building reveals less than 1% positivity rate within the workforce.

f. The employer is responsible for ensuring all workers, including temporary workers, permanent employees, contract employees, and/or volunteers, are offered and provided COVID-19 testing at no cost to the employee.

7. As soon as practical, but no less than 14 days of issuance of this Order, expand the on-site Occupational Health program and clinic, consisting of a designated licensed medical or nursing professional and liaison for MCDPH to ensure and oversee proper COVID-19 worker medical screening processes, contact tracing, case investigation and referral to health care provider as needed, accurate data collection and reporting of all workers tested, reporting of all COVID-19 positive results regardless of county of residence, immediate notification of COVID-19 related hospitalizations to the MCDPH contact and CalOSHA, immediate reporting of COVID-19 related deaths to the MCDPH contact and CalOSHA, data quality assurance verification protocol, and the implementation of adequate COVID-19 surveillance testing and reporting to the MCDPH contact, as approved by MCDPH. These requirements are subject to review and supervision by MCDPH to ensure adequate procedures and practices are implemented.

8. Foster Farms management shall ensure that all employees be informed of testing requirements, outbreaks that occur, areas affected, and trained on safety requirements, in English, Spanish, and Punjabi, working with the union as applicable.

9. Provide proper face coverings at no cost to all contract employees, permanent employees, temporary workers, and/or volunteers prior to each shift, and if a replacement is needed during a shift, and require use as directed in the Merced County Health Officer Order.

10. Foster Farms shall follow all State Orders, including State COVID-19 Industry Guidance for Food Packing and Processing: https://files.covid19.ca.gov/pdf/guidance-food-packing--en.pdf.

11. This Order is issued in accordance with, and incorporates by reference, the: March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom; March 12, 2020 Executive Order N-25-20 and March 19, 2020 Executive Order N-33-20, each issued by Governor Newsom ordering all state residents to heed any orders and guidance of state and local public health officials with respect to COVID-19; May 4, 2020 Executive Order N-60-20 issued by Governor Newsom ordering various protocols and reaffirming the existing authority of local health officers to establish public health measures that are more restrictive or additional to statewide directives; Government Code section 8567(a); the March 13, 2020 Declaration of Local Health Emergency in Merced County pursuant to Health and Safety Code section 101080; the March 13, 2020 Proclamation of Local Emergency pursuant to Government Code section 8630 and Merced County Code section 2.72.060; the March 16, 2020 Resolutions of the Board of Supervisors of the County of Merced ratifying the Local Emergency and Local Health Emergency; and the California Department of Public Health, Cal/OSHA, and the California Department of Food and Agriculture jointly issued Industry Guidance for Food Packing and Processing updated on July 29, 2020 and any future dated updates.

12. Violation of this Order by Foster Farms is a misdemeanor punishable by fines up to $1,000 per day, imprisonment of 90 days, or both. Violation also subjects Foster Farms to civil enforcement actions including injunctive relief, attorneys' fees and costs. A violation of this Order constitutes a public nuisance. (Health and Safety Code Sections 120275 and 120295; Penal Code Sections 19 and 370; Government Code Sections 25132 and 8665; Merced County Code 2.72.100)

13. Pursuant to Government Code Sections 26602 and 41601 and Health and Safety Code Sections 101029, the Health Officer requests that the Sheriff and all chiefs of police in the County ensure compliance with and enforce this Order.

14. Copies of this Order shall promptly be: (1) made available at the County Administration Building at 2222 M Street, Merced, California 95340; (2) and provided to any member of the public requesting a copy of this Order.

SO ISSUED AND ORDERED:

Salvador Sandoval

Salvador Sandoval, MD, MPH
Merced County Health Officer

Dated: August 26, 2020
Time: 2025 hr

NOTICE OF RIGHTS

1. If you object to this order, you have a right to arrange for your own legal representative.
2. You have a right to also file for judicial relief to seek release from the order.
3. All requests to contact the County Health Officer will be through Merced County Department of Public Health at 209-381-1203 during normal business hours.

Salvador Sandoval

Salvador Sandoval, MD, MPH
Merced County Health Officer

Dated: August 26, 2020
2025 hr.

Message

From: Williams, Dionne - OSHA [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EE09C10B393E4E8E821753F955D65F1F-WILLIAMS, D]
Sent: 5/26/2020 4:13:39 PM
To: McGowan, Larry - OSHA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=82d06d77aeb5468ab56780e32454605c-McGowan, La]
CC: Holmes, Mikki - OSHA [/o=ExchangeLabs/ou=Exchange Administrative Group

(b) 6

Subject: FW: [Intra Agency Assignment Notification] CTS #14147: OSHA: Cleaver, Emanuel: Concern About Executive Order For Meat Packing Plants Under Defence Production Act During COVID-19 Emergency
Attachments: 14147_OASP_Clearance Document (1-1)_05_07_20 05_06 PM.doc; 14147_DTSEM Response to OPA_ASP Comments_05_21_2020_4pm.doc; CTS 14147_DTSEM Response to OPA_ASP Comments_05_21_2020_4pm OHE.docx; CTS 14147 Rep Cleaver et al - Meat Processing Plants and COIVD (5-1-2020).pdf

My suggested changes and comments are in the OHE attachment.

Dionne Williams, DrPH, MPH
Deputy Director
OSHA - Directorate of Enforcement Programs
200 Constitution Ave, NW
Washington, DC 20210
202-693-2140

(b) 5

(b) 5

OSHA-002053

(b) 5

(b) 5



This is a system generated message. Please do not reply to this email.

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.[1]

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.[2] 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.[3]

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.[4] 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:

---

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

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

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

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

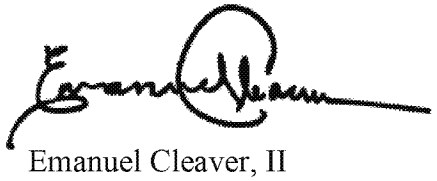
OSHA-002057

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
Member of Congress

Joe Neguse
Member of Congress

Joaquin Castro
Member of Congress

Lizzie Fletcher
Member of Congress

Alexandria Ocasio-Cortez
Member of Congress

Peter A. DeFazio
Member of Congress

Mark Pocan
Member of Congress

Rashida Tlaib
Member of Congress

Brendan F. Boyle
Member of Congress

Bonnie Watson Coleman
Member of Congress

TJ Cox
Member of Congress

Judy Chu
Member of Congress

André Carson
Member of Congress

James P. McGovern
Member of Congress

Dina Titus
Member of Congress

Rosa L. DeLauro
Member of Congress

Jahana Hayes
Member of Congress

Jan Schakowsky
Member of Congress

Filemon Vela
Member of Congress

Alma S. Adams, Ph.D.
Member of Congress

Raul Grijalva
Member of Congress

Donald M. Payne, Jr.
Member of Congress

Cassidy, Sybil - EXECSEC

From: Executive Secretariat
Sent: Friday, May 1, 2020 2:46 PM
To: Cassidy, Sybil - EXECSEC
Subject: FW: Letter to Secretary Scalia regarding meat processing facilities
Attachments: Ltr on Meat Facilities FINAL.pdf

From: Smith, Jacob W - OCIA <Smith.Jacob.W@dol.gov>
Sent: Friday, May 1, 2020 2:37 PM
To: Executive Secretariat <m-Executive.Secretaria@dol.gov>
Cc: Wheeler, Joe - OCIA <Wheeler.Joe@dol.gov>; Walsh, John Patrick - OCIA <Walsh.JohnPatrick@dol.gov>; Thomas, Bradley J - OCIA <Thomas.Bradley.J@dol.gov>; Turner, Adam E - OCIA <Turner.Adam.E@dol.gov>
Subject: FW: Letter to Secretary Scalia regarding meat processing facilities

Hello,

Attached is a letter from 48 members to Secretary Scalia on PPE in meat processing facilities that are staying.

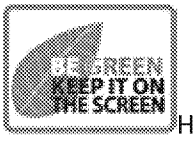
Thank you

From: Mahoney, Christina <Christina.Mahoney@mail.house.gov>
Sent: Friday, May 1, 2020 2:29 PM
To: Thomas, Bradley J - OCIA <Thomas.Bradley.J@dol.gov>; Smith, Jacob W - OCIA <Smith.Jacob.W@dol.gov>
Cc: Mahoney, Christina <Christina.Mahoney@mail.house.gov>; Garrison, Eyang <Eyang.Garrison@mail.house.gov>
Subject: Letter to Secretary Scalia regarding meat processing facilities

Hello,
Please see the attached letter signed by 48 members to Secretary Scalia regrading meat processing facilities.

Thank you,
Christina

Christina Mahoney
Legislative Director
Office of U.S. Representative Emanuel Cleaver, II
2335 Rayburn HOB, Washington, D.C. 20515
Ph: 202-225-4535 Fx: 202-225-4403



Hope On.

Message

From: McGowan, Larry - OSHA [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=82D06D77AEB5468AB56780E32454605C-MCGOWAN, LA]
Sent: 5/26/2020 3:20:51 PM
To: Williams, Dionne - OSHA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ee09c10b393e4e8e821753f955d65f1f-Williams, D]; Holmes, Mikki - OSHA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ffa0e3b499654100bf7e3f7066ae1d00-Holmes, Mik]
CC: (b) 6
Subject: FW: [Intra Agency Assignment Notification] CTS #14147: OSHA: Cleaver, Emanuel: Concern About Executive Order For Meat Packing Plants Under Defence Production Act During COVID-19 Emergency
Attachments: 14147_OASP_Clearance Document (1-1)_05_07_20 05_06 PM.doc; 14147_DTSEM Response to OPA_ASP Comments_05_21_2020_4pm.doc; CTS 14147_DTSEM Response to OPA_ASP Comments_05_21_2020_4pm OHE.docx; CTS 14147 Rep Cleaver et al - Meat Processing Plants and COIVD (5-1-2020).pdf

Dionne, Mikki,

(b) 5

Larry

From: (b) 6
Sent: Thursday, May 21, 2020 7:20 PM
To: McGowan, Larry - OSHA <McGowan.Larry@dol.gov>
Subject: FW: [Intra Agency Assignment Notification] CTS #14147: OSHA: Cleaver, Emanuel: Concern About Executive Order For Meat Packing Plants Under Defence Production Act During COVID-19 Emergency

Hi Larry,

(b) 5

From: Wheeler, Young - OSHA <Wheeler.Young@dol.gov>
Sent: Thursday, May 21, 2020 3:01 PM
To: McGowan, Larry - OSHA <McGowan.Larry@dol.gov>; (b) 6

(b) 6

Cc: (b) 6 Holmes, Mikki - OSHA <Holmes.Mikki@dol.gov>; Williams, Dionne - OSHA <Williams.Dionne@dol.gov>; Jillings, Lee Anne - OSHA <Jillings.LeeAnne@dol.gov>; Robinson, Kevin - OSHA <Robinson.Kevin@dol.gov>; (b) 6 <DeCanio.Angela@dol.gov>; Lawver, Christopher J. - OSHA <Lawver.Christopher.J@dol.gov>

Subject: RE: [Intra Agency Assignment Notification] CTS #14147: OSHA: Cleaver, Emanuel: Concern About Executive Order For Meat Packing Plants Under Defence Production Act During COVID-19 Emergency

Good afternoon Larry, (b) 6

(b) 5

Young

From: McGowan, Larry - OSHA <McGowan.Larry@dol.gov>
Sent: Friday, May 8, 2020 1:12 PM
To: (b) 6 Wheeler, Young - OSHA <Wheeler.Young@dol.gov>
Cc: (b) 6 olmes, Mikki - OSHA <Holmes.Mikki@dol.gov>; Williams, Dionne - OSHA <Williams.Dionne@dol.gov>
Subject: FW: [Intra Agency Assignment Notification] CTS #14147: OSHA: Cleaver, Emanuel: Concern About Executive Order For Meat Packing Plants Under Defence Production Act During COVID-19 Emergency

(b) 5

Larry

From: (b) 6
Sent: Friday, May 8, 2020 12:30 AM
To: (b) 6

Cc: McGowan, Larry - OSHA <McGowan.Larry@dol.gov>
Subject: RE: [Intra Agency Assignment Notification] CTS #14147: OSHA: Cleaver, Emanuel: Concern About Executive Order For Meat Packing Plants Under Defence Production Act During COVID-19 Emergency

Let me know what you think.

From: (b) 6
Sent: Monday, May 4, 2020 10:27 AM
To (b) 6
Cc: McGowan, Larry - OSHA <McGowan.Larry@dol.gov>
Subject: FW: [Intra Agency Assignment Notification] CTS #14147: OSHA: Cleaver, Emanuel: Concern About Executive Order For Meat Packing Plants Under Defence Production Act During COVID-19 Emergency

(b) 5

From (b) 6
Sent: Monday, May 04, 2020 11:17 AM
To: (b) 6 McGowan, Larry - OSHA <McGowan.Larry@dol.gov>
Cc: (b) 6
Subject: FW: [Intra Agency Assignment Notification] CTS #14147: OSHA: Cleaver, Emanuel: Concern About Executive Order For Meat Packing Plants Under Defence Production Act During COVID-19 Emergency

OHE,

Please respond to questions 1, 5, and 8.

Thank you,

(b) 6

From: Wanko, Jeffrey - OSHA <Wanko.Jeffrey@dol.gov>
Sent: Monday, May 4, 2020 11:13 AM
To: (b) 6 Kapust, Patrick - OSHA <Kapust.Patrick@dol.gov>
Subject: RE: [Intra Agency Assignment Notification] CTS #14147: OSHA: Cleaver, Emanuel: Concern About Executive Order For Meat Packing Plants Under Defence Production Act During COVID-19 Emergency

(b) 5

Thanks
jeff

From: (b) 6
Sent: Monday, May 4, 2020 9:59 AM
To: Kapust, Patrick - OSHA <Kapust.Patrick@dol.gov>; Wanko, Jeffrey - OSHA <Wanko.Jeffrey@dol.gov>
Subject: FW: [Intra Agency Assignment Notification] CTS #14147: OSHA: Cleaver, Emanuel: Concern About Executive Order For Meat Packing Plants Under Defence Production Act During COVID-19 Emergency

Patrick/Jeff

Attached is a Congressional correspondence assigned to DEP for response.

(b) 6

From: admin@cmp.dol.gov <admin@cmp.dol.gov>
Sent: Monday, May 4, 2020 8:17 AM
(b) 6
(b) 6
Subject: [Intra Agency Assignment Notification] CTS #14147: OSHA: Cleaver, Emanuel: Concern About Executive Order For Meat Packing Plants Under Defence Production Act During COVID-19 Emergency



The following Correspondence has an assignment for Directorate of Enforcement Programs (DEP). It will be displayed in the **My Work** tab.

Intra Agency Assignment Notification

CTS # 14147: Concern About Executive Order For Meat Packing Plants Under Defence Production Act During COVID-19 Emergency
Correspondence Type: Congressional Non-Casework
Action Agency: OSHA
Expected Date:
ExecSec Clearance Required: Yes

Comment:
DEP, Linked below is an incoming cabinet correspondence assigned to your directorate for response. Signature Level - Principal Deputy Assistant Secretary. Please coordinate with any appropriate regions and/or directorates. Please upload Draft Word version of response for OAS and departmental clearance. CCU will let you know when the response is approved for signing and mailing. Also, please provide a salutation list with the draft response. Thank you. OSHA CCU

Please review this Correspondence and draft a response.

The Correspondence will appear on the **Search** tab or you can access it directly through the hyperlink/url below:

Follow this link

Thank you,
DOL CMP Team
dolcmpteam@dol.gov

This is a system generated message. Please do not reply to this email.

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.[1]

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.[2] 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.[3]

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.[4] 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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[1] https://www.whitehouse.gov/presidential-actions/executive-order-delegating-authority-dpa-respect-food-supply-chain-resources-national-emergency-caused-outbreak-covid-19/

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

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

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

OSHA-002067

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?
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6) Will there be a hotline or other mechanism for employees to report violations?
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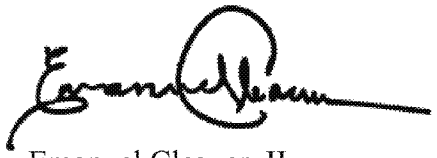
Maintaining our food supply chain is critical to the food security of all Americans, as well as our farmers and producers. however, it cannot be at the expense of worker health and safety,

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
Member of Congress

Joe Neguse
Member of Congress

Joaquin Castro
Member of Congress

Lizzie Fletcher
Member of Congress

Alexandria Ocasio-Cortez
Member of Congress

Peter A. DeFazio
Member of Congress

Mark Pocan
Member of Congress

Rashida Tlaib
Member of Congress

OSHA-002069

Brendan F. Boyle
Member of Congress

Bonnie Watson Coleman
Member of Congress

TJ Cox
Member of Congress

Judy Chu
Member of Congress

André Carson
Member of Congress

James P. McGovern
Member of Congress

Dina Titus
Member of Congress

Rosa L. DeLauro
Member of Congress

Jahana Hayes
Member of Congress

Jan Schakowsky
Member of Congress

Filemon Vela
Member of Congress

Alma S. Adams, Ph.D.
Member of Congress

Raul Grijalva
Member of Congress

Donald M. Payne, Jr.
Member of Congress

Cassidy, Sybil - EXECSEC

From: Executive Secretariat
Sent: Friday, May 1, 2020 2:46 PM
To: Cassidy, Sybil - EXECSEC
Subject: FW: Letter to Secretary Scalia regarding meat processing facilities
Attachments: Ltr on Meat Facilities FINAL.pdf

From: Smith, Jacob W - OCIA <Smith.Jacob.W@dol.gov>
Sent: Friday, May 1, 2020 2:37 PM
To: Executive Secretariat <m-Executive.Secretaria@dol.gov>
Cc: Wheeler, Joe - OCIA <Wheeler.Joe@dol.gov>; Walsh, John Patrick - OCIA <Walsh.JohnPatrick@dol.gov>; Thomas, Bradley J - OCIA <Thomas.Bradley.J@dol.gov>; Turner, Adam E - OCIA <Turner.Adam.E@dol.gov>
Subject: FW: Letter to Secretary Scalia regarding meat processing facilities

Hello,

Attached is a letter from 48 members to Secretary Scalia on PPE in meat processing facilities that are staying.

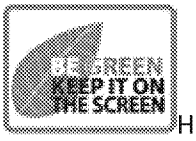
Thank you

From: Mahoney, Christina <Christina.Mahoney@mail.house.gov>
Sent: Friday, May 1, 2020 2:29 PM
To: Thomas, Bradley J - OCIA <Thomas.Bradley.J@dol.gov>; Smith, Jacob W - OCIA <Smith.Jacob.W@dol.gov>
Cc: Mahoney, Christina <Christina.Mahoney@mail.house.gov>; Garrison, Eyang <Eyang.Garrison@mail.house.gov>
Subject: Letter to Secretary Scalia regarding meat processing facilities

Hello,
Please see the attached letter signed by 48 members to Secretary Scalia regrading meat processing facilities.

Thank you,
Christina

Christina Mahoney
Legislative Director
Office of U.S. Representative Emanuel Cleaver, II
2335 Rayburn HOB, Washington, D.C. 20515
Ph: 202-225-4535 Fx: 202-225-4403



Hope On.

Message

From: McGowan, Larry - OSHA [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=82D06D77AEB5468AB56780E32454605C-MCGOWAN, LA]
Sent: 5/8/2020 5:12:18 PM
To: (b) 6
CC: (b) 6 (FYDIBOHF23SPDLT)/cn=Recipients/cn=db2ef411d74545b79a47056830306927-Orr, Gary -]; Holmes, Mikki - OSHA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ffa0e3b499654100bf7e3f7066ae1d00-Holmes, Mik]; Williams, Dionne - OSHA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ee09c10b393e4e8e821753f955d65f1f-Williams, D]
Subject: FW: [Intra Agency Assignment Notification] CTS #14147: OSHA: Cleaver, Emanuel: Concern About Executive Order For Meat Packing Plants Under Defence Production Act During COVID-19 Emergency
Attachments: CTS 14147 Cleaver, Emanuel Concern About Exec Order for Meat Packing smh.docx; CTS 14147_NewAssignment_Congressional_Cleaver.pdf; RE: [Intra Agency Assignment Notification] CTS #14147: OSHA: Cleaver, Emanuel: Concern About Executive Order For Meat Packing Plants Under Defence Production Act During COVID-19 Emergency; RE: [Intra Agency Assignment Notification] CTS #14147: OSHA: Cleaver, Emanuel: Express Concern About Use of Defense Protection Act to Compel Meat Processing Plants To Remain Open During COVID-19 Emergency; FW: CovidAttestation comments DEP 5-5-20 500 +sol OP edits

(b) 5

(b) 6

Sent: Friday, May 8, 2020 12:30 AM

(b) 6

Cc: McGowan, Larry - OSHA <McGowan.Larry@dol.gov>
Subject: RE: [Intra Agency Assignment Notification] CTS #14147: OSHA: Cleaver, Emanuel: Concern About Executive Order For Meat Packing Plants Under Defence Production Act During COVID-19 Emergency

Let me know what you think.

(b) 6

Sent: Monday, May 4, 2020 10:27 AM

(b) 6

Cc: McGowan, Larry - OSHA <McGowan.Larry@dol.gov>

Subject: FW: [Intra Agency Assignment Notification] CTS #14147: OSHA: Cleaver, Emanuel: Concern About Executive Order For Meat Packing Plants Under Defence Production Act During COVID-19 Emergency

(b) 5

(b) 6

Sent: Monday, May 04, 2020 11:17 AM
To: (b) 6 McGowan, Larry - OSHA <McGowan.Larry@dol.gov>
Cc: (b) 6
Subject: FW: [Intra Agency Assignment Notification] CTS #14147: OSHA: Cleaver, Emanuel: Concern About Executive Order For Meat Packing Plants Under Defence Production Act During COVID-19 Emergency

OHE,

(b) 5

Thank you,

(b) 6

From: Wanko, Jeffrey - OSHA <Wanko.Jeffrey@dol.gov>
Sent: Monday, May 4, 2020 11:13 AM
To: Bulluck, Angel - OSHA <Bulluck.Angel@dol.gov>; Kapust, Patrick - OSHA <Kapust.Patrick@dol.gov>
Subject: RE: [Intra Agency Assignment Notification] CTS #14147: OSHA: Cleaver, Emanuel: Concern About Executive Order For Meat Packing Plants Under Defence Production Act During COVID-19 Emergency

OHE can respond to #1, 5, and 8. I don't see anything else here to which DEP can respond.

Thanks
jeff

(b) 6

Sent: Monday, May 4, 2020 9:59 AM
To: Kapust, Patrick - OSHA <Kapust.Patrick@dol.gov>; Wanko, Jeffrey - OSHA <Wanko.Jeffrey@dol.gov>
Subject: FW: [Intra Agency Assignment Notification] CTS #14147: OSHA: Cleaver, Emanuel: Concern About Executive Order For Meat Packing Plants Under Defence Production Act During COVID-19 Emergency

Patrick/Jeff

Attached is a Congressional correspondence assigned to DEP for response.

(b) 6

From: admin@cmp.dol.gov <admin@cmp.dol.gov>
Sent: Monday, May 4, 2020 8:17 AM

To: (b) 6

(b) 6

Subject: [Intra Agency Assignment Notification] CTS #14147: OSHA: Cleaver, Emanuel: Concern About Executive Order For Meat Packing Plants Under Defence Production Act During COVID-19 Emergency



The following Correspondence has an assignment for Directorate of Enforcement Programs (DEP). It will be displayed in the **My Work** tab.

Intra Agency Assignment Notification

CTS # 14147: Concern About Executive Order For Meat Packing Plants Under Defence Production Act During COVID-19 Emergency
Correspondence Type: Congressional Non-Casework
Action Agency: OSHA
Expected Date:
ExecSec Clearance Required: Yes

Comment:
DEP, Linked below is an incoming cabinet correspondence assigned to your directorate for response. Signature Level - Principal Deputy Assistant Secretary. Please coordinate with any appropriate regions and/or directorates. Please upload Draft Word version of response for OAS and departmental clearance. CCU will let you know when the response is approved for signing and mailing. Also, please provide a salutation list with the draft response. Thank you. OSHA CCU

Please review this Correspondence and draft a response.

The Correspondence will appear on the **Search** tab or you can access it directly through the hyperlink/url below:

Follow this link

Thank you,
DOL CMP Team
dolcmpteam@dol.gov

This is a system generated message. Please do not reply to this email.

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.[1]

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.[2] 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.[3]

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.[4] 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:

---

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

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

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

[4] 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
Member of Congress

Joe Neguse
Member of Congress

Joaquin Castro
Member of Congress

Lizzie Fletcher
Member of Congress

Alexandria Ocasio-Cortez
Member of Congress

Peter A. DeFazio
Member of Congress

Mark Pocan
Member of Congress

Rashida Tlaib
Member of Congress

Brendan F. Boyle
Member of Congress

Bonnie Watson Coleman
Member of Congress

TJ Cox
Member of Congress

Judy Chu
Member of Congress

André Carson
Member of Congress

James P. McGovern
Member of Congress

Dina Titus
Member of Congress

Rosa L. DeLauro
Member of Congress

Jahana Hayes
Member of Congress

Jan Schakowsky
Member of Congress

Filemon Vela
Member of Congress

Alma S. Adams, Ph.D.
Member of Congress

Raul Grijalva
Member of Congress

Donald M. Payne, Jr.
Member of Congress

Cassidy, Sybil - EXECSEC

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Sent: Friday, May 1, 2020 2:46 PM
To: Cassidy, Sybil - EXECSEC
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Cc: Wheeler, Joe - OCIA <Wheeler.Joe@dol.gov>; Walsh, John Patrick - OCIA <Walsh.JohnPatrick@dol.gov>; Thomas, Bradley J - OCIA <Thomas.Bradley.J@dol.gov>; Turner, Adam E - OCIA <Turner.Adam.E@dol.gov>
Subject: FW: Letter to Secretary Scalia regarding meat processing facilities

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Sent: Friday, May 1, 2020 2:29 PM
To: Thomas, Bradley J - OCIA <Thomas.Bradley.J@dol.gov>; Smith, Jacob W - OCIA <Smith.Jacob.W@dol.gov>
Cc: Mahoney, Christina <Christina.Mahoney@mail.house.gov>; Garrison, Eyang <Eyang.Garrison@mail.house.gov>
Subject: Letter to Secretary Scalia regarding meat processing facilities

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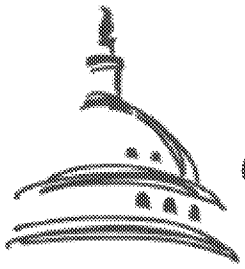
Thank you,
Christina

Christina Mahoney
Legislative Director
Office of U.S. Representative Emanuel Cleaver, II
2335 Rayburn HOB, Washington, D.C. 20515
Ph: 202-225-4535 Fx: 202-225-4403



Hope On.



Occupational Safety and Health Administration (OSHA): Emergency Temporary Standards (ETS) and COVID-19

Updated October 20, 2020

Congressional Research Service
https://crsreports.congress.gov
R46288

CRS REPORT
Prepared for Members and
Committees of Congress

OSHA-002321

Congressional Research Service
Informing the legislative debate since 1914

SUMMARY

R46288

October 20, 2020

Scott D. Szymendera
Analyst in Disability Policy

Occupational Safety and Health Administration (OSHA): Emergency Temporary Standards (ETS) and COVID-19

The Occupational Safety and Health Administration (OSHA) does not currently have a specific standard that protects healthcare or other workers from airborne or aerosol transmission of disease or diseases transmitted by airborne droplets. Some in Congress, and some groups representing healthcare, meat and poultry processing, and other workers, are calling on OSHA to promulgate an emergency temporary standard (ETS) to protect workers from exposure to SARS-CoV-2, the virus that causes Coronavirus Disease 2019 (COVID-19). The Occupational Safety and Health Act of 1970 (OSH Act) gives OSHA the ability to promulgate an ETS that would remain in effect for up to six months without going through the normal review and comment process of rulemaking. OSHA, however, has rarely used this authority in the past—not since the courts struck down its ETS on asbestos in 1983.

The California Division of Occupational Safety and Health (Cal/OSHA), which operates California's state occupational safety and health plan, has had an aerosol transmissible disease (ATD) standard since 2009. This standard includes, among other provisions, the requirement that employers provide covered employees with respirators, rather than surgical masks, when these workers interact with ATDs, such as known or suspected COVID-19 cases. In addition, according to the Cal/OSHA ATD standard, certain procedures require the use of powered air purifying respirators (PAPR).

The Virginia state occupational safety and health plan (VOSH) and the Michigan state occupational safety and health plan (MIOSHA) have each promulgated emergency standards to specifically address COVID-19 in workplaces. Unlike the Cal/OSHA ATD standard, these emergency standards are in effect for only six months and apply to all employers.

H.R. 6139, the COVID-19 Health Care Worker Protection Act of 2020, would require OSHA to promulgate an ETS on COVID-19 that incorporates both the Cal/OSHA ATD standard and the Centers for Disease Control and Prevention's (CDC's) 2007 guidelines on occupational exposure to infectious agents in healthcare settings; similar provisions appear in S. 3475. The CDC's 2007 guidelines generally require stricter controls than its interim guidance on COVID-19 exposure. The provisions of H.R. 6139 were incorporated into the version of H.R. 6201, the Families First Coronavirus Response Act, as introduced in the House. The OSHA ETS provisions were not included in the House- and Senate-passed version of legislation that was signed into law as P.L. 116-127.

H.R. 6379, as introduced in the House, also would include a requirement for an OSHA ETS and permanent standard to address COVID-19 exposure; similar provisions appear in S. 3584. H.R. 6559 would include the requirements for an ETS and permanent standard, clarify the requirement that employers must report work-related COVID-19 cases, and expand protections for whistleblowers; similar provisions appear in S. 3677. The provisions of H.R. 6559 were included in H.R. 6800, The Heroes Act, passed by the House on May 15, 2020, and in the House Amendment to the Senate Amendment to H.R. 925, the revised Heroes Act passed by the House on October 1, 2020.

Through October 1, 2020, OSHA has issued COVID-19-related citations to employers at 62 work sites, with total proposed penalties of $913,133. These citations have been issued for violations of the OSH Act's General Duty Clause and other existing OSHA standards, such as those for respiratory protection, that may apply to COVID-19. Senators Elizabeth Warren and Cory A. Booker have raised concerns about the low amount of penalties being assessed for COVID-19-related violations.

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Occupational Safety and Health Administration Standards

Section 6 of the Occupational Safety and Health Act of 1970 (OSH Act) grants the Occupational Safety and Health Administration (OSHA) of the Department of Labor (DOL) the authority to promulgate, modify, or revoke occupational safety and health standards that apply to private sector employers, the United States Postal Service, and the federal government as an employer.[1] In addition, Section 5(a)(1) of the OSH Act, commonly referred to as the General Duty Clause, requires that all employers under OSHA's jurisdiction provide workplaces free of "recognized hazards that are causing or are likely to cause death or serious physical harm" to their employees.[2] OSHA has the authority to enforce employer compliance with its standards and with the General Duty Clause through the issuance of abatement orders, citations, and civil monetary penalties. The OSH Act does not cover state or local government agencies or units. Thus, certain entities that may be affected by Coronavirus Disease 2019 (COVID-19), such as state and local government hospitals, local fire departments and emergency medical services, state prisons and county jails, and public schools, are not covered by the OSH Act or subject to OSHA regulation or enforcement.

State Plans

Section 18 of the OSH Act authorizes states to establish their own occupational safety and health plans and preempt standards established and enforced by OSHA.[3] OSHA must approve state plans if they are "at least as effective" as OSHA's standards and enforcement.[4] If a state adopts a state plan, it also must cover state and local government entities, such as public schools, not covered by OSHA. Currently, 21 states and Puerto Rico have state plans that cover all employers, and 5 states and the U.S. Virgin Islands have state plans that cover only state and local government employers not covered by the OSH Act.[5] In the remaining states, state and local government employers are not covered by OSHA standards or enforcement. State plans may incorporate OSHA standards by reference, or states may adopt their own standards that are at least as effective as OSHA's standards. State plans do not have jurisdiction over federal agencies and generally do not cover maritime workers and private-sector workers at military bases or other federal facilities.

Promulgation of OSHA Standards

OSHA may promulgate occupational safety and health standards on its own initiative or in response to petitions submitted to the agency by various government agencies, the public, or employer and employee groups.[6] OSHA is not required, however, to respond to a petition for a

[1] 29 U.S.C. §655. The provisions of the Occupational Safety and Health Act of 1970 (OSH Act) are extended to the legislative branch as an employer by the Congressional Accountability Act (P.L. 104-1).

[2] 29 U.S.C. §654(a)(1).

[3] 29 U.S.C. §667.

[4] For additional information on Occupational Safety and Health Administration (OSHA) state plans, see CRS Report R43969, *OSHA State Plans: In Brief, with Examples from California and Arizona*.

[5] Information on specific state plans is available from the OSHA website at https://www.osha.gov/stateplans.

[6] Per Section 6(b)(1) of the OSH Act [29 §655(b)(1)], a petition may be submitted by "an interested person, a representative of any organization of employers or employees, a nationally recognized standards-producing

standard or to promulgate a standard in response to a petition. OSHA may also consult with one of the two statutory standing advisory committees—the National Advisory Committee on Occupational Safety and Health (NACOSH) or the Advisory Committee on Construction Safety and Health (ACCSH)—or an ad-hoc advisory committee for assistance in developing a standard.[7]

Notice and Comment

OSHA's rulemaking process for the promulgation of standards is largely governed by the provisions of the Administrative Procedure Act (APA) and Section 6(b) of the OSH Act.[8] Under the APA informal rulemaking process, federal agencies, including OSHA, are required to provide notice of proposed rules through the publication of a Notice of Proposed Rulemaking in the *Federal Register* and provide the public a period of time to provide comments on the proposed rules.

Section 7(b) of the OSH Act mirrors the APA in that it requires notice and comment in the rulemaking process.[9] After publishing a proposed standard, the public must be given a period of at least 30 days to provide comments. In addition, any person may submit written objections to the proposed standard and may request a public hearing on the standard.

Statement of Reasons

Section 6(e) of the OSH Act requires OSHA to publish in the *Federal Register* a statement of the reasons the agency is taking action whenever it promulgates a standard, conducts other rulemaking, or takes certain additional actions, including issuing an order, compromising on a penalty amount, or settling an issued penalty.[10]

Other Relevant Laws and Executive Order 12866

In addition to the APA and OSH Act, other federal laws that generally apply to OSHA rulemaking include the Paperwork Reduction Act,[11] Regulatory Flexibility Act,[12] Congressional Review Act,[13] Information Quality Act,[14] and Small Business Regulatory Enforcement Fairness Act (SBREFA).[15] Also, Executive Order 12866, issued by President Clinton in 1993, requires

---

organization, the Secretary of Health and Human Services (HHS), the National Institute for Occupational Safety and Health, or a state or political subdivision."

[7] The National Advisory Committee on Occupational Safety and Health (NACOSH) was established by Section 7(a) of the OSH Act [29 U.S.C. §656(a)]. The Advisory Committee on Construction Safety and Health (ACCSH) was established by Section 107 of the Contract Work Hours and Safety Act (P.L. 87-581). Section 7(b) of the OSH Act provides OSHA the authority to establish additional advisory committees.

[8] The Administrative Procedure Act (APA) is codified at 5 U.S.C. §§500-596. For detailed information on federal agency rulemaking and the APA, see CRS Report RL32240, *The Federal Rulemaking Process: An Overview*.

[9] 29 U.S.C. §655(b).

[10] 29 U.S.C §655(e).

[11] 44 U.S.C. §§3501-3520.

[12] 5 U.S.C. §§601-612.

[13] 5 U.S.C. §§801-808.

[14] 44 U.S.C. §3516 note.

[15] 5 U.S.C. §601 note. For information on these additional laws that apply to OSHA rulemaking, see U.S. Government Accountability Office (GAO), *Workplace Safety and Health: Multiple Challenges Lengthen OSHA's Standard Setting*, GAO-12-330, April 2012, Appendix II, at https://www.gao.gov/products/GAO-12-330 (hereinafter cited as GAO-12-330, *Workplace Safety and Health*).

OSHA-002326

agencies to submit certain regulatory actions to the Office of Management and Budget (OMB) and Office of Information and Regulatory Affairs (OIRA) for review before promulgation.[16]

OSHA Rulemaking Time Line

OSHA rulemaking for new standards historically has been a relatively time-consuming process. In 2012, at the request of Congress, the Government Accountability Office (GAO) reviewed 59 significant OSHA standards promulgated between 1981 (after the enactments of the Paperwork Reduction Act and Regulatory Flexibility Act) and 2010.[17] For these standards, OSHA's average time between beginning formal consideration of the standard—either through publishing a Request for Information or Advance Notice of Proposed Rulemaking in the *Federal Register* or placing the rulemaking on its semiannual regulatory agenda—and promulgation of the standard was 93 months (7 years, 9 months). Once the Notice of Proposed Rulemaking was published for these 59 standards, the average time until promulgation of the standard was 39 months (3 years, 3 months).

In 2012, OSHA's Directorate of Standards and Guidance published a flowchart of the OSHA rulemaking process on the agency's website.[18] This flowchart includes estimated duration ranges for a variety of rulemaking actions, beginning with pre-rule activities—such as developing the idea for the standard and meeting with stakeholders—and ending with promulgation of the standard. The flowchart also includes an estimated duration range for post-promulgation activities, such as judicial review. The estimated time from the start of preliminary rulemaking to the promulgation of a standard ranges from 52 months (4 years, 4 months) to 138 months (11 years, 6 months). After a Notice of Proposed Rulemaking is published in the *Federal Register,* the estimated length of time until the standard is promulgated ranges from 26 months (2 years, 2 months) to 63 months (5 years, 3 months). **Table 1** provides OSHA's estimated time lines for six major pre-rulemaking and rulemaking activities leading to the promulgation of a standard.

Table 1. OSHA Rulemaking Process: Estimated Durations of Activities

Stage	Activities	Estimated Duration
1	Preliminary rulemaking activities	12-36 months
2	Developing the proposed rule	12-36 months
3	Publishing the Notice of Proposed Rulemaking (NPRM)	2-3 months
4	Developing and analyzing the rulemaking record, including public comments and hearings	6-24 months
5	Developing the final rule, including Office of Information and Regulatory Affairs (OIRA) submission	18-36 months
6	Publishing the final rule (promulgating the new standard)	2-3 months
Total estimated duration		52-138 months
Estimated duration from NPRM to final rule		26-63 months

Source: Congressional Research Service (CRS) with data from Occupational Safety and Health Administration (OSHA), Directorate of Standards and Guidance, *The OSHA Rulemaking Process*, October 15, 2012, at https://www.osha.gov/OSHA_FlowChart.pdf.

[16] Executive Order 12866, "Regulatory Planning and Review," 58 *Federal Register* 51735, October 4, 1993.

[17] GAO-12-330, *Workplace Safety and Health*.

[18] OSHA, Directorate of Standards and Guidance, *The OSHA Rulemaking Process*, October 15, 2012, at https://www.osha.gov/OSHA_FlowChart.pdf.

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Judicial Review

Both the APA and the OSH Act provide for judicial review of OSHA standards. Section 7(f) of the OSH Act provides that any person who is "adversely affected" by a standard may file, within 60 days of its promulgation, a petition challenging the standard with the U.S. Court of Appeals for the circuit in which the person lives or maintains his or her principal place of business.[19] A petition for judicial review does not automatically stay the implementation or enforcement of the standard. However, the court may order such a stay. OSHA estimates that post-promulgation activities, including judicial review, can take between 4 and 12 months after the standard is promulgated.[20]

Emergency Temporary Standards

Section 6(c) of the OSH Act provides the authority for OSHA to issue an Emergency Temporary Standard (ETS) without having to go through the normal rulemaking process. OSHA may promulgate an ETS without supplying any notice or opportunity for public comment or public hearings. An ETS is immediately effective upon publication in the *Federal Register*. Upon promulgation of an ETS, OSHA is required to begin the full rulemaking process for a permanent standard with the ETS serving as the proposed standard for this rulemaking. An ETS is valid until superseded by a permanent standard, which OSHA must promulgate within six months of publishing the ETS in the *Federal Register*.[21] An ETS must include a statement of reasons for the action in the same manner as required for a permanent standard. State plans are required to adopt or adhere to an ETS, although the OSH Act is not clear on how quickly a state plan must come into compliance with an ETS.

ETS Requirements

Section 6(c)(1) of the OSH Act requires that both of the following determinations be made in order for OSHA to promulgate an ETS:

- that employees are exposed to grave danger from exposure to substances or agents determined to be toxic or physically harmful or from new hazards, and
- that such emergency standard is necessary to protect employees from such danger.

Grave Danger Determination

The term *grave danger*, used in the first mandatory determination for an ETS, is not defined in statute or regulation. The legislative history demonstrates the intent of Congress that the ETS process "not be utilized to circumvent the regular standard-setting process," but the history is unclear as to how Congress intended the term grave danger to be defined.[22]

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[19] 29 U.S.C. §655(f).

[20] OSHA, Directorate of Standards and Guidance, *The OSHA Rulemaking Process*, October 15, 2012, at https://www.osha.gov/OSHA_FlowChart.pdf.

[21] 29 U.S.C §655(c)(2).

[22] U.S. Congress, Senate Labor and Public Welfare, Subcommittee on Labor, *Legislative History of the Occupational Safety and Health Act of 1970 (S. 2193, P.L. 91-596)*, committee print, prepared by Subcommittee on Labor, 91st Cong., 1 sess., June 1971, 52-531 (Washington: GPO, 1971), p. 1218.

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In addition, although the federal courts have ruled on challenges to previous ETS promulgations, the courts have provided no clear guidance as to what constitutes a grave danger. In 1984, the U.S. Court of Appeals for the Fifth Circuit in *Asbestos Info. Ass'n v. OSHA* issued a stay and invalidated OSHA's November 1983 ETS lowering the permissible exposure limit for asbestos in the workplace.[23] In its decision, the court stated that "gravity of danger is a policy decision committed to OSHA, not to the courts."[24] The court, however, ultimately rejected the ETS, in part on the grounds that OSHA did not provide sufficient support for its claim that 80 workers would ultimately die because of exposures to asbestos during the six-month life of the ETS.

Necessity Determination

In addition to addressing a grave danger to employees, an ETS must also be *necessary* to protect employees from that danger. In *Asbestos Info. Ass'n*, the court invalidated the asbestos ETS for the additional reason that OSHA had not demonstrated the necessity of the ETS. The court cited, among other factors, the duplication between the respirator requirements of the ETS and OSHA's existing standards requiring respirator use. The court dismissed OSHA's argument that the ETS was necessary because the agency felt that the existing respiratory standards were "unenforceable absent actual monitoring to show that ambient asbestos particles are so far above the permissible limit that respirators are necessary to bring employees' exposure within the PEL of 2.0 f/cc."[25] The court determined that "fear of a successful judicial challenge to enforcement of OSHA's permanent standard regarding respirator use hardly justifies resort to the most dramatic weapon in OSHA's enforcement arsenal."[26]

Although OSHA has not promulgated an ETS since the 1983 asbestos standard, it has since determined the necessity of an ETS. In 2006, the agency considered a petition from the United Food and Commercial Workers (UFCW) and International Brotherhood of Teamsters (IBT) for an ETS on diacetyl. The UFCW and IBT petitioned OSHA for the ETS after the National Institute for Occupational Safety and Health (NIOSH) and other researchers found that airborne exposure to diacetyl, then commonly used as an artificial butter flavoring in microwave popcorn and a flavoring in other food and beverage products, was linked to the lung disease *bronchiolitis obliterans*, now commonly referred to as "popcorn lung."[27] According to GAO's 2012 report on OSHA's standard-setting processes, OSHA informed GAO that although the agency may have been able to issue an ETS based on the grave danger posed by diacetyl, the actions taken by the food and beverage industries, including reducing or removing diacetyl from products, made it less likely that the necessity requirement could be met.[28]

ETS Duration

Section 6(c)(2) of the OSH Act provides that an ETS is effective until superseded by a permanent standard promulgated pursuant to the normal rulemaking provisions of the OSH Act. Section 6(c)(3) of the OSH Act requires OSHA to promulgate a permanent standard within six months of

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[23] 727 F.2d at 415, 425-427 (5th Cir. 1984).

[24] 727 F.2d at 427 (5th Cir. 1984).

[25] 727 F.2d at 427 (5th Cir. 1984). The ETS mandated a permissible exposure limit (PEL) for asbestos of two asbestos fibers per cubic centimeter of air (2.0 f/cc).

[26] 727 F.2d at 427 (5th Cir. 1984).

[27] See, for example, Centers for Disease Control and Prevention (CDC): National Institute for Occupational Safety and Health (NIOSH), *NIOSH Alert: Preventing Lung Disease in Workers who Use or Make Flavorings*, DHHS (NIOSH) publication no. 2004–110, December 2003, at https://www.cdc.gov/niosh/docs/2004-110/.

[28] GAO-12-330, *Workplace Safety and Health*.

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promulgating the ETS. As shown earlier in this report, six months is well outside of historical and currently expected time frames for developing and promulgating a standard under the notice and comment provisions of the APA and OSH Act, as well as under other relevant federal laws and executive orders. This dichotomy between the statutory mandate to promulgate a standard and the time lines that, based on historical precedent, other provisions in the OSH Act might realistically require for such promulgation raises the question of whether or not OSHA could extend an ETS's duration without going through the normal rulemaking process. The statute and legislative history do not clearly address this question.

OSHA has used its ETS authority sparingly in its history and not since the asbestos ETS promulgated in 1983. As shown in **Table A-1** in the Appendix, of the nine times OSHA has issued an ETS, the courts have fully vacated or stayed the ETS in four cases and partially vacated the ETS in one case.[29] Of the five cases that were not challenged or that were fully or partially upheld by the courts, OSHA issued a permanent standard either within the six months required by the statute or within several months of the six-month period and always within one year of the promulgation of the ETS.[30] Each of these cases, however, occurred before 1980, when a combination of additional federal laws and court decisions added additional procedural requirements to the OSHA rulemaking process. OSHA did not attempt to extend the ETS's expiration date in any of these cases.

Although the courts have not ruled directly on an attempt by OSHA to solely extend the life of an ETS, in 1974, the U.S. Court Appeals for the Fifth Circuit held in *Florida Peach Growers Ass'n v. United States Department of Labor* that OSHA was within its authority to amend an ETS without going through the normal rulemaking process.[31] The court stated that "it is inconceivable that Congress, having granted the Secretary the authority to react quickly in fast-breaking emergency situations, intended to limit his ability to react to developments subsequent to his initial response."[32] The court also recognized the difficulty OSHA may have in promulgating a standard within six months due to the notice and comment requirements of the OSH Act, stating that in the case of OSHA seeking to amend an ETS to expand its focus, "adherence to subsection (b) procedures would not be in the best interest of employees, whom the Act is designed to protect. Such lengthy procedures could all too easily consume all of the temporary standard's six months life."[33]

[29] Mark A. Rothstein, "Substantive and Procedural Obstacles to OSHA Rulemaking: Reproductive Hazards as an Example," *Boston College Environmental Affairs Law Review*, vol. 12, no. 4 (August 1985), p. 673.

[30] For example, OSHA promulgated the Acrylonitrile (vinyl cyanide) ETS on January 17, 1978, and the permanent standard on October 3, 1978, with an effective date of November 2, 1978. The preamble to the permanent standard published in the *Federal Register* does not include information on the status of the ETS during the time between its expiration and the promulgation of the permanent standard. OSHA, "Occupational Exposure to Acrylonitrile (Vinyl Cyanide)," 43 *Federal Register* 45762, October 3, 1978.

[31] 489 F.2d. 120 (5th Cir. 1974).

[32] 489 F.2d. at 127 (5th Cir. 1974).

[33] 489 F.2d. at 127 (5th Cir. 1974).

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OSHA Standards Related to COVID-19

Current OSHA Standards

Currently, no OSHA standard directly covers exposure to airborne or aerosol diseases in the workplace. As a result, OSHA is limited in its ability to enforce protections for healthcare and other workers who may be exposed to SARS-CoV-2, the virus that causes COVID-19.[34]

OSHA may enforce the General Duty Clause in the absence of a standard, if it can be determined that an employer has failed to provide a worksite free of "recognized hazards" that are "causing or are likely to cause death or serious physical harm" to workers.[35] In addition, OSHA's standards for the use of personal protective equipment (PPE) may apply in cases in which workers require eye, face, hand, or respiratory protection against COVID-19 exposure.[36]

As of October 1, 2020, OSHA has issued citations related to COVID-19 to employers at 62 work sites resulting in a total of $913,133 in proposed civil penalties.[37] The majority of these citations were issued to healthcare, nursing, and long-term care providers, including two Department of Veterans Affairs facilities—a hospital in Indianapolis, Indiana, and a community living center in Queens, New York.[38] Two employers in the meat processing industry—Smithfield Packaged Foods, Inc. in Sioux Falls, South Dakota and JBS Foods, Inc. in Greeley, Colorado—were also cited.[39] In the two meat processing cases, citations were issued for General Duty Clause violations. Other citations were issued for violations of OSHA's respiratory protection, injury and illness reporting, and recordkeeping standards.

The highest amount of proposed penalties issued to a single employer for COVID-19-related violations was $28,070 to the Harborage nursing home operated by Hackensack Meridian Healthcare in New Jersey for four serious and one other than serious violations of the respiratory protection standard.[40] For two of the serious violations, OSHA issued the maximum allowable penalty of $13,494.[41] For the other two serious violations, OSHA issued citations but no monetary penalties. For the other than serious violation, OSHA issued a penalty of $1,082. The two meat processing employers were each assessed maximum penalties of $13,494 for serious violations of the General Duty Clause.

In a letter to OSHA, Senators Elizabeth Warren and Cory A. Booker raised concerns over the amount of penalties issued to these employers.[42] The Senators asked OSHA why these employers

[34] OSHA has a standard on blood-borne pathogens (29 C.F.R. §1910.1030) but does not have a standard on pathogens transmitted by airborne droplets.

[35] 29 U.S.C. §654(a)(1).

[36] 29 C.F.R. §§1910.133, 1910.134, and 1910.138.

[37] OSHA, *U.S. Department of Labor's OSHA Announces $913,133 in Coronavirus Violations*, OSHA National News Release, October 9, 2020, https://www.osha.gov/news/newsreleases/national/10092020.

[38] A list of all COVID-19-related citations issued by OSHA through October 1, 2020, is available at https://www.osha.gov/enforcement/covid-19-data/inspections-covid-related-citations.

[39] OSHA has the authority to issue citations to Executive Branch agencies, but does not have the authority to issue civil monetary penalties to these agencies.

[40] Detailed information on the citations issued to this employer is available at https://www.osha.gov/pls/imis/establishment.inspection_detail?id=1476465.015.

[41] OSHA citations are classified as "serious," "other than serious," "willful," or "repeated." The maximum amounts of OSHA penalties are subject to annual inflationary adjustments.

[42] Letter from Senators Elizabeth Warren and Cory A. Booker to Loren Sweatt, Principal Deputy Assistant Secretary of

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were each cited for single serious violations of the General Duty Clause rather than multiple violations for each area of the facilities in which social distancing measures were not implemented. They also asked why OSHA did not issue penalties for willful or repeated violations that carry maximum penalties of $134,937 per violation. None of the employers cited for COVID-19-related violations were issued penalties for willful or repeated violations.

OSHA Respiratory Protection Standard

National Institute for Occupational Safety and Health Certification

The OSHA respiratory protection standard requires the use of respirators certified by NIOSH in cases in which engineering controls, such as ventilation or enclosure of hazards, are insufficient to protect workers from breathing contaminated air.[43] Surgical masks, procedure masks, and dust masks are not considered respirators. NIOSH certifies respirators pursuant to federal regulations.[44] For nonpowered respirators, such as filtering face piece respirators commonly used in healthcare and construction, NIOSH classifies respirators based on their efficiency at filtering airborne particles and their ability to protect against oil particles. Under the NIOSH classification system, the letter (N, R, or P) indicates the level of oil protection as follows: N—no oil protection; R—oil resistant; and P—oil proof. The number following the letter indicates the efficiency rating of the respirator as follows: 95—filters 95% of airborne particles; 97—filters 97% of airborne particles; and 100—filters 99.7% of airborne particles. Thus an N95 respirator, the most common type, is one that does not protect against oil particles and filters out 95% of airborne particles. An R or P respirator can be used in place of an N respirator.

A respirator that is past its manufacturer-designated shelf life is no longer considered to be certified by NIOSH. However, in response to potential shortages in respirators, NIOSH has tested and approved certain models of respirators for certified use beyond their manufacturer-designated shelf lives.[45]

Respirators designed for certain medical and surgical uses are subject to both certification by NIOSH (for oil protection and efficiency) and regulation by the Food and Drug Administration (FDA) as medical devices. In general, respirators with exhalation valves cannot be used in surgical and certain medical settings because, although the presence of an exhalation valve does not affect the respirator's protection afforded the user, it may allow unfiltered air from the user into a sterile field. On March 2, 2020, FDA issued an Emergency Use Authorization (EUA) to approve for use in medical settings certain NIOSH-certified respirators not previously regulated by FDA.[46]

Labor, Occupational Safety and Health Administration, September 22, 2020, https://www.warren.senate.gov/imo/media/doc/Letter%20from%20Senators%20Warren,%20Booker%20to%20OSHA%209-22-20.pdf.

[43] 29 C.F.R. §1910.134.

[44] 42 C.F.R. Part 84.

[45] NIOSH, *Release of Stockpiled Filtering Facepiece Respirators Beyond the Manufacturer-Designated Shelf Life: Considerations for the COVID-19 Response*, February 28, 2020, at https://www.cdc.gov/coronavirus/2019-ncov/release-stockpiled-N95.html.

[46] Letter from RADM Denise M. Hinton, chief scientist, Food and Drug Administration (FDA), to Robert R. Redfield, Director, CDC, March 2, 2020, at https://www.fda.gov/media/135763/download. The list of respirators approved under this Emergency Use Authorization (EUA) is in Appendix B to this letter, updated at https://www.fda.gov/media/135921/download.

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CDC Interim Guidance on Respiratory Protection

On March 10, 2020, the Centers for Disease Control and Prevention (CDC) updated its interim guidance for the protection of healthcare workers against exposure to COVID-19 to permit healthcare workers caring for known or suspected COVID-19 cases to use "facemasks" when respirators are not available or are in limited supply.[47] This differs from the CDC's 2007 guidelines for control of infectious agents in healthcare settings, which required the use of respirators for treatment of known or suspected cases.[48] CDC states that respirators should be prioritized for use in medical procedures likely to generate respiratory aerosols. Before this interim guidance was released, Representative Bobby Scott, Chairman of the House Committee on Education and Labor, and Representative Alma Adams, Chair of the Subcommittee on Workforce Protections, sent a letter to Secretary of Health and Human Services (HHS) Alex M. Azar II expressing their opposition to this change in the interim standard.[49]

Medical Evaluation and Fit Testing

The OSHA respiratory protection standard requires that the employer provide a medical evaluation to the employee to determine if the employee is physiologically able to use a respirator. This medical evaluation must be completed before any fit testing. For respirators designed to fit tightly against the face, the specific type and model of respirator that an employee is to use must be fit tested in accordance with the procedures provided in Appendix A of the OSHA respiratory protection standard to ensure there is a complete seal around the respirator when worn.[50] Once an employee has been fit tested for a respirator, he or she is required to be fit tested annually or whenever the model of respirator, but not the actual respirator itself, is changed. Each time an individual uses a respirator, he or she is required to perform a check of the seal of the respirator to his or her face in accordance with the procedures provided in Appendix B of the standard.[51] On March 14, 2020, OSHA issued guidance permitting employers to suspend annual fit testing of respirators for employees that have already been fit tested on the same model respirator.

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[47] Although the interim guidance does not specifically define the term *facemask*, it does differentiate between a facemask and a respirator such that any recommendation to use a facemask does not require the use of a respirator. CDC, *Interim Infection Prevention and Control Recommendations for Patients with Suspected or Confirmed Coronavirus Disease 2019 (COVID-19) in Healthcare Settings*, updated March 10, 2020, at https://www.cdc.gov/coronavirus/2019-ncov/infection-control/control-recommendations.html.

[48] CDC, *2007 Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings*, updated July 2019, at https://www.cdc.gov/infectioncontrol/pdf/guidelines/isolation-guidelines-H.pdf.

[49] Letter from Representative Robert C. "Bobby" Scott, chairman, House Committee on Education and Labor, and Representative Alma S. Adams, chair, Subcommittee on Workforce Protections, to The Honorable Alex M. Azar II, Secretary of HHS, March 9, 2020, at https://edlabor.house.gov/imo/media/doc/Azar%20Redfield%20Letter_SIGNED%202020-03-09.pdf.

[50] 29 C.F.R. §1910.134 Appendix A. Powered air purifying respirators (PAPR) that do not require a seal to the user's face do not need to be fit tested.

[51] 29 C.F.R. §1910.134 Appendix B.

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Temporary OSHA Enforcement Guidance on the Respiratory Protection Standard

In response to shortages of respirators and other PPE during the national response to the COVID-19 pandemic, OSHA has issued three sets of temporary enforcement guidance to permit the following exceptions to the respiratory protection standard:

1. Employers may suspend annual fit testing of respirators for employees that have already been fit tested on the same model respirator;[52]
2. Employers may permit the use of expired respirators and the extended use or reuse of respirators, provided the respirator maintains its structural integrity and is not damaged, soiled, or contaminated (e.g., with blood, oil, or paint);[53] and
3. Employers may permit the use of respirators not certified by NIOSH, but approved under standards used by the following countries or jurisdictions, in accordance with the protection equivalency tables provided in Appendices A and B of the enforcement guidance document:
   - Australia,
   - Brazil,
   - European Union,
   - Japan,
   - Mexico,
   - People's Republic of China, and
   - Republic of Korea.[54]

California: Cal/OSHA Aerosol Transmissible Disease Standard

Although no OSHA standard specifically covers aerosol or airborne disease transmission, the California Division of Occupational Safety and Health (Cal/OSHA), under its state plan, promulgated its aerosol transmissible disease (ATD) standard in 2009.[55] The ATD standard covers most healthcare workers, laboratory workers, as well as workers in correctional facilities, homeless shelters, and drug treatment programs. Under the ATD standard, SARS-CoV-2, the virus that causes COVID-19, is classified as a disease or pathogen requiring airborne isolation. This classification subjects the virus to stricter control standards than diseases requiring only

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[52] OSHA, *Temporary Enforcement Guidance - Healthcare Respiratory Protection Annual Fit-Testing for N95 Filtering Facepieces During the COVID-19 Outbreak*, March 14, 2020, at https://www.osha.gov/memos/2020-03-14/temporary-enforcement-guidance-healthcare-respiratory-protection-annual-fit.

[53] OSHA, *Enforcement Guidance for Respiratory Protection and the N95 Shortage Due to the Coronavirus Disease 2019 (COVID-19) Pandemic*, April 3, 2020, at https://www.osha.gov/memos/2020-04-03/enforcement-guidance-respiratory-protection-and-n95-shortage-due-coronavirus. Under this guidance, employers are required to address in their written respiratory protection plans when respirators are contaminated and not available for use or reuse.

[54] OSHA, *Enforcement Guidance for Use of Respiratory Protection Equipment Certified under Standards of Other Countries or Jurisdictions During the Coronavirus Disease 2019 (COVID-19) Pandemic*, April 3, 2020, at https://www.osha.gov/memos/2020-04-03/enforcement-guidance-use-respiratory-protection-equipment-certified-under.

[55] Cal. Code Regs. tit. 8, §5199. The California state plan covers all state and local government agencies and all private-sector workers in the state, with the exception of maritime workers; workers on military bases and in national parks, monuments, memorials, and recreation areas; workers on federally recognized Native American reservations and trust lands; and U.S. Postal Service contractors.

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droplet precautions, such as seasonal influenza.[56] The key requirements of the ATD standard include

- written ATD exposure control plan and procedures,
- training of all employees on COVID-19 exposure, use of PPE, and procedures if exposed to COVID-19,
- engineering and work practice controls to control COVID-19 exposure, including the use of airborne isolation rooms,
- provision of medical services to employees, including removal of exposed employees,
- specific requirements for laboratory workers, and
- PPE requirements.

Cal/OSHA Aerosol Transmissible Disease PPE Requirements

The Cal/OSHA ATD standard requires that employers provide employees PPE, including gloves, gowns or coveralls, eye protection, and respirators certified by NIOSH at least at the N95 level whenever workers

- enter or work in an airborne isolation room or area with a case or suspected case;
- are present during procedures or services on a case or suspected case;
- repair, replace, or maintain air systems or equipment that may contain pathogens;
- decontaminate an area that is or was occupied by a case or suspected case;
- are present during aerosol generating procedures on cadavers of cases or suspected cases;
- transport a case or suspected case within a facility or within a vehicle when the patient is not masked; and
- are working with a viable virus in the laboratory.[57]

In addition, a powered air purifying respirator (PAPR) with a high-efficiency particulate air (HEPA) filter must be used whenever a worker performs a *high-hazard procedure* on a known or suspected COVID-19 case.[58] High-hazard procedures are those in which "the potential for being exposed to aerosol transmissible pathogens is increased due to the reasonably anticipated generation of aerosolized pathogens"—they include intubation, airway suction, and caring for patients on positive pressure ventilation.[59] Emergency medical services (EMS) workers may use N100, R100, or P100 respirators in place of PAPRs.

[56] Cal. Code Regs. tit. 8, §5199 Appendix A.

[57] California Division of Occupational Safety and Health (Cal/OSHA), *Interim Guidance for Protecting Health Care Workers from Exposure to Coronavirus Disease (COVID-19)*, March 2020, at https://www.dir.ca.gov/dosh/Coronavirus-info.html.

[58] A PAPR uses a mechanical device to draw in room air and filter it before expelling that air over the user's face. In general, PAPRs do not require a tight seal to the user's face and do not need to be fit tested.

[59] Cal. Code Regs. tit. 8, §5199(b).

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Cal/OSHA Interim Guidance on COVID-19

Cal/OSHA has issued interim guidance in response to shortages of respirators in the state due to the COVID-19 pandemic response.[60] Under this interim guidance, if the supply of N95 respirators or PAPRs are insufficient to meet current or anticipated needs, surgical masks may be used for low-hazard patient contacts that would otherwise require the use of respirators, and respirators may be used for high-hazard procedures that would otherwise require the use of PAPRs.

Virginia: VOSH COVID-19 ETS

On July 15, 2020, the Virginia Safety and Health Codes Board adopted an ETS to specifically protect employees from exposure to SARS-CoV-2, the virus that causes COVID-19.[61] This ETS, promulgated under Virginia's state occupational safety and health plan (VOSH) is the first state standard to specifically address COVID-19 in the workplace.[62] As an ETS, the VOSH standard expires within six months of its effective date, upon expiration of the Governor's State of Emergency, when superseded by a permanent standard, or when repealed by the Virginia Safety and Health Codes Board, whichever comes first. The ETS can be extended only through the normal state rulemaking process.

Unlike the Cal/OSHA ATD standard, the VOSH ETS applies to all state and local government agencies and all covered private-sector employees in the state. As part of a state plan, the VOSH ETS applies to state and local government entities, such as public schools, as employers. All covered employers in Virginia must comply with the following ETS requirements:

- exposure assessment and determination, notification of suspected cases and contacts with those cases, and employee access to their own exposure and medical records;
- return to work of employees known or suspected to have COVID-19 based on a duration of time since last symptoms or negative COVID-19 tests;[63]
- maintenance of physical distancing between employees while working and on paid breaks at the worksite, including restricted access to the worksite and common areas and break rooms;
- compliance with applicable existing PPE and respiratory protection standards when physical distancing between employees is not possible; and
- sanitation and disinfection requirements.

For all employers, if engineering, administrative, or work practice controls are not feasible or do not provide sufficient protection from SARS-CoV-2 transmission, then PPE, including respiratory PPE—such as respirators, if necessary—must be provided to employees.

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[60] California Division of Occupational Safety and Health (Cal/OSHA), *Cal/OSHA Interim Guidance on COVID-19 for Health Care Facilities: Severe Respirator Supply Shortages*, March 28, 2020, at https://www.dir.ca.gov/dosh/coronavirus/Cal-OSHA-Guidance-for-respirator-shortages.pdf.

[61] *Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19*, 16 Va. Admin. Code §25-220. This ETS is effective upon publication in a Richmond, VA, newspaper during the week of July 27, 2020.

[62] The Virginia state plan covers all state and local government agencies and all private-sector workers in the state, with the exception of maritime workers, U.S Postal Service contractors, workers at military bases or other federal enclaves in which the federal government has civil jurisdiction, workers at the U.S. Department of Energy's Southeastern Power Administration Kerr-Philpott System, and aircraft cabin crew members.

[63] A COVID-19 test for the purposes of determining if an employee can return to work must be paid for by the employer or offered such that the employee bears no cost for the test.

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Hazard and Job Task Classification

The VOSH ETS requires that each employer assess its workplace for hazards and job tasks that potentially expose employees to the SARS-CoV-2 virus. Employers must classify each job task as having a "very high," "high," "medium," or "lower" risk level of exposure, according to the hazards to which employees are potentially exposed. The VOSH ETS provides the following examples of activities for the "very high" and "high" risk levels:

- "very high" risk activities include
  - using aerosol-generating procedures, such as intubation, on patients known or suspected to be infected with SARS-CoV-2;
  - collecting or handling specimens from patients known or suspected to be infected with SARS-CoV-2; and
  - performing an autopsy involving aerosol-generating procedures on the body of a person known or suspected to be infected with the SARS-CoV-2 virus at the time of death; and
- "high risk" activities include
  - health care services, including inpatient care, outpatient care, skilled nursing care, and nonmedical support services such as room cleaning, provided to patients known or suspected to be infected with SARS-CoV-2;
  - first responder and medical transport services to patients known or suspected to be infected with SARS-CoV-2; and
  - mortuary services to persons known or suspected to be infected with the SARS-CoV-2 virus at the time of death.

"Medium" risk activities are those that require employees to have more than minimal contact, within six feet of other employees, customers, or members of the public who are not known or suspected to be infected with SARS-CoV-2.[64] "Lower" risk activities are those that do not require contact with other persons within six feet or that are able to utilize the following types of engineering, administrative, or work practice controls to minimize contact between persons:

- installation of floor to ceiling barriers, such as barriers between cashiers and customers;
- telecommuting;
- staggered work shifts to reduce the number of workers at a site;
- delivering services remotely, including curbside pickup of retail purchases; and
- mandatory physical distancing of persons.

The use of face coverings other than respirators or medical or surgical masks, including cloth face coverings now required by several states, is not an acceptable method of minimizing physical contact between persons. However, the VOSH ETS requires the use of face coverings for brief contacts between persons within six feet of each other.

[64] Examples of "medium" risk work activities are provided in the VOSH ETS at 16 Va. Admin. Code §25-220-30.

OSHA-002337

Engineering, Administrative, Work Practice, and PPE Requirements for "Very High," "High," and "Medium" Risk Activities

Employers with job tasks or activities in the "very high," "high," or "medium" risk classifications must adhere to specific engineering, administrative, work practice, and PPE requirements. For "very high" and "high" risk activities, engineering controls include the use of airborne infection isolation rooms (AIIR) for known or suspected COVID-19 patients and aerosol-generating procedures and Biosafety Level 3 (BSL-3) precautions for the handling of specimens from known or suspected COVID-19 patients.[65]

Employers with "very high" and "high" risk activities must implement administrative and work practice controls, including the prescreening of all employees to ensure that employees do not have signs or symptoms of COVID-19; enhanced medical screening of employees during COVID-19 outbreaks; and the use of flexible work arrangements, such as telecommuting, when feasible. In addition, all employers with "very high" or "high" risk activities must provide, to the extent feasible, psychological and behavioral support to address employee stress at no cost to the employee.

The standard also provides for engineering, administrative, and work practice controls for "medium" risk activities.[66]

PPE Requirements for "Very High" and "High" Risk Activities

Employers with "very high" and "high" risk activities, who are not already covered by the general OSHA PPE standards, are required to comply with the VOSH ETS requirements for PPE. An employer subject to these requirements must assess the workplace to determine if there are any COVID-19 hazards present or likely to be present that would require the use of PPE by employees. The employer must provide for the participation of employees and employee representatives in this assessment process and verify that this assessment has been conducted through a written certification.

If hazards that require PPE are identified, the employer must select and provide the appropriate PPE to each employee and ensure that PPE fits properly. If respiratory PPE, such as respirators or PAPR are used as PPE, the existing OSHA standards for respiratory PPE, which include medical evaluation of employees and fit testing, must be followed.

Unless contraindicated by the hazard and PPE assessment, when any employee is in contact within six feet of any person known or suspected to be infected with SARS-CoV-2, that employee must be provided with the following types of PPE:

- gloves,
- gown large enough to cover areas needing protection,
- face shield or goggles, and
- respirator.

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[65] The VOSH ETS requires compliance with Biosafety Level 3 precautions provided in HHS, *Biosafety in Microbiological and Biomedical Laboratories. Fifth Edition*, HHS Publication no. (CDC) 21-1112, December 2009, at https://www.cdc.gov/labs/BMBL.html.

[66] Engineering, administrative, and work practice controls for "medium" risk activities are provided in the VOSH ETS at 16 Va. Admin. Code §25-220-60.

While there are no specific PPE requirements for "medium" risk activities, PPE may be required based on an assessment of the hazards of these activities.

Infectious Disease Preparedness and Response Plan and Training

Infectious Disease Preparedness and Response Plan

All employers with "very high" and "high" risk activities, and employers with 11 or more employees and "medium" risk activities, must develop written infectious disease preparedness and response plans. These plans must be developed with input from employees. The deadline for the development of these plans is 60 days from the effective date of the ETS.

The infectious disease preparedness plan must include a consideration of the COVID-19 risks in the workplace, and to the extent possible and in compliance with medical privacy laws, the specific risks faced by employees with certain preexisting medical conditions. The plan must include contingency plans for continued operations during a COVID-19 outbreak and provide for the prompt identification and isolation of employees with known or suspected COVID-19 and a procedure for employees to notify the employer of COVID-19 signs or symptoms. The plan must also address interactions between the employer's worksite and other businesses, such as vendors and contractors to ensure employees of these businesses comply with the VOSH ETS and the employer's infectious disease preparedness and response plan.

Training

All employers with "very high," "high," or "medium" risk activities must provide training to all employees, including those employees whose work does not involve any COVID-19 risks. This training must teach employees to recognize the hazards of the SARS-CoV-2 virus, signs and symptoms of COVID-19, and the procedures to minimize SARS-CoV-2 hazards. If the employer has an infectious disease preparedness and response plan, training must be provided on this plan. Written certification of training must be prepared, and retraining must be provided when necessary.

Employers with only "lower" risk activities are not required to prepare a formal training plan but must provide oral or written communication on the hazards of SARS-CoV-2, the signs and symptoms of COVID-19, and measures to minimize SARS-CoV-2 exposure. VOSH is required to develop an information sheet that employers can use to satisfy this training requirement.

Training must be provided within 30 days of the effective date of the standard, except for training on the infectious disease preparedness and response plan, which must be completed within 60 days.

Whistleblower Protections

The VOSH ETS prohibits any employer from discharging or otherwise discriminating against any employee who does the following:

- exercises his or her rights under the ETS or existing whistleblower protection provisions, including the limited right of an employee to refuse work because of a reasonable fear of injury or death or serious injury;[67]

[67] To exercise this right, the employee must, if possible, have sought unsuccessfully to have the employer remedy the hazard, and there must be insufficient time to attempt to remedy the hazard through normal regulatory enforcement

- provides and wears his or her own PPE, provided the PPE does not create a greater hazard to the employee or create a serious hazard to other employees; or
- raises a reasonable concern about SARS-CoV-2 and COVID-19 infection control to the employer, the employer's agent, other employees, the government, or the public through any type of media including social media.

Michigan: MIOSHA COVID-19 Emergency Rules

On October 14, 2020, the director of the Michigan Department of Labor and Economic Opportunity, which operates Michigan's state occupational safety and health plan (MIOSHA), promulgated emergency rules to address workplace exposure to COVID-19.[68] These rules, which apply to all employers in the state, went into immediate effect and will remain in effect for six months. In addition to rules that apply to all employers, the emergency rules include specific provisions that apply to the following industries:

- construction;
- manufacturing;
- retail, libraries, and museums;
- restaurants and bars;
- healthcare;
- in-home services such as house cleaning and repair;
- personal care services such as hair styling and tattooing;
- public accommodations such as sports and entertainment venues;
- sports and exercise facilities;
- meat and poultry processing; and
- casinos.[69]

Exposure Determination

Rule 3 of the MIOSHA emergency rules requires all employers to evaluate all routine and anticipated job tasks and categorize these job tasks based on potential employee exposure to COVID-19 into one of the following four categories:

1. "Lower exposure risk" tasks are those that do not require contact with known or suspected COVID-19 cases or frequent close (within six feet) contact with the general public.
2. "Medium exposure risk" tasks are those that require frequent or close contact with persons who may be infected with COVID-19 but who are not known or suspected COVID-19 cases. In areas of the state without ongoing community

channels. This right is provided in the OSHA standards at 29 C.F.R. §1977.12(b)(2) and in the VOSH standards at 16 Va. Admin. Code §25-60-110.

[68] Department of Labor and Economic Opportunity, Michigan Occupational Safety and Health Administration (MIOSHA) Emergency Rules: Coronavirus 2019 (COVID-19), available at https://www.michigan.gov//documents/leo/Final_MIOSHA_Rules_705164_7.pdf. The Michigan state plan covers all state and local government agencies and all private-sector workers in the state, with the exception of maritime workers, U.S. Postal Service contractors, workers at businesses owned or operated by tribal members at Indian reservations, and aircraft cabin crew members.

[69] MIOSHA Emergency Rules: Coronavirus 2019 (COVID-19), Rule 11.

transmission of COVID-19, tasks that require frequent contact with persons travelling from areas with widespread COVID-19 transmission are included in this category. In areas with ongoing community transmission, tasks that involve contact with the general public are included in this category.

3. "High exposure risk" tasks are those with high potential for exposure to known or suspected COVID-19 cases. Licensed healthcare providers, medical first responders, nursing home workers, law enforcement and correctional officers, and mortuary workers are examples of types of workers that may perform tasks in this category.
4. "Very high exposure risk" tasks are those that involve the generation of aerosols during medical or mortuary procedures on known or suspected COVID-19 cases and the collection and handling of laboratory specimens from known or suspected COVID-19 cases.

Preparedness and Response Plan

Rule 4 of the MIOSHA emergency rules requires all employers to develop a written COVID-19 preparedness and response plan based on current CDC and OSHA guidance. This plan must detail measures the employer will take to protect employees from COVID-19 exposure and must be readily available to employees and their representatives.

Basic Infection Prevention Measures

Rule 5 of the MIOSHA emergency rules requires all employers to implement the following basic infection prevention measures:

- promote frequent hand-washing and provide hand-washing facilities or hand sanitizer to workers, customers, and visitors;
- require employees who are sick to not report to work or to report to an isolated location;
- prohibit workers from using other workers' desks, phones, and other equipment when possible;
- increase facility cleaning, especially of high-touch surfaces and shared equipment;
- establish procedures, consistent with CDC guidance, for disinfection of the worksite if a worker, customer, or visitor has a known case of COVID-19;
- use Environmental Protection Agency (EPA) approved disinfectants that are expected to effective against SARS-CoV-2;
- follow all manufacturer's guidelines for use of all cleaning and disinfectant products; and
- prohibit in-person work for employees whose work can be done remotely.

Health Surveillance

Rule 6 of the MIOSHA emergency rules requires all employers to implement a health surveillance system for the workplace. This system must include, at a minimum, a COVID-19 screening questionnaire for all employees and contractors entering the workplace. Employees must be directed to immediately report any signs or symptoms of COVID-19 to the employer and known and suspected COVID-19 cases must be isolated from the rest of the workforce. When an

employer learns of an employee, contractor, customer, or visitor to the worksite with a known case of COVID-19, the employer must immediately notify the local health department and, must notify, within 24 hours, any workers, contractors, or suppliers who may have come into contact with the infected person. When determining if an employee with a known or suspected case of COVID-19 may return to the workplace, the employer must follow CDC guidelines and health department quarantine and isolation orders.

Workplace Controls

Rule 7 of the MIOSHA emergency rules requires all employers to implement the following workplace controls:

- designate one or more worksite COVID-19 safety coordinators to implement, monitor, and report on COVID-19 control strategies developed by the employer and to remain on site at all times when employees are present;
- place posters in appropriate languages in the workplace that provide information on staying away from work while sick, cough and sneeze etiquette, and hand hygiene;
- keep all persons at least six feet from each other using signs, floor markings, and barriers appropriate for the worksite, to the extent possible;
- provide all employees with non-medical grade face coverings at no cost to the employees;
- require the use of face coverings when employees cannot maintain six feet of distance from other persons in the workplace, and consider the use of face shields when three feet of distance cannot be maintained;
- require face coverings in shared spaces, such as restrooms and hallways and during in-person meetings.

PPE

Rule 8 of the MIOSHA emergency rules requires that employers provide appropriate PPE, including respiratory protection, to employees based on the exposure risks of the job and current CDC and OSHA guidelines. All PPE must be properly fitted, inspected, maintained, cleaned, stored, and disposed of. In workplaces that provide medical treatment to known or suspected COVID-19 cases, employees with frequent or prolonged close contact with such patients must be provided with and wear, at a minimum, an N95 respirator, goggles or face shield, and gown.

Training Requirements

Rule 10 of the MIOSHA emergency rules requires all employers to provide training and communication, in languages common among the employees, on the following subjects:

- workplace infection-control practices;
- proper use of PPE;
- how to notify the employer of COVID-19 symptoms or diagnosis;
- how to report unsafe working conditions.

This training must be updated if the employer's COVID-19 preparedness and response plan changes or new information on COVID-19 transmission becomes available.

Recordkeeping Requirements

Rule 11 of the MIOSHA emergency rules requires that all employers maintain, for one year, records of employee training, the screening of persons entering the workplace, and any health surveillance notifications required by Rule 6.

OSHA Infectious Disease Standard Rulemaking

In 2010, OSHA published a Request for Information in the *Federal Register* seeking public comments on strategies to control exposure to infectious diseases in healthcare workplaces.[70] After collecting public comments and holding public meetings, OSHA completed the SBREFA process in 2014. Since then, however, no public actions have occurred on this rulemaking; since spring 2017, this rulemaking has been listed as a "long-term action" in DOL's semiannual regulatory agenda.

Congressional Activity to Require an OSHA Emergency Temporary Standard on COVID-19

On March 5, 2020, Representative Bobby Scott, chairman of the House Committee on Education and Labor, and Representative Alma Adams, chair of the Subcommittee on Workforce Protections, sent a letter to Secretary of Labor Eugene Scalia calling on OSHA to promulgate an ETS to address COVID-19 exposure among healthcare workers.[71] This letter followed a January 2020 letter requesting that OSHA reopen its rulemaking on the infectious disease standard and begin to formulate for possible future promulgation an ETS to address COVID-19 exposure.[72] Senator Patty Murray, ranking member of the Senate Committee on Health, Education, Labor, and Pensions and a group of Democratic Senators sent a similar letter to the Secretary of Labor calling for an OSHA ETS.[73]

In addition, in March 2020, David Michaels, who served as the Assistant Secretary of Labor for Occupational Safety and Health during the Obama Administration, wrote an op-ed in *The Atlantic* calling on OSHA to promulgate a COVID-19 ETS.[74] On March 6, 2020, the AFL-CIO and 22 other unions petitioned OSHA for an ETS on infectious diseases that would cover all workers with potential exposures.[75] OSHA formally denied the AFL-CIO petition on May 29, 2020, claiming that an ETS is not necessary to protect employees from infectious diseases generally, or

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[70] OSHA, "Infectious Diseases," 75 *Federal Register* 24835, May 6, 2010.

[71] Letter from Representative Scott, chairman, House Committee on Education and Labor, and Representative Adams, chair, Subcommittee on Worker Protections, to The Honorable Eugene Scalia, Secretary of Labor, March 5, 2020, at https://edlabor.house.gov/imo/media/doc/2020-03-05%20OSHA%20ETS%20Letter.pdf.

[72] Letter from Representative Scott, chairman, House Committee on Education and Labor, and Representative Adams, chair, Subcommittee on Worker Protections, to The Honorable Eugene Scalia, Secretary of Labor, January 30, 2020, at https://edlabor.house.gov/imo/media/doc/2020-01-30%20RCS%20to%20DOL%20Corona%20Letter_SIGNED1.pdf.

[73] Letter from Senator Patty Murray, ranking member, Senate Committee on Health, Education, Labor, and Pensions, Senator Robert Menendez, and Senator Tammy Baldwin, et al. to The Honorable Eugene Scalia, Secretary of Labor, March 9, 2020, at https://www.baldwin.senate.gov/imo/media/doc/20200309%20OSHA%20ETS%20Letter.pdf.

[74] David Michaels, "What Trump Could Do Right Now to Keep Workers Safe From the Coronavirus," *The Atlantic*, March 2, 2020, at https://www.theatlantic.com/ideas/archive/2020/03/use-osha-help-stem-covid-19-pandemic/607312/.

[75] Letter from Richard L. Trumka, president, AFL-CIO, to The Honorable Eugene Scalia, Secretary of Labor, March 6, 2020, at https://aflcio.org/statements/petition-secretary-scalia-osha-emergency-temporary-standard-infectious-disease.

from COVID-19.[76] National Nurses United submitted a similar petition requesting that OSHA promulgate an ETS based largely on the Cal/OSHA ATD standard.[77] On May 4, 2020, the Center for Food Safety and Food Chain Workers Alliance submitted a petition requesting that OSHA promulgate an ETS to protect meat and poultry processing workers from COVID-19 exposure in the workplace.[78] On May 18, 2020, the AFL-CIO petitioned the U.S. Court of Appeals for the D.C. Circuit for a writ of mandamus to compel OSHA to promulgate a COVID-19 ETS.[79] The circuit court denied this petition on June 11, 2020.

H.R. 6139, the COVID-19 Health Care Worker Protection Act of 2020

On March 9, 2020, Representative Bobby Scott introduced H.R. 6139, the COVID-19 Health Care Worker Protection Act of 2020. This bill would require OSHA to promulgate a COVID-19 ETS within one month of enactment. The ETS would be required to cover healthcare workers and any workers in sectors determined by the CDC or OSHA to be at an elevated risk of COVID-19 exposure. The ETS would be required to include an exposure control plan provision and be, at a minimum, based on CDC's 2007 guidance and any updates to this guidance. The ETS would also be required to provide no less protection than any state standard on novel pathogens, thus requiring OSHA to include the elements of the Cal/OSHA ATD standard, the VOSH COVID-19 ETS, and the MIOSHA emergency rules in this ETS. Title II of the bill would provide that hospitals and skilled nursing facilities that receive Medicare funding and that are owned by state or local government units and not subject to state plans would be required to comply with the ETS. Similar provisions are included in S. 3475.

P.L. 116-127, the Families First Coronavirus Response Act

The provisions of H.R. 6139 were included as Division C of H.R. 6201, the Families First Coronavirus Response Act, as introduced in the House. The American Hospital Association (AHA) issued an alert to its members expressing its opposition to the OSHA ETS provisions in the bill.[80] Specifically, the AHA opposed the requirement that the ETS be based on the CDC's 2007 guidance. The AHA stated that unlike severe acute respiratory syndrome (SARS), which was transmitted through the air, COVID-19 transmission is through droplets and surface contacts. Thus, the requirement of the 2007 CDC guidance that N95 respirators, rather than surgical masks, be used for patient contact is not necessary to protect healthcare workers from COVID-19, and the use of surgical masks is consistent with World Health Organization guidance. The AHA also

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[76] Letter from Loren Sweatt, Principal Deputy Assistant Secretary of Labor, to Richard L. Trumka, president, AFL-CIO, May 29, 2020.

[77] Letter from Bonnie Castillo, executive director, National Nurses United, to The Honorable Eugene Scalia, Secretary of Labor, and The Honorable Loren Sweatt, Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health, March 4, 2020, at https://act.nationalnursesunited.org/page/-/files/graphics/NNUPetitionOSHA03042020.pdf.

[78] Center for Food Safety and Food Chain Workers Alliance, *Rulemaking Petition to the United States Department of Labor, Occupational Safety and Health Administration*, May 4, 2020, at https://www.centerforfoodsafety.org/files/2020-05-04-osha-ets-petition_58890.pdf.

[79] In re: American Federation of Labor and Congress of Industrial Organizations, D.C. Cir., No. 19-1158, May 18, 2020. This petition was filed in the U.S. Court of Appeals as Section 6(f) of the OSH Act [29 U.S.C. §655(f)] grants this court exclusive jurisdiction to provide judicial review of OSHA standards.

[80] Emily Kopp, "Hospitals want to kill a policy shielding nurses from COVID-19 because there aren't enough masks," *Roll Call*, March 3, 2020, at https://www.rollcall.com/2020/03/13/hospitals-want-to-kill-a-policy-shielding-nurses-from-covid-19-because-there-arent-enough-masks/. This alert is available to American Hospital Association (AHA) members on the AHA website at https://www.aha.org.

claimed that shortages of available respirators could reduce the capacity of hospitals to treat COVID-19 patients, due to a lack of respirators for staff. The OSHA ETS provisions were not included in the version of the legislation that was passed by the House and the Senate and signed into law as P.L. 116-127.

H.R. 6379, the Take Responsibility for Workers and Families Act

Division D of H.R. 6379, the Take Responsibility for Workers and Families Act, as introduced in the House on March 23, 2020, includes the requirement that OSHA promulgate an ETS on COVID-19 within seven days of enactment and a permanent COVID-19 standard within 24 months of enactment to cover healthcare workers, firefighters and emergency response workers, and workers in other occupations that CDC or OSHA determines to have an elevated risk of COVID-19 exposure. Division D of H.R. 6379 would amend the OSH Act, for the purposes of the ETS only, such that state and local government employers in states without state plans would be covered by the ETS. The provisions of Division D of H.R. 6379 were also included in S. 3584, the COVID-19 Workers First Protection Act of 2020, as introduced in the Senate.

This legislation would specifically provide that the ETS would remain in force until the permanent standard is promulgated and would explicitly exempt the ETS from the Regulatory Flexibility Act, Paperwork Reduction Act, and Executive Order 12866. OSHA would be granted enforcement discretion in cases in which it is not feasible for an employer to fully comply with the ETS (such as a case in which PPE is unavailable) if the employer is exercising due diligence to comply and implementing alternative means to protect employees.

Like the provisions in H.R. 6139 and the version of H.R. 6201 introduced in the House, the ETS and permanent standard under H.R. 6379 would be required to include an exposure control plan and provide no less protection than any state standard on novel pathogens, thus requiring OSHA to include the elements of the Cal/OSHA ATD, the VOSH COVID-19 ETS, and the MIOSHA emergency rules in this ETS and permanent standard. Although the ETS provisions in H.R. 6139 and H.R. 6201 would require that the ETS be based on the 2007 CDC guidance, specific reference to the 2007 guidance is not included in this legislation. Rather, under H.R. 6379, the ETS and permanent standard would have to incorporate, as appropriate, "guidelines issued by the Centers for Disease Control and Prevention, and the National Institute for Occupational Safety and Health, which are designed to prevent the transmission of infectious agents in healthcare settings" and scientific research on novel pathogens.

States with occupational safety and health plans would be required to adopt the ETS, or their own ETS at least as effective as the ETS, within 14 days of the legislation's enactment.

H.R. 6559, the COVID-19 Every Worker Protection Act of 2020

H.R. 6559, the COVID-19 Every Worker Protection Act of 2020, was introduced in the House by Representative Bobby Scott on April 21, 2020. This legislation includes the ETS and permanent standard provisions of Division D of H.R. 6379 and S. 3584 and would require that these standards cover healthcare workers, emergency medical responders, and "other employees at occupational risk" of COVID-19 exposure. This legislation also adds two provisions that would clarify the requirements for employers to record work-related COVID-19 infections and strengthen the protections against retaliation and discrimination offered to whistleblowers. Similar provisions are included in S. 3677 and were incorporated into H.R. 6800, the Heroes Act, as passed by the House.

COVID-19 Recordkeeping

Sections 8(c) and 24(a) of the OSH Act require employers to maintain records of occupational injuries and illnesses in accordance with OSHA regulations.[81] OSHA's reporting and recordkeeping regulations require that employers with 10 or more employees must keep records of work-related injuries and illnesses that result in lost work time for employees or that require medical care beyond first aid.[82] Employers must also report to OSHA, within 8 hours, any workplace fatality, and within 24 hours, any injury or illness that results in in-patient hospitalization, amputation, or loss of an eye. Employers in certain industries determined by OSHA to have lower occupational safety and health hazards are listed in the regulations as being exempt from the recordkeeping requirements but not the requirement to report to OSHA serious injuries, illnesses, and deaths.[83] Offices of physicians, dentists, other health practitioners, and outpatient medical clinics are included in the industries that are exempt from the recordkeeping requirements.

OSHA regulations require the employer to determine if an employee's injury or illness is related to his or her work and thus subject to the recordkeeping requirements.[84] The regulations provide a presumption that an injury or illness that occurs in the workplace is work-related and recordable, unless one of the exemptions provided in the regulations applies.[85] One of the listed exemptions is "The illness is the common cold or flu (Note: contagious diseases such as tuberculosis, brucellosis, hepatitis A, or plague are considered work-related if the employee is infected at work)."[86]

Because of the nature of COVID-19 transmission, which can occur in the community as well as the workplace, it can be difficult to determine the exact source of any person's COVID-19 transmission. Absent any specific guidance, this may make it difficult for employers to determine if an employee's COVID-19 is subject to the recordkeeping requirements.

Initial OSHA Recordkeeping Guidance

On April 10, 2020, OSHA issued enforcement guidance on how cases of COVID-19 should be treated under the recordkeeping requirements.[87] This guidance stated that COVID-19 cases were recordable if they were work-related.

Under this guidance, employers in the following industry groups were to fully comply with the recordkeeping regulations, including the requirement to determine if COVID-19 cases were work-related:

- healthcare;
- emergency response, including firefighting, emergency medical services, and law enforcement; and
- correctional institutions.

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[81] 29 U.S.C. §§657(c) and 673(a).

[82] OSHA's reporting and recordkeeping regulations are at 29 C.F.R. Part 1904.

[83] The list of exempted industries is at 29 C.F.R. Subpart B, Appendix A. States with state occupational safety and health plans may require employers in these exempted industries to comply with the recordkeeping requirements.

[84] 29 C.F.R. §1904.5.

[85] 29 C.F.R. §1905.5(a).

[86] 29 C.F.R. §1904.5(b)(2)(viii).

[87] OSHA, *Enforcement Guidance for Recording Cases of Coronavirus Disease 2019 (COVID-19)*, April 10, 2020, at https://www.osha.gov/memos/2020-04-10/enforcement-guidance-recording-cases-coronavirus-disease-2019-covid-19.

For all other employers, OSHA required employers to determine if COVID-19 cases were work-related and subject to the recordkeeping requirements only if both of the following two conditions were met:

1. There was objective evidence that a COVID-19 case may have been work-related. This could have included, for example, a number of cases developing among workers who worked closely together without an alternative explanation.
2. The evidence of work-relatedness was reasonably available to the employer. For purposes of this guidance, examples of reasonably available evidence included information given to the employer by employees, as well as information that an employer learned regarding its employees' health and safety in the ordinary course of managing its business and employees.

Updated OSHA Recordkeeping Guidance

OSHA issued new guidance, effective May 26, 2020, on recordkeeping of COVID-19 cases.[88] This new guidance rescinds the previous guidance issued by OSHA on April 10, 2020. Under this new guidance, all employers, regardless of type of industry or employment, are subject to the recordkeeping and recording regulations for work-related cases of COVID-19. To determine if an employer has made a reasonable determination that a case of COVID-19 was work-related, OSHA says it will consider the following factors:

- the reasonableness of the employer's investigation of the COVID-19 case and its transmission to the employee;
- the evidence that is available to the employer; and
- the evidence that COVID-19 was contracted at work.

The guidance provides examples of evidence that can be used to demonstrate that a COVID-19 case was or was not work-related such as if an employee had frequent close contact with members of the public in an area with ongoing community transmission of COVID-19.

H.R. 6559

H.R. 6559 would require that the ETS and permanent standard established pursuant to the legislation include the requirement for the recording and reporting of all COVID-19 cases in accordance with OSHA regulations in place at the time of enactment. By referencing the regulations in place, this provision would serve to supersede OSHA's guidance from April 10, 2020, and apply the requirement, currently provided in the guidance effective May 26, 2020, to determine the work-relatedness of COVID-19 cases to all employers covered by the recordkeeping regulations.

Whistleblower Protections

Section 11(c) of the OSH Act prohibits any person from retaliating or discriminating against any employee who exercises certain rights provided by the OSH Act.[89] Commonly referred to as the

[88] OSHA, *Revised Enforcement Guidance for Recording Cases of Coronavirus Disease 2019 (COVID-19)*, May 19, 2020, at https://www.osha.gov/memos/2020-05-19/revised-enforcement-guidance-recording-cases-coronavirus-disease-2019-covid-19.

[89] 29 U.S.C. §660(c). OSHA also enforces whistleblower provisions in 22 other federal statutes. Information on statutes with whistleblower provisions enforced by OSHA is at OSHA, *Whistleblower Statutes Summary Chart*, October 17, 2009, at https://www.whistleblowers.gov/sites/wb/files/2019-12/WB-Statute-Summary-Chart-10.8-Final.pdf.

whistleblower protection provision, this provision protects any employee who takes any of the following actions:

- files a complaint with OSHA related to a violation of the OSH Act;
- causes an OSHA proceeding, such as an investigation, to be instituted;
- testifies or is about to testify in any OSHA proceeding; and
- exercises on his or her own behalf, or on behalf of others, any other rights afforded by the OSH Act.[90]

Other rights afforded by the OSH Act that are covered by the whistleblower protection provision include the right to inform the employer about unsafe work conditions; the right to access material safety data sheets or other information required to be made available by the employer; and the right to report a work-related injury, illness, or death to OSHA.[91] In limited cases, the employee has the right to refuse to work if conditions reasonably present a risk of serious injury or death and there is not sufficient time to eliminate the danger through other means.[92]

H.R. 6559 would require that the ETS and permanent standard promulgated pursuant to the legislation expand the protections for whistleblowers. The following additional activities taken by employees would grant them protection from retaliation and discrimination from employers and agents of employers:

- reporting to the employer; a local, state, or federal agency; or the media; or on a social media platform; the following:
  - a violation of the ETS or permanent standard promulgated pursuant to the legislation;
  - a violation of the infectious disease control plan required by the ETS or permanent standard; or
  - a good-faith concern about an infectious disease hazard in the workplace;
- seeking assistance from the employer or a local, state, or federal agency with such a report; and
- using personally supplied PPE with a higher level of protection than offered by the employer.

H.R. 6800, The Heroes Act

The provisions of H.R. 6559, including the provisions relating to recordkeeping and whistleblower protections, were included as Title III of Division L of H.R. 6800, The Heroes Act. H.R. 6800 was passed by the House on May 15, 2020. In a letter to Speaker of the House Nancy Pelosi, the AHA expressed its opposition to the ETS provisions in The Heroes Act citing the potential for confusion that new regulations could bring and the "ongoing global lack of supplies, equipment and testing capability" faced by hospitals.[93] The AHA also stated that the provision

[90] 29 C.F.R. §1977.3. Public-sector employees, except employees of the United States Postal Service, are not protected by the whistleblower provision, but may be covered by whistleblower provisions in other federal and state statutes.

[91] For additional information on other rights covered by the whistleblower protection provision, see OSHA, January 9, 2019, *Investigator's Desk Aid to the Occupational Safety and Health Act (OSH Act) Whistleblower Protection Provision*, pp. 5-7, at https://www.osha.gov/sites/default/files/11cDeskAid.pdf.

[92] 29 C.F.R. §1977.12(b)(2).

[93] Letter from Thomas P. Nickels, executive vice president, American Hospital Association, to Hon. Nancy Pelosi,

that would require the ETS to be based on state standards "suggests that the federal government is surrendering its responsibility to appropriately regulate the nation to a state government agency without consideration of whether that state's decisions are appropriate for implementation anywhere and everywhere."

H.R. 925, The Heroes Act (Revised)

The provisions of H.R. 6559 and H.R. 6800 were included in the House Amendment to the Senate Amendment to H.R. 925, the revised Heroes Act, passed by the House on October 1, 2020.

Speaker, U.S. House of Representatives, May 14, 2020, at https://www.aha.org/system/files/media/file/2020/05/web-AHALettertoHouseonHEROESAct051420final.pdf.

Appendix. OSHA Emergency Temporary Standards

Table A-1. OSHA Emergency Temporary Standards (ETS)

Year	Subject of ETS	*Federal Register* Citation of ETS	Result of Judicial Review	Judicial Review Case Citation
1971	Asbestos	36 *Federal Register* 23207 (December 7, 1971)	Not challenged	—
1973	Organophosphorous pesticides	38 *Federal Register* 10715 (May 1, 1973); amended by 38 *Federal Register* 17214 (June 29, 1973)	Vacated	*Florida Peach Growers Ass'n v. United States Department of Labor,* 489 F.2d 120 (5th Cir. 1974)
1973	Fourteen carcinogens	38 *Federal Register* 10929 (May 3, 1973)	Twelve upheld, two vacated	*Dry Color Mfrs. Ass'n v. Department of Labor,* 486 F.2d 98 (3d Cir. 1973)
1974	Vinyl chloride	39 *Federal Register* 12342 (April 5, 1974)	Not challenged	—
1976	Diving operations	41 *Federal Register* 24271 (June 15, 1976)	Stayed	*Taylor Diving & Salvage Co. v. Department of Labor,* 537 F.2d 819 (5th Cir. 1976)
1977	Benzene	42 *Federal Register* 22515 (May 3, 1977)	Stayed	*Industrial Union Dep't v. Bingham,* 570 F.2d 965 (D.C. Cir. 1977)
1977	1,2 Dibromo-3-chloropropane (DBCP)	42 *Federal Register* 45535 (September 9, 1977)	Not challenged	—
1978	Acrylonitrile (vinyl cyanide)	43 *Federal Register* 2585 (January 17, 1978)	Stay denied	*Vistron v. OSHA,* 6 OSHC 1483 (6th Cir. 1978)
1983	Asbestos	48 *Federal Register* 51086 (November 4, 1983)	Stayed	*Asbestos Info. Ass'n v. OSHA,* 727 F.2d 415 (5th Cir. 1984)

Source: CRS with data from Mark A. Rothstein, "Substantive and Procedural Obstacles to OSHA Rulemaking: Reproductive Hazards as an Example," *Boston College Environmental Affairs Law Review*, vol. 12, no. 4 (August 1985), p. 673.

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Message

From: Levinson, Andrew - OSHA [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C71A236E7D8E428DA9CF9D6192E4766B-LEVINSON, A]
Sent: 10/27/2020 8:47:54 PM
To: Ruskin, Maureen - OSHA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=152ff045551f4bc5acf966a5131f8de4-Ruskin, Mau]; Long, Lisa - OSHA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=21d6a321337f43a1b83b0dd8d28e81af-Long, Lisa]; Schifano, Jessica - OSHA (Schifano.Jessica@dol.gov) [Schifano.Jessica@dol.gov]; O'Connor, David - OSHA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6feadabad6354c6a8040fbd1255bf956-O'Connor, D]; Green, Deirdre R. - OSHA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6f608d13c4c04bfc937d7552910d460d-Green, Deir]
Subject: FW: R46288.pdf
Attachments: R46288.pdf

FYI

From: Jillings, Lee Anne - OSHA <Jillings.LeeAnne@dol.gov>
Sent: Tuesday, October 27, 2020 1:27 PM
To: Levinson, Andrew - OSHA <Levinson.Andrew@dol.gov>; Edens, Mandy - OSHA <Edens.Mandy@dol.gov>
Subject: FW: R46288.pdf

FYI

From: Hodgson, Michael - OSHA <Hodgson.Michael@dol.gov>
Sent: Tuesday, October 27, 2020 12:57 PM
To: zzOSHA-DTSEM-MANAGERS <zzOSHA-DTSEM-MANAGERS@dol.gov>
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interesting

From: Radonovich, Lewis (CDC/NIOSH/RHD/OD) <mto5@cdc.gov>
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A nice summary from CRS!

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Occupational Safety and Health Administration (OSHA): Emergency Temporary Standards (ETS) and COVID-19

Updated October 20, 2020

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R46288

CRS REPORT
Prepared for Members and
Committees of Congress

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SUMMARY

R46288

October 20, 2020

Scott D. Szymendera
Analyst in Disability Policy

Occupational Safety and Health Administration (OSHA): Emergency Temporary Standards (ETS) and COVID-19

The Occupational Safety and Health Administration (OSHA) does not currently have a specific standard that protects healthcare or other workers from airborne or aerosol transmission of disease or diseases transmitted by airborne droplets. Some in Congress, and some groups representing healthcare, meat and poultry processing, and other workers, are calling on OSHA to promulgate an emergency temporary standard (ETS) to protect workers from exposure to SARS-CoV-2, the virus that causes Coronavirus Disease 2019 (COVID-19). The Occupational Safety and Health Act of 1970 (OSH Act) gives OSHA the ability to promulgate an ETS that would remain in effect for up to six months without going through the normal review and comment process of rulemaking. OSHA, however, has rarely used this authority in the past—not since the courts struck down its ETS on asbestos in 1983.

The California Division of Occupational Safety and Health (Cal/OSHA), which operates California's state occupational safety and health plan, has had an aerosol transmissible disease (ATD) standard since 2009. This standard includes, among other provisions, the requirement that employers provide covered employees with respirators, rather than surgical masks, when these workers interact with ATDs, such as known or suspected COVID-19 cases. In addition, according to the Cal/OSHA ATD standard, certain procedures require the use of powered air purifying respirators (PAPR).

The Virginia state occupational safety and health plan (VOSH) and the Michigan state occupational safety and health plan (MIOSHA) have each promulgated emergency standards to specifically address COVID-19 in workplaces. Unlike the Cal/OSHA ATD standard, these emergency standards are in effect for only six months and apply to all employers.

H.R. 6139, the COVID-19 Health Care Worker Protection Act of 2020, would require OSHA to promulgate an ETS on COVID-19 that incorporates both the Cal/OSHA ATD standard and the Centers for Disease Control and Prevention's (CDC's) 2007 guidelines on occupational exposure to infectious agents in healthcare settings; similar provisions appear in S. 3475. The CDC's 2007 guidelines generally require stricter controls than its interim guidance on COVID-19 exposure. The provisions of H.R. 6139 were incorporated into the version of H.R. 6201, the Families First Coronavirus Response Act, as introduced in the House. The OSHA ETS provisions were not included in the House- and Senate-passed version of legislation that was signed into law as P.L. 116-127.

H.R. 6379, as introduced in the House, also would include a requirement for an OSHA ETS and permanent standard to address COVID-19 exposure; similar provisions appear in S. 3584. H.R. 6559 would include the requirements for an ETS and permanent standard, clarify the requirement that employers must report work-related COVID-19 cases, and expand protections for whistleblowers; similar provisions appear in S. 3677. The provisions of H.R. 6559 were included in H.R. 6800, The Heroes Act, passed by the House on May 15, 2020, and in the House Amendment to the Senate Amendment to H.R. 925, the revised Heroes Act passed by the House on October 1, 2020.

Through October 1, 2020, OSHA has issued COVID-19-related citations to employers at 62 work sites, with total proposed penalties of $913,133. These citations have been issued for violations of the OSH Act's General Duty Clause and other existing OSHA standards, such as those for respiratory protection, that may apply to COVID-19. Senators Elizabeth Warren and Cory A. Booker have raised concerns about the low amount of penalties being assessed for COVID-19-related violations.

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Occupational Safety and Health Administration Standards

Section 6 of the Occupational Safety and Health Act of 1970 (OSH Act) grants the Occupational Safety and Health Administration (OSHA) of the Department of Labor (DOL) the authority to promulgate, modify, or revoke occupational safety and health standards that apply to private sector employers, the United States Postal Service, and the federal government as an employer.[1] In addition, Section 5(a)(1) of the OSH Act, commonly referred to as the General Duty Clause, requires that all employers under OSHA's jurisdiction provide workplaces free of "recognized hazards that are causing or are likely to cause death or serious physical harm" to their employees.[2] OSHA has the authority to enforce employer compliance with its standards and with the General Duty Clause through the issuance of abatement orders, citations, and civil monetary penalties. The OSH Act does not cover state or local government agencies or units. Thus, certain entities that may be affected by Coronavirus Disease 2019 (COVID-19), such as state and local government hospitals, local fire departments and emergency medical services, state prisons and county jails, and public schools, are not covered by the OSH Act or subject to OSHA regulation or enforcement.

State Plans

Section 18 of the OSH Act authorizes states to establish their own occupational safety and health plans and preempt standards established and enforced by OSHA.[3] OSHA must approve state plans if they are "at least as effective" as OSHA's standards and enforcement.[4] If a state adopts a state plan, it also must cover state and local government entities, such as public schools, not covered by OSHA. Currently, 21 states and Puerto Rico have state plans that cover all employers, and 5 states and the U.S. Virgin Islands have state plans that cover only state and local government employers not covered by the OSH Act.[5] In the remaining states, state and local government employers are not covered by OSHA standards or enforcement. State plans may incorporate OSHA standards by reference, or states may adopt their own standards that are at least as effective as OSHA's standards. State plans do not have jurisdiction over federal agencies and generally do not cover maritime workers and private-sector workers at military bases or other federal facilities.

Promulgation of OSHA Standards

OSHA may promulgate occupational safety and health standards on its own initiative or in response to petitions submitted to the agency by various government agencies, the public, or employer and employee groups.[6] OSHA is not required, however, to respond to a petition for a

[1] 29 U.S.C. §655. The provisions of the Occupational Safety and Health Act of 1970 (OSH Act) are extended to the legislative branch as an employer by the Congressional Accountability Act (P.L. 104-1).

[2] 29 U.S.C. §654(a)(1).

[3] 29 U.S.C. §667.

[4] For additional information on Occupational Safety and Health Administration (OSHA) state plans, see CRS Report R43969, *OSHA State Plans: In Brief, with Examples from California and Arizona*.

[5] Information on specific state plans is available from the OSHA website at https://www.osha.gov/stateplans.

[6] Per Section 6(b)(1) of the OSH Act [29 §655(b)(1)], a petition may be submitted by "an interested person, a representative of any organization of employers or employees, a nationally recognized standards-producing

standard or to promulgate a standard in response to a petition. OSHA may also consult with one of the two statutory standing advisory committees—the National Advisory Committee on Occupational Safety and Health (NACOSH) or the Advisory Committee on Construction Safety and Health (ACCSH)—or an ad-hoc advisory committee for assistance in developing a standard.[7]

Notice and Comment

OSHA's rulemaking process for the promulgation of standards is largely governed by the provisions of the Administrative Procedure Act (APA) and Section 6(b) of the OSH Act.[8] Under the APA informal rulemaking process, federal agencies, including OSHA, are required to provide notice of proposed rules through the publication of a Notice of Proposed Rulemaking in the *Federal Register* and provide the public a period of time to provide comments on the proposed rules.

Section 7(b) of the OSH Act mirrors the APA in that it requires notice and comment in the rulemaking process.[9] After publishing a proposed standard, the public must be given a period of at least 30 days to provide comments. In addition, any person may submit written objections to the proposed standard and may request a public hearing on the standard.

Statement of Reasons

Section 6(e) of the OSH Act requires OSHA to publish in the *Federal Register* a statement of the reasons the agency is taking action whenever it promulgates a standard, conducts other rulemaking, or takes certain additional actions, including issuing an order, compromising on a penalty amount, or settling an issued penalty.[10]

Other Relevant Laws and Executive Order 12866

In addition to the APA and OSH Act, other federal laws that generally apply to OSHA rulemaking include the Paperwork Reduction Act,[11] Regulatory Flexibility Act,[12] Congressional Review Act,[13] Information Quality Act,[14] and Small Business Regulatory Enforcement Fairness Act (SBREFA).[15] Also, Executive Order 12866, issued by President Clinton in 1993, requires

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organization, the Secretary of Health and Human Services (HHS), the National Institute for Occupational Safety and Health, or a state or political subdivision."

[7] The National Advisory Committee on Occupational Safety and Health (NACOSH) was established by Section 7(a) of the OSH Act [29 U.S.C. §656(a)]. The Advisory Committee on Construction Safety and Health (ACCSH) was established by Section 107 of the Contract Work Hours and Safety Act (P.L. 87-581). Section 7(b) of the OSH Act provides OSHA the authority to establish additional advisory committees.

[8] The Administrative Procedure Act (APA) is codified at 5 U.S.C. §§500-596. For detailed information on federal agency rulemaking and the APA, see CRS Report RL32240, *The Federal Rulemaking Process: An Overview*.

[9] 29 U.S.C. §655(b).

[10] 29 U.S.C §655(e).

[11] 44 U.S.C. §§3501-3520.

[12] 5 U.S.C. §§601-612.

[13] 5 U.S.C. §§801-808.

[14] 44 U.S.C. §3516 note.

[15] 5 U.S.C. §601 note. For information on these additional laws that apply to OSHA rulemaking, see U.S. Government Accountability Office (GAO), *Workplace Safety and Health: Multiple Challenges Lengthen OSHA's Standard Setting*, GAO-12-330, April 2012, Appendix II, at https://www.gao.gov/products/GAO-12-330 (hereinafter cited as GAO-12-330, *Workplace Safety and Health*).

agencies to submit certain regulatory actions to the Office of Management and Budget (OMB) and Office of Information and Regulatory Affairs (OIRA) for review before promulgation.[16]

OSHA Rulemaking Time Line

OSHA rulemaking for new standards historically has been a relatively time-consuming process. In 2012, at the request of Congress, the Government Accountability Office (GAO) reviewed 59 significant OSHA standards promulgated between 1981 (after the enactments of the Paperwork Reduction Act and Regulatory Flexibility Act) and 2010.[17] For these standards, OSHA's average time between beginning formal consideration of the standard—either through publishing a Request for Information or Advance Notice of Proposed Rulemaking in the *Federal Register* or placing the rulemaking on its semiannual regulatory agenda—and promulgation of the standard was 93 months (7 years, 9 months). Once the Notice of Proposed Rulemaking was published for these 59 standards, the average time until promulgation of the standard was 39 months (3 years, 3 months).

In 2012, OSHA's Directorate of Standards and Guidance published a flowchart of the OSHA rulemaking process on the agency's website.[18] This flowchart includes estimated duration ranges for a variety of rulemaking actions, beginning with pre-rule activities—such as developing the idea for the standard and meeting with stakeholders—and ending with promulgation of the standard. The flowchart also includes an estimated duration range for post-promulgation activities, such as judicial review. The estimated time from the start of preliminary rulemaking to the promulgation of a standard ranges from 52 months (4 years, 4 months) to 138 months (11 years, 6 months). After a Notice of Proposed Rulemaking is published in the *Federal Register,* the estimated length of time until the standard is promulgated ranges from 26 months (2 years, 2 months) to 63 months (5 years, 3 months). **Table 1** provides OSHA's estimated time lines for six major pre-rulemaking and rulemaking activities leading to the promulgation of a standard.

Table 1. OSHA Rulemaking Process: Estimated Durations of Activities

Stage	Activities	Estimated Duration
1	Preliminary rulemaking activities	12-36 months
2	Developing the proposed rule	12-36 months
3	Publishing the Notice of Proposed Rulemaking (NPRM)	2-3 months
4	Developing and analyzing the rulemaking record, including public comments and hearings	6-24 months
5	Developing the final rule, including Office of Information and Regulatory Affairs (OIRA) submission	18-36 months
6	Publishing the final rule (promulgating the new standard)	2-3 months
Total estimated duration		52-138 months
Estimated duration from NPRM to final rule		26-63 months

Source: Congressional Research Service (CRS) with data from Occupational Safety and Health Administration (OSHA), Directorate of Standards and Guidance, *The OSHA Rulemaking Process*, October 15, 2012, at https://www.osha.gov/OSHA_FlowChart.pdf.

[16] Executive Order 12866, "Regulatory Planning and Review," 58 *Federal Register* 51735, October 4, 1993.

[17] GAO-12-330, *Workplace Safety and Health*.

[18] OSHA, Directorate of Standards and Guidance, *The OSHA Rulemaking Process*, October 15, 2012, at https://www.osha.gov/OSHA_FlowChart.pdf.

Judicial Review

Both the APA and the OSH Act provide for judicial review of OSHA standards. Section 7(f) of the OSH Act provides that any person who is "adversely affected" by a standard may file, within 60 days of its promulgation, a petition challenging the standard with the U.S. Court of Appeals for the circuit in which the person lives or maintains his or her principal place of business.[19] A petition for judicial review does not automatically stay the implementation or enforcement of the standard. However, the court may order such a stay. OSHA estimates that post-promulgation activities, including judicial review, can take between 4 and 12 months after the standard is promulgated.[20]

Emergency Temporary Standards

Section 6(c) of the OSH Act provides the authority for OSHA to issue an Emergency Temporary Standard (ETS) without having to go through the normal rulemaking process. OSHA may promulgate an ETS without supplying any notice or opportunity for public comment or public hearings. An ETS is immediately effective upon publication in the *Federal Register*. Upon promulgation of an ETS, OSHA is required to begin the full rulemaking process for a permanent standard with the ETS serving as the proposed standard for this rulemaking. An ETS is valid until superseded by a permanent standard, which OSHA must promulgate within six months of publishing the ETS in the *Federal Register*.[21] An ETS must include a statement of reasons for the action in the same manner as required for a permanent standard. State plans are required to adopt or adhere to an ETS, although the OSH Act is not clear on how quickly a state plan must come into compliance with an ETS.

ETS Requirements

Section 6(c)(1) of the OSH Act requires that both of the following determinations be made in order for OSHA to promulgate an ETS:

- that employees are exposed to grave danger from exposure to substances or agents determined to be toxic or physically harmful or from new hazards, and
- that such emergency standard is necessary to protect employees from such danger.

Grave Danger Determination

The term *grave danger*, used in the first mandatory determination for an ETS, is not defined in statute or regulation. The legislative history demonstrates the intent of Congress that the ETS process "not be utilized to circumvent the regular standard-setting process," but the history is unclear as to how Congress intended the term grave danger to be defined.[22]

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[19] 29 U.S.C. §655(f).

[20] OSHA, Directorate of Standards and Guidance, *The OSHA Rulemaking Process*, October 15, 2012, at https://www.osha.gov/OSHA_FlowChart.pdf.

[21] 29 U.S.C §655(c)(2).

[22] U.S. Congress, Senate Labor and Public Welfare, Subcommittee on Labor, *Legislative History of the Occupational Safety and Health Act of 1970 (S. 2193, P.L. 91-596)*, committee print, prepared by Subcommittee on Labor, 91st Cong., 1 sess., June 1971, 52-531 (Washington: GPO, 1971), p. 1218.

In addition, although the federal courts have ruled on challenges to previous ETS promulgations, the courts have provided no clear guidance as to what constitutes a grave danger. In 1984, the U.S. Court of Appeals for the Fifth Circuit in *Asbestos Info. Ass'n v. OSHA* issued a stay and invalidated OSHA's November 1983 ETS lowering the permissible exposure limit for asbestos in the workplace.[23] In its decision, the court stated that "gravity of danger is a policy decision committed to OSHA, not to the courts."[24] The court, however, ultimately rejected the ETS, in part on the grounds that OSHA did not provide sufficient support for its claim that 80 workers would ultimately die because of exposures to asbestos during the six-month life of the ETS.

Necessity Determination

In addition to addressing a grave danger to employees, an ETS must also be *necessary* to protect employees from that danger. In *Asbestos Info. Ass'n*, the court invalidated the asbestos ETS for the additional reason that OSHA had not demonstrated the necessity of the ETS. The court cited, among other factors, the duplication between the respirator requirements of the ETS and OSHA's existing standards requiring respirator use. The court dismissed OSHA's argument that the ETS was necessary because the agency felt that the existing respiratory standards were "unenforceable absent actual monitoring to show that ambient asbestos particles are so far above the permissible limit that respirators are necessary to bring employees' exposure within the PEL of 2.0 f/cc."[25] The court determined that "fear of a successful judicial challenge to enforcement of OSHA's permanent standard regarding respirator use hardly justifies resort to the most dramatic weapon in OSHA's enforcement arsenal."[26]

Although OSHA has not promulgated an ETS since the 1983 asbestos standard, it has since determined the necessity of an ETS. In 2006, the agency considered a petition from the United Food and Commercial Workers (UFCW) and International Brotherhood of Teamsters (IBT) for an ETS on diacetyl. The UFCW and IBT petitioned OSHA for the ETS after the National Institute for Occupational Safety and Health (NIOSH) and other researchers found that airborne exposure to diacetyl, then commonly used as an artificial butter flavoring in microwave popcorn and a flavoring in other food and beverage products, was linked to the lung disease *bronchiolitis obliterans*, now commonly referred to as "popcorn lung."[27] According to GAO's 2012 report on OSHA's standard-setting processes, OSHA informed GAO that although the agency may have been able to issue an ETS based on the grave danger posed by diacetyl, the actions taken by the food and beverage industries, including reducing or removing diacetyl from products, made it less likely that the necessity requirement could be met.[28]

ETS Duration

Section 6(c)(2) of the OSH Act provides that an ETS is effective until superseded by a permanent standard promulgated pursuant to the normal rulemaking provisions of the OSH Act. Section 6(c)(3) of the OSH Act requires OSHA to promulgate a permanent standard within six months of

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[23] 727 F.2d at 415, 425-427 (5th Cir. 1984).

[24] 727 F.2d at 427 (5th Cir. 1984).

[25] 727 F.2d at 427 (5th Cir. 1984). The ETS mandated a permissible exposure limit (PEL) for asbestos of two asbestos fibers per cubic centimeter of air (2.0 f/cc).

[26] 727 F.2d at 427 (5th Cir. 1984).

[27] See, for example, Centers for Disease Control and Prevention (CDC): National Institute for Occupational Safety and Health (NIOSH), *NIOSH Alert: Preventing Lung Disease in Workers who Use or Make Flavorings*, DHHS (NIOSH) publication no. 2004–110, December 2003, at https://www.cdc.gov/niosh/docs/2004-110/.

[28] GAO-12-330, *Workplace Safety and Health*.

promulgating the ETS. As shown earlier in this report, six months is well outside of historical and currently expected time frames for developing and promulgating a standard under the notice and comment provisions of the APA and OSH Act, as well as under other relevant federal laws and executive orders. This dichotomy between the statutory mandate to promulgate a standard and the time lines that, based on historical precedent, other provisions in the OSH Act might realistically require for such promulgation raises the question of whether or not OSHA could extend an ETS's duration without going through the normal rulemaking process. The statute and legislative history do not clearly address this question.

OSHA has used its ETS authority sparingly in its history and not since the asbestos ETS promulgated in 1983. As shown in **Table A-1** in the Appendix, of the nine times OSHA has issued an ETS, the courts have fully vacated or stayed the ETS in four cases and partially vacated the ETS in one case.[29] Of the five cases that were not challenged or that were fully or partially upheld by the courts, OSHA issued a permanent standard either within the six months required by the statute or within several months of the six-month period and always within one year of the promulgation of the ETS.[30] Each of these cases, however, occurred before 1980, when a combination of additional federal laws and court decisions added additional procedural requirements to the OSHA rulemaking process. OSHA did not attempt to extend the ETS's expiration date in any of these cases.

Although the courts have not ruled directly on an attempt by OSHA to solely extend the life of an ETS, in 1974, the U.S. Court Appeals for the Fifth Circuit held in *Florida Peach Growers Ass'n v. United States Department of Labor* that OSHA was within its authority to amend an ETS without going through the normal rulemaking process.[31] The court stated that "it is inconceivable that Congress, having granted the Secretary the authority to react quickly in fast-breaking emergency situations, intended to limit his ability to react to developments subsequent to his initial response."[32] The court also recognized the difficulty OSHA may have in promulgating a standard within six months due to the notice and comment requirements of the OSH Act, stating that in the case of OSHA seeking to amend an ETS to expand its focus, "adherence to subsection (b) procedures would not be in the best interest of employees, whom the Act is designed to protect. Such lengthy procedures could all too easily consume all of the temporary standard's six months life."[33]

[29] Mark A. Rothstein, "Substantive and Procedural Obstacles to OSHA Rulemaking: Reproductive Hazards as an Example," *Boston College Environmental Affairs Law Review*, vol. 12, no. 4 (August 1985), p. 673.

[30] For example, OSHA promulgated the Acrylonitrile (vinyl cyanide) ETS on January 17, 1978, and the permanent standard on October 3, 1978, with an effective date of November 2, 1978. The preamble to the permanent standard published in the *Federal Register* does not include information on the status of the ETS during the time between its expiration and the promulgation of the permanent standard. OSHA, "Occupational Exposure to Acrylonitrile (Vinyl Cyanide)," 43 *Federal Register* 45762, October 3, 1978.

[31] 489 F.2d. 120 (5th Cir. 1974).

[32] 489 F.2d. at 127 (5th Cir. 1974).

[33] 489 F.2d. at 127 (5th Cir. 1974).

OSHA Standards Related to COVID-19

Current OSHA Standards

Currently, no OSHA standard directly covers exposure to airborne or aerosol diseases in the workplace. As a result, OSHA is limited in its ability to enforce protections for healthcare and other workers who may be exposed to SARS-CoV-2, the virus that causes COVID-19.[34]

OSHA may enforce the General Duty Clause in the absence of a standard, if it can be determined that an employer has failed to provide a worksite free of "recognized hazards" that are "causing or are likely to cause death or serious physical harm" to workers.[35] In addition, OSHA's standards for the use of personal protective equipment (PPE) may apply in cases in which workers require eye, face, hand, or respiratory protection against COVID-19 exposure.[36]

As of October 1, 2020, OSHA has issued citations related to COVID-19 to employers at 62 work sites resulting in a total of $913,133 in proposed civil penalties.[37] The majority of these citations were issued to healthcare, nursing, and long-term care providers, including two Department of Veterans Affairs facilities—a hospital in Indianapolis, Indiana, and a community living center in Queens, New York.[38] Two employers in the meat processing industry—Smithfield Packaged Foods, Inc. in Sioux Falls, South Dakota and JBS Foods, Inc. in Greeley, Colorado—were also cited.[39] In the two meat processing cases, citations were issued for General Duty Clause violations. Other citations were issued for violations of OSHA's respiratory protection, injury and illness reporting, and recordkeeping standards.

The highest amount of proposed penalties issued to a single employer for COVID-19-related violations was $28,070 to the Harborage nursing home operated by Hackensack Meridian Healthcare in New Jersey for four serious and one other than serious violations of the respiratory protection standard.[40] For two of the serious violations, OSHA issued the maximum allowable penalty of $13,494.[41] For the other two serious violations, OSHA issued citations but no monetary penalties. For the other than serious violation, OSHA issued a penalty of $1,082. The two meat processing employers were each assessed maximum penalties of $13,494 for serious violations of the General Duty Clause.

In a letter to OSHA, Senators Elizabeth Warren and Cory A. Booker raised concerns over the amount of penalties issued to these employers.[42] The Senators asked OSHA why these employers

[34] OSHA has a standard on blood-borne pathogens (29 C.F.R. §1910.1030) but does not have a standard on pathogens transmitted by airborne droplets.

[35] 29 U.S.C. §654(a)(1).

[36] 29 C.F.R. §§1910.133, 1910.134, and 1910.138.

[37] OSHA, *U.S. Department of Labor's OSHA Announces $913,133 in Coronavirus Violations*, OSHA National News Release, October 9, 2020, https://www.osha.gov/news/newsreleases/national/10092020.

[38] A list of all COVID-19-related citations issued by OSHA through October 1, 2020, is available at https://www.osha.gov/enforcement/covid-19-data/inspections-covid-related-citations.

[39] OSHA has the authority to issue citations to Executive Branch agencies, but does not have the authority to issue civil monetary penalties to these agencies.

[40] Detailed information on the citations issued to this employer is available at https://www.osha.gov/pls/imis/establishment.inspection_detail?id=1476465.015.

[41] OSHA citations are classified as "serious," "other than serious," "willful," or "repeated." The maximum amounts of OSHA penalties are subject to annual inflationary adjustments.

[42] Letter from Senators Elizabeth Warren and Cory A. Booker to Loren Sweatt, Principal Deputy Assistant Secretary of

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were each cited for single serious violations of the General Duty Clause rather than multiple violations for each area of the facilities in which social distancing measures were not implemented. They also asked why OSHA did not issue penalties for willful or repeated violations that carry maximum penalties of $134,937 per violation. None of the employers cited for COVID-19-related violations were issued penalties for willful or repeated violations.

OSHA Respiratory Protection Standard

National Institute for Occupational Safety and Health Certification

The OSHA respiratory protection standard requires the use of respirators certified by NIOSH in cases in which engineering controls, such as ventilation or enclosure of hazards, are insufficient to protect workers from breathing contaminated air.[43] Surgical masks, procedure masks, and dust masks are not considered respirators. NIOSH certifies respirators pursuant to federal regulations.[44] For nonpowered respirators, such as filtering face piece respirators commonly used in healthcare and construction, NIOSH classifies respirators based on their efficiency at filtering airborne particles and their ability to protect against oil particles. Under the NIOSH classification system, the letter (N, R, or P) indicates the level of oil protection as follows: N—no oil protection; R—oil resistant; and P—oil proof. The number following the letter indicates the efficiency rating of the respirator as follows: 95—filters 95% of airborne particles; 97—filters 97% of airborne particles; and 100—filters 99.7% of airborne particles. Thus an N95 respirator, the most common type, is one that does not protect against oil particles and filters out 95% of airborne particles. An R or P respirator can be used in place of an N respirator.

A respirator that is past its manufacturer-designated shelf life is no longer considered to be certified by NIOSH. However, in response to potential shortages in respirators, NIOSH has tested and approved certain models of respirators for certified use beyond their manufacturer-designated shelf lives.[45]

Respirators designed for certain medical and surgical uses are subject to both certification by NIOSH (for oil protection and efficiency) and regulation by the Food and Drug Administration (FDA) as medical devices. In general, respirators with exhalation valves cannot be used in surgical and certain medical settings because, although the presence of an exhalation valve does not affect the respirator's protection afforded the user, it may allow unfiltered air from the user into a sterile field. On March 2, 2020, FDA issued an Emergency Use Authorization (EUA) to approve for use in medical settings certain NIOSH-certified respirators not previously regulated by FDA.[46]

Labor, Occupational Safety and Health Administration, September 22, 2020, https://www.warren.senate.gov/imo/media/doc/Letter%20from%20Senators%20Warren,%20Booker%20to%20OSHA%209-22-20.pdf.

[43] 29 C.F.R. §1910.134.

[44] 42 C.F.R. Part 84.

[45] NIOSH, *Release of Stockpiled Filtering Facepiece Respirators Beyond the Manufacturer-Designated Shelf Life: Considerations for the COVID-19 Response*, February 28, 2020, at https://www.cdc.gov/coronavirus/2019-ncov/release-stockpiled-N95.html.

[46] Letter from RADM Denise M. Hinton, chief scientist, Food and Drug Administration (FDA), to Robert R. Redfield, Director, CDC, March 2, 2020, at https://www.fda.gov/media/135763/download. The list of respirators approved under this Emergency Use Authorization (EUA) is in Appendix B to this letter, updated at https://www.fda.gov/media/135921/download.

CDC Interim Guidance on Respiratory Protection

On March 10, 2020, the Centers for Disease Control and Prevention (CDC) updated its interim guidance for the protection of healthcare workers against exposure to COVID-19 to permit healthcare workers caring for known or suspected COVID-19 cases to use "facemasks" when respirators are not available or are in limited supply.[47] This differs from the CDC's 2007 guidelines for control of infectious agents in healthcare settings, which required the use of respirators for treatment of known or suspected cases.[48] CDC states that respirators should be prioritized for use in medical procedures likely to generate respiratory aerosols. Before this interim guidance was released, Representative Bobby Scott, Chairman of the House Committee on Education and Labor, and Representative Alma Adams, Chair of the Subcommittee on Workforce Protections, sent a letter to Secretary of Health and Human Services (HHS) Alex M. Azar II expressing their opposition to this change in the interim standard.[49]

Medical Evaluation and Fit Testing

The OSHA respiratory protection standard requires that the employer provide a medical evaluation to the employee to determine if the employee is physiologically able to use a respirator. This medical evaluation must be completed before any fit testing. For respirators designed to fit tightly against the face, the specific type and model of respirator that an employee is to use must be fit tested in accordance with the procedures provided in Appendix A of the OSHA respiratory protection standard to ensure there is a complete seal around the respirator when worn.[50] Once an employee has been fit tested for a respirator, he or she is required to be fit tested annually or whenever the model of respirator, but not the actual respirator itself, is changed. Each time an individual uses a respirator, he or she is required to perform a check of the seal of the respirator to his or her face in accordance with the procedures provided in Appendix B of the standard.[51] On March 14, 2020, OSHA issued guidance permitting employers to suspend annual fit testing of respirators for employees that have already been fit tested on the same model respirator.

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[47] Although the interim guidance does not specifically define the term *facemask*, it does differentiate between a facemask and a respirator such that any recommendation to use a facemask does not require the use of a respirator. CDC, *Interim Infection Prevention and Control Recommendations for Patients with Suspected or Confirmed Coronavirus Disease 2019 (COVID-19) in Healthcare Settings*, updated March 10, 2020, at https://www.cdc.gov/coronavirus/2019-ncov/infection-control/control-recommendations.html.

[48] CDC, *2007 Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings*, updated July 2019, at https://www.cdc.gov/infectioncontrol/pdf/guidelines/isolation-guidelines-H.pdf.

[49] Letter from Representative Robert C. "Bobby" Scott, chairman, House Committee on Education and Labor, and Representative Alma S. Adams, chair, Subcommittee on Workforce Protections, to The Honorable Alex M. Azar II, Secretary of HHS, March 9, 2020, at https://edlabor.house.gov/imo/media/doc/Azar%20Redfield%20Letter_SIGNED%202020-03-09.pdf.

[50] 29 C.F.R. §1910.134 Appendix A. Powered air purifying respirators (PAPR) that do not require a seal to the user's face do not need to be fit tested.

[51] 29 C.F.R. §1910.134 Appendix B.

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Temporary OSHA Enforcement Guidance on the Respiratory Protection Standard

In response to shortages of respirators and other PPE during the national response to the COVID-19 pandemic, OSHA has issued three sets of temporary enforcement guidance to permit the following exceptions to the respiratory protection standard:

1. Employers may suspend annual fit testing of respirators for employees that have already been fit tested on the same model respirator;[52]
2. Employers may permit the use of expired respirators and the extended use or reuse of respirators, provided the respirator maintains its structural integrity and is not damaged, soiled, or contaminated (e.g., with blood, oil, or paint);[53] and
3. Employers may permit the use of respirators not certified by NIOSH, but approved under standards used by the following countries or jurisdictions, in accordance with the protection equivalency tables provided in Appendices A and B of the enforcement guidance document:
   - Australia,
   - Brazil,
   - European Union,
   - Japan,
   - Mexico,
   - People's Republic of China, and
   - Republic of Korea.[54]

California: Cal/OSHA Aerosol Transmissible Disease Standard

Although no OSHA standard specifically covers aerosol or airborne disease transmission, the California Division of Occupational Safety and Health (Cal/OSHA), under its state plan, promulgated its aerosol transmissible disease (ATD) standard in 2009.[55] The ATD standard covers most healthcare workers, laboratory workers, as well as workers in correctional facilities, homeless shelters, and drug treatment programs. Under the ATD standard, SARS-CoV-2, the virus that causes COVID-19, is classified as a disease or pathogen requiring airborne isolation. This classification subjects the virus to stricter control standards than diseases requiring only

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[52] OSHA, *Temporary Enforcement Guidance - Healthcare Respiratory Protection Annual Fit-Testing for N95 Filtering Facepieces During the COVID-19 Outbreak*, March 14, 2020, at https://www.osha.gov/memos/2020-03-14/temporary-enforcement-guidance-healthcare-respiratory-protection-annual-fit.

[53] OSHA, *Enforcement Guidance for Respiratory Protection and the N95 Shortage Due to the Coronavirus Disease 2019 (COVID-19) Pandemic*, April 3, 2020, at https://www.osha.gov/memos/2020-04-03/enforcement-guidance-respiratory-protection-and-n95-shortage-due-coronavirus. Under this guidance, employers are required to address in their written respiratory protection plans when respirators are contaminated and not available for use or reuse.

[54] OSHA, *Enforcement Guidance for Use of Respiratory Protection Equipment Certified under Standards of Other Countries or Jurisdictions During the Coronavirus Disease 2019 (COVID-19) Pandemic*, April 3, 2020, at https://www.osha.gov/memos/2020-04-03/enforcement-guidance-use-respiratory-protection-equipment-certified-under.

[55] Cal. Code Regs. tit. 8, §5199. The California state plan covers all state and local government agencies and all private-sector workers in the state, with the exception of maritime workers; workers on military bases and in national parks, monuments, memorials, and recreation areas; workers on federally recognized Native American reservations and trust lands; and U.S. Postal Service contractors.

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droplet precautions, such as seasonal influenza.[56] The key requirements of the ATD standard include

- written ATD exposure control plan and procedures,
- training of all employees on COVID-19 exposure, use of PPE, and procedures if exposed to COVID-19,
- engineering and work practice controls to control COVID-19 exposure, including the use of airborne isolation rooms,
- provision of medical services to employees, including removal of exposed employees,
- specific requirements for laboratory workers, and
- PPE requirements.

Cal/OSHA Aerosol Transmissible Disease PPE Requirements

The Cal/OSHA ATD standard requires that employers provide employees PPE, including gloves, gowns or coveralls, eye protection, and respirators certified by NIOSH at least at the N95 level whenever workers

- enter or work in an airborne isolation room or area with a case or suspected case;
- are present during procedures or services on a case or suspected case;
- repair, replace, or maintain air systems or equipment that may contain pathogens;
- decontaminate an area that is or was occupied by a case or suspected case;
- are present during aerosol generating procedures on cadavers of cases or suspected cases;
- transport a case or suspected case within a facility or within a vehicle when the patient is not masked; and
- are working with a viable virus in the laboratory.[57]

In addition, a powered air purifying respirator (PAPR) with a high-efficiency particulate air (HEPA) filter must be used whenever a worker performs a *high-hazard procedure* on a known or suspected COVID-19 case.[58] High-hazard procedures are those in which "the potential for being exposed to aerosol transmissible pathogens is increased due to the reasonably anticipated generation of aerosolized pathogens"—they include intubation, airway suction, and caring for patients on positive pressure ventilation.[59] Emergency medical services (EMS) workers may use N100, R100, or P100 respirators in place of PAPRs.

[56] Cal. Code Regs. tit. 8, §5199 Appendix A.

[57] California Division of Occupational Safety and Health (Cal/OSHA), *Interim Guidance for Protecting Health Care Workers from Exposure to Coronavirus Disease (COVID-19)*, March 2020, at https://www.dir.ca.gov/dosh/Coronavirus-info.html.

[58] A PAPR uses a mechanical device to draw in room air and filter it before expelling that air over the user's face. In general, PAPRs do not require a tight seal to the user's face and do not need to be fit tested.

[59] Cal. Code Regs. tit. 8, §5199(b).

Cal/OSHA Interim Guidance on COVID-19

Cal/OSHA has issued interim guidance in response to shortages of respirators in the state due to the COVID-19 pandemic response.[60] Under this interim guidance, if the supply of N95 respirators or PAPRs are insufficient to meet current or anticipated needs, surgical masks may be used for low-hazard patient contacts that would otherwise require the use of respirators, and respirators may be used for high-hazard procedures that would otherwise require the use of PAPRs.

Virginia: VOSH COVID-19 ETS

On July 15, 2020, the Virginia Safety and Health Codes Board adopted an ETS to specifically protect employees from exposure to SARS-CoV-2, the virus that causes COVID-19.[61] This ETS, promulgated under Virginia's state occupational safety and health plan (VOSH) is the first state standard to specifically address COVID-19 in the workplace.[62] As an ETS, the VOSH standard expires within six months of its effective date, upon expiration of the Governor's State of Emergency, when superseded by a permanent standard, or when repealed by the Virginia Safety and Health Codes Board, whichever comes first. The ETS can be extended only through the normal state rulemaking process.

Unlike the Cal/OSHA ATD standard, the VOSH ETS applies to all state and local government agencies and all covered private-sector employees in the state. As part of a state plan, the VOSH ETS applies to state and local government entities, such as public schools, as employers. All covered employers in Virginia must comply with the following ETS requirements:

- exposure assessment and determination, notification of suspected cases and contacts with those cases, and employee access to their own exposure and medical records;
- return to work of employees known or suspected to have COVID-19 based on a duration of time since last symptoms or negative COVID-19 tests;[63]
- maintenance of physical distancing between employees while working and on paid breaks at the worksite, including restricted access to the worksite and common areas and break rooms;
- compliance with applicable existing PPE and respiratory protection standards when physical distancing between employees is not possible; and
- sanitation and disinfection requirements.

For all employers, if engineering, administrative, or work practice controls are not feasible or do not provide sufficient protection from SARS-CoV-2 transmission, then PPE, including respiratory PPE—such as respirators, if necessary—must be provided to employees.

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[60] California Division of Occupational Safety and Health (Cal/OSHA), *Cal/OSHA Interim Guidance on COVID-19 for Health Care Facilities: Severe Respirator Supply Shortages*, March 28, 2020, at https://www.dir.ca.gov/dosh/coronavirus/Cal-OSHA-Guidance-for-respirator-shortages.pdf.

[61] *Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19*, 16 Va. Admin. Code §25-220. This ETS is effective upon publication in a Richmond, VA, newspaper during the week of July 27, 2020.

[62] The Virginia state plan covers all state and local government agencies and all private-sector workers in the state, with the exception of maritime workers, U.S Postal Service contractors, workers at military bases or other federal enclaves in which the federal government has civil jurisdiction, workers at the U.S. Department of Energy's Southeastern Power Administration Kerr-Philpott System, and aircraft cabin crew members.

[63] A COVID-19 test for the purposes of determining if an employee can return to work must be paid for by the employer or offered such that the employee bears no cost for the test.

Hazard and Job Task Classification

The VOSH ETS requires that each employer assess its workplace for hazards and job tasks that potentially expose employees to the SARS-CoV-2 virus. Employers must classify each job task as having a "very high," "high," "medium," or "lower" risk level of exposure, according to the hazards to which employees are potentially exposed. The VOSH ETS provides the following examples of activities for the "very high" and "high" risk levels:

- "very high" risk activities include
  - using aerosol-generating procedures, such as intubation, on patients known or suspected to be infected with SARS-CoV-2;
  - collecting or handling specimens from patients known or suspected to be infected with SARS-CoV-2; and
  - performing an autopsy involving aerosol-generating procedures on the body of a person known or suspected to be infected with the SARS-CoV-2 virus at the time of death; and
- "high risk" activities include
  - health care services, including inpatient care, outpatient care, skilled nursing care, and nonmedical support services such as room cleaning, provided to patients known or suspected to be infected with SARS-CoV-2;
  - first responder and medical transport services to patients known or suspected to be infected with SARS-CoV-2; and
  - mortuary services to persons known or suspected to be infected with the SARS-CoV-2 virus at the time of death.

"Medium" risk activities are those that require employees to have more than minimal contact, within six feet of other employees, customers, or members of the public who are not known or suspected to be infected with SARS-CoV-2.[64] "Lower" risk activities are those that do not require contact with other persons within six feet or that are able to utilize the following types of engineering, administrative, or work practice controls to minimize contact between persons:

- installation of floor to ceiling barriers, such as barriers between cashiers and customers;
- telecommuting;
- staggered work shifts to reduce the number of workers at a site;
- delivering services remotely, including curbside pickup of retail purchases; and
- mandatory physical distancing of persons.

The use of face coverings other than respirators or medical or surgical masks, including cloth face coverings now required by several states, is not an acceptable method of minimizing physical contact between persons. However, the VOSH ETS requires the use of face coverings for brief contacts between persons within six feet of each other.

[64] Examples of "medium" risk work activities are provided in the VOSH ETS at 16 Va. Admin. Code §25-220-30.

Engineering, Administrative, Work Practice, and PPE Requirements for "Very High," "High," and "Medium" Risk Activities

Employers with job tasks or activities in the "very high," "high," or "medium" risk classifications must adhere to specific engineering, administrative, work practice, and PPE requirements. For "very high" and "high" risk activities, engineering controls include the use of airborne infection isolation rooms (AIIR) for known or suspected COVID-19 patients and aerosol-generating procedures and Biosafety Level 3 (BSL-3) precautions for the handling of specimens from known or suspected COVID-19 patients.[65]

Employers with "very high" and "high" risk activities must implement administrative and work practice controls, including the prescreening of all employees to ensure that employees do not have signs or symptoms of COVID-19; enhanced medical screening of employees during COVID-19 outbreaks; and the use of flexible work arrangements, such as telecommuting, when feasible. In addition, all employers with "very high" or "high" risk activities must provide, to the extent feasible, psychological and behavioral support to address employee stress at no cost to the employee.

The standard also provides for engineering, administrative, and work practice controls for "medium" risk activities.[66]

PPE Requirements for "Very High" and "High" Risk Activities

Employers with "very high" and "high" risk activities, who are not already covered by the general OSHA PPE standards, are required to comply with the VOSH ETS requirements for PPE. An employer subject to these requirements must assess the workplace to determine if there are any COVID-19 hazards present or likely to be present that would require the use of PPE by employees. The employer must provide for the participation of employees and employee representatives in this assessment process and verify that this assessment has been conducted through a written certification.

If hazards that require PPE are identified, the employer must select and provide the appropriate PPE to each employee and ensure that PPE fits properly. If respiratory PPE, such as respirators or PAPR are used as PPE, the existing OSHA standards for respiratory PPE, which include medical evaluation of employees and fit testing, must be followed.

Unless contraindicated by the hazard and PPE assessment, when any employee is in contact within six feet of any person known or suspected to be infected with SARS-CoV-2, that employee must be provided with the following types of PPE:

- gloves,
- gown large enough to cover areas needing protection,
- face shield or goggles, and
- respirator.

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[65] The VOSH ETS requires compliance with Biosafety Level 3 precautions provided in HHS, *Biosafety in Microbiological and Biomedical Laboratories. Fifth Edition*, HHS Publication no. (CDC) 21-1112, December 2009, at https://www.cdc.gov/labs/BMBL.html.

[66] Engineering, administrative, and work practice controls for "medium" risk activities are provided in the VOSH ETS at 16 Va. Admin. Code §25-220-60.

While there are no specific PPE requirements for "medium" risk activities, PPE may be required based on an assessment of the hazards of these activities.

Infectious Disease Preparedness and Response Plan and Training

Infectious Disease Preparedness and Response Plan

All employers with "very high" and "high" risk activities, and employers with 11 or more employees and "medium" risk activities, must develop written infectious disease preparedness and response plans. These plans must be developed with input from employees. The deadline for the development of these plans is 60 days from the effective date of the ETS.

The infectious disease preparedness plan must include a consideration of the COVID-19 risks in the workplace, and to the extent possible and in compliance with medical privacy laws, the specific risks faced by employees with certain preexisting medical conditions. The plan must include contingency plans for continued operations during a COVID-19 outbreak and provide for the prompt identification and isolation of employees with known or suspected COVID-19 and a procedure for employees to notify the employer of COVID-19 signs or symptoms. The plan must also address interactions between the employer's worksite and other businesses, such as vendors and contractors to ensure employees of these businesses comply with the VOSH ETS and the employer's infectious disease preparedness and response plan.

Training

All employers with "very high," "high," or "medium" risk activities must provide training to all employees, including those employees whose work does not involve any COVID-19 risks. This training must teach employees to recognize the hazards of the SARS-CoV-2 virus, signs and symptoms of COVID-19, and the procedures to minimize SARS-CoV-2 hazards. If the employer has an infectious disease preparedness and response plan, training must be provided on this plan. Written certification of training must be prepared, and retraining must be provided when necessary.

Employers with only "lower" risk activities are not required to prepare a formal training plan but must provide oral or written communication on the hazards of SARS-CoV-2, the signs and symptoms of COVID-19, and measures to minimize SARS-CoV-2 exposure. VOSH is required to develop an information sheet that employers can use to satisfy this training requirement.

Training must be provided within 30 days of the effective date of the standard, except for training on the infectious disease preparedness and response plan, which must be completed within 60 days.

Whistleblower Protections

The VOSH ETS prohibits any employer from discharging or otherwise discriminating against any employee who does the following:

- exercises his or her rights under the ETS or existing whistleblower protection provisions, including the limited right of an employee to refuse work because of a reasonable fear of injury or death or serious injury;[67]

[67] To exercise this right, the employee must, if possible, have sought unsuccessfully to have the employer remedy the hazard, and there must be insufficient time to attempt to remedy the hazard through normal regulatory enforcement

- provides and wears his or her own PPE, provided the PPE does not create a greater hazard to the employee or create a serious hazard to other employees; or
- raises a reasonable concern about SARS-CoV-2 and COVID-19 infection control to the employer, the employer's agent, other employees, the government, or the public through any type of media including social media.

Michigan: MIOSHA COVID-19 Emergency Rules

On October 14, 2020, the director of the Michigan Department of Labor and Economic Opportunity, which operates Michigan's state occupational safety and health plan (MIOSHA), promulgated emergency rules to address workplace exposure to COVID-19.[68] These rules, which apply to all employers in the state, went into immediate effect and will remain in effect for six months. In addition to rules that apply to all employers, the emergency rules include specific provisions that apply to the following industries:

- construction;
- manufacturing;
- retail, libraries, and museums;
- restaurants and bars;
- healthcare;
- in-home services such as house cleaning and repair;
- personal care services such as hair styling and tattooing;
- public accommodations such as sports and entertainment venues;
- sports and exercise facilities;
- meat and poultry processing; and
- casinos.[69]

Exposure Determination

Rule 3 of the MIOSHA emergency rules requires all employers to evaluate all routine and anticipated job tasks and categorize these job tasks based on potential employee exposure to COVID-19 into one of the following four categories:

1. "Lower exposure risk" tasks are those that do not require contact with known or suspected COVID-19 cases or frequent close (within six feet) contact with the general public.
2. "Medium exposure risk" tasks are those that require frequent or close contact with persons who may be infected with COVID-19 but who are not known or suspected COVID-19 cases. In areas of the state without ongoing community

channels. This right is provided in the OSHA standards at 29 C.F.R. §1977.12(b)(2) and in the VOSH standards at 16 Va. Admin. Code §25-60-110.

[68] Department of Labor and Economic Opportunity, Michigan Occupational Safety and Health Administration (MIOSHA) Emergency Rules: Coronavirus 2019 (COVID-19), available at https://www.michigan.gov//documents/leo/Final_MIOSHA_Rules_705164_7.pdf. The Michigan state plan covers all state and local government agencies and all private-sector workers in the state, with the exception of maritime workers, U.S. Postal Service contractors, workers at businesses owned or operated by tribal members at Indian reservations, and aircraft cabin crew members.

[69] MIOSHA Emergency Rules: Coronavirus 2019 (COVID-19), Rule 11.

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transmission of COVID-19, tasks that require frequent contact with persons travelling from areas with widespread COVID-19 transmission are included in this category. In areas with ongoing community transmission, tasks that involve contact with the general public are included in this category.

3. "High exposure risk" tasks are those with high potential for exposure to known or suspected COVID-19 cases. Licensed healthcare providers, medical first responders, nursing home workers, law enforcement and correctional officers, and mortuary workers are examples of types of workers that may perform tasks in this category.
4. "Very high exposure risk" tasks are those that involve the generation of aerosols during medical or mortuary procedures on known or suspected COVID-19 cases and the collection and handling of laboratory specimens from known or suspected COVID-19 cases.

Preparedness and Response Plan

Rule 4 of the MIOSHA emergency rules requires all employers to develop a written COVID-19 preparedness and response plan based on current CDC and OSHA guidance. This plan must detail measures the employer will take to protect employees from COVID-19 exposure and must be readily available to employees and their representatives.

Basic Infection Prevention Measures

Rule 5 of the MIOSHA emergency rules requires all employers to implement the following basic infection prevention measures:

- promote frequent hand-washing and provide hand-washing facilities or hand sanitizer to workers, customers, and visitors;
- require employees who are sick to not report to work or to report to an isolated location;
- prohibit workers from using other workers' desks, phones, and other equipment when possible;
- increase facility cleaning, especially of high-touch surfaces and shared equipment;
- establish procedures, consistent with CDC guidance, for disinfection of the worksite if a worker, customer, or visitor has a known case of COVID-19;
- use Environmental Protection Agency (EPA) approved disinfectants that are expected to effective against SARS-CoV-2;
- follow all manufacturer's guidelines for use of all cleaning and disinfectant products; and
- prohibit in-person work for employees whose work can be done remotely.

Health Surveillance

Rule 6 of the MIOSHA emergency rules requires all employers to implement a health surveillance system for the workplace. This system must include, at a minimum, a COVID-19 screening questionnaire for all employees and contractors entering the workplace. Employees must be directed to immediately report any signs or symptoms of COVID-19 to the employer and known and suspected COVID-19 cases must be isolated from the rest of the workforce. When an

employer learns of an employee, contractor, customer, or visitor to the worksite with a known case of COVID-19, the employer must immediately notify the local health department and, must notify, within 24 hours, any workers, contractors, or suppliers who may have come into contact with the infected person. When determining if an employee with a known or suspected case of COVID-19 may return to the workplace, the employer must follow CDC guidelines and health department quarantine and isolation orders.

Workplace Controls

Rule 7 of the MIOSHA emergency rules requires all employers to implement the following workplace controls:

- designate one or more worksite COVID-19 safety coordinators to implement, monitor, and report on COVID-19 control strategies developed by the employer and to remain on site at all times when employees are present;
- place posters in appropriate languages in the workplace that provide information on staying away from work while sick, cough and sneeze etiquette, and hand hygiene;
- keep all persons at least six feet from each other using signs, floor markings, and barriers appropriate for the worksite, to the extent possible;
- provide all employees with non-medical grade face coverings at no cost to the employees;
- require the use of face coverings when employees cannot maintain six feet of distance from other persons in the workplace, and consider the use of face shields when three feet of distance cannot be maintained;
- require face coverings in shared spaces, such as restrooms and hallways and during in-person meetings.

PPE

Rule 8 of the MIOSHA emergency rules requires that employers provide appropriate PPE, including respiratory protection, to employees based on the exposure risks of the job and current CDC and OSHA guidelines. All PPE must be properly fitted, inspected, maintained, cleaned, stored, and disposed of. In workplaces that provide medical treatment to known or suspected COVID-19 cases, employees with frequent or prolonged close contact with such patients must be provided with and wear, at a minimum, an N95 respirator, goggles or face shield, and gown.

Training Requirements

Rule 10 of the MIOSHA emergency rules requires all employers to provide training and communication, in languages common among the employees, on the following subjects:

- workplace infection-control practices;
- proper use of PPE;
- how to notify the employer of COVID-19 symptoms or diagnosis;
- how to report unsafe working conditions.

This training must be updated if the employer's COVID-19 preparedness and response plan changes or new information on COVID-19 transmission becomes available.

Recordkeeping Requirements

Rule 11 of the MIOSHA emergency rules requires that all employers maintain, for one year, records of employee training, the screening of persons entering the workplace, and any health surveillance notifications required by Rule 6.

OSHA Infectious Disease Standard Rulemaking

In 2010, OSHA published a Request for Information in the *Federal Register* seeking public comments on strategies to control exposure to infectious diseases in healthcare workplaces.[70] After collecting public comments and holding public meetings, OSHA completed the SBREFA process in 2014. Since then, however, no public actions have occurred on this rulemaking; since spring 2017, this rulemaking has been listed as a "long-term action" in DOL's semiannual regulatory agenda.

Congressional Activity to Require an OSHA Emergency Temporary Standard on COVID-19

On March 5, 2020, Representative Bobby Scott, chairman of the House Committee on Education and Labor, and Representative Alma Adams, chair of the Subcommittee on Workforce Protections, sent a letter to Secretary of Labor Eugene Scalia calling on OSHA to promulgate an ETS to address COVID-19 exposure among healthcare workers.[71] This letter followed a January 2020 letter requesting that OSHA reopen its rulemaking on the infectious disease standard and begin to formulate for possible future promulgation an ETS to address COVID-19 exposure.[72] Senator Patty Murray, ranking member of the Senate Committee on Health, Education, Labor, and Pensions and a group of Democratic Senators sent a similar letter to the Secretary of Labor calling for an OSHA ETS.[73]

In addition, in March 2020, David Michaels, who served as the Assistant Secretary of Labor for Occupational Safety and Health during the Obama Administration, wrote an op-ed in *The Atlantic* calling on OSHA to promulgate a COVID-19 ETS.[74] On March 6, 2020, the AFL-CIO and 22 other unions petitioned OSHA for an ETS on infectious diseases that would cover all workers with potential exposures.[75] OSHA formally denied the AFL-CIO petition on May 29, 2020, claiming that an ETS is not necessary to protect employees from infectious diseases generally, or

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[70] OSHA, "Infectious Diseases," 75 *Federal Register* 24835, May 6, 2010.

[71] Letter from Representative Scott, chairman, House Committee on Education and Labor, and Representative Adams, chair, Subcommittee on Worker Protections, to The Honorable Eugene Scalia, Secretary of Labor, March 5, 2020, at https://edlabor.house.gov/imo/media/doc/2020-03-05%20OSHA%20ETS%20Letter.pdf.

[72] Letter from Representative Scott, chairman, House Committee on Education and Labor, and Representative Adams, chair, Subcommittee on Worker Protections, to The Honorable Eugene Scalia, Secretary of Labor, January 30, 2020, at https://edlabor.house.gov/imo/media/doc/2020-01-30%20RCS%20to%20DOL%20Corona%20Letter_SIGNED1.pdf.

[73] Letter from Senator Patty Murray, ranking member, Senate Committee on Health, Education, Labor, and Pensions, Senator Robert Menendez, and Senator Tammy Baldwin, et al. to The Honorable Eugene Scalia, Secretary of Labor, March 9, 2020, at https://www.baldwin.senate.gov/imo/media/doc/20200309%20OSHA%20ETS%20Letter.pdf.

[74] David Michaels, "What Trump Could Do Right Now to Keep Workers Safe From the Coronavirus," *The Atlantic*, March 2, 2020, at https://www.theatlantic.com/ideas/archive/2020/03/use-osha-help-stem-covid-19-pandemic/607312/.

[75] Letter from Richard L. Trumka, president, AFL-CIO, to The Honorable Eugene Scalia, Secretary of Labor, March 6, 2020, at https://aflcio.org/statements/petition-secretary-scalia-osha-emergency-temporary-standard-infectious-disease.

from COVID-19.[76] National Nurses United submitted a similar petition requesting that OSHA promulgate an ETS based largely on the Cal/OSHA ATD standard.[77] On May 4, 2020, the Center for Food Safety and Food Chain Workers Alliance submitted a petition requesting that OSHA promulgate an ETS to protect meat and poultry processing workers from COVID-19 exposure in the workplace.[78] On May 18, 2020, the AFL-CIO petitioned the U.S. Court of Appeals for the D.C. Circuit for a writ of mandamus to compel OSHA to promulgate a COVID-19 ETS.[79] The circuit court denied this petition on June 11, 2020.

H.R. 6139, the COVID-19 Health Care Worker Protection Act of 2020

On March 9, 2020, Representative Bobby Scott introduced H.R. 6139, the COVID-19 Health Care Worker Protection Act of 2020. This bill would require OSHA to promulgate a COVID-19 ETS within one month of enactment. The ETS would be required to cover healthcare workers and any workers in sectors determined by the CDC or OSHA to be at an elevated risk of COVID-19 exposure. The ETS would be required to include an exposure control plan provision and be, at a minimum, based on CDC's 2007 guidance and any updates to this guidance. The ETS would also be required to provide no less protection than any state standard on novel pathogens, thus requiring OSHA to include the elements of the Cal/OSHA ATD standard, the VOSH COVID-19 ETS, and the MIOSHA emergency rules in this ETS. Title II of the bill would provide that hospitals and skilled nursing facilities that receive Medicare funding and that are owned by state or local government units and not subject to state plans would be required to comply with the ETS. Similar provisions are included in S. 3475.

P.L. 116-127, the Families First Coronavirus Response Act

The provisions of H.R. 6139 were included as Division C of H.R. 6201, the Families First Coronavirus Response Act, as introduced in the House. The American Hospital Association (AHA) issued an alert to its members expressing its opposition to the OSHA ETS provisions in the bill.[80] Specifically, the AHA opposed the requirement that the ETS be based on the CDC's 2007 guidance. The AHA stated that unlike severe acute respiratory syndrome (SARS), which was transmitted through the air, COVID-19 transmission is through droplets and surface contacts. Thus, the requirement of the 2007 CDC guidance that N95 respirators, rather than surgical masks, be used for patient contact is not necessary to protect healthcare workers from COVID-19, and the use of surgical masks is consistent with World Health Organization guidance. The AHA also

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[76] Letter from Loren Sweatt, Principal Deputy Assistant Secretary of Labor, to Richard L. Trumka, president, AFL-CIO, May 29, 2020.

[77] Letter from Bonnie Castillo, executive director, National Nurses United, to The Honorable Eugene Scalia, Secretary of Labor, and The Honorable Loren Sweatt, Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health, March 4, 2020, at https://act.nationalnursesunited.org/page/-/files/graphics/NNUPetitionOSHA03042020.pdf.

[78] Center for Food Safety and Food Chain Workers Alliance, *Rulemaking Petition to the United States Department of Labor, Occupational Safety and Health Administration*, May 4, 2020, at https://www.centerforfoodsafety.org/files/2020-05-04-osha-ets-petition_58890.pdf.

[79] In re: American Federation of Labor and Congress of Industrial Organizations, D.C. Cir., No. 19-1158, May 18, 2020. This petition was filed in the U.S. Court of Appeals as Section 6(f) of the OSH Act [29 U.S.C. §655(f)] grants this court exclusive jurisdiction to provide judicial review of OSHA standards.

[80] Emily Kopp, "Hospitals want to kill a policy shielding nurses from COVID-19 because there aren't enough masks," *Roll Call*, March 3, 2020, at https://www.rollcall.com/2020/03/13/hospitals-want-to-kill-a-policy-shielding-nurses-from-covid-19-because-there-arent-enough-masks/. This alert is available to American Hospital Association (AHA) members on the AHA website at https://www.aha.org.

claimed that shortages of available respirators could reduce the capacity of hospitals to treat COVID-19 patients, due to a lack of respirators for staff. The OSHA ETS provisions were not included in the version of the legislation that was passed by the House and the Senate and signed into law as P.L. 116-127.

H.R. 6379, the Take Responsibility for Workers and Families Act

Division D of H.R. 6379, the Take Responsibility for Workers and Families Act, as introduced in the House on March 23, 2020, includes the requirement that OSHA promulgate an ETS on COVID-19 within seven days of enactment and a permanent COVID-19 standard within 24 months of enactment to cover healthcare workers, firefighters and emergency response workers, and workers in other occupations that CDC or OSHA determines to have an elevated risk of COVID-19 exposure. Division D of H.R. 6379 would amend the OSH Act, for the purposes of the ETS only, such that state and local government employers in states without state plans would be covered by the ETS. The provisions of Division D of H.R. 6379 were also included in S. 3584, the COVID-19 Workers First Protection Act of 2020, as introduced in the Senate.

This legislation would specifically provide that the ETS would remain in force until the permanent standard is promulgated and would explicitly exempt the ETS from the Regulatory Flexibility Act, Paperwork Reduction Act, and Executive Order 12866. OSHA would be granted enforcement discretion in cases in which it is not feasible for an employer to fully comply with the ETS (such as a case in which PPE is unavailable) if the employer is exercising due diligence to comply and implementing alternative means to protect employees.

Like the provisions in H.R. 6139 and the version of H.R. 6201 introduced in the House, the ETS and permanent standard under H.R. 6379 would be required to include an exposure control plan and provide no less protection than any state standard on novel pathogens, thus requiring OSHA to include the elements of the Cal/OSHA ATD, the VOSH COVID-19 ETS, and the MIOSHA emergency rules in this ETS and permanent standard. Although the ETS provisions in H.R. 6139 and H.R. 6201 would require that the ETS be based on the 2007 CDC guidance, specific reference to the 2007 guidance is not included in this legislation. Rather, under H.R. 6379, the ETS and permanent standard would have to incorporate, as appropriate, "guidelines issued by the Centers for Disease Control and Prevention, and the National Institute for Occupational Safety and Health, which are designed to prevent the transmission of infectious agents in healthcare settings" and scientific research on novel pathogens.

States with occupational safety and health plans would be required to adopt the ETS, or their own ETS at least as effective as the ETS, within 14 days of the legislation's enactment.

H.R. 6559, the COVID-19 Every Worker Protection Act of 2020

H.R. 6559, the COVID-19 Every Worker Protection Act of 2020, was introduced in the House by Representative Bobby Scott on April 21, 2020. This legislation includes the ETS and permanent standard provisions of Division D of H.R. 6379 and S. 3584 and would require that these standards cover healthcare workers, emergency medical responders, and "other employees at occupational risk" of COVID-19 exposure. This legislation also adds two provisions that would clarify the requirements for employers to record work-related COVID-19 infections and strengthen the protections against retaliation and discrimination offered to whistleblowers. Similar provisions are included in S. 3677 and were incorporated into H.R. 6800, the Heroes Act, as passed by the House.

COVID-19 Recordkeeping

Sections 8(c) and 24(a) of the OSH Act require employers to maintain records of occupational injuries and illnesses in accordance with OSHA regulations.[81] OSHA's reporting and recordkeeping regulations require that employers with 10 or more employees must keep records of work-related injuries and illnesses that result in lost work time for employees or that require medical care beyond first aid.[82] Employers must also report to OSHA, within 8 hours, any workplace fatality, and within 24 hours, any injury or illness that results in in-patient hospitalization, amputation, or loss of an eye. Employers in certain industries determined by OSHA to have lower occupational safety and health hazards are listed in the regulations as being exempt from the recordkeeping requirements but not the requirement to report to OSHA serious injuries, illnesses, and deaths.[83] Offices of physicians, dentists, other health practitioners, and outpatient medical clinics are included in the industries that are exempt from the recordkeeping requirements.

OSHA regulations require the employer to determine if an employee's injury or illness is related to his or her work and thus subject to the recordkeeping requirements.[84] The regulations provide a presumption that an injury or illness that occurs in the workplace is work-related and recordable, unless one of the exemptions provided in the regulations applies.[85] One of the listed exemptions is "The illness is the common cold or flu (Note: contagious diseases such as tuberculosis, brucellosis, hepatitis A, or plague are considered work-related if the employee is infected at work)."[86]

Because of the nature of COVID-19 transmission, which can occur in the community as well as the workplace, it can be difficult to determine the exact source of any person's COVID-19 transmission. Absent any specific guidance, this may make it difficult for employers to determine if an employee's COVID-19 is subject to the recordkeeping requirements.

Initial OSHA Recordkeeping Guidance

On April 10, 2020, OSHA issued enforcement guidance on how cases of COVID-19 should be treated under the recordkeeping requirements.[87] This guidance stated that COVID-19 cases were recordable if they were work-related.

Under this guidance, employers in the following industry groups were to fully comply with the recordkeeping regulations, including the requirement to determine if COVID-19 cases were work-related:

- healthcare;
- emergency response, including firefighting, emergency medical services, and law enforcement; and
- correctional institutions.

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[81] 29 U.S.C. §§657(c) and 673(a).

[82] OSHA's reporting and recordkeeping regulations are at 29 C.F.R. Part 1904.

[83] The list of exempted industries is at 29 C.F.R. Subpart B, Appendix A. States with state occupational safety and health plans may require employers in these exempted industries to comply with the recordkeeping requirements.

[84] 29 C.F.R. §1904.5.

[85] 29 C.F.R. §1905.5(a).

[86] 29 C.F.R. §1904.5(b)(2)(viii).

[87] OSHA, *Enforcement Guidance for Recording Cases of Coronavirus Disease 2019 (COVID-19)*, April 10, 2020, at https://www.osha.gov/memos/2020-04-10/enforcement-guidance-recording-cases-coronavirus-disease-2019-covid-19.

For all other employers, OSHA required employers to determine if COVID-19 cases were work-related and subject to the recordkeeping requirements only if both of the following two conditions were met:

1. There was objective evidence that a COVID-19 case may have been work-related. This could have included, for example, a number of cases developing among workers who worked closely together without an alternative explanation.
2. The evidence of work-relatedness was reasonably available to the employer. For purposes of this guidance, examples of reasonably available evidence included information given to the employer by employees, as well as information that an employer learned regarding its employees' health and safety in the ordinary course of managing its business and employees.

Updated OSHA Recordkeeping Guidance

OSHA issued new guidance, effective May 26, 2020, on recordkeeping of COVID-19 cases.[88] This new guidance rescinds the previous guidance issued by OSHA on April 10, 2020. Under this new guidance, all employers, regardless of type of industry or employment, are subject to the recordkeeping and recording regulations for work-related cases of COVID-19. To determine if an employer has made a reasonable determination that a case of COVID-19 was work-related, OSHA says it will consider the following factors:

- the reasonableness of the employer's investigation of the COVID-19 case and its transmission to the employee;
- the evidence that is available to the employer; and
- the evidence that COVID-19 was contracted at work.

The guidance provides examples of evidence that can be used to demonstrate that a COVID-19 case was or was not work-related such as if an employee had frequent close contact with members of the public in an area with ongoing community transmission of COVID-19.

H.R. 6559

H.R. 6559 would require that the ETS and permanent standard established pursuant to the legislation include the requirement for the recording and reporting of all COVID-19 cases in accordance with OSHA regulations in place at the time of enactment. By referencing the regulations in place, this provision would serve to supersede OSHA's guidance from April 10, 2020, and apply the requirement, currently provided in the guidance effective May 26, 2020, to determine the work-relatedness of COVID-19 cases to all employers covered by the recordkeeping regulations.

Whistleblower Protections

Section 11(c) of the OSH Act prohibits any person from retaliating or discriminating against any employee who exercises certain rights provided by the OSH Act.[89] Commonly referred to as the

[88] OSHA, *Revised Enforcement Guidance for Recording Cases of Coronavirus Disease 2019 (COVID-19)*, May 19, 2020, at https://www.osha.gov/memos/2020-05-19/revised-enforcement-guidance-recording-cases-coronavirus-disease-2019-covid-19.

[89] 29 U.S.C. §660(c). OSHA also enforces whistleblower provisions in 22 other federal statutes. Information on statutes with whistleblower provisions enforced by OSHA is at OSHA, *Whistleblower Statutes Summary Chart*, October 17, 2009, at https://www.whistleblowers.gov/sites/wb/files/2019-12/WB-Statute-Summary-Chart-10.8-Final.pdf.

whistleblower protection provision, this provision protects any employee who takes any of the following actions:

- files a complaint with OSHA related to a violation of the OSH Act;
- causes an OSHA proceeding, such as an investigation, to be instituted;
- testifies or is about to testify in any OSHA proceeding; and
- exercises on his or her own behalf, or on behalf of others, any other rights afforded by the OSH Act.[90]

Other rights afforded by the OSH Act that are covered by the whistleblower protection provision include the right to inform the employer about unsafe work conditions; the right to access material safety data sheets or other information required to be made available by the employer; and the right to report a work-related injury, illness, or death to OSHA.[91] In limited cases, the employee has the right to refuse to work if conditions reasonably present a risk of serious injury or death and there is not sufficient time to eliminate the danger through other means.[92]

H.R. 6559 would require that the ETS and permanent standard promulgated pursuant to the legislation expand the protections for whistleblowers. The following additional activities taken by employees would grant them protection from retaliation and discrimination from employers and agents of employers:

- reporting to the employer; a local, state, or federal agency; or the media; or on a social media platform; the following:
  - a violation of the ETS or permanent standard promulgated pursuant to the legislation;
  - a violation of the infectious disease control plan required by the ETS or permanent standard; or
  - a good-faith concern about an infectious disease hazard in the workplace;
- seeking assistance from the employer or a local, state, or federal agency with such a report; and
- using personally supplied PPE with a higher level of protection than offered by the employer.

H.R. 6800, The Heroes Act

The provisions of H.R. 6559, including the provisions relating to recordkeeping and whistleblower protections, were included as Title III of Division L of H.R. 6800, The Heroes Act. H.R. 6800 was passed by the House on May 15, 2020. In a letter to Speaker of the House Nancy Pelosi, the AHA expressed its opposition to the ETS provisions in The Heroes Act citing the potential for confusion that new regulations could bring and the "ongoing global lack of supplies, equipment and testing capability" faced by hospitals.[93] The AHA also stated that the provision

[90] 29 C.F.R. §1977.3. Public-sector employees, except employees of the United States Postal Service, are not protected by the whistleblower provision, but may be covered by whistleblower provisions in other federal and state statutes.

[91] For additional information on other rights covered by the whistleblower protection provision, see OSHA, January 9, 2019, *Investigator's Desk Aid to the Occupational Safety and Health Act (OSH Act) Whistleblower Protection Provision*, pp. 5-7, at https://www.osha.gov/sites/default/files/11cDeskAid.pdf.

[92] 29 C.F.R. §1977.12(b)(2).

[93] Letter from Thomas P. Nickels, executive vice president, American Hospital Association, to Hon. Nancy Pelosi,

that would require the ETS to be based on state standards "suggests that the federal government is surrendering its responsibility to appropriately regulate the nation to a state government agency without consideration of whether that state's decisions are appropriate for implementation anywhere and everywhere."

H.R. 925, The Heroes Act (Revised)

The provisions of H.R. 6559 and H.R. 6800 were included in the House Amendment to the Senate Amendment to H.R. 925, the revised Heroes Act, passed by the House on October 1, 2020.

Speaker, U.S. House of Representatives, May 14, 2020, at https://www.aha.org/system/files/media/file/2020/05/web-AHALettertoHouseonHEROESAct051420final.pdf.

Appendix. OSHA Emergency Temporary Standards

Table A-1. OSHA Emergency Temporary Standards (ETS)

Year	Subject of ETS	*Federal Register* Citation of ETS	Result of Judicial Review	Judicial Review Case Citation
1971	Asbestos	36 *Federal Register* 23207 (December 7, 1971)	Not challenged	—
1973	Organophosphorous pesticides	38 *Federal Register* 10715 (May 1, 1973); amended by 38 *Federal Register* 17214 (June 29, 1973)	Vacated	*Florida Peach Growers Ass'n v. United States Department of Labor,* 489 F.2d 120 (5th Cir. 1974)
1973	Fourteen carcinogens	38 *Federal Register* 10929 (May 3, 1973)	Twelve upheld, two vacated	*Dry Color Mfrs. Ass'n v. Department of Labor,* 486 F.2d 98 (3d Cir. 1973)
1974	Vinyl chloride	39 *Federal Register* 12342 (April 5, 1974)	Not challenged	—
1976	Diving operations	41 *Federal Register* 24271 (June 15, 1976)	Stayed	*Taylor Diving & Salvage Co. v. Department of Labor,* 537 F.2d 819 (5th Cir. 1976)
1977	Benzene	42 *Federal Register* 22515 (May 3, 1977)	Stayed	*Industrial Union Dep't v. Bingham,* 570 F.2d 965 (D.C. Cir. 1977)
1977	1,2 Dibromo-3-chloropropane (DBCP)	42 *Federal Register* 45535 (September 9, 1977)	Not challenged	—
1978	Acrylonitrile (vinyl cyanide)	43 *Federal Register* 2585 (January 17, 1978)	Stay denied	*Vistron v. OSHA,* 6 OSHC 1483 (6th Cir. 1978)
1983	Asbestos	48 *Federal Register* 51086 (November 4, 1983)	Stayed	*Asbestos Info. Ass'n v. OSHA,* 727 F.2d 415 (5th Cir. 1984)

Source: CRS with data from Mark A. Rothstein, "Substantive and Procedural Obstacles to OSHA Rulemaking: Reproductive Hazards as an Example," *Boston College Environmental Affairs Law Review*, vol. 12, no. 4 (August 1985), p. 673.

Author Information

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Message

From: Kenny, Laura - OSHA [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=992519B09E4047DEB1B3DC1E5465A0B7-KENNY, LAUR]
Sent: 6/11/2020 3:32:45 PM
To: Mendelson, Richard - OSHA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2106d662b1d24d4c98f9f15eff5118a8-Mendelson,]; Kaplan, Steve - OSHA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c383bb2037d4426a9534477d843c621c-Kaplan, Ste]
Subject: Troublesome even if not in R2

FYI- italics are mine

Iowa Republican legislators are fast-tracking a bill that would give meatpacking plants, nursing homes and other businesses broad immunity from coronavirus lawsuits despite criticism that it would also enable them to ignore workplace safety requirements.

The bill, which the state House passed Friday with only Republican support, is supported by groups that represent hospitals and doctors, restaurants, casinos, grocery stores, bankers, meat processors, truckers and insurance companies. The American Civil Liberties Union of Iowa, labor unions and the Iowa State Bar Association are among those who oppose the measure.
Republican Rep. Gary Carlson of Muscatine, who managed the bill in the House, said the owners of small businesses want to reopen but need certainty they can't be sued by their employees.

"They're trying to follow guidelines but are scared to death they're going to be sued by someone when they tried to do their best," he said.
Rep. Chris Hall, a Sioux City Democrat, said most businesses will work to protect customers and workers and deserve protection from frivolous lawsuits, but the broad protections in the bill also will help some hide the truth.
"Essentially, this means that companies have been given the privilege of legal protection without the responsibility to maintain a safe workplace to prevent further spread of a deadly disease in our state," he said.

The Iowa Association for Justice, a state organization of about 1,000 attorneys who fight for individual and civil rights, said more Iowans in nursing homes will die because of the bill and "and individual Iowans will have no power to seek accountability or answers."
"It's pathetic. Iowans are looking for leadership, and they expect better than this. If no one is accountable, no one is safe," the group's executive director, Brad Lint, said in a statement.

As in many states, the coronavirus struck Iowa nursing homes particularly hard, with nursing home residents accounting for half of the state's 622 COVID-19 deaths. The state reported Tuesday that 39 facilities have had outbreaks, with more than 1,560 residents testing positive for the virus since it arrived in Iowa. Many states have passed legislation limited to protecting healthcare and elderly care facilities from lawsuits related to coronavirus illnesses and deaths.

Iowa's bill offers protection against civil damage lawsuits for healthcare providers and manufacturers or distributors of household disinfecting or cleaning supplies. *It includes many other businesses by stating that anyone who wants to sue must first have been hospitalized or died, and that there must be an intent on the part of a business or employer to cause harm and actual malice.* The measure says anyone who is in substantial compliance with federal or state statues, regulations, orders or public health guidance cannot be sued for civil damages. The bill is retroactive to Jan. 1, 2020.

It also would protect owners of meatpacking plants, which also have been heavily affected by the virus, with thousands of workers sickened. The Iowa counties that have had the heaviest concentration of virus activity have been those with

meatpacking plants. Owners of a wide range of other businesses, including restaurants, hair salons and others who serve the public, expressed concern that they could be sued if someone claimed to have contracted the virus at their business. Oklahoma, Utah and Wyoming enacted similar laws in May that were signed by Republican governors. Several other states have bills pending or have attempted similar action. U.S. Senate Majority Leader Mitch McConnell proposed including nationwide liability protection in a coronavirus relief bill, but his efforts so far have not succeeded.

Louise Melling, ACLU deputy legal director, said she has concerns about the implications of shutting off people's ability to go to court to hold business owners accountable if they're not protecting workers.

"*What are we trying to protect and at the expense of whom?" she said. "What are we saying as a country about what we're going to insist on for the safety of workers?"*

The Iowa House approved the bill late Friday with only Republican support after ending debate by Democrats. It now shifts to the Senate, which is also controlled by Republicans. Senate Republican Leader Jack Whitver has said the bill is a priority for him.

Because the Senate passed a different version of the bill in February without the immunity language, the measure can gain final approval if the amended language get a majority vote. It then would go to Republican Gov. Kim Reynolds, who hasn't said if she would sign the measure.

Message

From: Levinson, Andrew - OSHA [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C71A236E7D8E428DA9CF9D6192E4766B-LEVINSON, A]
Sent: 10/27/2020 8:47:54 PM
To: Ruskin, Maureen - OSHA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=152ff045551f4bc5acf966a5131f8de4-Ruskin, Mau]; Long, Lisa - OSHA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=21d6a321337f43a1b83b0dd8d28e81af-Long, Lisa]; Schifano, Jessica - OSHA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d3a04f5b6408439e8a5d1c865892f0f0-Schifano, J]; O'Connor, David - OSHA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6feadabad6354c6a8040fbd1255bf956-O'Connor, D]; Green, Deirdre R. - OSHA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6f608d13c4c04bfc937d7552910d460d-Green, Deir]
Subject: FW: R46288.pdf
Attachments: R46288.pdf

FYI

From: Jillings, Lee Anne - OSHA <Jillings.LeeAnne@dol.gov>
Sent: Tuesday, October 27, 2020 1:27 PM
To: Levinson, Andrew - OSHA <Levinson.Andrew@dol.gov>; Edens, Mandy - OSHA <Edens.Mandy@dol.gov>
Subject: FW: R46288.pdf

FYI

From: Hodgson, Michael - OSHA <Hodgson.Michael@dol.gov>
Sent: Tuesday, October 27, 2020 12:57 PM
To: zzOSHA-DTSEM-MANAGERS <zzOSHA-DTSEM-MANAGERS@dol.gov>
Subject: FW: R46288.pdf

interesting

From: Radonovich, Lewis (CDC/NIOSH/RHD/OD) <mto5@cdc.gov>
Sent: Tuesday, October 27, 2020 12:14 PM
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A nice summary from CRS!

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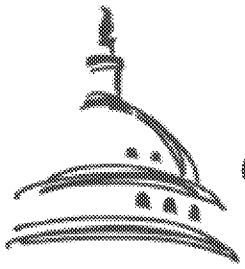

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Occupational Safety and Health Administration (OSHA): Emergency Temporary Standards (ETS) and COVID-19

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SUMMARY

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Occupational Safety and Health Administration (OSHA): Emergency Temporary Standards (ETS) and COVID-19

The Occupational Safety and Health Administration (OSHA) does not currently have a specific standard that protects healthcare or other workers from airborne or aerosol transmission of disease or diseases transmitted by airborne droplets. Some in Congress, and some groups representing healthcare, meat and poultry processing, and other workers, are calling on OSHA to promulgate an emergency temporary standard (ETS) to protect workers from exposure to SARS-CoV-2, the virus that causes Coronavirus Disease 2019 (COVID-19). The Occupational Safety and Health Act of 1970 (OSH Act) gives OSHA the ability to promulgate an ETS that would remain in effect for up to six months without going through the normal review and comment process of rulemaking. OSHA, however, has rarely used this authority in the past—not since the courts struck down its ETS on asbestos in 1983.

The California Division of Occupational Safety and Health (Cal/OSHA), which operates California's state occupational safety and health plan, has had an aerosol transmissible disease (ATD) standard since 2009. This standard includes, among other provisions, the requirement that employers provide covered employees with respirators, rather than surgical masks, when these workers interact with ATDs, such as known or suspected COVID-19 cases. In addition, according to the Cal/OSHA ATD standard, certain procedures require the use of powered air purifying respirators (PAPR).

The Virginia state occupational safety and health plan (VOSH) and the Michigan state occupational safety and health plan (MIOSHA) have each promulgated emergency standards to specifically address COVID-19 in workplaces. Unlike the Cal/OSHA ATD standard, these emergency standards are in effect for only six months and apply to all employers.

H.R. 6139, the COVID-19 Health Care Worker Protection Act of 2020, would require OSHA to promulgate an ETS on COVID-19 that incorporates both the Cal/OSHA ATD standard and the Centers for Disease Control and Prevention's (CDC's) 2007 guidelines on occupational exposure to infectious agents in healthcare settings; similar provisions appear in S. 3475. The CDC's 2007 guidelines generally require stricter controls than its interim guidance on COVID-19 exposure. The provisions of H.R. 6139 were incorporated into the version of H.R. 6201, the Families First Coronavirus Response Act, as introduced in the House. The OSHA ETS provisions were not included in the House- and Senate-passed version of legislation that was signed into law as P.L. 116-127.

H.R. 6379, as introduced in the House, also would include a requirement for an OSHA ETS and permanent standard to address COVID-19 exposure; similar provisions appear in S. 3584. H.R. 6559 would include the requirements for an ETS and permanent standard, clarify the requirement that employers must report work-related COVID-19 cases, and expand protections for whistleblowers; similar provisions appear in S. 3677. The provisions of H.R. 6559 were included in H.R. 6800, The Heroes Act, passed by the House on May 15, 2020, and in the House Amendment to the Senate Amendment to H.R. 925, the revised Heroes Act passed by the House on October 1, 2020.

Through October 1, 2020, OSHA has issued COVID-19-related citations to employers at 62 work sites, with total proposed penalties of $913,133. These citations have been issued for violations of the OSH Act's General Duty Clause and other existing OSHA standards, such as those for respiratory protection, that may apply to COVID-19. Senators Elizabeth Warren and Cory A. Booker have raised concerns about the low amount of penalties being assessed for COVID-19-related violations.

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Occupational Safety and Health Administration Standards

Section 6 of the Occupational Safety and Health Act of 1970 (OSH Act) grants the Occupational Safety and Health Administration (OSHA) of the Department of Labor (DOL) the authority to promulgate, modify, or revoke occupational safety and health standards that apply to private sector employers, the United States Postal Service, and the federal government as an employer.[1] In addition, Section 5(a)(1) of the OSH Act, commonly referred to as the General Duty Clause, requires that all employers under OSHA's jurisdiction provide workplaces free of "recognized hazards that are causing or are likely to cause death or serious physical harm" to their employees.[2] OSHA has the authority to enforce employer compliance with its standards and with the General Duty Clause through the issuance of abatement orders, citations, and civil monetary penalties. The OSH Act does not cover state or local government agencies or units. Thus, certain entities that may be affected by Coronavirus Disease 2019 (COVID-19), such as state and local government hospitals, local fire departments and emergency medical services, state prisons and county jails, and public schools, are not covered by the OSH Act or subject to OSHA regulation or enforcement.

State Plans

Section 18 of the OSH Act authorizes states to establish their own occupational safety and health plans and preempt standards established and enforced by OSHA.[3] OSHA must approve state plans if they are "at least as effective" as OSHA's standards and enforcement.[4] If a state adopts a state plan, it also must cover state and local government entities, such as public schools, not covered by OSHA. Currently, 21 states and Puerto Rico have state plans that cover all employers, and 5 states and the U.S. Virgin Islands have state plans that cover only state and local government employers not covered by the OSH Act.[5] In the remaining states, state and local government employers are not covered by OSHA standards or enforcement. State plans may incorporate OSHA standards by reference, or states may adopt their own standards that are at least as effective as OSHA's standards. State plans do not have jurisdiction over federal agencies and generally do not cover maritime workers and private-sector workers at military bases or other federal facilities.

Promulgation of OSHA Standards

OSHA may promulgate occupational safety and health standards on its own initiative or in response to petitions submitted to the agency by various government agencies, the public, or employer and employee groups.[6] OSHA is not required, however, to respond to a petition for a

[1] 29 U.S.C. §655. The provisions of the Occupational Safety and Health Act of 1970 (OSH Act) are extended to the legislative branch as an employer by the Congressional Accountability Act (P.L. 104-1).

[2] 29 U.S.C. §654(a)(1).

[3] 29 U.S.C. §667.

[4] For additional information on Occupational Safety and Health Administration (OSHA) state plans, see CRS Report R43969, *OSHA State Plans: In Brief, with Examples from California and Arizona*.

[5] Information on specific state plans is available from the OSHA website at https://www.osha.gov/stateplans.

[6] Per Section 6(b)(1) of the OSH Act [29 §655(b)(1)], a petition may be submitted by "an interested person, a representative of any organization of employers or employees, a nationally recognized standards-producing

standard or to promulgate a standard in response to a petition. OSHA may also consult with one of the two statutory standing advisory committees—the National Advisory Committee on Occupational Safety and Health (NACOSH) or the Advisory Committee on Construction Safety and Health (ACCSH)—or an ad-hoc advisory committee for assistance in developing a standard.[7]

Notice and Comment

OSHA's rulemaking process for the promulgation of standards is largely governed by the provisions of the Administrative Procedure Act (APA) and Section 6(b) of the OSH Act.[8] Under the APA informal rulemaking process, federal agencies, including OSHA, are required to provide notice of proposed rules through the publication of a Notice of Proposed Rulemaking in the *Federal Register* and provide the public a period of time to provide comments on the proposed rules.

Section 7(b) of the OSH Act mirrors the APA in that it requires notice and comment in the rulemaking process.[9] After publishing a proposed standard, the public must be given a period of at least 30 days to provide comments. In addition, any person may submit written objections to the proposed standard and may request a public hearing on the standard.

Statement of Reasons

Section 6(e) of the OSH Act requires OSHA to publish in the *Federal Register* a statement of the reasons the agency is taking action whenever it promulgates a standard, conducts other rulemaking, or takes certain additional actions, including issuing an order, compromising on a penalty amount, or settling an issued penalty.[10]

Other Relevant Laws and Executive Order 12866

In addition to the APA and OSH Act, other federal laws that generally apply to OSHA rulemaking include the Paperwork Reduction Act,[11] Regulatory Flexibility Act,[12] Congressional Review Act,[13] Information Quality Act,[14] and Small Business Regulatory Enforcement Fairness Act (SBREFA).[15] Also, Executive Order 12866, issued by President Clinton in 1993, requires

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organization, the Secretary of Health and Human Services (HHS), the National Institute for Occupational Safety and Health, or a state or political subdivision."

[7] The National Advisory Committee on Occupational Safety and Health (NACOSH) was established by Section 7(a) of the OSH Act [29 U.S.C. §656(a)]. The Advisory Committee on Construction Safety and Health (ACCSH) was established by Section 107 of the Contract Work Hours and Safety Act (P.L. 87-581). Section 7(b) of the OSH Act provides OSHA the authority to establish additional advisory committees.

[8] The Administrative Procedure Act (APA) is codified at 5 U.S.C. §§500-596. For detailed information on federal agency rulemaking and the APA, see CRS Report RL32240, *The Federal Rulemaking Process: An Overview*.

[9] 29 U.S.C. §655(b).

[10] 29 U.S.C §655(e).

[11] 44 U.S.C. §§3501-3520.

[12] 5 U.S.C. §§601-612.

[13] 5 U.S.C. §§801-808.

[14] 44 U.S.C. §3516 note.

[15] 5 U.S.C. §601 note. For information on these additional laws that apply to OSHA rulemaking, see U.S. Government Accountability Office (GAO), *Workplace Safety and Health: Multiple Challenges Lengthen OSHA's Standard Setting*, GAO-12-330, April 2012, Appendix II, at https://www.gao.gov/products/GAO-12-330 (hereinafter cited as GAO-12-330, *Workplace Safety and Health*).

agencies to submit certain regulatory actions to the Office of Management and Budget (OMB) and Office of Information and Regulatory Affairs (OIRA) for review before promulgation.[16]

OSHA Rulemaking Time Line

OSHA rulemaking for new standards historically has been a relatively time-consuming process. In 2012, at the request of Congress, the Government Accountability Office (GAO) reviewed 59 significant OSHA standards promulgated between 1981 (after the enactments of the Paperwork Reduction Act and Regulatory Flexibility Act) and 2010.[17] For these standards, OSHA's average time between beginning formal consideration of the standard—either through publishing a Request for Information or Advance Notice of Proposed Rulemaking in the *Federal Register* or placing the rulemaking on its semiannual regulatory agenda—and promulgation of the standard was 93 months (7 years, 9 months). Once the Notice of Proposed Rulemaking was published for these 59 standards, the average time until promulgation of the standard was 39 months (3 years, 3 months).

In 2012, OSHA's Directorate of Standards and Guidance published a flowchart of the OSHA rulemaking process on the agency's website.[18] This flowchart includes estimated duration ranges for a variety of rulemaking actions, beginning with pre-rule activities—such as developing the idea for the standard and meeting with stakeholders—and ending with promulgation of the standard. The flowchart also includes an estimated duration range for post-promulgation activities, such as judicial review. The estimated time from the start of preliminary rulemaking to the promulgation of a standard ranges from 52 months (4 years, 4 months) to 138 months (11 years, 6 months). After a Notice of Proposed Rulemaking is published in the *Federal Register,* the estimated length of time until the standard is promulgated ranges from 26 months (2 years, 2 months) to 63 months (5 years, 3 months). **Table 1** provides OSHA's estimated time lines for six major pre-rulemaking and rulemaking activities leading to the promulgation of a standard.

Table 1. OSHA Rulemaking Process: Estimated Durations of Activities

Stage	Activities	Estimated Duration
1	Preliminary rulemaking activities	12-36 months
2	Developing the proposed rule	12-36 months
3	Publishing the Notice of Proposed Rulemaking (NPRM)	2-3 months
4	Developing and analyzing the rulemaking record, including public comments and hearings	6-24 months
5	Developing the final rule, including Office of Information and Regulatory Affairs (OIRA) submission	18-36 months
6	Publishing the final rule (promulgating the new standard)	2-3 months
Total estimated duration		52-138 months
Estimated duration from NPRM to final rule		26-63 months

Source: Congressional Research Service (CRS) with data from Occupational Safety and Health Administration (OSHA), Directorate of Standards and Guidance, *The OSHA Rulemaking Process*, October 15, 2012, at https://www.osha.gov/OSHA_FlowChart.pdf.

[16] Executive Order 12866, "Regulatory Planning and Review," 58 *Federal Register* 51735, October 4, 1993.

[17] GAO-12-330, *Workplace Safety and Health*.

[18] OSHA, Directorate of Standards and Guidance, *The OSHA Rulemaking Process*, October 15, 2012, at https://www.osha.gov/OSHA_FlowChart.pdf.

Judicial Review

Both the APA and the OSH Act provide for judicial review of OSHA standards. Section 7(f) of the OSH Act provides that any person who is "adversely affected" by a standard may file, within 60 days of its promulgation, a petition challenging the standard with the U.S. Court of Appeals for the circuit in which the person lives or maintains his or her principal place of business.[19] A petition for judicial review does not automatically stay the implementation or enforcement of the standard. However, the court may order such a stay. OSHA estimates that post-promulgation activities, including judicial review, can take between 4 and 12 months after the standard is promulgated.[20]

Emergency Temporary Standards

Section 6(c) of the OSH Act provides the authority for OSHA to issue an Emergency Temporary Standard (ETS) without having to go through the normal rulemaking process. OSHA may promulgate an ETS without supplying any notice or opportunity for public comment or public hearings. An ETS is immediately effective upon publication in the *Federal Register*. Upon promulgation of an ETS, OSHA is required to begin the full rulemaking process for a permanent standard with the ETS serving as the proposed standard for this rulemaking. An ETS is valid until superseded by a permanent standard, which OSHA must promulgate within six months of publishing the ETS in the *Federal Register*.[21] An ETS must include a statement of reasons for the action in the same manner as required for a permanent standard. State plans are required to adopt or adhere to an ETS, although the OSH Act is not clear on how quickly a state plan must come into compliance with an ETS.

ETS Requirements

Section 6(c)(1) of the OSH Act requires that both of the following determinations be made in order for OSHA to promulgate an ETS:

- that employees are exposed to grave danger from exposure to substances or agents determined to be toxic or physically harmful or from new hazards, and
- that such emergency standard is necessary to protect employees from such danger.

Grave Danger Determination

The term *grave danger*, used in the first mandatory determination for an ETS, is not defined in statute or regulation. The legislative history demonstrates the intent of Congress that the ETS process "not be utilized to circumvent the regular standard-setting process," but the history is unclear as to how Congress intended the term grave danger to be defined.[22]

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[19] 29 U.S.C. §655(f).

[20] OSHA, Directorate of Standards and Guidance, *The OSHA Rulemaking Process*, October 15, 2012, at https://www.osha.gov/OSHA_FlowChart.pdf.

[21] 29 U.S.C §655(c)(2).

[22] U.S. Congress, Senate Labor and Public Welfare, Subcommittee on Labor, *Legislative History of the Occupational Safety and Health Act of 1970 (S. 2193, P.L. 91-596)*, committee print, prepared by Subcommittee on Labor, 91st Cong., 1 sess., June 1971, 52-531 (Washington: GPO, 1971), p. 1218.

In addition, although the federal courts have ruled on challenges to previous ETS promulgations, the courts have provided no clear guidance as to what constitutes a grave danger. In 1984, the U.S. Court of Appeals for the Fifth Circuit in *Asbestos Info. Ass'n v. OSHA* issued a stay and invalidated OSHA's November 1983 ETS lowering the permissible exposure limit for asbestos in the workplace.[23] In its decision, the court stated that "gravity of danger is a policy decision committed to OSHA, not to the courts."[24] The court, however, ultimately rejected the ETS, in part on the grounds that OSHA did not provide sufficient support for its claim that 80 workers would ultimately die because of exposures to asbestos during the six-month life of the ETS.

Necessity Determination

In addition to addressing a grave danger to employees, an ETS must also be *necessary* to protect employees from that danger. In *Asbestos Info. Ass'n*, the court invalidated the asbestos ETS for the additional reason that OSHA had not demonstrated the necessity of the ETS. The court cited, among other factors, the duplication between the respirator requirements of the ETS and OSHA's existing standards requiring respirator use. The court dismissed OSHA's argument that the ETS was necessary because the agency felt that the existing respiratory standards were "unenforceable absent actual monitoring to show that ambient asbestos particles are so far above the permissible limit that respirators are necessary to bring employees' exposure within the PEL of 2.0 f/cc."[25] The court determined that "fear of a successful judicial challenge to enforcement of OSHA's permanent standard regarding respirator use hardly justifies resort to the most dramatic weapon in OSHA's enforcement arsenal."[26]

Although OSHA has not promulgated an ETS since the 1983 asbestos standard, it has since determined the necessity of an ETS. In 2006, the agency considered a petition from the United Food and Commercial Workers (UFCW) and International Brotherhood of Teamsters (IBT) for an ETS on diacetyl. The UFCW and IBT petitioned OSHA for the ETS after the National Institute for Occupational Safety and Health (NIOSH) and other researchers found that airborne exposure to diacetyl, then commonly used as an artificial butter flavoring in microwave popcorn and a flavoring in other food and beverage products, was linked to the lung disease *bronchiolitis obliterans*, now commonly referred to as "popcorn lung."[27] According to GAO's 2012 report on OSHA's standard-setting processes, OSHA informed GAO that although the agency may have been able to issue an ETS based on the grave danger posed by diacetyl, the actions taken by the food and beverage industries, including reducing or removing diacetyl from products, made it less likely that the necessity requirement could be met.[28]

ETS Duration

Section 6(c)(2) of the OSH Act provides that an ETS is effective until superseded by a permanent standard promulgated pursuant to the normal rulemaking provisions of the OSH Act. Section 6(c)(3) of the OSH Act requires OSHA to promulgate a permanent standard within six months of

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[23] 727 F.2d at 415, 425-427 (5th Cir. 1984).

[24] 727 F.2d at 427 (5th Cir. 1984).

[25] 727 F.2d at 427 (5th Cir. 1984). The ETS mandated a permissible exposure limit (PEL) for asbestos of two asbestos fibers per cubic centimeter of air (2.0 f/cc).

[26] 727 F.2d at 427 (5th Cir. 1984).

[27] See, for example, Centers for Disease Control and Prevention (CDC): National Institute for Occupational Safety and Health (NIOSH), *NIOSH Alert: Preventing Lung Disease in Workers who Use or Make Flavorings*, DHHS (NIOSH) publication no. 2004–110, December 2003, at https://www.cdc.gov/niosh/docs/2004-110/.

[28] GAO-12-330, *Workplace Safety and Health*.

promulgating the ETS. As shown earlier in this report, six months is well outside of historical and currently expected time frames for developing and promulgating a standard under the notice and comment provisions of the APA and OSH Act, as well as under other relevant federal laws and executive orders. This dichotomy between the statutory mandate to promulgate a standard and the time lines that, based on historical precedent, other provisions in the OSH Act might realistically require for such promulgation raises the question of whether or not OSHA could extend an ETS's duration without going through the normal rulemaking process. The statute and legislative history do not clearly address this question.

OSHA has used its ETS authority sparingly in its history and not since the asbestos ETS promulgated in 1983. As shown in **Table A-1** in the Appendix, of the nine times OSHA has issued an ETS, the courts have fully vacated or stayed the ETS in four cases and partially vacated the ETS in one case.[29] Of the five cases that were not challenged or that were fully or partially upheld by the courts, OSHA issued a permanent standard either within the six months required by the statute or within several months of the six-month period and always within one year of the promulgation of the ETS.[30] Each of these cases, however, occurred before 1980, when a combination of additional federal laws and court decisions added additional procedural requirements to the OSHA rulemaking process. OSHA did not attempt to extend the ETS's expiration date in any of these cases.

Although the courts have not ruled directly on an attempt by OSHA to solely extend the life of an ETS, in 1974, the U.S. Court Appeals for the Fifth Circuit held in *Florida Peach Growers Ass'n v. United States Department of Labor* that OSHA was within its authority to amend an ETS without going through the normal rulemaking process.[31] The court stated that "it is inconceivable that Congress, having granted the Secretary the authority to react quickly in fast-breaking emergency situations, intended to limit his ability to react to developments subsequent to his initial response."[32] The court also recognized the difficulty OSHA may have in promulgating a standard within six months due to the notice and comment requirements of the OSH Act, stating that in the case of OSHA seeking to amend an ETS to expand its focus, "adherence to subsection (b) procedures would not be in the best interest of employees, whom the Act is designed to protect. Such lengthy procedures could all too easily consume all of the temporary standard's six months life."[33]

[29] Mark A. Rothstein, "Substantive and Procedural Obstacles to OSHA Rulemaking: Reproductive Hazards as an Example," *Boston College Environmental Affairs Law Review*, vol. 12, no. 4 (August 1985), p. 673.

[30] For example, OSHA promulgated the Acrylonitrile (vinyl cyanide) ETS on January 17, 1978, and the permanent standard on October 3, 1978, with an effective date of November 2, 1978. The preamble to the permanent standard published in the *Federal Register* does not include information on the status of the ETS during the time between its expiration and the promulgation of the permanent standard. OSHA, "Occupational Exposure to Acrylonitrile (Vinyl Cyanide)," 43 *Federal Register* 45762, October 3, 1978.

[31] 489 F.2d. 120 (5th Cir. 1974).

[32] 489 F.2d. at 127 (5th Cir. 1974).

[33] 489 F.2d. at 127 (5th Cir. 1974).

OSHA Standards Related to COVID-19

Current OSHA Standards

Currently, no OSHA standard directly covers exposure to airborne or aerosol diseases in the workplace. As a result, OSHA is limited in its ability to enforce protections for healthcare and other workers who may be exposed to SARS-CoV-2, the virus that causes COVID-19.[34]

OSHA may enforce the General Duty Clause in the absence of a standard, if it can be determined that an employer has failed to provide a worksite free of "recognized hazards" that are "causing or are likely to cause death or serious physical harm" to workers.[35] In addition, OSHA's standards for the use of personal protective equipment (PPE) may apply in cases in which workers require eye, face, hand, or respiratory protection against COVID-19 exposure.[36]

As of October 1, 2020, OSHA has issued citations related to COVID-19 to employers at 62 work sites resulting in a total of $913,133 in proposed civil penalties.[37] The majority of these citations were issued to healthcare, nursing, and long-term care providers, including two Department of Veterans Affairs facilities—a hospital in Indianapolis, Indiana, and a community living center in Queens, New York.[38] Two employers in the meat processing industry—Smithfield Packaged Foods, Inc. in Sioux Falls, South Dakota and JBS Foods, Inc. in Greeley, Colorado—were also cited.[39] In the two meat processing cases, citations were issued for General Duty Clause violations. Other citations were issued for violations of OSHA's respiratory protection, injury and illness reporting, and recordkeeping standards.

The highest amount of proposed penalties issued to a single employer for COVID-19-related violations was $28,070 to the Harborage nursing home operated by Hackensack Meridian Healthcare in New Jersey for four serious and one other than serious violations of the respiratory protection standard.[40] For two of the serious violations, OSHA issued the maximum allowable penalty of $13,494.[41] For the other two serious violations, OSHA issued citations but no monetary penalties. For the other than serious violation, OSHA issued a penalty of $1,082. The two meat processing employers were each assessed maximum penalties of $13,494 for serious violations of the General Duty Clause.

In a letter to OSHA, Senators Elizabeth Warren and Cory A. Booker raised concerns over the amount of penalties issued to these employers.[42] The Senators asked OSHA why these employers

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[34] OSHA has a standard on blood-borne pathogens (29 C.F.R. §1910.1030) but does not have a standard on pathogens transmitted by airborne droplets.

[35] 29 U.S.C. §654(a)(1).

[36] 29 C.F.R. §§1910.133, 1910.134, and 1910.138.

[37] OSHA, *U.S. Department of Labor's OSHA Announces $913,133 in Coronavirus Violations*, OSHA National News Release, October 9, 2020, https://www.osha.gov/news/newsreleases/national/10092020.

[38] A list of all COVID-19-related citations issued by OSHA through October 1, 2020, is available at https://www.osha.gov/enforcement/covid-19-data/inspections-covid-related-citations.

[39] OSHA has the authority to issue citations to Executive Branch agencies, but does not have the authority to issue civil monetary penalties to these agencies.

[40] Detailed information on the citations issued to this employer is available at https://www.osha.gov/pls/imis/establishment.inspection_detail?id=1476465.015.

[41] OSHA citations are classified as "serious," "other than serious," "willful," or "repeated." The maximum amounts of OSHA penalties are subject to annual inflationary adjustments.

[42] Letter from Senators Elizabeth Warren and Cory A. Booker to Loren Sweatt, Principal Deputy Assistant Secretary of

were each cited for single serious violations of the General Duty Clause rather than multiple violations for each area of the facilities in which social distancing measures were not implemented. They also asked why OSHA did not issue penalties for willful or repeated violations that carry maximum penalties of $134,937 per violation. None of the employers cited for COVID-19-related violations were issued penalties for willful or repeated violations.

OSHA Respiratory Protection Standard

National Institute for Occupational Safety and Health Certification

The OSHA respiratory protection standard requires the use of respirators certified by NIOSH in cases in which engineering controls, such as ventilation or enclosure of hazards, are insufficient to protect workers from breathing contaminated air.[43] Surgical masks, procedure masks, and dust masks are not considered respirators. NIOSH certifies respirators pursuant to federal regulations.[44] For nonpowered respirators, such as filtering face piece respirators commonly used in healthcare and construction, NIOSH classifies respirators based on their efficiency at filtering airborne particles and their ability to protect against oil particles. Under the NIOSH classification system, the letter (N, R, or P) indicates the level of oil protection as follows: N—no oil protection; R—oil resistant; and P—oil proof. The number following the letter indicates the efficiency rating of the respirator as follows: 95—filters 95% of airborne particles; 97—filters 97% of airborne particles; and 100—filters 99.7% of airborne particles. Thus an N95 respirator, the most common type, is one that does not protect against oil particles and filters out 95% of airborne particles. An R or P respirator can be used in place of an N respirator.

A respirator that is past its manufacturer-designated shelf life is no longer considered to be certified by NIOSH. However, in response to potential shortages in respirators, NIOSH has tested and approved certain models of respirators for certified use beyond their manufacturer-designated shelf lives.[45]

Respirators designed for certain medical and surgical uses are subject to both certification by NIOSH (for oil protection and efficiency) and regulation by the Food and Drug Administration (FDA) as medical devices. In general, respirators with exhalation valves cannot be used in surgical and certain medical settings because, although the presence of an exhalation valve does not affect the respirator's protection afforded the user, it may allow unfiltered air from the user into a sterile field. On March 2, 2020, FDA issued an Emergency Use Authorization (EUA) to approve for use in medical settings certain NIOSH-certified respirators not previously regulated by FDA.[46]

Labor, Occupational Safety and Health Administration, September 22, 2020, https://www.warren.senate.gov/imo/media/doc/Letter%20from%20Senators%20Warren,%20Booker%20to%20OSHA%209-22-20.pdf.

[43] 29 C.F.R. §1910.134.

[44] 42 C.F.R. Part 84.

[45] NIOSH, *Release of Stockpiled Filtering Facepiece Respirators Beyond the Manufacturer-Designated Shelf Life: Considerations for the COVID-19 Response*, February 28, 2020, at https://www.cdc.gov/coronavirus/2019-ncov/release-stockpiled-N95.html.

[46] Letter from RADM Denise M. Hinton, chief scientist, Food and Drug Administration (FDA), to Robert R. Redfield, Director, CDC, March 2, 2020, at https://www.fda.gov/media/135763/download. The list of respirators approved under this Emergency Use Authorization (EUA) is in Appendix B to this letter, updated at https://www.fda.gov/media/135921/download.

CDC Interim Guidance on Respiratory Protection

On March 10, 2020, the Centers for Disease Control and Prevention (CDC) updated its interim guidance for the protection of healthcare workers against exposure to COVID-19 to permit healthcare workers caring for known or suspected COVID-19 cases to use "facemasks" when respirators are not available or are in limited supply.[47] This differs from the CDC's 2007 guidelines for control of infectious agents in healthcare settings, which required the use of respirators for treatment of known or suspected cases.[48] CDC states that respirators should be prioritized for use in medical procedures likely to generate respiratory aerosols. Before this interim guidance was released, Representative Bobby Scott, Chairman of the House Committee on Education and Labor, and Representative Alma Adams, Chair of the Subcommittee on Workforce Protections, sent a letter to Secretary of Health and Human Services (HHS) Alex M. Azar II expressing their opposition to this change in the interim standard.[49]

Medical Evaluation and Fit Testing

The OSHA respiratory protection standard requires that the employer provide a medical evaluation to the employee to determine if the employee is physiologically able to use a respirator. This medical evaluation must be completed before any fit testing. For respirators designed to fit tightly against the face, the specific type and model of respirator that an employee is to use must be fit tested in accordance with the procedures provided in Appendix A of the OSHA respiratory protection standard to ensure there is a complete seal around the respirator when worn.[50] Once an employee has been fit tested for a respirator, he or she is required to be fit tested annually or whenever the model of respirator, but not the actual respirator itself, is changed. Each time an individual uses a respirator, he or she is required to perform a check of the seal of the respirator to his or her face in accordance with the procedures provided in Appendix B of the standard.[51] On March 14, 2020, OSHA issued guidance permitting employers to suspend annual fit testing of respirators for employees that have already been fit tested on the same model respirator.

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[47] Although the interim guidance does not specifically define the term *facemask*, it does differentiate between a facemask and a respirator such that any recommendation to use a facemask does not require the use of a respirator. CDC, *Interim Infection Prevention and Control Recommendations for Patients with Suspected or Confirmed Coronavirus Disease 2019 (COVID-19) in Healthcare Settings*, updated March 10, 2020, at https://www.cdc.gov/coronavirus/2019-ncov/infection-control/control-recommendations.html.

[48] CDC, *2007 Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings*, updated July 2019, at https://www.cdc.gov/infectioncontrol/pdf/guidelines/isolation-guidelines-H.pdf.

[49] Letter from Representative Robert C. "Bobby" Scott, chairman, House Committee on Education and Labor, and Representative Alma S. Adams, chair, Subcommittee on Workforce Protections, to The Honorable Alex M. Azar II, Secretary of HHS, March 9, 2020, at https://edlabor.house.gov/imo/media/doc/Azar%20Redfield%20Letter_SIGNED%202020-03-09.pdf.

[50] 29 C.F.R. §1910.134 Appendix A. Powered air purifying respirators (PAPR) that do not require a seal to the user's face do not need to be fit tested.

[51] 29 C.F.R. §1910.134 Appendix B.

Temporary OSHA Enforcement Guidance on the Respiratory Protection Standard

In response to shortages of respirators and other PPE during the national response to the COVID-19 pandemic, OSHA has issued three sets of temporary enforcement guidance to permit the following exceptions to the respiratory protection standard:

1. Employers may suspend annual fit testing of respirators for employees that have already been fit tested on the same model respirator;[52]
2. Employers may permit the use of expired respirators and the extended use or reuse of respirators, provided the respirator maintains its structural integrity and is not damaged, soiled, or contaminated (e.g., with blood, oil, or paint);[53] and
3. Employers may permit the use of respirators not certified by NIOSH, but approved under standards used by the following countries or jurisdictions, in accordance with the protection equivalency tables provided in Appendices A and B of the enforcement guidance document:
   - Australia,
   - Brazil,
   - European Union,
   - Japan,
   - Mexico,
   - People's Republic of China, and
   - Republic of Korea.[54]

California: Cal/OSHA Aerosol Transmissible Disease Standard

Although no OSHA standard specifically covers aerosol or airborne disease transmission, the California Division of Occupational Safety and Health (Cal/OSHA), under its state plan, promulgated its aerosol transmissible disease (ATD) standard in 2009.[55] The ATD standard covers most healthcare workers, laboratory workers, as well as workers in correctional facilities, homeless shelters, and drug treatment programs. Under the ATD standard, SARS-CoV-2, the virus that causes COVID-19, is classified as a disease or pathogen requiring airborne isolation. This classification subjects the virus to stricter control standards than diseases requiring only

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[52] OSHA, *Temporary Enforcement Guidance - Healthcare Respiratory Protection Annual Fit-Testing for N95 Filtering Facepieces During the COVID-19 Outbreak*, March 14, 2020, at https://www.osha.gov/memos/2020-03-14/temporary-enforcement-guidance-healthcare-respiratory-protection-annual-fit.

[53] OSHA, *Enforcement Guidance for Respiratory Protection and the N95 Shortage Due to the Coronavirus Disease 2019 (COVID-19) Pandemic*, April 3, 2020, at https://www.osha.gov/memos/2020-04-03/enforcement-guidance-respiratory-protection-and-n95-shortage-due-coronavirus. Under this guidance, employers are required to address in their written respiratory protection plans when respirators are contaminated and not available for use or reuse.

[54] OSHA, *Enforcement Guidance for Use of Respiratory Protection Equipment Certified under Standards of Other Countries or Jurisdictions During the Coronavirus Disease 2019 (COVID-19) Pandemic*, April 3, 2020, at https://www.osha.gov/memos/2020-04-03/enforcement-guidance-use-respiratory-protection-equipment-certified-under.

[55] Cal. Code Regs. tit. 8, §5199. The California state plan covers all state and local government agencies and all private-sector workers in the state, with the exception of maritime workers; workers on military bases and in national parks, monuments, memorials, and recreation areas; workers on federally recognized Native American reservations and trust lands; and U.S. Postal Service contractors.

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droplet precautions, such as seasonal influenza.[56] The key requirements of the ATD standard include

- written ATD exposure control plan and procedures,
- training of all employees on COVID-19 exposure, use of PPE, and procedures if exposed to COVID-19,
- engineering and work practice controls to control COVID-19 exposure, including the use of airborne isolation rooms,
- provision of medical services to employees, including removal of exposed employees,
- specific requirements for laboratory workers, and
- PPE requirements.

Cal/OSHA Aerosol Transmissible Disease PPE Requirements

The Cal/OSHA ATD standard requires that employers provide employees PPE, including gloves, gowns or coveralls, eye protection, and respirators certified by NIOSH at least at the N95 level whenever workers

- enter or work in an airborne isolation room or area with a case or suspected case;
- are present during procedures or services on a case or suspected case;
- repair, replace, or maintain air systems or equipment that may contain pathogens;
- decontaminate an area that is or was occupied by a case or suspected case;
- are present during aerosol generating procedures on cadavers of cases or suspected cases;
- transport a case or suspected case within a facility or within a vehicle when the patient is not masked; and
- are working with a viable virus in the laboratory.[57]

In addition, a powered air purifying respirator (PAPR) with a high-efficiency particulate air (HEPA) filter must be used whenever a worker performs a *high-hazard procedure* on a known or suspected COVID-19 case.[58] High-hazard procedures are those in which "the potential for being exposed to aerosol transmissible pathogens is increased due to the reasonably anticipated generation of aerosolized pathogens"—they include intubation, airway suction, and caring for patients on positive pressure ventilation.[59] Emergency medical services (EMS) workers may use N100, R100, or P100 respirators in place of PAPRs.

[56] Cal. Code Regs. tit. 8, §5199 Appendix A.

[57] California Division of Occupational Safety and Health (Cal/OSHA), *Interim Guidance for Protecting Health Care Workers from Exposure to Coronavirus Disease (COVID-19)*, March 2020, at https://www.dir.ca.gov/dosh/Coronavirus-info.html.

[58] A PAPR uses a mechanical device to draw in room air and filter it before expelling that air over the user's face. In general, PAPRs do not require a tight seal to the user's face and do not need to be fit tested.

[59] Cal. Code Regs. tit. 8, §5199(b).

Cal/OSHA Interim Guidance on COVID-19

Cal/OSHA has issued interim guidance in response to shortages of respirators in the state due to the COVID-19 pandemic response.[60] Under this interim guidance, if the supply of N95 respirators or PAPRs are insufficient to meet current or anticipated needs, surgical masks may be used for low-hazard patient contacts that would otherwise require the use of respirators, and respirators may be used for high-hazard procedures that would otherwise require the use of PAPRs.

Virginia: VOSH COVID-19 ETS

On July 15, 2020, the Virginia Safety and Health Codes Board adopted an ETS to specifically protect employees from exposure to SARS-CoV-2, the virus that causes COVID-19.[61] This ETS, promulgated under Virginia's state occupational safety and health plan (VOSH) is the first state standard to specifically address COVID-19 in the workplace.[62] As an ETS, the VOSH standard expires within six months of its effective date, upon expiration of the Governor's State of Emergency, when superseded by a permanent standard, or when repealed by the Virginia Safety and Health Codes Board, whichever comes first. The ETS can be extended only through the normal state rulemaking process.

Unlike the Cal/OSHA ATD standard, the VOSH ETS applies to all state and local government agencies and all covered private-sector employees in the state. As part of a state plan, the VOSH ETS applies to state and local government entities, such as public schools, as employers. All covered employers in Virginia must comply with the following ETS requirements:

- exposure assessment and determination, notification of suspected cases and contacts with those cases, and employee access to their own exposure and medical records;
- return to work of employees known or suspected to have COVID-19 based on a duration of time since last symptoms or negative COVID-19 tests;[63]
- maintenance of physical distancing between employees while working and on paid breaks at the worksite, including restricted access to the worksite and common areas and break rooms;
- compliance with applicable existing PPE and respiratory protection standards when physical distancing between employees is not possible; and
- sanitation and disinfection requirements.

For all employers, if engineering, administrative, or work practice controls are not feasible or do not provide sufficient protection from SARS-CoV-2 transmission, then PPE, including respiratory PPE—such as respirators, if necessary—must be provided to employees.

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[60] California Division of Occupational Safety and Health (Cal/OSHA), *Cal/OSHA Interim Guidance on COVID-19 for Health Care Facilities: Severe Respirator Supply Shortages*, March 28, 2020, at https://www.dir.ca.gov/dosh/coronavirus/Cal-OSHA-Guidance-for-respirator-shortages.pdf.

[61] *Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19*, 16 Va. Admin. Code §25-220. This ETS is effective upon publication in a Richmond, VA, newspaper during the week of July 27, 2020.

[62] The Virginia state plan covers all state and local government agencies and all private-sector workers in the state, with the exception of maritime workers, U.S Postal Service contractors, workers at military bases or other federal enclaves in which the federal government has civil jurisdiction, workers at the U.S. Department of Energy's Southeastern Power Administration Kerr-Philpott System, and aircraft cabin crew members.

[63] A COVID-19 test for the purposes of determining if an employee can return to work must be paid for by the employer or offered such that the employee bears no cost for the test.

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Hazard and Job Task Classification

The VOSH ETS requires that each employer assess its workplace for hazards and job tasks that potentially expose employees to the SARS-CoV-2 virus. Employers must classify each job task as having a "very high," "high," "medium," or "lower" risk level of exposure, according to the hazards to which employees are potentially exposed. The VOSH ETS provides the following examples of activities for the "very high" and "high" risk levels:

- "very high" risk activities include
  - using aerosol-generating procedures, such as intubation, on patients known or suspected to be infected with SARS-CoV-2;
  - collecting or handling specimens from patients known or suspected to be infected with SARS-CoV-2; and
  - performing an autopsy involving aerosol-generating procedures on the body of a person known or suspected to be infected with the SARS-CoV-2 virus at the time of death; and
- "high risk" activities include
  - health care services, including inpatient care, outpatient care, skilled nursing care, and nonmedical support services such as room cleaning, provided to patients known or suspected to be infected with SARS-CoV-2;
  - first responder and medical transport services to patients known or suspected to be infected with SARS-CoV-2; and
  - mortuary services to persons known or suspected to be infected with the SARS-CoV-2 virus at the time of death.

"Medium" risk activities are those that require employees to have more than minimal contact, within six feet of other employees, customers, or members of the public who are not known or suspected to be infected with SARS-CoV-2.[64] "Lower" risk activities are those that do not require contact with other persons within six feet or that are able to utilize the following types of engineering, administrative, or work practice controls to minimize contact between persons:

- installation of floor to ceiling barriers, such as barriers between cashiers and customers;
- telecommuting;
- staggered work shifts to reduce the number of workers at a site;
- delivering services remotely, including curbside pickup of retail purchases; and
- mandatory physical distancing of persons.

The use of face coverings other than respirators or medical or surgical masks, including cloth face coverings now required by several states, is not an acceptable method of minimizing physical contact between persons. However, the VOSH ETS requires the use of face coverings for brief contacts between persons within six feet of each other.

[64] Examples of "medium" risk work activities are provided in the VOSH ETS at 16 Va. Admin. Code §25-220-30.

Engineering, Administrative, Work Practice, and PPE Requirements for "Very High," "High," and "Medium" Risk Activities

Employers with job tasks or activities in the "very high," "high," or "medium" risk classifications must adhere to specific engineering, administrative, work practice, and PPE requirements. For "very high" and "high" risk activities, engineering controls include the use of airborne infection isolation rooms (AIIR) for known or suspected COVID-19 patients and aerosol-generating procedures and Biosafety Level 3 (BSL-3) precautions for the handling of specimens from known or suspected COVID-19 patients.[65]

Employers with "very high" and "high" risk activities must implement administrative and work practice controls, including the prescreening of all employees to ensure that employees do not have signs or symptoms of COVID-19; enhanced medical screening of employees during COVID-19 outbreaks; and the use of flexible work arrangements, such as telecommuting, when feasible. In addition, all employers with "very high" or "high" risk activities must provide, to the extent feasible, psychological and behavioral support to address employee stress at no cost to the employee.

The standard also provides for engineering, administrative, and work practice controls for "medium" risk activities.[66]

PPE Requirements for "Very High" and "High" Risk Activities

Employers with "very high" and "high" risk activities, who are not already covered by the general OSHA PPE standards, are required to comply with the VOSH ETS requirements for PPE. An employer subject to these requirements must assess the workplace to determine if there are any COVID-19 hazards present or likely to be present that would require the use of PPE by employees. The employer must provide for the participation of employees and employee representatives in this assessment process and verify that this assessment has been conducted through a written certification.

If hazards that require PPE are identified, the employer must select and provide the appropriate PPE to each employee and ensure that PPE fits properly. If respiratory PPE, such as respirators or PAPR are used as PPE, the existing OSHA standards for respiratory PPE, which include medical evaluation of employees and fit testing, must be followed.

Unless contraindicated by the hazard and PPE assessment, when any employee is in contact within six feet of any person known or suspected to be infected with SARS-CoV-2, that employee must be provided with the following types of PPE:

- gloves,
- gown large enough to cover areas needing protection,
- face shield or goggles, and
- respirator.

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[65] The VOSH ETS requires compliance with Biosafety Level 3 precautions provided in HHS, *Biosafety in Microbiological and Biomedical Laboratories. Fifth Edition*, HHS Publication no. (CDC) 21-1112, December 2009, at https://www.cdc.gov/labs/BMBL.html.

[66] Engineering, administrative, and work practice controls for "medium" risk activities are provided in the VOSH ETS at 16 Va. Admin. Code §25-220-60.

While there are no specific PPE requirements for "medium" risk activities, PPE may be required based on an assessment of the hazards of these activities.

Infectious Disease Preparedness and Response Plan and Training

Infectious Disease Preparedness and Response Plan

All employers with "very high" and "high" risk activities, and employers with 11 or more employees and "medium" risk activities, must develop written infectious disease preparedness and response plans. These plans must be developed with input from employees. The deadline for the development of these plans is 60 days from the effective date of the ETS.

The infectious disease preparedness plan must include a consideration of the COVID-19 risks in the workplace, and to the extent possible and in compliance with medical privacy laws, the specific risks faced by employees with certain preexisting medical conditions. The plan must include contingency plans for continued operations during a COVID-19 outbreak and provide for the prompt identification and isolation of employees with known or suspected COVID-19 and a procedure for employees to notify the employer of COVID-19 signs or symptoms. The plan must also address interactions between the employer's worksite and other businesses, such as vendors and contractors to ensure employees of these businesses comply with the VOSH ETS and the employer's infectious disease preparedness and response plan.

Training

All employers with "very high," "high," or "medium" risk activities must provide training to all employees, including those employees whose work does not involve any COVID-19 risks. This training must teach employees to recognize the hazards of the SARS-CoV-2 virus, signs and symptoms of COVID-19, and the procedures to minimize SARS-CoV-2 hazards. If the employer has an infectious disease preparedness and response plan, training must be provided on this plan. Written certification of training must be prepared, and retraining must be provided when necessary.

Employers with only "lower" risk activities are not required to prepare a formal training plan but must provide oral or written communication on the hazards of SARS-CoV-2, the signs and symptoms of COVID-19, and measures to minimize SARS-CoV-2 exposure. VOSH is required to develop an information sheet that employers can use to satisfy this training requirement.

Training must be provided within 30 days of the effective date of the standard, except for training on the infectious disease preparedness and response plan, which must be completed within 60 days.

Whistleblower Protections

The VOSH ETS prohibits any employer from discharging or otherwise discriminating against any employee who does the following:

- exercises his or her rights under the ETS or existing whistleblower protection provisions, including the limited right of an employee to refuse work because of a reasonable fear of injury or death or serious injury;[67]

[67] To exercise this right, the employee must, if possible, have sought unsuccessfully to have the employer remedy the hazard, and there must be insufficient time to attempt to remedy the hazard through normal regulatory enforcement

- provides and wears his or her own PPE, provided the PPE does not create a greater hazard to the employee or create a serious hazard to other employees; or
- raises a reasonable concern about SARS-CoV-2 and COVID-19 infection control to the employer, the employer's agent, other employees, the government, or the public through any type of media including social media.

Michigan: MIOSHA COVID-19 Emergency Rules

On October 14, 2020, the director of the Michigan Department of Labor and Economic Opportunity, which operates Michigan's state occupational safety and health plan (MIOSHA), promulgated emergency rules to address workplace exposure to COVID-19.[68] These rules, which apply to all employers in the state, went into immediate effect and will remain in effect for six months. In addition to rules that apply to all employers, the emergency rules include specific provisions that apply to the following industries:

- construction;
- manufacturing;
- retail, libraries, and museums;
- restaurants and bars;
- healthcare;
- in-home services such as house cleaning and repair;
- personal care services such as hair styling and tattooing;
- public accommodations such as sports and entertainment venues;
- sports and exercise facilities;
- meat and poultry processing; and
- casinos.[69]

Exposure Determination

Rule 3 of the MIOSHA emergency rules requires all employers to evaluate all routine and anticipated job tasks and categorize these job tasks based on potential employee exposure to COVID-19 into one of the following four categories:

1. "Lower exposure risk" tasks are those that do not require contact with known or suspected COVID-19 cases or frequent close (within six feet) contact with the general public.
2. "Medium exposure risk" tasks are those that require frequent or close contact with persons who may be infected with COVID-19 but who are not known or suspected COVID-19 cases. In areas of the state without ongoing community

channels. This right is provided in the OSHA standards at 29 C.F.R. §1977.12(b)(2) and in the VOSH standards at 16 Va. Admin. Code §25-60-110.

[68] Department of Labor and Economic Opportunity, Michigan Occupational Safety and Health Administration (MIOSHA) Emergency Rules: Coronavirus 2019 (COVID-19), available at https://www.michigan.gov//documents/leo/Final_MIOSHA_Rules_705164_7.pdf. The Michigan state plan covers all state and local government agencies and all private-sector workers in the state, with the exception of maritime workers, U.S. Postal Service contractors, workers at businesses owned or operated by tribal members at Indian reservations, and aircraft cabin crew members.

[69] MIOSHA Emergency Rules: Coronavirus 2019 (COVID-19), Rule 11.

transmission of COVID-19, tasks that require frequent contact with persons travelling from areas with widespread COVID-19 transmission are included in this category. In areas with ongoing community transmission, tasks that involve contact with the general public are included in this category.

3. "High exposure risk" tasks are those with high potential for exposure to known or suspected COVID-19 cases. Licensed healthcare providers, medical first responders, nursing home workers, law enforcement and correctional officers, and mortuary workers are examples of types of workers that may perform tasks in this category.
4. "Very high exposure risk" tasks are those that involve the generation of aerosols during medical or mortuary procedures on known or suspected COVID-19 cases and the collection and handling of laboratory specimens from known or suspected COVID-19 cases.

Preparedness and Response Plan

Rule 4 of the MIOSHA emergency rules requires all employers to develop a written COVID-19 preparedness and response plan based on current CDC and OSHA guidance. This plan must detail measures the employer will take to protect employees from COVID-19 exposure and must be readily available to employees and their representatives.

Basic Infection Prevention Measures

Rule 5 of the MIOSHA emergency rules requires all employers to implement the following basic infection prevention measures:

- promote frequent hand-washing and provide hand-washing facilities or hand sanitizer to workers, customers, and visitors;
- require employees who are sick to not report to work or to report to an isolated location;
- prohibit workers from using other workers' desks, phones, and other equipment when possible;
- increase facility cleaning, especially of high-touch surfaces and shared equipment;
- establish procedures, consistent with CDC guidance, for disinfection of the worksite if a worker, customer, or visitor has a known case of COVID-19;
- use Environmental Protection Agency (EPA) approved disinfectants that are expected to effective against SARS-CoV-2;
- follow all manufacturer's guidelines for use of all cleaning and disinfectant products; and
- prohibit in-person work for employees whose work can be done remotely.

Health Surveillance

Rule 6 of the MIOSHA emergency rules requires all employers to implement a health surveillance system for the workplace. This system must include, at a minimum, a COVID-19 screening questionnaire for all employees and contractors entering the workplace. Employees must be directed to immediately report any signs or symptoms of COVID-19 to the employer and known and suspected COVID-19 cases must be isolated from the rest of the workforce. When an

employer learns of an employee, contractor, customer, or visitor to the worksite with a known case of COVID-19, the employer must immediately notify the local health department and, must notify, within 24 hours, any workers, contractors, or suppliers who may have come into contact with the infected person. When determining if an employee with a known or suspected case of COVID-19 may return to the workplace, the employer must follow CDC guidelines and health department quarantine and isolation orders.

Workplace Controls

Rule 7 of the MIOSHA emergency rules requires all employers to implement the following workplace controls:

- designate one or more worksite COVID-19 safety coordinators to implement, monitor, and report on COVID-19 control strategies developed by the employer and to remain on site at all times when employees are present;
- place posters in appropriate languages in the workplace that provide information on staying away from work while sick, cough and sneeze etiquette, and hand hygiene;
- keep all persons at least six feet from each other using signs, floor markings, and barriers appropriate for the worksite, to the extent possible;
- provide all employees with non-medical grade face coverings at no cost to the employees;
- require the use of face coverings when employees cannot maintain six feet of distance from other persons in the workplace, and consider the use of face shields when three feet of distance cannot be maintained;
- require face coverings in shared spaces, such as restrooms and hallways and during in-person meetings.

PPE

Rule 8 of the MIOSHA emergency rules requires that employers provide appropriate PPE, including respiratory protection, to employees based on the exposure risks of the job and current CDC and OSHA guidelines. All PPE must be properly fitted, inspected, maintained, cleaned, stored, and disposed of. In workplaces that provide medical treatment to known or suspected COVID-19 cases, employees with frequent or prolonged close contact with such patients must be provided with and wear, at a minimum, an N95 respirator, goggles or face shield, and gown.

Training Requirements

Rule 10 of the MIOSHA emergency rules requires all employers to provide training and communication, in languages common among the employees, on the following subjects:

- workplace infection-control practices;
- proper use of PPE;
- how to notify the employer of COVID-19 symptoms or diagnosis;
- how to report unsafe working conditions.

This training must be updated if the employer's COVID-19 preparedness and response plan changes or new information on COVID-19 transmission becomes available.

Recordkeeping Requirements

Rule 11 of the MIOSHA emergency rules requires that all employers maintain, for one year, records of employee training, the screening of persons entering the workplace, and any health surveillance notifications required by Rule 6.

OSHA Infectious Disease Standard Rulemaking

In 2010, OSHA published a Request for Information in the *Federal Register* seeking public comments on strategies to control exposure to infectious diseases in healthcare workplaces.[70] After collecting public comments and holding public meetings, OSHA completed the SBREFA process in 2014. Since then, however, no public actions have occurred on this rulemaking; since spring 2017, this rulemaking has been listed as a "long-term action" in DOL's semiannual regulatory agenda.

Congressional Activity to Require an OSHA Emergency Temporary Standard on COVID-19

On March 5, 2020, Representative Bobby Scott, chairman of the House Committee on Education and Labor, and Representative Alma Adams, chair of the Subcommittee on Workforce Protections, sent a letter to Secretary of Labor Eugene Scalia calling on OSHA to promulgate an ETS to address COVID-19 exposure among healthcare workers.[71] This letter followed a January 2020 letter requesting that OSHA reopen its rulemaking on the infectious disease standard and begin to formulate for possible future promulgation an ETS to address COVID-19 exposure.[72] Senator Patty Murray, ranking member of the Senate Committee on Health, Education, Labor, and Pensions and a group of Democratic Senators sent a similar letter to the Secretary of Labor calling for an OSHA ETS.[73]

In addition, in March 2020, David Michaels, who served as the Assistant Secretary of Labor for Occupational Safety and Health during the Obama Administration, wrote an op-ed in *The Atlantic* calling on OSHA to promulgate a COVID-19 ETS.[74] On March 6, 2020, the AFL-CIO and 22 other unions petitioned OSHA for an ETS on infectious diseases that would cover all workers with potential exposures.[75] OSHA formally denied the AFL-CIO petition on May 29, 2020, claiming that an ETS is not necessary to protect employees from infectious diseases generally, or

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[70] OSHA, "Infectious Diseases," 75 *Federal Register* 24835, May 6, 2010.

[71] Letter from Representative Scott, chairman, House Committee on Education and Labor, and Representative Adams, chair, Subcommittee on Worker Protections, to The Honorable Eugene Scalia, Secretary of Labor, March 5, 2020, at https://edlabor.house.gov/imo/media/doc/2020-03-05%20OSHA%20ETS%20Letter.pdf.

[72] Letter from Representative Scott, chairman, House Committee on Education and Labor, and Representative Adams, chair, Subcommittee on Worker Protections, to The Honorable Eugene Scalia, Secretary of Labor, January 30, 2020, at https://edlabor.house.gov/imo/media/doc/2020-01-30%20RCS%20to%20DOL%20Corona%20Letter_SIGNED1.pdf.

[73] Letter from Senator Patty Murray, ranking member, Senate Committee on Health, Education, Labor, and Pensions, Senator Robert Menendez, and Senator Tammy Baldwin, et al. to The Honorable Eugene Scalia, Secretary of Labor, March 9, 2020, at https://www.baldwin.senate.gov/imo/media/doc/20200309%20OSHA%20ETS%20Letter.pdf.

[74] David Michaels, "What Trump Could Do Right Now to Keep Workers Safe From the Coronavirus," *The Atlantic*, March 2, 2020, at https://www.theatlantic.com/ideas/archive/2020/03/use-osha-help-stem-covid-19-pandemic/607312/.

[75] Letter from Richard L. Trumka, president, AFL-CIO, to The Honorable Eugene Scalia, Secretary of Labor, March 6, 2020, at https://aflcio.org/statements/petition-secretary-scalia-osha-emergency-temporary-standard-infectious-disease.

from COVID-19.[76] National Nurses United submitted a similar petition requesting that OSHA promulgate an ETS based largely on the Cal/OSHA ATD standard.[77] On May 4, 2020, the Center for Food Safety and Food Chain Workers Alliance submitted a petition requesting that OSHA promulgate an ETS to protect meat and poultry processing workers from COVID-19 exposure in the workplace.[78] On May 18, 2020, the AFL-CIO petitioned the U.S. Court of Appeals for the D.C. Circuit for a writ of mandamus to compel OSHA to promulgate a COVID-19 ETS.[79] The circuit court denied this petition on June 11, 2020.

H.R. 6139, the COVID-19 Health Care Worker Protection Act of 2020

On March 9, 2020, Representative Bobby Scott introduced H.R. 6139, the COVID-19 Health Care Worker Protection Act of 2020. This bill would require OSHA to promulgate a COVID-19 ETS within one month of enactment. The ETS would be required to cover healthcare workers and any workers in sectors determined by the CDC or OSHA to be at an elevated risk of COVID-19 exposure. The ETS would be required to include an exposure control plan provision and be, at a minimum, based on CDC's 2007 guidance and any updates to this guidance. The ETS would also be required to provide no less protection than any state standard on novel pathogens, thus requiring OSHA to include the elements of the Cal/OSHA ATD standard, the VOSH COVID-19 ETS, and the MIOSHA emergency rules in this ETS. Title II of the bill would provide that hospitals and skilled nursing facilities that receive Medicare funding and that are owned by state or local government units and not subject to state plans would be required to comply with the ETS. Similar provisions are included in S. 3475.

P.L. 116-127, the Families First Coronavirus Response Act

The provisions of H.R. 6139 were included as Division C of H.R. 6201, the Families First Coronavirus Response Act, as introduced in the House. The American Hospital Association (AHA) issued an alert to its members expressing its opposition to the OSHA ETS provisions in the bill.[80] Specifically, the AHA opposed the requirement that the ETS be based on the CDC's 2007 guidance. The AHA stated that unlike severe acute respiratory syndrome (SARS), which was transmitted through the air, COVID-19 transmission is through droplets and surface contacts. Thus, the requirement of the 2007 CDC guidance that N95 respirators, rather than surgical masks, be used for patient contact is not necessary to protect healthcare workers from COVID-19, and the use of surgical masks is consistent with World Health Organization guidance. The AHA also

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[76] Letter from Loren Sweatt, Principal Deputy Assistant Secretary of Labor, to Richard L. Trumka, president, AFL-CIO, May 29, 2020.

[77] Letter from Bonnie Castillo, executive director, National Nurses United, to The Honorable Eugene Scalia, Secretary of Labor, and The Honorable Loren Sweatt, Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health, March 4, 2020, at https://act.nationalnursesunited.org/page/-/files/graphics/NNUPetitionOSHA03042020.pdf.

[78] Center for Food Safety and Food Chain Workers Alliance, *Rulemaking Petition to the United States Department of Labor, Occupational Safety and Health Administration*, May 4, 2020, at https://www.centerforfoodsafety.org/files/2020-05-04-osha-ets-petition_58890.pdf.

[79] In re: American Federation of Labor and Congress of Industrial Organizations, D.C. Cir., No. 19-1158, May 18, 2020. This petition was filed in the U.S. Court of Appeals as Section 6(f) of the OSH Act [29 U.S.C. §655(f)] grants this court exclusive jurisdiction to provide judicial review of OSHA standards.

[80] Emily Kopp, "Hospitals want to kill a policy shielding nurses from COVID-19 because there aren't enough masks," *Roll Call*, March 3, 2020, at https://www.rollcall.com/2020/03/13/hospitals-want-to-kill-a-policy-shielding-nurses-from-covid-19-because-there-arent-enough-masks/. This alert is available to American Hospital Association (AHA) members on the AHA website at https://www.aha.org.

claimed that shortages of available respirators could reduce the capacity of hospitals to treat COVID-19 patients, due to a lack of respirators for staff. The OSHA ETS provisions were not included in the version of the legislation that was passed by the House and the Senate and signed into law as P.L. 116-127.

H.R. 6379, the Take Responsibility for Workers and Families Act

Division D of H.R. 6379, the Take Responsibility for Workers and Families Act, as introduced in the House on March 23, 2020, includes the requirement that OSHA promulgate an ETS on COVID-19 within seven days of enactment and a permanent COVID-19 standard within 24 months of enactment to cover healthcare workers, firefighters and emergency response workers, and workers in other occupations that CDC or OSHA determines to have an elevated risk of COVID-19 exposure. Division D of H.R. 6379 would amend the OSH Act, for the purposes of the ETS only, such that state and local government employers in states without state plans would be covered by the ETS. The provisions of Division D of H.R. 6379 were also included in S. 3584, the COVID-19 Workers First Protection Act of 2020, as introduced in the Senate.

This legislation would specifically provide that the ETS would remain in force until the permanent standard is promulgated and would explicitly exempt the ETS from the Regulatory Flexibility Act, Paperwork Reduction Act, and Executive Order 12866. OSHA would be granted enforcement discretion in cases in which it is not feasible for an employer to fully comply with the ETS (such as a case in which PPE is unavailable) if the employer is exercising due diligence to comply and implementing alternative means to protect employees.

Like the provisions in H.R. 6139 and the version of H.R. 6201 introduced in the House, the ETS and permanent standard under H.R. 6379 would be required to include an exposure control plan and provide no less protection than any state standard on novel pathogens, thus requiring OSHA to include the elements of the Cal/OSHA ATD, the VOSH COVID-19 ETS, and the MIOSHA emergency rules in this ETS and permanent standard. Although the ETS provisions in H.R. 6139 and H.R. 6201 would require that the ETS be based on the 2007 CDC guidance, specific reference to the 2007 guidance is not included in this legislation. Rather, under H.R. 6379, the ETS and permanent standard would have to incorporate, as appropriate, "guidelines issued by the Centers for Disease Control and Prevention, and the National Institute for Occupational Safety and Health, which are designed to prevent the transmission of infectious agents in healthcare settings" and scientific research on novel pathogens.

States with occupational safety and health plans would be required to adopt the ETS, or their own ETS at least as effective as the ETS, within 14 days of the legislation's enactment.

H.R. 6559, the COVID-19 Every Worker Protection Act of 2020

H.R. 6559, the COVID-19 Every Worker Protection Act of 2020, was introduced in the House by Representative Bobby Scott on April 21, 2020. This legislation includes the ETS and permanent standard provisions of Division D of H.R. 6379 and S. 3584 and would require that these standards cover healthcare workers, emergency medical responders, and "other employees at occupational risk" of COVID-19 exposure. This legislation also adds two provisions that would clarify the requirements for employers to record work-related COVID-19 infections and strengthen the protections against retaliation and discrimination offered to whistleblowers. Similar provisions are included in S. 3677 and were incorporated into H.R. 6800, the Heroes Act, as passed by the House.

COVID-19 Recordkeeping

Sections 8(c) and 24(a) of the OSH Act require employers to maintain records of occupational injuries and illnesses in accordance with OSHA regulations.[81] OSHA's reporting and recordkeeping regulations require that employers with 10 or more employees must keep records of work-related injuries and illnesses that result in lost work time for employees or that require medical care beyond first aid.[82] Employers must also report to OSHA, within 8 hours, any workplace fatality, and within 24 hours, any injury or illness that results in in-patient hospitalization, amputation, or loss of an eye. Employers in certain industries determined by OSHA to have lower occupational safety and health hazards are listed in the regulations as being exempt from the recordkeeping requirements but not the requirement to report to OSHA serious injuries, illnesses, and deaths.[83] Offices of physicians, dentists, other health practitioners, and outpatient medical clinics are included in the industries that are exempt from the recordkeeping requirements.

OSHA regulations require the employer to determine if an employee's injury or illness is related to his or her work and thus subject to the recordkeeping requirements.[84] The regulations provide a presumption that an injury or illness that occurs in the workplace is work-related and recordable, unless one of the exemptions provided in the regulations applies.[85] One of the listed exemptions is "The illness is the common cold or flu (Note: contagious diseases such as tuberculosis, brucellosis, hepatitis A, or plague are considered work-related if the employee is infected at work)."[86]

Because of the nature of COVID-19 transmission, which can occur in the community as well as the workplace, it can be difficult to determine the exact source of any person's COVID-19 transmission. Absent any specific guidance, this may make it difficult for employers to determine if an employee's COVID-19 is subject to the recordkeeping requirements.

Initial OSHA Recordkeeping Guidance

On April 10, 2020, OSHA issued enforcement guidance on how cases of COVID-19 should be treated under the recordkeeping requirements.[87] This guidance stated that COVID-19 cases were recordable if they were work-related.

Under this guidance, employers in the following industry groups were to fully comply with the recordkeeping regulations, including the requirement to determine if COVID-19 cases were work-related:

- healthcare;
- emergency response, including firefighting, emergency medical services, and law enforcement; and
- correctional institutions.

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[81] 29 U.S.C. §§657(c) and 673(a).

[82] OSHA's reporting and recordkeeping regulations are at 29 C.F.R. Part 1904.

[83] The list of exempted industries is at 29 C.F.R. Subpart B, Appendix A. States with state occupational safety and health plans may require employers in these exempted industries to comply with the recordkeeping requirements.

[84] 29 C.F.R. §1904.5.

[85] 29 C.F.R. §1905.5(a).

[86] 29 C.F.R. §1904.5(b)(2)(viii).

[87] OSHA, *Enforcement Guidance for Recording Cases of Coronavirus Disease 2019 (COVID-19)*, April 10, 2020, at https://www.osha.gov/memos/2020-04-10/enforcement-guidance-recording-cases-coronavirus-disease-2019-covid-19.

For all other employers, OSHA required employers to determine if COVID-19 cases were work-related and subject to the recordkeeping requirements only if both of the following two conditions were met:

1. There was objective evidence that a COVID-19 case may have been work-related. This could have included, for example, a number of cases developing among workers who worked closely together without an alternative explanation.
2. The evidence of work-relatedness was reasonably available to the employer. For purposes of this guidance, examples of reasonably available evidence included information given to the employer by employees, as well as information that an employer learned regarding its employees' health and safety in the ordinary course of managing its business and employees.

Updated OSHA Recordkeeping Guidance

OSHA issued new guidance, effective May 26, 2020, on recordkeeping of COVID-19 cases.[88] This new guidance rescinds the previous guidance issued by OSHA on April 10, 2020. Under this new guidance, all employers, regardless of type of industry or employment, are subject to the recordkeeping and recording regulations for work-related cases of COVID-19. To determine if an employer has made a reasonable determination that a case of COVID-19 was work-related, OSHA says it will consider the following factors:

- the reasonableness of the employer's investigation of the COVID-19 case and its transmission to the employee;
- the evidence that is available to the employer; and
- the evidence that COVID-19 was contracted at work.

The guidance provides examples of evidence that can be used to demonstrate that a COVID-19 case was or was not work-related such as if an employee had frequent close contact with members of the public in an area with ongoing community transmission of COVID-19.

H.R. 6559

H.R. 6559 would require that the ETS and permanent standard established pursuant to the legislation include the requirement for the recording and reporting of all COVID-19 cases in accordance with OSHA regulations in place at the time of enactment. By referencing the regulations in place, this provision would serve to supersede OSHA's guidance from April 10, 2020, and apply the requirement, currently provided in the guidance effective May 26, 2020, to determine the work-relatedness of COVID-19 cases to all employers covered by the recordkeeping regulations.

Whistleblower Protections

Section 11(c) of the OSH Act prohibits any person from retaliating or discriminating against any employee who exercises certain rights provided by the OSH Act.[89] Commonly referred to as the

[88] OSHA, *Revised Enforcement Guidance for Recording Cases of Coronavirus Disease 2019 (COVID-19)*, May 19, 2020, at https://www.osha.gov/memos/2020-05-19/revised-enforcement-guidance-recording-cases-coronavirus-disease-2019-covid-19.

[89] 29 U.S.C. §660(c). OSHA also enforces whistleblower provisions in 22 other federal statutes. Information on statutes with whistleblower provisions enforced by OSHA is at OSHA, *Whistleblower Statutes Summary Chart*, October 17, 2009, at https://www.whistleblowers.gov/sites/wb/files/2019-12/WB-Statute-Summary-Chart-10.8-Final.pdf.

whistleblower protection provision, this provision protects any employee who takes any of the following actions:

- files a complaint with OSHA related to a violation of the OSH Act;
- causes an OSHA proceeding, such as an investigation, to be instituted;
- testifies or is about to testify in any OSHA proceeding; and
- exercises on his or her own behalf, or on behalf of others, any other rights afforded by the OSH Act.[90]

Other rights afforded by the OSH Act that are covered by the whistleblower protection provision include the right to inform the employer about unsafe work conditions; the right to access material safety data sheets or other information required to be made available by the employer; and the right to report a work-related injury, illness, or death to OSHA.[91] In limited cases, the employee has the right to refuse to work if conditions reasonably present a risk of serious injury or death and there is not sufficient time to eliminate the danger through other means.[92]

H.R. 6559 would require that the ETS and permanent standard promulgated pursuant to the legislation expand the protections for whistleblowers. The following additional activities taken by employees would grant them protection from retaliation and discrimination from employers and agents of employers:

- reporting to the employer; a local, state, or federal agency; or the media; or on a social media platform; the following:
  - a violation of the ETS or permanent standard promulgated pursuant to the legislation;
  - a violation of the infectious disease control plan required by the ETS or permanent standard; or
  - a good-faith concern about an infectious disease hazard in the workplace;
- seeking assistance from the employer or a local, state, or federal agency with such a report; and
- using personally supplied PPE with a higher level of protection than offered by the employer.

H.R. 6800, The Heroes Act

The provisions of H.R. 6559, including the provisions relating to recordkeeping and whistleblower protections, were included as Title III of Division L of H.R. 6800, The Heroes Act. H.R. 6800 was passed by the House on May 15, 2020. In a letter to Speaker of the House Nancy Pelosi, the AHA expressed its opposition to the ETS provisions in The Heroes Act citing the potential for confusion that new regulations could bring and the "ongoing global lack of supplies, equipment and testing capability" faced by hospitals.[93] The AHA also stated that the provision

[90] 29 C.F.R. §1977.3. Public-sector employees, except employees of the United States Postal Service, are not protected by the whistleblower provision, but may be covered by whistleblower provisions in other federal and state statutes.

[91] For additional information on other rights covered by the whistleblower protection provision, see OSHA, January 9, 2019, *Investigator's Desk Aid to the Occupational Safety and Health Act (OSH Act) Whistleblower Protection Provision*, pp. 5-7, at https://www.osha.gov/sites/default/files/11cDeskAid.pdf.

[92] 29 C.F.R. §1977.12(b)(2).

[93] Letter from Thomas P. Nickels, executive vice president, American Hospital Association, to Hon. Nancy Pelosi,

OSHA-002515

that would require the ETS to be based on state standards "suggests that the federal government is surrendering its responsibility to appropriately regulate the nation to a state government agency without consideration of whether that state's decisions are appropriate for implementation anywhere and everywhere."

H.R. 925, The Heroes Act (Revised)

The provisions of H.R. 6559 and H.R. 6800 were included in the House Amendment to the Senate Amendment to H.R. 925, the revised Heroes Act, passed by the House on October 1, 2020.

Speaker, U.S. House of Representatives, May 14, 2020, at https://www.aha.org/system/files/media/file/2020/05/web-AHALettertoHouseonHEROESAct051420final.pdf.

Appendix. OSHA Emergency Temporary Standards

Table A-1. OSHA Emergency Temporary Standards (ETS)

Year	Subject of ETS	*Federal Register* Citation of ETS	Result of Judicial Review	Judicial Review Case Citation
1971	Asbestos	36 *Federal Register* 23207 (December 7, 1971)	Not challenged	—
1973	Organophosphorous pesticides	38 *Federal Register* 10715 (May 1, 1973); amended by 38 *Federal Register* 17214 (June 29, 1973)	Vacated	*Florida Peach Growers Ass'n v. United States Department of Labor,* 489 F.2d 120 (5th Cir. 1974)
1973	Fourteen carcinogens	38 *Federal Register* 10929 (May 3, 1973)	Twelve upheld, two vacated	*Dry Color Mfrs. Ass'n v. Department of Labor,* 486 F.2d 98 (3d Cir. 1973)
1974	Vinyl chloride	39 *Federal Register* 12342 (April 5, 1974)	Not challenged	—
1976	Diving operations	41 *Federal Register* 24271 (June 15, 1976)	Stayed	*Taylor Diving & Salvage Co. v. Department of Labor,* 537 F.2d 819 (5th Cir. 1976)
1977	Benzene	42 *Federal Register* 22515 (May 3, 1977)	Stayed	*Industrial Union Dep't v. Bingham,* 570 F.2d 965 (D.C. Cir. 1977)
1977	1,2 Dibromo-3-chloropropane (DBCP)	42 *Federal Register* 45535 (September 9, 1977)	Not challenged	—
1978	Acrylonitrile (vinyl cyanide)	43 *Federal Register* 2585 (January 17, 1978)	Stay denied	*Vistron v. OSHA,* 6 OSHC 1483 (6th Cir. 1978)
1983	Asbestos	48 *Federal Register* 51086 (November 4, 1983)	Stayed	*Asbestos Info. Ass'n v. OSHA,* 727 F.2d 415 (5th Cir. 1984)

Source: CRS with data from Mark A. Rothstein, "Substantive and Procedural Obstacles to OSHA Rulemaking: Reproductive Hazards as an Example," *Boston College Environmental Affairs Law Review*, vol. 12, no. 4 (August 1985), p. 673.

Author Information

Scott D. Szymendera
Analyst in Disability Policy

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Message

From: Winingham, Bonita - OSHA [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B9D7706070E431BB18DD3B3BECE734A-WININGHAM,]
Sent: 5/12/2020 6:47:19 PM
To: zzOSHA-REGION7-ADS [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=32c853566d9a43bcb41057ceb88c91f7-zzOSHA-REGI]; zzOSHA-REGION7-ARAS [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=68a6b941fdb44d8c99c21930ce3e204b-zzOSHA-REGI]
Subject: FW: Region 7 Daily Report 5.12.2020

FYI

From: Winingham, Bonita - OSHA <Winingham.Bonita@dol.gov>
Sent: Tuesday, May 12, 2020 1:45 PM
To: Edens, Mandy - OSHA <Edens.Mandy@dol.gov>; Pearce, Krisann - OSHA <Pearce.Krisann@dol.gov>; Walsh, Brian K - OSHA <walsh.brian.k@dol.gov>; Locey, Kimberly A. - OSHA <locey.kimberly@dol.gov>; Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Cc: Stille, Kim - OSHA <Stille.Kim@dol.gov>
Subject: Region 7 Daily Report 5.12.2020

Below is the COVID-19 Daily Report for Region 7

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

- Nothing new to report

Guidance, Communication and Outreach with Stakeholders

- Nothing new to report

Actions That Affect Federal Facilities and Personnel

- Nothing new to report

Other Notable Responses

Region 7

- Media reports and unreleased White House report identifies the top ten areas of recorded surges of 72.4 percent or greater. Des Moines, Iowa is among the ten.
- The report includes a separate list of "locations to watch" that include: Kansas City, Missouri; Omaha and Lincoln, Nebraska. The rates of new cases in Kansas City represented an increase of more than 200 percent over the previous week.
-

Missouri

- St Louis County has stated it will be filing a lawsuit after a gym re-opened in violation of the county stay-at-home order.

- The St Louis area coronavirus task is reporting a downward trend in hospitalizations while acknowledging that the area has twice the number of cases as Kansas City and three times the deaths.
- Rep. Maxine Waters sister has died of coronavirus in a St. Louis hospital.
- Masks will be required to ride mass transit in the St. Louis area.

Nebraska

- Nebraska's American Civil Liberties Union issued a four page plea to three health department directors and the state's labor commissioner requesting them to mandate safety policies in meat packing plants…The ACLU memo requests health officials to mandate federal guidelines to do the following:… KETV Newswatch 7 reached out to Gov. Pete Ricketts for a response to the ACLU's plea. "Apparently, the ACLU in their press release is saying the facilities aren't following OSHA's guidelines," said Ricketts. "That's really OSHA's business to enforce, not the state of Nebraska."
- Thousands of meatpacking workers across the country were recently ordered back to work in plants that have seen massive outbreaks of COVID-19… President Trump's recent executive order hasn't stopped more plants from closing down due to COVID-19 concerns, but 14 are slated to reopen this week, spiking fears among some workers that they will inevitably catch the virus. And while Agriculture Secretary Sonny Perdue has promised the agency is "working round the clock" to implement OSHA's recent pandemic safety guidelines for meatpackers, many are concerned those policies don't go far enough to reduce the risk of transmission in plants nationwide… A few days later, after coping with another week of more sick coworkers and the lack of communication around the near closure, dozens of employees, advocates and their families felt they had no choice left but to protest pandemic conditions at the plant. In the age of COVID, that means weekly drive-by demonstrations.

Iowa

- State leaders are closely watching Iowa's meat packing facilities, including Tyson's pork processing plant in Perry. The Perry plant had at least 730 workers test positive for COVID-19. KCCI's Lauren Donovan interviewed a woman who tested positive at the plant. Referred to Iowa OSHA.
- The Friendship Village Retirement Community is reporting that as of May 11th, 20 employees are reported positive due to COVID-19. Referred to Iowa OSHA.
- After reports of an uptick in COVID-19 cases, a strike team tested more than 400 employees at a Postville kosher beef plant. Rumors of COVID-19 at the plant have been circulating for weeks in the community of about 2,100 on the Allamakee-Clayton County border about 85 miles north of Cedar Rapids, Mayor Leigh Rekow said. Referred to Iowa OSHA.
- West Liberty Foods an Iowa turkey plant that is the site of a coronavirus outbreak said Friday that hundreds of employees will be furloughed this fall due to the nation's economic collapse... The company confirmed Friday that 136 employees have tested positive for coronavirus, after mass testing at the West Liberty plant last week. Referred to Iowa OSHA.

Kansas

- The Wichita Area Office is investigation three worker COVID deaths at National Beef, Dodge City, KS.

Please let me know if you have questions.

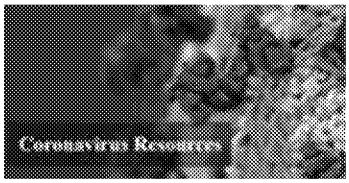
Bonita

The photos below are links to safety and health information to help employers provide safe and healthful workplaces.









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Kansas City, MO 64108
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www.osha.gov

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06/14/2021

Message

From: Ewell, Richard - SOL [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6ABBFE6B0E5B4C6C9DED9F79CCFF388E-EWELL, RICH]
Sent: 8/6/2020 3:52:38 PM
To: (b) 6 - SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (b) 6
Subject: FW: re: (b) 5
Attachments: (b) 5

(b) 5

Richard Ewell
Senior Attorney
(202) 693- (b) 6
Pronouns: he, him, his

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From: (b) 6 SOL (b) 6
Sent: Friday, July 24, 2020 11:23 AM
To: Baird, Edmund - SOL <Baird.Edmund@dol.gov>
Cc: (b) 6 (b) 6 (b) 6
Subject: re: (b) 5

Hi Ed,

(b) 5

Best,
(b) 6

(b) 6

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Message

From: Kramer, Allison - SOL [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23594A823E474CFF94C353341CD30DAA-KRAMER, ALL]
Sent: 6/22/2020 11:41:30 AM
To: Moar, Ian - SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3a931cce0bae45d8aa16bafcf7185837-Moar, Ian -]
CC: Baird, Edmund - SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=94d10e2526774b56bbc31cec7f67b776-Baird, Edmu]
Subject: (b) 5
Attachments:

Hi, Ian –

(b) 5

The turnaround on this one is pretty quick. So sorry about that; I know you are busy. Please provide any edits by noon today.

Thank you.
Allison

From: Baird, Edmund - SOL <Baird.Edmund@dol.gov>
Sent: Monday, June 22, 2020 6:46 AM
To: Kramer, Allison - SOL <Kramer.Allison@dol.gov>
Cc: (b) 6
SO
Subject: (b) 5
(b) 5

Alli—Thank you for this.

Here are my comments. (b) 5

(b) 5

Ed Baird
(b) 6

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From: Kramer, Allison - SOL <Kramer.Allison@dol.gov>
Sent: Friday, June 19, 2020 5:30 PM
To: Baird, Edmund - SOL <Baird.Edmund@dol.gov>
Cc: [redacted] SOL
Subject: [redacted]

Hi, Ed –

Attached for your review [redacted]

[redacted]

Happy Father's Day!

Allison

From: Baird, Edmund - SOL <Baird.Edmund@dol.gov>
Sent: Friday, June 19, 2020 9:56 AM
To: Kramer, Allison - SOL <Kramer.Allison@dol.gov>
Subject: [redacted]

[redacted]

From: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Sent: Friday, June 19, 2020 9:43 AM
To: Baird, Edmund - SOL <Baird.Edmund@dol.gov>; OScannlain, Kate S - SOL <OScannlain.Kate.S@dol.gov>
Cc: Keen, Stanley - SOL <Keen.Stanley@DOL.GOV>; Kramer, Allison - SOL <Kramer.Allison@dol.gov>
Subject: [redacted]

[redacted]

From: Baird, Edmund - SOL <Baird.Edmund@dol.gov>
Sent: Friday, June 19, 2020 9:36 AM
To: OScannlain, Kate S - SOL <OScannlain.Kate.S@dol.gov>; Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Cc: Keen, Stanley - SOL <Keen.Stanley@DOL.GOV>; Kramer, Allison - SOL <Kramer.Allison@dol.gov>
Subject: [redacted]

[redacted]

Kate and Loren—

We are working on drafting (b) 5

(b) 5

Thanks,

Ed

Ed Baird
(b) 6

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Subject: RE: Doe v. Scalia (b) 5
Attachments: 2020 04 29 Plaintiff Opp to MTD.pdf; Rosenthal Affidavit.pdf; Michaels Affidavit.pdf

Hi Ed,

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Thanks,
Jess

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IN THE UNITED STATES DISTRICT COURT
FOR WESTERN DISTRICT OF MISSOURI

RURAL COMMUNITY WORKERS ALLIANCE and JANE DOE, *Plaintiffs*, v. SMITHFIELD FOODS, INC. and SMITHFIELD FRESH MEATS CORP., *Defendants*.	Case No. 5:20-cv-06063-DGK

PLAINTIFFS' SUGGESTIONS IN OPPOSITION TO SMITHFIELD'S EMERGENCY MOTION TO DISMISS

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I. INTRODUCTION

Plaintiffs seek a straightforward and uncontroversial remedy: an order from this Court that pursuant to Missouri's "stay at home" order, Defendants Smithfield Foods, Inc. and Smithfield Fresh Meats Corp. (together, "Smithfield") must operate their Milan, Missouri plant (the "Plant") consistent with Centers for Disease Control ("CDC") guidance, including guidance issued by the CDC this weekend regarding the operation of slaughterhouses and meatpacking plants during the COVID-19 pandemic, Dkt. No. 29-5 (collectively, "CDC guidance"). Consistent with the purpose of that guidance, and with the support of a range of public health experts, Plaintiffs argue that Smithfield's failure to comply with this guidance poses an urgent and ongoing threat to Plant workers, their community, and to the nation, including the food supply, which would be threatened further if the Plant experienced an outbreak like those that have emerged at other Smithfield plants.

Smithfield's Motion to Dismiss ("Smithfield Br."), Dkt. No. 29, does not argue that Plaintiffs have not pled the elements of their state law claims for public nuisance and breach of the duty to provide a reasonably safe workplace. Smithfield also does not argue they are somehow free to ignore Missouri's "stay at home" order or the CDC guidance that it incorporates. Instead, Smithfield asks this Court to step back and wait to adjudicate this case and protect public health and safety because it is possible that the federal Occupational Safety and Health Administration ("OSHA") or the Missouri Department of Health and Senior Services ("MDHSS") may, at some future point, decide to step in.

No law or doctrine prohibits this Court from addressing the urgent risks posed by Smithfield's operation of the Plant in a manner inconsistent with CDC guidance. Missouri courts have long allowed private plaintiffs to go to court to seek abatement of public nuisances that may cause harm to the public health, *Scheurich v. Sw. Missouri Light Co.*, 84 S.W. 1003, 1007 (Mo.

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Ct. App. 1905), and to seek injunctions for breaches of the duty to provide a reasonably safe workplace, *Smith v. W. Elec. Co.*, 643 S.W.2d 10, 13 (Mo. Ct. App. 1982). This case is consistent with those bedrock principles of Missouri tort law. The doctrines of primary jurisdiction and *Burford* abstention do nothing to change that tradition.

There is also nothing to wait for. OSHA and MDHSS have already acted by pointing to the CDC guidelines as the standards that employers should follow to prevent further spread of COVID-19. Those standards have recently become even more specific and undeniable pursuant to recommendations issued by CDC and OSHA to protect workers at poultry and meat processing facilities from the disease. *See* Dkt. No. 29-5.[1] Plaintiffs allege that Smithfield's failure to follow those guidelines violates Missouri common law and requires injunctive relief. The Court need not defer to agencies who have said all they need to say on this matter to resolve Plaintiffs' claims. This is all the more true because neither OSHA nor the MDHSS is engaged in enforcement of the CDC guidance within the Milan plant and OSHA and Missouri's public statements establish they will not enforce these essential rules.

This litigation and the Court's Order of April 26, which required Smithfield to comply with CDC guidance pending a hearing on Plaintiffs' motion for a preliminary injunction, *see* Dkt. No. 20, have already resulted in concrete improvements at the Milan Plant. New social distancing protocols and mask-wearing requirements, announced for the first time on April 27, are already making workers and the surrounding community safer than they were before. Supplemental Declaration of Jane Doe ("Second Doe Decl.") ¶¶ 6-8. These changes also put the

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[1] Importantly, this new guidance calls for many of the same reforms recommended in Dr. Robert Harrison's declaration in support of Plaintiffs' Motion for Preliminary Injunction. Dkt. No. 3-4.

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lie to Smithfield's prior representations to the Court that they were already in compliance when Plaintiffs filed suit. Smithfield Br. 3.

There remains much more that Smithfield must do to comply with the CDC guidance and ensure the Plant can remain open without the disastrous spread of COVID-19 that has forced other plants to close. Dismissing this action now in hopes of enforcement by OSHA and/or MDHSS, when both have indicated enforcement action is *not* forthcoming, undermines basic rights and threatens the safety of the Nation. Neither law nor logic suggests such a result.

II. FACTUAL BACKGROUND

Smithfield's argument that the Court need not order the requested relief because, so far, there are no *confirmed* cases of COVID-19 among workers at the Plant and relatively low numbers of cases in surrounding counties compared to other parts of the state misses the point. Smithfield Br. 3-4. Most importantly, "confirmed cases" is a peculiar standard on which to rely, because workers have already shown symptoms, Dkt. No. 3-5 ¶ 4 ("First Doe Decl.") (identifying at least 8 workers with symptoms), and Smithfield continues to refuse to offer the workers testing, Second Doe Decl. ¶ 13. A public health and slaughterhouse expert explains to the Court that without the relief requested here, spread of the disease in the Plant is "inevitable." *E.g.*, Declaration of Dr. Melissa Perry ("Perry Decl.") ¶¶ 9-10, 32.

Without Court intervention, Milan will likely join a long line of slaughterhouses around the country to become the source of a virus cluster. This morning, Smithfield's packing facility in Clinton, North Carolina reported two new positive cases.[2] Just this past Monday, Crete, Nebraska officials stated Smithfield's plant there would be closed because of an outbreak

[2] Chris Berendt, *Virus cases at Smithfield rise to seven*, THE SAMPSON INDEPENDENT (Apr. 29, 2020), https://www.clintonnc.com/news/48498/virus-casesat-smithfieldrise-to-seven.

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(although it now appears Smithfield may be keeping that plant open despite the health and safety concerns).[3] Last week, a report examining meat and poultry plants determined that 150 such plants are located in counties that have an infection rate higher than 75% of the United States.[4] Plaintiffs filed this suit seeking solely injunctive relief to bring the Plant into compliance with existing public health guidance so that it could remain in operation, and so that the residents of the surrounding counties would not join the list of other rural areas that have turned into COVID-19 hot spots because they are home to meat processing facilities.

Plaintiffs' efforts to enforce Missouri law appear to be working already. In response to the suit, this Court Ordered Smithfield on April 26 to "comply with all guidance from CDC and other public authorities." Dkt. No. 20, at 3. Then, on April 27, a new sign appeared in the plant stating that masks must be worn at all times. Second Declaration of Axel Fuentes ("Fuentes Decl.") ¶¶ 4-5 & Ex. A. That same day, another new sign provided an updated protocol for clock-in and -out procedures to permit greater social distancing. *Id* ¶ 6; Second Doe Decl. ¶ 7.

However, Smithfield's Milan workers remain without some basic protections. They continue to stand shoulder-to-shoulder on the line. Second Doe Decl. ¶ 5. Hallways, restrooms, and break areas remain crowded, with workers "regularly closer than 6-feet apart." *Id.* ¶ 9. Smithfield has failed to provide handwashing breaks or allow workers to step off the line to blow

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[3] Jennifer Shike, *Smithfield Foods Slows Production at Pork Plant in Crete, Nebraska,* AGWEB (Apr. 27, 2020), https://www.agweb.com/article/smithfield-foods-shutters-pork-plant-crete-nebraska.

[4] Kyle Bagenstose, Sky Chadde & Matt Wynn, *Coronavirus at meatpacking plants worse than first thought, USA TODAY investigation finds: Coronavirus closed Smithfield and JBS meatpacking plants. Many more are at risk. Operators may have to choose between worker health or meat in stores*, USA TODAY (Apr. 22, 2020), https://www.usatoday.com/in-depth/news/investigations/2020/04/22/meat-packing-plants-covid-may-force-choice-worker-health-food/2995232001/.

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their noses. *Id.* ¶ 10. Smithfield's actual enforcement of its stated mask policy appears non-existent. *Id.* ¶¶ 3-4. Smithfield provides no paid sick leave and encourages workers to come in sick. *Id.* ¶¶ 12, 15. And Smithfield has not provided for testing or any system of contact tracing. *Id.* ¶ 13. These facts remain contrary to what Dr. Robert Harrison, Dr. Melissa Perry, and the CDC explain is necessary to keep the Plant from becoming an incubator for disease. *See* Declaration of Dr. Robert Harrison ("Harrison Decl.), Dkt. No. 3-4. In fact, Dr. Perry explains that immediately correcting these conditions is both practical and essential. Perry Decl. ¶¶ 8-32.

III. ARGUMENT

A. The Court Should Not Exercise Its Discretion to Apply the Primary Jurisdiction Doctrine Where the Relevant Federal Guidance Has Already Been Issued and the Only Question Is Its Enforcement, Which OSHA Has Disclaimed.

Primary jurisdiction "is to be 'invoked sparingly, as it often results in added expense and delay.'" *Alpharma, Inc. v. Pennfield Oil Co.*, 411 F.3d 934, 938 (8th Cir. 2005) (quoting *Red Lake Bank of Chippewa Indians v. Barlow*, 846 F.2d 474, 477 (8th Cir. 1988)). The district court should dismiss a case and refer a matter to a federal agency pursuant to the primary jurisdiction doctrine only where "the parties would not be unfairly disadvantaged." *Reiter v. Cooper*, 507 U.S. 258, 268-69 (1993). This is not such a case.

Here, Jane Doe and her coworkers, including many Rural Community Workers Alliance ("RCWA") members, as well as the communities where they live, have already benefitted from the changes instituted at the Plant in response to this Court's Order. Plaintiffs would be unfairly disadvantaged if the Court withdrew its supervisory presence, which ensures that Smithfield will continue complying with applicable OSHA and CDC guidance. This is particularly the case where Smithfield relies entirely on an "informal" letter they have received from OSHA, that cannot and—based on OSHA's statements—will not result in federal enforcement. Declaration

of Dr. David Michaels ("Michaels Decl.") ¶¶ 13-14; Declaration of Ann Rosenthal ("Rosenthal Decl.") ¶¶ 12-14.

1. Plaintiffs' Claims Do Not Involve OSHA Expertise.

The Eighth Circuit explains that a core objective of this prudential doctrine is to take advantage of "agency expertise," *Alpharma*, 411 F.3d at 938, but here, Plaintiffs ask the Court to consider claims that call for judicial, not administrative, resolution. Plaintiffs' public nuisance claims seek a remedy against business operations that cause a harm to the public generally. OSHA's jurisdiction focuses on the workplace. It has no authority to promulgate standards to protect the general public. *Steel Inst. of N.Y. v. City of New York*, 716 F.3d 31, 33 (2d Cir. 2013) ("the Act does not protect the general public, but applies only to employers and employees in workplaces"); *accord* Michaels Decl. ¶ 8; Rosenthal Decl. ¶ 5. And although Missouri's cause of action for violation of the right to a safe workplace certainly relates to occupational safety, that claim has long formed the basis for injunctive relief in court, even subsequent to the creation of OSHA in 1970. *See, e.g.*, *Smith v. W. Elec. Co.*, 643 S.W.2d 10, 12-13 (Mo. App. 1982).[5] Plaintiffs bring claims under state common law doctrines that OSHA's regulatory scheme does not displace, and there is no reason for this Court to defer to the primary jurisdiction of OSHA before resolving those claims. *See* 29 U.S.C. § 653(b)(4); *United Steelworkers of America v. Marshall*, 647 F.2d 1189, 1235-36 (D.C. Cir. 1980) (OSHA leaves "state schemes wholly intact as a legal matter"). In fact, primary jurisdiction is not applicable where plaintiffs do not seek to

[5] The Missouri court expressly rejected an argument that it should defer and allow OSHA to address the problem because it could not identify an "OSHA standard which would appear to cover tobacco smoke." *Smith*, 643 S.W.2d at 14. Similarly, OSHA "has not adopted a specific standard that protects employees from the risks of infectious disease like COVID-19." Michaels Decl. ¶ 10.

enforce a federal statute or regulation but bring "an independent state law cause of action for negligence and strict liability." *Ryan v. Chemlawn Corp.*, 935 F.2d 129, 132 (7th Cir. 1991).

Allowing Plaintiffs claims to proceed will also further national "consistency"—the other rationale for primary jurisdiction—because any relevant OSHA activity has already occurred, and the Court already has the benefit of the agency's "expertise." *See Alpharma*, 411 F.3d at 938. In particular, OSHA, in conjunction with the CDC, has published detailed guidelines on how to mitigate the spread of COVID-19 in meat processing facilities. Dkt. No. 29-5 (guidance). Plaintiffs simply request that the Court require Smithfield to comply with those guidelines, as Drs. Harrison and Perry recommend. Eighth Circuit precedent instructs that courts should not defer to agencies under the primary jurisdiction doctrine when the court is asked to analyze what an agency has already done, not substitute its judgment as to what an agency might or should do in the future. *Alpharma*, 411 F.3d at 939 ("The question of whether Pennfield's BMD has been approved as safe and effective is much different from the question of whether Pennfield's BMD should be approved as safe and effective, and it is only the latter that requires the FDA's scientific expertise."); *see also Illinois Pub. Interest Research Grp. v. PMC, Inc. Through PMC Specialties Grp.*, 835 F. Supp. 1070, 1076 (N.D. Ill. 1993) (declining to defer to agency's primary jurisdiction where the court was not being asked to set standards but merely "to enforce existing standards"); *Segedie v. Hain Celestial Grp., Inc.*, No. 14-5029, 2015 WL 2168374, at *13 (S.D.N.Y. May 7, 2015) (declining to defer to agency's primary jurisdiction where the "claims seek to hold Defendant to existing regulations, not proposed regulations").

2. There Are No Relevant OSHA Proceedings.

Further, there is no administrative activity to which the Court could defer—as is necessary for the primary jurisdiction doctrine to apply. *See, e.g., Natural Res. Def. Council v.*

Metro. Water Reclamation Dist. of Greater Chi., No. 11-02937, 2016 WL 1298124, at *4 (N.D. Ill. Mar. 31, 2016) (holding primary jurisdiction doctrine does not apply because defendant did "not identify with precision any relevant proceedings to which this Court should defer for the resolution of the question presented."). Smithfield argues that an April 22 letter from OSHA's regional administrator suggests that "OSHA is already in the process of exercising its jurisdiction at the Plant." Smithfield Br. 1. But that letter responds to a specific workplace injury that occurred on April 15 and says nothing about COVID-19. Dkt. No. 29-2. The sole reference to the virus appears in a generic COVID-19 questionnaire following a more specific questionnaire addressing the April 15 incident. *Id.*

Moreover, the April 22 letter represents an inquiry, not an inspection, and does not suggest an inspection is imminent. It is conceivable that under OSHA's regulatory regime this written exchange of information, called an investigation, could lead OSHA to request an in-person inspection. Michaels Decl. ¶¶ 15-16. However, the interim guidance OSHA has issued for its administrators during the pandemic makes this unlikely; OSHA has expressly stated its policy is *not* to inspect meat packing plants. Michaels Decl. ¶¶ 13-14; Rosenthal Decl. ¶ 13; *see also* Dkt. No. 29-4 (guidance).[6] An inspection is ***a prerequisite*** to any OSHA action that could require a workplace to abate unsafe conditions. 29 U.S.C. § 658(a); *see also* Michaels Decl. ¶ 15; Rosenthal Decl. ¶ 14. Furthermore, if such an inspection did occur, it could in turn lead to a

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[6] Indeed, Dr. Michaels, the longest serving head of OSHA in its history, and a current scholar on its practices states that throughout the crisis "OSHA has failed to enforce any of its limited requirements that could conceivably protect meatpacking workers from illness." Michaels Decl. ¶ 8; *see also id.* ¶¶ 10, 12 (explaining OSHA's only potentially applicable standards leave their implementation to the discretion of the employer and that OSHA has not taken any steps to make them mandatory in response to COVID-19). *See also* Rosenthal Decl. ¶¶ 10-12 (stating substantially the same).

citation issued anytime in the next six months, which would then be reviewable by the independent Occupational Safety and Health Review Commission before it could be enforced. 29 U.S.C. § 658(c), 659(c); *see also* Michaels Decl. ¶¶ 16-17; Rosenthal Decl. ¶¶ 15-17.

Dr. Michaels and Anne Rosenthal, both of whom served long stints within high levels of OSHA, are of the opinion that written investigation letters like the one sent to Smithfield on April 22 rarely, if ever, lead to citations, enforcement actions, or penalties, particularly in light of OSHA's stated non-enforcement policy against meat packing plants. Michaels Decl. ¶¶ 13-16. Rosenthal Decl. ¶¶ 11-3. Michaels and Rosenthal also opine that even if the letter did lead to an inspection and to any kind of enforcement on a reasonable timeline, none of the specific OSHA standards spelled out on page 13 of Smithfield's motion would be sufficiently strong to allow OSHA to enforce the CDC guidelines, even the guidelines that OSHA has helped to promulgate. Michaels Decl. ¶¶ 10-12; Rosenthal Decl. ¶¶ 8-9.

Smithfield argues that the Department of Labor could seek an emergency injunction to enforce OSHA standards even absent an inspection, but that argument is belied by statute and Supreme Court and Eighth Circuit law. 29 U.S.C. § 662(c) (noting that the Secretary of Labor will request an injunction only in response to a recommendation from an in-person inspector); *Whirlpool Corp. v. Marshall*, 445 U.S. 1, 8-9 (1980) (explaining that OSHA's emergency injunction process begins with an inspection); *N.L.R.B. v. Tamara Foods, Inc.*, 692 F.2d 1171, 1181 (8th Cir. 1982) (same). Furthermore, Smithfield points to no case where this power was actually used. Plaintiffs could locate only two in the entire country, neither of which was decided in the past 25 years. *Reich v. Dayton Tire, a Div. of Bridgestone/Firestone, Inc.*, 853 F. Supp. 376, 378-79 (W.D. Okla. 1994) (Secretary issued request for injunction following multiple inspections over an eleven-month period); *Marshall v. Daniel Const. Co., Inc.*, 563 F.2d 707,

710-15 (5th Cir. 1977) (noting that employee's right under OSH Act is limited to requesting an inspection, and inspector's right is limited to recommending that the Secretary seek an emergency injunction from the court in the event that dangerous conditions are found).[7]

Finally, Smithfield attempts to frighten this Court with claims that the injunctive relief Plaintiffs are seeking is "truly unprecedented" because it gives Plaintiffs' experts too much control over crafting a remedy. Smithfield Br. 14. Although some courts have declined to issue preliminary injunctive relief responding to emergency conditions caused by COVID-19, many other courts have granted such relief, even when it required detailed changes to facility operations recommended by plaintiffs and their experts. *See, e.g.*, *Fraihat v. U.S. Immigration & Customs Enf't*, No. 19-1546, 2020 WL 1932570, at *21-*29 (C.D. Cal. Apr. 20, 2020) (granting preliminary injunction mandating that ICE revisit custody determinations, including considering release for all persons in ICE detention whose age or health conditions place them at increased risk due to the COVID-19 pandemic); *Esshaki v. Whitmer*, No. 20-10831-, 2020 WL 1910154, at

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[7] Last night, the President issued an Executive Order stating that the United States Department of Agriculture ("USDA") would be protecting worker health and safety at meat packing plants. *See* "Executive Order on Delegating Authority Under the DPA with Respect to Food Supply Chain Resources During the National Emergency Caused by the Outbreak of COVID-19," The White House (April 28, 2020), https://www.whitehouse.gov/presidential-actions/executive-order-delegating-authority-dpa-respect-food-supply-chain-resources-national-emergency-caused-outbreak-covid-19/. This order does not impact these proceedings. Importantly, twice in the last six months USDA expressly disclaimed that its Food Safety and Inspection Service, which is its division that works in the plants, has *any* role to play in worker safety and thus any expertise on how to protect workers. USDA Brief, *UFCW v. USDA*, No. 19-2660, Dkt. No. 16, at 29 (D. Minn.) ("[N]or are issues of workplace safety reasonably related to FSIS's food safety mission" (citing *Dawkins ex rel. Estate of Dawkins v. United States*, 226 F. Supp. 2d 750, 757 (M.D.N.C. 2002)); USDA Reply, *UFCW v. USDA*, No. 19-2660, Dkt. No. 24, at 15 (D. Minn.) ("[W]orker safety falls outside FSIS's regulatory authority" and therefore USDA defers to OSHA). Moreover, the Executive Order references OSHA guidance—not USDA promulgating any new standard—confirming that the Court already has before it whatever expertise the government can provide.

*1 (E.D. Mich. Apr. 20, 2020) (granting preliminary injunction reducing Michigan signature requirement for inclusion on ballot by 50% in light of COVID-19 pandemic); *Cameron v. Bouchard*, No. 20-10949, 2020 WL 1929876, at *2 (E.D. Mich. Apr. 17, 2020), modified on reconsideration, No. 20-10949, 2020 WL 1952836 (E.D. Mich. Apr. 23, 2020) (granting TRO requiring jail to implement certain minimum measures to protect against spread of COVID-19, including ensuring access to no-cost soap and hand sanitizer, ensuring staff wash hands and wear PPE, conduct testing, and provide for "adequate spacing of six feet or more between people incarcerated, to the maximum extent possible, so that social distancing can be accomplished").

Here, where Plaintiffs' experts' recommendations track closely if not completely CDC guidance, including recent guidance specific to the meat processing industry, Court action will not be radical. Plaintiffs merely request the Court extend the Order it already issued and allow an inspection by Plaintiffs' designated expert to determine whether the guidelines are being followed and if additional measures may be necessary given the particular feature of the Plant. In light of the certain crisis that will result if Smithfield continues to delay protecting its workers, it is Smithfield's request the Court decline to act that is extraordinary. *See generally* Perry Decl.

B. The Court Should Not Exercise Its Discretion to Defer to State and County Health Departments That Expressly Embrace the Same CDC Guidance Plaintiffs Seek to Enforce.

With its primary jurisdiction argument, Smithfield suggests that the workplace safety issues at stake in this case are so uniquely committed to the expertise of federal OSHA that this Court should dismiss the matter and defer to OSHA. With its *Burford* abstention argument, Smithfield makes the entirely contradictory suggestion that the matters at stake here are so bound up with the *state* public health regulatory scheme that the federal courts should defer to the State of Missouri, its agencies, and its courts in this matter. Smithfield's self-defeating *Burford* argument provides no basis to dismiss Plaintiffs' claims.

With respect to *Burford* abstention, the Supreme Court has instructed that "federal courts have a strict duty to exercise the jurisdiction conferred upon them by Congress" and may decline to do so only "under exceptional circumstances." *Quackenbush v. Allstate Ins. Co.*, 517 U.S. 706, 716 (1996) (citations and internal quotations omitted). The Eighth Circuit has likewise stated "*Burford* abstention applies when a state has established a complex regulatory scheme supervised by state courts and serving important state interests, and when resolution of the case demands specialized knowledge and the application of complicated state laws." *Bilden v. United Equitable Ins. Co.*, 921 F.2d 822, 825 (8th Cir. 1990). *Burford* applies only where the state has developed a centralized "system of thorough judicial review" specific to the complex regulatory scheme at issue. *Burford v. Sun Oil Co.*, 319 U.S. 315, 325 (1943); *see also United States v. Morros*, 268 F.3d 695, 705 (9th Cir. 2001) (applying *Burford* abstention only when a state has consolidated all disputes regarding the regulatory scheme at issue into a single, designated court). This balancing of interests "only rarely favors abstention." *Quackenbush*, 517 U.S. at 728. Where, as here, federal court jurisdiction is conferred by diversity of citizenship, even if there were "difficult or uncertain" questions of state law (and there are not) the Supreme Court has made clear that *Burford* supplies no basis to relinquish the jurisdiction Congress has conferred. *Meredith v. City of Winter Haven*, 320 U.S. 228, 234 (1943).

In lieu of actually meeting the doctrine, Smithfield suggests vaguely that "this matter should be handled by state and county public health agencies." Smithfield Br. 17. But the fact that state and local health agencies have the authority, in theory, to enforce public health rules does not amount to a centralized "system for thorough judicial review" of disputes relating to the common law rights that Plaintiffs assert here. Instead, to enforce their rights, Plaintiffs must rely on their time-honored ability to petition a court, including a federal court where federal

jurisdiction otherwise lies. *See, e.g.*, *Jackson v. City of Blue Springs*, 904 S.W.2d 324, 329 (Mo. App. 1995); *K.C. 1986 Ltd. P'ship v. Reade Mfg.*, 33 F. Supp. 2d 1143, 1156 (W.D. Mo. 1998). The alternative to federal courts exercising their jurisdiction over cases like these is that these cases will go to state court where they are just as likely to be heard by courts without public health expertise in these matters and just as likely to yield inconsistent outcomes. *Compare Burford*, 319 U.S. at 326 ("To prevent the confusion of multiple review of the same general issues, the [Texas] legislature provided for concentration of all direct review of the Commission's orders in the State district courts of Travis County.").

Furthermore, although state courts may have jurisdiction to hear Plaintiffs' claims, *Burford* abstention is only appropriate "[w]here timely and adequate state-court review is available." *New Orleans Pub. Serv., Inc. v. Council of City of New Orleans*, 491 U.S. 350, 361 (1989); *Univ. of Maryland at Baltimore v. Peat Marwick Main & Co.*, 923 F.2d 265, 271 (3d Cir. 1991). In this case, remanding this issue to state court would require delay that Plaintiffs and the public generally cannot afford.

The Court's exercise of its jurisdiction here likewise "would [not] disrupt a state administrative process." *Heartland Hosp. v. Stangler*, 792 F. Supp. 670, 672 (W.D. Mo. 1992) (quoting *Cty of Allegheny v. Frank Mashuda Co.*, 360 U.S. 185, 189 (1959)). It may be true that public health agencies in Missouri have expertise regarding public health matters and have a responsibility for exercising public enforcement. But the "exceptional circumstances" warranting abstention apply only where the party seeking abstention can point to a specific state administrative process that will be disrupted by the federal proceedings. *Caranchini v. Kozeny &*

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McCubbin, LLC, No. 11-0464, 2011 WL 5921364, at *5 (W.D. Mo. Nov. 28, 2011) (Kays, J.). Smithfield identifies no such process here.[8]

Assuming there was a special forum to which the Court could defer (and there is not), there is also no reason to defer as nothing in Missouri's law of public nuisance or its right to a safe workplace tort is "particularly complicated," and the Court's exercise of its jurisdiction here would not frustrate Missouri's interest in managing public health issues. *Doe v. McCulloch*, 835 F.3d 785, 788 (8th Cir. 2016) (declining to apply *Burford* abstention to question of Missouri state law). Aside from general principles of Missouri tort law, the only state law at issue here is the "stay at home" order issued by the Governor in March. That already-promulgated order provides a relatively straightforward mandate. It includes multiple references to "CDC guidance," Dkt. No. 29-1 ("stay at home" order), and makes the same recommendations regarding social distancing, even for essential businesses that must remain open, that the CDC and OSHA have emphasized in their guidance documents, including guidance documents specific to the meat processing industry, *see* Dkt. No. 29-4. An established state regime that actually relies on federal guidance, which is what Plaintiffs seek to enforce, is not a basis for *Burford* abstention.

Smithfield seeks to manufacture a complex question by pointing to language in the "stay at home" order that designates meatpacking Plants as essential operations that should stay open

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[8] It bears mentioning that Missouri's attorney general saw no need to oforgo litigation or even to litigate in state court because of the "active[] involve[ment]" of state and local public health agencies, *See* Smithfield Br. 17. He filed a lawsuit in federal district court against the People's Republic of China, asserting Missouri common law claims of public nuisance. *Missouri v. The People's Republic of China*, No. 20-99, Compl., Dkt. No. 1 (E.D. Mo.). The chief law enforcement officer of the state properly concluded that the federal interests in "in affording foreign litigants a neutral forum for the adjudication of state law claims against them" outweigh any state law interests regarding coherent application of its public nuisance doctrine. *See Cleveland Hous. Renewal Project v. Deutsche Bank Tr. Co.*, 621 F.3d 554, 568 (6th Cir. 2010).

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and suggesting Plaintiffs' request that Smithfield provide for social distancing would prevent Smithfield from operating. Smithfield Br. 17. Not so. Plaintiffs do not seek to close the Plant. Smithfield and its workers can continue operations while complying with social distancing requirements. In fact, that may be the *only* way that Smithfield can operate the Plant safely. Dr. Perry, an occupational health and safety professor and past president of the American College of Epidemiology, states that in her professional opinion, workers on meat production lines must stand at least six feet apart in order to perform their jobs safely during the current pandemic. If they do not, disease *will* spread in the Plant and into the surrounding community. Perry Decl. ¶¶ 9-13 ("Without social distancing, it is my expert opinion that the spread of COVID-19 in slaughterhouses and meat packing plants is inevitable."). Requiring social distancing in this case, therefore, would not be "disruptive of state efforts to establish a coherent policy with respect to a matter of substantial public concern," *Wolfson v. Mutual Benefit Life Ins.*, 51 F.3d 141, 144 (8th Cir. 1995). Smithfield fails "to prove that the exercise of federal jurisdiction would in any way frustrate the state's interests on the facts of this case" as is necessary for *Burford* abstention. *Melahn v. Pennock Ins., Inc.*, 965 F.2d 1497, 1507 (8th Cir. 1992).

IV. CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court deny Smithfield's motion to dismiss.

April 29, 2020

Respectfully Submitted,

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In the United States District Court
Western District of Missouri

RURAL COMMUNITY WORKERS ALLIANCE and JANE DOE

Plaintiffs,

v.

SMITHFIELD FOODS, INC. and SMITHFIELD FRESH MEATS CORP.,

Defendants.

Declaration of Jane Doe

I, Jane Doe, hereby declare as follows:

1. I previously submitted a declaration in support of this case.

2. I submit this declaration to describe additional things I have witnessed since I submitted my first declaration.

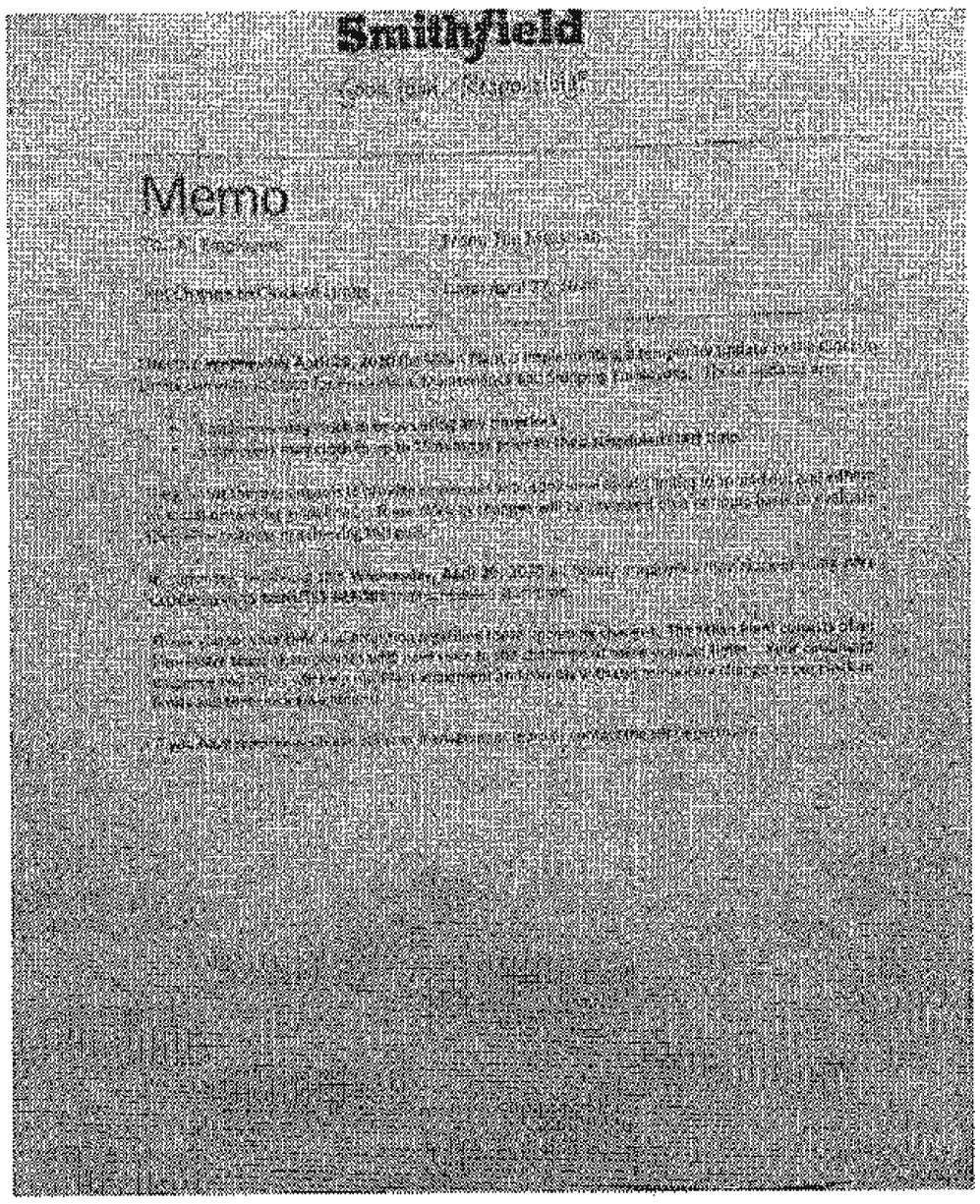
3. In the afternoon following me filing this suit, a new supervisor appeared at the Milan plant (the "Plant") to check if employees were wearing masks. That new supervisor or another new supervisor has been there in the mornings and afternoons since last Thursday to see if employees are wearing masks.

4. However, I have witnessed employees without masks on in front of these supervisors and those employees were not instructed to put their masks back on.

5. Workers remain as close together on the line as they were previously, still standing shoulder-to-shoulder.

6. Starting Monday (April 27, 2020), I noticed Smithfield had changed some of the dividers between workers to make them sturdier, but it has not yet done so for all of the dividers.

7. I took the photo of the memo shown below. The memo is dated April 27, 2020. It appeared for the first time this week, and states that we will have a grace period to clock in, and can use any clock to clock in or out, to reduce crowding.


Smithfield

Memo

8. On Monday (April 27, 2020), I also noticed that Smithfield had added an additional tent outside the cafeteria to allow workers to sit during their lunch break.

9. However, the hallways, restrooms, and break areas remain crowded. We are regularly closer than 6-feet apart.

10. We have not been provided any additional breaks to wash our hands, or tissues to blow our noses.

11. Smithfield continues to send a worker to the line to spray our gloves with sanitizer as we work, but that worker will not spray our hands.

12. There have been no new announcements about paid sick leave.

13. No worker that I know of has been offered a test for COVID-19 and, although I know workers who have had symptoms, no worker I know of has been told by Smithfield they have been in contact with another worker who has had symptoms.

14. Starting today, Tuesday, April 28, 2020, Smithfield has reduced the number of hogs it is slaughtering at the plant, but it has also said it will reduce our hours.

15. It has informed us that we will receive an extra $5/hour because of the reduced hours, but has also said if we take a personal day we will be paid the standard hourly rate, not the increased rate.

16. I have been told that Smithfield said in this case that if I believe the statements I have made and that workers at the Plant are at risk for contracting COVID-19 I would put my name on this case.

17. I am aware of other workers who have sued the Plant and made their name public. Only one still works at the Plant. She is regularly tracked by supervisors looking to write-up her conduct.

18. I myself have been harassed by my supervisor when I have raised much more minor concerns than those I raise here.

19. I greatly fear for the health and safety of me and my family, but I also fear what Smithfield will do to me for making these facts public.

I declare under penalty of perjury the foregoing is true and correct.

Executed in Milan, MO

DocuSigned by:

[redacted]

Jane Doe 08A1413...

Jane Doe

4/28/2020

Dated

DocuSign Envelope ID: 712EE506-5277-4809-8473-C04AFDB20D45

In the United States District Court
Western District of Missouri

RURAL COMMUNITY WORKERS ALLIANCE and JANE DOE,

Plaintiffs,

v.

SMITHFIELD FOODS, INC. and SMITHFIELD FRESH MEATS CORP.,

Defendants.

Declaration of Melissa J. Perry, Sc.D., M.H.S.

I, Dr. Melissa J. Perry, declare as follows:

1. I am currently Professor and Chair of Environmental and Occupational Health at the Milken Institute School of Public Health of the George Washington University, in Washington, D.C.

2. I am co-chair of the National Academies Standing Committee on Use of Emerging Science for Environmental Health Decisions.

3. I am a past President of the American College of Epidemiology; a recent-past Chair of the Board of Scientific Counselors for the National Center for Environmental Health/Agency for Toxic Substances and Disease Registry of the Centers for Disease Control and Prevention ("CDC"); and have serve as a standing member of the National Institute for Occupational Safety and Health research grant review panel.

4. Of particular relevance to this matter, I began studying slaughterhouses and meat packing facilities in 2004. I have published six peer-reviewed scientific journal articles on worker health and safety at those facilities.

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5. As part of that work, I visited four meat processing plants, collected surveys and interviews from 400-500 workers in those facilities, and spoke with engineers regarding the organizational structure of pork processing plants and how they can be redesigned to further worker health and safety.

6. A full copy of my current CV is attached as Exhibit A.

7. In this declaration, I respond to Defendants' claim that it is consistent with Missouri's "stay at home order" for slaughterhouses to require workers to work closer than 6-feet apart, because their "job duties require contact with other people closer than six feet."

8. To the contrary, in my expert opinion, it is fully possible to space workers more than 6-feet apart on these facilities' production line, as the CDC guidelines—which are incorporated into Missouri's "stay at home order"—recommend.

9. In fact, it is my expert opinion that such social distancing, along with other requests Plaintiffs make in this case (*e.g.*, rest breaks, paid leave), not only can be implemented in ways that allow the plants to continue to operate, but they are absolutely necessary so the facilities can continue to operate, as intended by Missouri's designation of them as "essential businesses."

10. Without social distancing, it is my expert opinion that the spread of COVID-19 in slaughterhouses and meat packing plants is inevitable and they will be forced to shutter, as we have seen throughout the country, including with Defendants' facilities.

11. Slaughterhouses and meat packing plants operate using a production line on which workers are stationed. In departments including slaughter, eviscerate, debone,

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smoke, cut and pack, workers repeatedly perform the same task to take apart the animals and produce products as the meat goes by. Frequently multiple workers are stationed next to each other performing the same cuts on alternating pieces of meat.

12. If meat is moving down the line more slowly, the plants will be able to remove some workers who were performing the same task, which will allow for adequate distancing between workers, consistent with Missouri's "stay at home" order and CDC guidance.

13. While a slower line speed may reduce the overall volume of meat produced in any given day, in my expert opinion the spacing it would facilitate is the only way the plant will be able to continue to produce meat at all.

14. If plants fail to implement social distancing, COVID-19 will eventually spread through the workforce, forcing the plants and other essential businesses that rely on them to close.

15. In other words, while the daily volume of meat may drop, overall production continuity will not be hindered by spacing, because the plants will be able to maintain operations, whereas without distancing they will quickly be forced to close.

16. Without ensuring, at a bare minimum, six feet of space between workers, plants will quickly spread coronavirus transmission and foster COVID-19 disease outbreaks.

17. The failure to protect plant workers will not only lead to the closure of those facilities, but other essential businesses. The meat industry is highly concentrated and integrated. If a plant closes, that likely means surrounding farmers will have no place to deliver their animals for slaughter, transportation workers will no longer be employed

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carrying those animals, and workers for grocery chains will be out of jobs because they will not have products to pick up and distribute. Put another way, maintaining the health and safety of slaughterhouse and meat packing workers is essential to a broad array of "essential businesses," not just those of Defendants.

18. Plaintiffs also ask the Court to ensure that workers be allowed to take additional breaks to wash their hands and maintain their personal health and hygiene. That too is both necessary to keep plants operational and can be easily implemented.

19. If a plant slows the line to allow for social distancing, as it must, then it will be able to use its existing workforce to rotate workers on and off the line. In other words, with less workers on the line, there will be more replacement workers, allowing for regular breaks. Those breaks will ensure proper self-care, which, in my expert opinion and based on CDC guidelines, is core to stopping the spread of COVID-19.

20. Further, by slowing the line, the plants will be able to alter their pay structure and leave policies to ensure that sick workers are sent home and workers are compensated for time out while they are sick, as Plaintiffs request.

21. The CDC states, and I agree, that such changes to leave policies are an absolutely essential step to reducing transmission.

22. If there is any pressure or incentive for workers to show up with symptoms of COVID-19, the disease will spread, which will result in the closure of the plants and the related businesses, harming production more than what would occur from reduced speeds.

23. However, by reducing the line speed, workers will be able to take sick leave when needed without meaningfully impacting a plant's operations.

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24. While it should go without saying, for the avoidance of any doubt, in my expert opinion the other immediate relief requested by Plaintiffs, namely providing handwashing stations and tissues, and implementing a protocol to clean high-touch surfaces is both fully within the capabilities of the slaughterhouses and meat packing plants and would not prevent them from operating.

25. I also agree that such protections are necessary to prevent the spread of COVID-19 at the plants, as the CDC has made clear.

26. While Defendants state providing tissues could somehow be problematic for USDA guidelines, workers can and should be provided the opportunity step away from the line to blow their nose, sneeze or cough in order to protect them and public health. If the line speed is slowed, as it should be, replacement workers will be available to step in as need be.

27. Finally, I agree with Plaintiffs that it is necessary for experts to be able to access the plant to determine what other steps are required and feasible to protect worker health and safety at a particular facility in addition to those outlines above. While I wish there was an independent agency engaged in such activities, I have been tracking the work of the Occupational Safety and Health Administration, CDC, and other federal agencies in response to the pandemic and have not seen any one of them take the necessary steps to enforce worker health and safety standard.

28. My understanding is that the CDC has engaged in some tours of meatpacking plants, but I am only aware of such inspections occurring after plants have been closed due to the spread of COVID-19.

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29. To protect against the spread of disease and ensure that plants can stay open and continue producing meat, it is essential that such inspections occur before an outbreak.

30. Thus, I would recommend Plaintiffs' expert be allowed to visit Defendants' Milan, Missouri plant and provide the Court additional recommendations of what is necessary to keep its workers safe and the plant open.

31. I am prepared to visit the plant if Defendants will provide me access or the Court will require them to do so.

32. For the reasons stated above, I strongly disagree with Defendants' assertion that the relief requested in this suit is contrary to keeping Defendants' facilities operating. In my opinion, while it is unfortunate that it has required legal action, because of the inaction of the federal government, the requested interventions are the only way to correct unsafe conditions that, if not corrected, will inevitably lead to the spread of COVID-19 and plants' closures.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

DocuSigned by:
Dr. Melissa J. Perry
Dr. Melissa J. Perry

4/28/2020
Dated

OSHA-002670

EXHIBIT A

CURRICULUM VITAE

MELISSA J. PERRY, ScD, MHS

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EDUCATION:

Date	Discipline	Degree	Institution
1988	Psychology	BA	University of Vermont
1990	Public Health	MHS	The Johns Hopkins University School of Hygiene and Public Health
1993	Public Health	ScD	The Johns Hopkins University School of Hygiene and Public Health

POSTDOCTORAL TRAINING:

Research Fellowships:

Dates	Field of Research	Place
1997-99	Cancer Prevention	Harvard School of Public Health
2003	Molecular Biology	Woods Hole Marine Biological Laboratory

ACADEMIC APPOINTMENTS:

Dates	Title	Department	Institution
2017-18	Interim Associate Dean for Research	Office of the Dean	Milken Institute School of Public Health
2011-present	Professor	Department of Environmental and Occupational Health	Milken Institute School of Public Health
	Professor	Epidemiology and Biostatistics	Milken Institute School of Public Health

	Professor	Biochemistry and Molecular Biology	School of Medicine and Health Sciences The George Washington University
2011-present	Chair	Department of Environmental and Occupational Health	Milken Institute School of Public Health The George Washington University
2011-2012	Adjunct Associate Professor of Occupational Epidemiology	Environmental Health	Harvard School of Public Health
2007-10	Associate Professor of Occupational Epidemiology	Environmental Health	Harvard School of Public Health
2002-07	Assistant Professor of Occupational Epidemiology	Environmental Health	Harvard School of Public Health
1999-2002	Instructor	Environmental Health	Harvard School of Public Health
1995-99	Assistant Professor	Health Policy Institute Epidemiology Division	Medical College of Wisconsin
1997-99	Visiting Scientist	Environmental Health	Harvard School of Public Health
1992-95	Research Assistant Professor	Psychology	University of Vermont

HONORS AND DISTINCTIONS:

2019-present	Fellow, The *Hedwig van Ameringen* Executive Leadership in Academic Medicine (ELAM) Fellowship
2018-present	Board Member, Frontiers in Reproduction, Woods Hole Marine Biological Laboratory
2017	Frontiers in Reproduction Distinguished Alumni Award, Woods Hole Marine Biological Laboratory
2016-present	Co-Chair, National Academies of Sciences, Engineering, and Medicine Committee on Emerging Science
2015-present	Fellow, The *Collegium Ramazzini*
2015	Mentor, SPHHS EOH Culminating Experience Award, George Washington University
2015-present	Chair, Board of Scientific Counselors, Center for Environmental Health/Agency for Toxic Substances and Disease Registry, Centers fror Disease Control
2015-present	Founding Chair, DC Area Colleges and Universities Environmental and Occupational Health Consortium
2014-15	President, American College of Epidemiology
2012	Mentor, SPHHS EOH Culminating Experience Award, George Washington University
2011	Alumni Inductee, *Delta Omega* Honorary Society, Alpha Chapter, Johns Hopkins University
2009-present	Fellow, American College of Epidemiology
2007	Mentor, Laurance S. Rockefeller Thesis Prize, Harvard College

2003	Frontiers in Reproduction Fellowship, Woods Hole Marine Biological Laboratory
1997	National Cancer Institute Postdoctoral Fellowship
1990	National Institute of Mental Health Predoctoral Fellowship
1988	*Alpha Kappa Delta* International Sociology Honor Society
1988	Vermont Conference on Primary Prevention Award for Prevention Research
1988	*Phi Beta Kappa*

RESEARCH SUPPORT

2020-22	NIEHS (RO1)	PI	Environmental Endocrine Distruptors and Spermatogenic Impacts (Submitted)
2019-21	Franciscan Health Foundation	PI	The Heartland Study: Herbicide Exposures and Maternal and Child Health
2017-20	NIEHS (R21)	Co-Invest	Impact of Endocrine Disruptors on the Human Sperm Methylome: a Risk for Autism?

Past:

Year(s)	Funding Source	Role	Grant Title
2010-15	NIEHS (RO1)	PI	Endocrine Disruptors and Human Sperm Chromosomal Abnormalities
2013-14	CPWR	PI	Evaluating Fall Safety Compliance among Skilled Trades in Construction
2013-14	NASA	Co-Invest	GEO Health and Environmental Community of Practice Annual Meeting
2012-14	GWU (Pilot)	PI	Collaborative Proposal to Investigate Obesity, Diabetes and Fertility
2009-10	NIOSH (U54)	Co-Invest	Safety Incentives in Construction
2008-10	HSPH Environmental Center Pilot Grant	PI	Endocrine disruptors and sperm aneuploidy in Faroese men
2006-09	NIOSH (U50)	PI	Assessing Hearing Hazards in Farm Youth
2005-12	NIOSH (RO1)	PI	Risk Factors for Lacerations in Meatpacking
2005-06	HSPH Environmental Center Pilot Grant (NIEHS)	PI	Case Control Study to Evaluate Non-Persistent Pesticide (NPP) Effects on Sperm Concentration
2004-10	NIOSH (U54)	PI	Preventing Falls from Construction Ladders
2004	NIEHS (RO1)	Co-Invest	Organophosphate Exposures and Reproduction
2003-04	Liberty Mutual	PI	Feasibility Study for Investigating Upper

	HSPH Dept. of Environmental Health Pilot Grant		Extremity Laceration Injuries in Meatpacking
2002-03	Northeast Agricultural Medicine Center (NIOSH) Pilot Grant	PI	Assessing Ototraumatic Exposures in Farm Youth
2001-10	NIOSH (T42) HSPH ERC Training Grant	Co-Invest (Program Co-Director)	Occupational Injury Prevention Training Program
2001-06	NIEHS (KO1)	PI	Molecular Epidemiology of Atrazine's Hormonal Effects
2001-03	Liberty Mutual HSPH Dept. of Environmental Health Pilot Grant	PI	Occupational Injuries in an Urban Emergency Dept. Population in the People's Republic of China
2001-03	Harvard University Office of the Provost	PI	Epidemiology of Human Rights Violations in Post-War Kosovo
2000-01	NIOSH HSPH Occupational Health Program, ERC Pilot Grant	PI	Mutagenic Effects of Atrazine Exposure *In vitro*
1995-2002	NCI (RO1)	PI	Interventions to Reduce Cancer Risks among Farm Families

PUBLICATIONS

Peer-Reviewed Reports of Original Investigations (* indicates publications on which I served as the supervising mentor of the first author and/or as senior author)

1) **Perry MJ**, Solomon LJ, Winett RA, Kelly JA, Roffman RA, Desiderato LL, Kalichman SC, Sikkema KJ, Norman AD, Short B, Stevenson LY. High risk sexual behavior and alcohol consumption among bar-going gay men. AIDS 1994; 8(9):1321-4.

2) Roffman RA, Kalichman SC, Kelly JA, Winett RA, Solomon LJ, Sikkema KJ, Norman AD, Desiderato LL, **Perry MJ**, Lemke AL, Steiner S, Stevenson LY. HIV antibody testing of gay men in smaller U.S. cities. AIDS Care 1995; 7(4):405-13.

3) Kelly JA, Sikkema KJ, Winett RA, Solomon LJ, Roffman RA, Heckman TG, Stevenson LY, **Perry MJ**, Norman AD, Desiderato LL. Factors predicting continued high risk behavior among gay men in small cities: Psychological, behavioral and demographic characteristics related to unsafe sex. J Consult Clin Psychol 1995; 63(1):101-7.

4) **Perry MJ**, Mandell W. Psychosocial factors associated with the initiation of cocaine use among marijuana users. Psychol Addict Behav 1995; 9(2):91-100.

5) Heckman TG, Kelly JA, Sikkema K, Cargill V, Norman A, Fuqua W, Wagstaff D, Solomon L Roffman R, Crumble D, **Perry M**, Winett R, Anderson E, Mercer MB, Hoffmann R. HIV risk characteristics of young adult, adult, and older adult women who live in inner-city housing developments: Implications for prevention. J Women Health 1995; 4(4):397-406.

6) Winett RA, Anderson ES, Desiderato LL, Solomon LJ, **Perry MJ**, Kelly JA, Sikkema KJ, Roffman RA, Norman AD, Lombard DN, Lombard TN. Enhancing social diffusion theory as a basis for prevention intervention: A conceptual and strategic framework. Appl Preven Psychol 1995; 4(4):233-45

7) Wagstaff DA, Kelly JA, **Perry MJ**, Sikkema KJ, Solomon LJ, Heckman TG, Anderson ES, Roffman RA, Cargill V, Norman AD, Winett RA, Mercer MB, Crumble D, Fuqua RW. Multiple partners, risky partners and HIV risk among low-income urban women. Fam Plan Perspec 1995; 27(6):241-5.

8) Heckman TG, Kelly JA, Sikkema KJ, Roffman RA, Solomon LJ, Winett R, Stevenson LY, **Perry MJ**, Norman AD, Desiderato LL. Differences in HIV risk characteristics between bisexual and exclusively gay men. AIDS Ed Preven 1995; 7(6):504-12.

9) Heckman TG, Kelly JA, Roffman RA, Sikkema KJ, **Perry MJ**, Solomon LJ, Winett RA, Norman AD, Hoffmann RG, Stevenson LY. Psychosocial differences between HIV tested and non-tested gay men who reside in smaller U.S. cities. Int J STD AIDS 1995; 6(6):436-40.

10) Sikkema KJ, Heckman TG, Kelly JA, Anderson ES, Winett RA, Solomon LJ, Wagstaff DA, Roffman RA, **Perry MJ**, Cargill V, Crumble DA, Fuqua RW, Norman AD, Mercer MB. HIV risk behaviors among women living in low-income, inner-city housing developments. Am J Public Health 1996; 86(8):1123-8.

11) Norman AD, **Perry MJ**, Stevenson LY, Kelly JA, Roffman RA, Winett R, Solomon L, Steiner S, Lemke, A, Desiderato L, Sikkema K. Lesbian and bisexual women in small cities—At risk for HIV? Public Health Rep 1996; 111(4):347-52.

12) Albee GW, **Perry MJ**. Letter from Florida: Are we preventing diseases or promoting competencies? J Ment Hlth 1996; 5(4):421-2.

13) **Perry MJ**. The relationship between social class and mental disorder. J Primary Prev 1996; 17(1):17-30.

14) Heckman TG, Sikkema KJ, Kelly JA, Fuqua RW, Mercer MB, Hoffman RG, Winett RA, Anderson ES, **Perry MJ**, Roffman RA, Solomon LJ, Wagstaff DA, Cargill V, Norman AD, Crumble D. Predictors of condom use and human immunodeficiency virus test seeking among women living in inner-city public housing developments. Sex Transm Dis 1996; 23(5):357-65.

15) **Perry MJ**, Albee GW, Bloom M, Gullotta TP. Training and career paths in primary prevention. J Primary Prev 1996; 16(4):357-71.

16) Sikkema KJ, Heckman TG, Kelly JA, Wagstaff DA, Winett RA, Solomon LJ, Roffman RA, Cargill V, Anderson ES, **Perry MJ**, Norman AD, Crumble DA, Mercer MB. HIV risk behaviors among inner-city African-American women. Womens Hlth 1997; 3(3-4):349-66.

17) Albee GA, **Perry MJ**. Economic and social causes of sexism and of the exploitation of women. J Com App Soc Psychol 1998; 8(2):145-60.

18) **Perry MJ**, Albee GA. Imposed inferiority of women. Race, Gender, Class Studies 1998; 5(3):122-35.

19) **Perry MJ**. Gender, race and economic perspectives on the social epidemiology of HIV infection: Implications for prevention. J Primary Prev 1998; 19(2):97-104.

20) **Perry MJ**, Layde PM. Sources, routes, and frequencies of pesticide exposure among farmers. J Occup Environ Med 1998; 40(8):698-701.

21) **Perry MJ**, Bloom FR. Perceptions of pesticide associated cancer risks among farmers: A qualitative assessment. Hum Org 1998; 57(3):342-9.

22) Cecil H, **Perry MJ**, Seal DW, Pinkerton SD. The female condom: What have we learned thus far? AIDS and Behav 1998; 2(3):241-56.

23) **Perry MJ**, Christiani, D. Herbicide and insecticide exposures among dairy farm pesticide applicators. Am J Public Health 1999; 89(7):1118-9.

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5) Neumann LM, Mandrioli D, Bolpoggi F, Panzacchi S, Manservisi F, **Perry MJ**. FISHing with rat sperm: the effect of glyphosate toxicity on sex chromosome aneuploidy in rats. George Washington University Research Days, April 4-5, 2017 Washington DC.

6) McCray N, Irwig M, Frankfurter D, Hynes M, Lalwani S, Marcus M, Jayanthi V, Patel M, Young H, **Perry MJ**. Association of Obesity, Race and Semen Parameters among Washington, DC-Area Men. George Washington University Research Days, April 4-5, 2017 Washington DC.

7) Amaya-Fuentes R, **Perry MJ**. Occupational exposure to Organophosphate Pesticides and its Effects on Human Sperm Paramenters: A Systematic Review. George Washington University Research Days, April 11, 2018 Washington DC.

8) Ramadan M, **Perry MJ.** Human Evidence for Parental Glyphosate Exposure on Developmental Malformations and Neurodevelopmental Effects: Systematic Literature Review via the Navigation Guide Methodology. George Washington University Research Days, April 11, 2018 Washington DC.

9) Irwin C, Nagarkatti K, Young H, Weihe P, Grandjean P, Neumann L, **Perry MJ.** Sperm Aneuploidy in a Birth Cohort of Faroese Men Exposed in Utero to p,p-DDE and PCBs. International Society of Exposure Science and the International Society for Environmental Epidemiology Joint Annual Meeting, August 26-30, 2018, Ottawa, Canada.

10) Neumann L, Attene-Ramos M, Weihe P, Grandjean P, **Perry MJ.** Mitochondrial DNA Damage in Spermatozoa of Faroese Men Exposed to Organochlorines. International Society of Exposure Science and the International Society for Environmental Epidemiology Joint Annual Meeting, August 26-30, 2018, Ottawa, Canada.

11) Ibe IN, Figueroa Z, Irwig M, Frankfurter D, Hynes M, Lalwani S, Marcus M, Jayanthi V, Patel M, **Perry MJ**. Association Between Sperm Aneuploidy and Racial and Ethnic Diversity. George Washington University Research Days, April, 2019 Washington DC.

12) Amaya Fuentes R, Young H, Irwin C, Crites J, Moody D, **Perry MJ.** Measuring the Effects of THC on Human Sperm Parametes Using Biomonitoring Analysis. George Washington University Research Days, April, 2019 Washington DC.

13) McLeland-Wieser H, Attene-Ramos M, Young H, Mandrioli D, Belpoggi F, Panzacci S, Manservisi F, Neumann L, **Perry MJ**. The Effects of Glyphosate on Rat Sperm Mitochondria. George Washington University Research Days, April, 2019 Washington DC.

14) Irwin C, Young H, Neumann L, Irwig M, Frankfurter D, Hynes M, Lalwani S, Marcus M, Jayanthi V, Patel M, **Perry MJ**. Associations Between Sperm Aneuploidy and Risk for Obesity and Diabetes in Urban Men. George Washington University Research Days, April, 2019 Washington DC.

15) Andersen O, **Perry MJ**. Intersex Wildlife as Sentinels for Human Health near Superfund Sites: A Systematic Review. George Washington University Research Days, April, 2019 Washington DC.

16) Paese M, **Perry MJ**. Pesticide Exposure and Diabetes Among Agricultural Workers in Low- and Middle-Income Countries: A Systematic Review. George Washington University Research Days, April, 2019 Washington DC.

17) McLeland-Wieser H, Mandrioli A, Young H, Belpoggi F, Neumann L, Attene-Ramos M, Panzacchi S, Manservisi F, **Perry MJ.** The Effects of Glyphosate Based Herbicides on Rat Sperm Mitochondria. Annual Conference of the International Society for Environmental Epidemiology, August 25-28, 2019, Utrecht, the Netherlands.

Recent Invited Presentations (No honorarium was received)

1) Speaker, The Human Health Effects of Neonicotinoids. International Task Force on Systemic Pesticides. Centre de Biophysique Moleculaire, Orleans, France, April 10-11, 2019.

2) Speaker, Organochlorines in Cord Blood and Risk for Sperm Aberrations. Center for Occupational and Environmental Health, Univeristy of Cape Town, South Africa, November 12-15, 2018

3) Speaker, Associations between Environmental Chemicals, Spermatogenesis and Non Disjunction. Environmental Mutagenesis and Genomics Society, San Antonio, Texas, September 22-26, 2018

4) Chair, Reproductive Functions. PPTox V1 Conference, Faroe Islands, Denmark, May 27-30, 2018.

5) Presenter, Sperm Aneuploidy in a Birth Cohort of Faroese Men Exposed to p,p'-DDE and PCB Pollutants.PPTox VI Conference, Faroe Islands, Denmark, May 27-30, 2018.

6) Endocrine Disruptors in Water in the Potomac River Valley. Cedar Lane Unitarian Church March Forum, March 30th, 2014.

7) Environmental Endocrine Disruptors and Male Reproductive Health. Johns Hopkins University Environmental Health Engineering Seminar Series, Johns Hopkins University, April 21st, 2014.

8) Expert Speaker, GW's "The World on a Plate: How Food Shapes Civilizations" class, The George Washington University, Washington, DC, April 2014.

9) Keynote address at Pesticides and the Chesapeake Bay Watershed Project 8th Annual Meeting. Hosted by the Maryland Organic Food & Farming Association, October 6th, 2014.

10) The Future of Public Health Education. Dean's Invited Speaker, Texas A&M University School of Public Health, October 28, 2014.

11) Speaker, 1st Annual Food Tank Summit. Hosted by GW and Food Tank, The George Washington University, Washington, DC, January 21, 2015.

12) Endocrine Disruptors in the Potomac. Presented as speaker in The York River and Small Coastal Basin Roundtable and the Chesapeake Bay National Estuarine Research Reserve in Virginia: Bees, Beetles and the Bay: Pesticide Impacts on Aquatic and Human Health and Pollinator Protection for a Healthy Chesapeake, Virginia Institute of Marine Science, Gloucester Point, VA, March 25, 2015.

13) Using Epidemiology to Prevent Occupational Injuries and Environmental Exposures. University of Pittsburgh Bioengineering Seminars 2015, Pittsburgh, PA, April 2, 2015.

14) White House Roundtable on Climate Change. White House, Washington, DC, April 9, 2015.

15) Host and Opening Remarks, USGCRP and GW Climate Change and Human Health Symposium. Washington, DC, April 20, 2015.

16) Pesticides: What is on the Occupational Medicine Horizon? Speaker, Annual American Occupational Health Conference Session 223: Updates on Epigenetic and Exposure Data on Pesticide and Herbicide for the Occupational Health Clinician, TRACK: Environmental Health and Risk Management. American College of Occupational and Environmental Medicine, Baltimore, MD, May 4, 2015.

17) Investigating the impacts of endocrine disrupting compounds on sperm health: a new potential effect biomarker. Presented at the 2015 International Congress on Rural Health & IV International Conference Ragusa Safety Health and Welfare in Agro-Food Systems, held in Lodi, Italy, September 8-11, 2015.

18) What Have You Done for Epidemiology Lately? The Role of Epidemiologists in Funding Biomedical Education and Research. Presidential Address at the American College of Epidemiology, delivered at the organization's annual meeting in Atlanta GA, September 29, 2015.

19) Opening remarks, Grading of Recommendations Assessment, Development and Evaluation (GRADE) working group. Washington, DC, May 2, 2016.

20) Public Health Education for the 21st Century. Dean's Lecture Series, University of Maryland School of Public Health. College Park, MD, May 10, 2016.

21) The New EDC Frontier: What Is Known About the Endocrine Disrupting Properties of Neonicotinoid Pesticides? Environmental Endocrine Disruptors Gordon Research Conference. Newry ME. June 19-24, 2016.

22) Moderator, Workshop on Personal Environmental Exposure Measurements. Making Sense and Making Use of Emerging Capabilities. National Academies of Sciences, Washington, DC November 16-17, 2016.

23) Health effects of neonicotinoid pesticides. North Carolina Pesticide Board, December 12, 2016.

24) Environmental chemicals and male reproductive impacts. Boston University School of Public Health, Boston MA, February 22, 2017.

MAJOR PROFESSIONAL SERVICE:

National Service	Date(s)
Member, Organizing Committee, The National Academies of Sciences, Is Artificial Intelligence Revolutionizing Environmental Health?	2019
Member, Organizing Committee, The National Academies of Sciences,	2019

Toward Understanding the Interplay of Environmental Stressors, Infections Disease, and Human Health	
Reviewer, NIEHS R13 Grant Review Special Emphasis Panel, NIH Center for Scientific Review	2018
Associate Editor, Environmental Health Perspectives	2017-present
Member, Organizing Committee, The National Academies of Sciences, Understanding Pathways to a Paradigm Shift in Toixicity Testing and Decision Making	2017-18
Ad Hoc Reviewer, NIEHS Intramural Epidemiology Branch	2017
Member, Organizing Committee, The National Academies of Science, Personal Environmental Exposure Measurements: Making Sense and Making Use of Emerging Capabilities	2016
Board Member, The Program for Preserving the Natural World	2015-present
Reviewer, Institute of Medicine Report: Evaluating Potential Exposure to Agent Orange/TCDD Residue and Level of Risk of Adverse Effects for Aircrew of Post-Vietnam C-123 Aircraft	2015
Chair, Board of Scientific Counselors (BSC), National Center for Environmental Health/Agency for Toxic Substances and Disease Registry (NCEH/ATSDR), CDC	2015-19
President, American College of Epidemiology	2014-15
Technical Advisory Board, Center for Construction Research and Training (CPWR)	2014-present
Board of Scientific Counselors (BSC), National Center for Environmental Health/Agency for Toxic Substances and Disease Registry (NCEH/ATSDR), CDC	2014-present
Invited Speaker, Capitol Hill Briefing: The Threat of Neonicotinoid Pesticides to Bees and Other Organisms, and the Risks to Human Health	2014
Program Committee Chair, American College of Epidemiology Annual Meeting	2014
Invited Speaker, Safer Chemicals Healthy Families Capitol Hill Briefing: Are Everyday Products Harming Reproductive Health?; The Link Between Toxic Chemical Exposure and Infertility	2013
Associate Editor, Reproductive Toxicology	2013-2016
Invited Speaker, Steering Committee, National Academy of Sciences Workshop on the Design of the National Children's Study: Decisions	2013

about Environmental Measures	
Secretary, American College of Epidemiology	2012-13
Mentor and Graduation Speaker, USAID Hope Fellows Program	2011
Reviewer, Committee on Decision-Making Under Uncertainty, Institute of Medicine of the National Academies	2011, 2012
Planning Group Member, Falls Prevention Campaign, National Occupational Research Agenda (NORA) Construction Sector Council	2011-14
Study Section Member, Safety and Occupational Health Study Section, National Institute of Occupational Safety and Health	2011-15
Journal Editorial Board Member, Environmental Health	2011-present
Member, Scientific Understanding Work Group, National Conversation on Public Health and Chemical Exposures, Centers for Disease Control and Prevention	2009-11
Reviewer, India Science & Technology Partnership Program, Smithsonian Institution	2009
Board of Directors, American College of Epidemiology	2008-11
Vice-chair, Membership Committee, American College of Epidemiology	2008
Chairperson, Special Emphasis Review Panel, NIH, NIDCR R21 Applications	2005
Abstract Reviewer, American Public Health Association Annual Meeting	2005-07
Reviewer, Boston Women's Health Book Collective, "Our Bodies, Our Selves"	2005
Reviewer, Special Emphasis Panel	
Intramural Program Grants – Intervention Research, NIOSH	2007
IRG Epidemiology Members Review Panel, NIH	2004
State Models for Oral Cancer Prevention, NCI & NIDCR	2004-05
Community Partners for Healthy Farming Intervention, NIOSH	2003
Member, Advisory Board, Occupational Health Program, Massachusetts Department of Public Health	2002-10
Ad Hoc Reviewer, Epidemiology and Disease Control II Scientific Review Study Section (EDCII), NIH	2000-02
Reviewer, JAMA, Am J Epidemiology, Environ Health Perspectives, Am J Pub Health, J Occup Environ Med, J Agromedicine, J Ag Safety and Health, Social Science Med, Applied Ergo, Public Health, Public Health Reports, Human Reproduction, Trends in Pharmacological Sciences, Asian Journal of Andrology, Environmental Research, J of Assisted Repro Genetics	1999-present
Member, Membership Committee, American College of Epidemiology	2000-10

Chair, Recruitment Subcommittee	2001
Reviewer, Scientific Review Committee, Cornell University Program on Breast Cancer and Environmental Risk Factors	2000
Reviewer, Scientific Review Committee, American Psychological Foundation	1999
Consultant, Women's and Children's Health Policy Center, Johns Hopkins School of Public Health	1998-2000
Reviewer, Prevention Center Program Special Emphasis Panel, Centers for Disease Control and Prevention	1996

International Service

International Advisory Board, International Congress on Rural Health, International Association of Rural Health and Medicine	2014-16
Project Advisor, Albanian Asbestos Remediation, Ministry of the Environment	2013
Grant Reviewer, Portuguese Foundation for Science and Technology	2012
Advisor, Occupational Health in Small Businesses, Massey University, New Zealand	2007
Member, National Cancer Institute of Canada Steering Committee on Cancer Prevention	2006-07
Co-Investigator, University of Cape Town, South Africa and Tropical Pesticides Research Institute, Arusha, Tanzania	2003-07
Consultant, Ministry of Health of Albania and Ministry of Health of Kosovo	1999-2002

School and University Service

Co-Lead, GW Academic Leaders Academy	2019-present
Champion, Global Onboarding and Orientation, GW Culture Leadership Team	2019
Elected Member, GW Faculty Senate	2019-present
Chair, Decanal Search Committee for 5 SPH Deans: Senior Associate Dean for Academic, Student, and Faculty Affairs; Associate Dean for Practice; Associate Dean for Master's Education; Assistant Dean for Undergraduate Education; Assistant Dean for Graduate Education	2018-19
Chair, Working Group on Research Pre Award, University Research Ecosystem Review	2018-19
Reviewer, GW Office for the Vice President of Research Pew Scholars Program	2018
Member, GW Cancer Center	2017-present
Member, GW University Advisory Counsel on Research	2017-18

Member, GW Center for AIDS Research	2017-present
Elected Member, Faculty Senate, George Washington University	2016
Speaker, GW Food Tank Summit	2015
Chair, GW SPH Laboratory Sciences Investigators Committee	2016-20
Chair, GW SPH Public Health Laboratory Sciences Faculty Search Committee	2014-19
Reviewer, GW Centers and Institutes Food for Thought Program	2012
Chair, GW SPHHS Strategic Planning Committee on Research and Teaching Labs	2012
Member, Appointment, Promotion and Tenure Committee (APT), The School of Public Health and Health Services, The George Washington University	2012-16
Member, Research Advisory Council, The School of Public Health and Health Services, The George Washington University	2012-present
Chair, University-wide Search Committee for the Executive Director of Sustainability, The George Washington University	2011-14
Member, Advisory Committee, McCormick Genomic and Proteomic Center, The George Washington University Medical Center	2011
Member, HSPH Department of Environmental Health Curriculum Committee	2008-10
Faculty Affiliate, Environmental Science & Public Policy Program, Harvard College	2008-10
Faculty Member, Harvard Med School Center for Health and the Global Environment	2007-10
Member, HSPH Postdoctoral Advisory Committee	2007-10
Faculty Member, HSPH Alternative Curriculum Steering Committee	2007-10
Chair, HSPH Ad Hoc Grievance Committee	2006
Member, Committee on the Concerns of Women Faculty	2006-10
Faculty Council Liaison, HSPH Committee on the Concerns of Women Faculty	2005-06
Elected Member, HSPH Faculty Council	2004-06 term
Member, Population Sciences Core, Harvard Dana Farber NCI Cancer Center	2004-10
Committee Member, HSPH Allston Planning Committee	2004
Laboratory Research Mentor, HSPH Summer Research Apprenticeship Program	2004

Mentor, HMS Biomedical Sciences Career Program	2004-07
Member, Organics Core, Harvard NIEHS Environmental Center	2003-10
Faculty Member, HSPH Women, Gender, and Health Interdisciplinary Concentration	2002-10
Coordinator, Environmental and Occupational Medicine and Epidemiology Research Seminar Series	2001-09

PROFESSIONAL SOCIETIES:

Member, American Association for the Advancement of Science
American College of Epidemiology
American Public Health Association
American Society of Andrology
Environmental Mutagenesis and Genomics Society
International Society for Environmental Epidemiology

MAJOR ADMINISTRATIVE RESPONSIBILITIES:

Chair, Department of Environmental and Occupational Health, Milken Institute School of Public Health, George Washington University	2011-16
Director, Concentration in Occupational and Environmental Health, Master of Public Health Program, Harvard School of Public Health	2008-10
Co-Director, Occupational Injury Prevention Training Program, Harvard Education and Research Center (ERC), Harvard School of Public Health	2001-10
Associate Director, Cancer Prevention and Control Research, Cancer Center, Medical College of Wisconsin	1995-97

TEACHING EXPERIENCE:

Date	Title	Institution	Experience
2016-present	Professor	GW Milken Institute	PubH 6135 Researching Climate Change and Human Health, Course Architect and Course Lead
2014-15	Professor	GW Milken Institute SPH	PubH 6121 Environmental and Occupational Epidemiology Online, Course Architect, Fall & Spring Course Lead
2013	Professor	GWUSPHHS	PubH 6121 Environmental and Occupational Epidemiology, Fall Course Lead
2013	Professor	GWUSPHHS	PubH 6015 Culminating Experience in Environmental Health Science & Policy

2012	Professor	GWUSPHHS	PubH 6199 Climate Change, Sustainablity, and Human Health, Course Architecht
2008-10	Associate Professor	HSPH	ID538 Foundations of Public Health, Interdepartmental, Graduate, Fall
2007	Assistant Professor	HSPH	EH278 Human Health and Global Environmental Change, Dept. of Environmental Health, Graduate, Spring
2006	Assistant Professor	U of Iowa, Center for International Rural Environ Health	Global Health and the Environment International Course, Course Lecturer, Graduate
2004-07	Assistant Professor	HSPH	WGH211 Women, Gender and Health: Introductory Perspectives, Course Lecturer, WGH Interdisciplinary Concentration, Graduate
2003-07	Assistant Professor	HSPH	EH282 Injury Epidemiology and Prevention Course Developer and Leader, Dept. of Environmental Health, Graduate, Spring
2003	Session Leader/ Lecturer	New England College Occ/Environ Medicine (NECOEM)	Agricultural Health: Traumatic Injuries and Hazardous Chemical Exposures, Continuing Medical Education, Occ. Med Physicians
2003-05	Assistant Professor	HSPH	Women, Gender and Health Interdisciplinary Concentration, Curriculum Developer
2002-05	Assistant Professor	HSPH	EH202 Principles of Environmental Health Course Leader, Dept. of Environmental Health, Graduate & Occ/Environ Med Residents, Spring & Summer
2000-01 2005-06	Instructor (Assist. Prof.)	HSPH	EH202 Principles of Environmental Health Course Lecturer, Dept. of Environmental Health, Graduate
2000 2004-05	Instructor (Assist. Prof.)	HSPH	EH200 Introduction to Environmental Health Course Lecturer, Dept. of Environmental Health, Graduate
2000	Instructor	U of Massachusetts-Lowell	Occupational Cancer Epidemiology Course Lecturer, Dept. of Work Environment, Graduate
1998-99	Visiting	HSPH	EHE 215 Environmental and Occupational

	Scientist		Epidemiology Course Lecturer, Depts. of Epidemiology and Environmental Health, Graduate
1997	Visiting Scientist	HSPH	HSB 231 Community Interventions and Disease Prevention, Course Lecturer, Dept. of Health and Social Behavior, Graduate
1997	Visiting Scientist	HSPH	EPI 224 Cancer Prevention Course Lecturer, Dept. of Epidemiology, Graduate
1997	Assistant Professor	U of Wisconsin-Milwaukee	Environmental Psychology Course Lecturer, Dept. of Psychology, Undergraduate
1996-1997	Assistant Professor	Medical College of Wisconsin	Cancer Epidemiology, Course Developer and Director, Div. Of Epidemiology, Graduate
1996	Assistant Professor	U of Wisconsin-Milwaukee	Community Studies Course Lecturer, Dept. of Educational Policy and Community Studies, Graduate
1996	Assistant Professor	U of Wisconsin-Madison	Environmental Toxicology Course Lecturer, Dept. of Plant and Social Science, Undergraduate
1995	Assistant Professor	U of Vermont	Psychology of Women Course Developer and Director, Dept. of Psychology, Undergraduate
1994	Assistant Professor	U of Vermont	Primary Prevention Course Co-Director, Dept. of Psychology, Graduate

GWU Milken Institute School of Public Health ADVISING:

Student	Status	Role
Hilary McCleland Wiser	MPH	2020 CE Advisor
Casey Kalman	MPH	2020 CE Advisor
Tahera Alnaseri	MPH	2020 CE Advisor
Rebecca Ortego	MPH	2020 CE Advisor
Quinn Lombard	MPH	2020 CE Advisor
Eric Knapke	MPH	2020 Academic and CE Advisor
Maggie Paese	MPH	2019 CE Advisor
Olivia Anderson	MPH	2019 CE Advisor
Francesca Branch	Doctoral	2019Thesis Chair
Parisa Karimi	Doctoral	2018 Thesis Chair
Mustafa Ramadan	MPH	2018 CE Advisor
Roxana Fuentes	MPH	2018 CE Advisor
Brenda Trejo	MPH	2017 CE Advisor
Andrea Cimino	MPH	2017 CE Advisor
Paul Cannon	MPH	2016 CE Advisor
Nathan McCray	MPH	2016 Academic and CE Advisor

Andrea Nance	MPH	2016 Academic Advisor
Rebecca Cohen	MPH	2016 Academic Advisor
Nicholas Porter	MPH	2016 CE Advisor
Taylor Katz	MPH	2016 CE Advisor
Lance Thompson	MPH	2016 CE Advisor
Zaida Figueroa	Doctoral	2015 Thesis Chair
Sara Lupolt	MPH	2015 Academic Advisor
Amanda McQueen	MPH	2015 Academic and CE Advisor
Emma Zinsmeister	MPH	2015 Academic Advisor
Pierre Cartier	MPH	2014 CE Advisor
Sara Mostafa	MPH	2014 CE Advisor
Emily Ryan	MPH	2014 CE Advisor
Alexandra Goldstone	MPH	2014 Academic and CE Advisor
Sarah Scheinfeld	MPH	2014 Academic Advisor
Sheena Martenies	MPH	2013 CE Advisor
Veronica Tinney	MPH	2013 CE Advisor
Kenechi Onwubalili	MPH	2012 CE Advisor
Ashley Williams	MPH	2012 CE Advisor
Stephanie Moran	MPH	2012 Culminating Experience (CE) Advisor
Seung-Sup Kim	Post-Doctoral	2011-13 Advisor

Prior Advising Responsibilities at Other Institutions:

Harvard School of Public Health ADVISING:

Student	Status	Role
Xing Chen	Doctoral	2010 Advisor
Megan McAuliffe	Doctoral	2010 Advisor
Christopher Ronk	Doctoral	2010 Advisor
Susan Chemerynski	Doctoral	2010 Thesis Committee Member
Ellen Connorton	Doctoral	2010 Thesis Committee Member
Seung-Sup Kim	Doctoral	2010 Orals Committee Member
Richard Adusa Poku	Masters	2010 Advisor
Santosh Verma	Doctoral	2009 Thesis Advisor
Derrick Cordy	Masters	2009 Advisor
Anila Bello	Doctoral	2008 Thesis Committee Member
Jaeyoung Kim	Doctoral	2008 Orals Chair/Thesis Committee Member
Kerry Souza	Doctoral	2008 Orals Committee Chair
Lina Lander	Doctoral	2008 Thesis Advisor
Kezhi Jin, PhD	Research Fellow	2008 Research Advisor
Kafui Adjaye-Gbewonyo	Undergrad Honors	2007 Thesis Advisor
Lope Barrero	Doctoral	2007 Orals Chair/Thesis Committee Member
Yelena Wetherill	Postdoctoral Fellow	2007 Advisor
Ian Laird, PhD	Fulbright Fellow	2006 Research Advisor
Takashi Nagata, MD	Takemi Fellow	2006 Research Advisor
Shona Fang	Doctoral	2006 Orals Committee Member
Jennifer Cavallari	Doctoral	2005 Orals Committee Member
Rolanda Dhimitri, PhD	Postdoctoral Fellow	2005 Fellowship Advisor
Emily Rothman	Doctoral	2004 Thesis Committee Member
Robert Timmons	Occ Med Resident	2004 Research Advisor
Kathleen McCarty	Doctoral	2003 Orals Committee Member

Sapna Desai		Master	2003 Research Advisor

U of WISCONSIN ADVISING:

1998-99	Committee Member	U of Wisconsin-Madison	Doctor of Philosophy in Environ. Studies Institute of Environmental Studies
1996-97	Advisor	U of Wisconsin-Madison	Master of Science in Epidemiology Thesis, Dept. of Preventive Medicine

U of VERMONT ADVISING:

1995	Advisor	U of Vermont	Undergraduate Honors Research Project, Dept. of Psychology
1995	Advisor	U of Vermont	Medical Student Research Project in Epidemiology, Dept. of Family Practice

Executive Leadership Training:

2015-17	American Management Association Courses The Voice of Executive Leadership, Strategic Planning, Women in Business Leadership
2018	Academic Impressions: Chairing a Department

Other Educational Board Service:
2015-17 Member, Board of Trustees, Aidan Montessori School, Washington DC

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In the United States District Court
Western District of Missouri

RURAL COMMUNITY WORKERS ALLIANCE and JANE DOE,

Plaintiffs,

v.

SMITHFIELD FOODS, INC. and SMITHFIELD FRESH MEATS CORP.,

Defendants.

Second Declaration of Axel Fuentes

I, Axel Fuentes, hereby declare as follows:

1. I am the Executive Director of the Rural Community Workers Alliance ("RCWA") based in Milan, Missouri.

2. I previously submitted a declaration in this matter and submit this declaration to provide additional information regarding developments since my prior declaration.

3. On the Saturday after we filed suit (April 25, 2020), RCWA members informed me that Smithfield sent workers into the Milan, Missouri plant (the "Plant") to alter the Plexiglas dividers installed on the processing lines. The dividers are hung from above, and RCWA members informed me that Smithfield added bars to them to make them steadier. Moreover, while Smithfield had originally failed to take into account the height of workers so the dividers did not cover the faces of all workers, it adjusted the height of some of the dividers. My understanding is this occurred on the "ham line" on Saturday, and workers expect similar adjustments to be made on other lines later.

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4. On Monday, April 27, 2020, RCWA members sent me the photos attached as Exhibit A.

5. The first photo shows signs stating that workers are required to wear masks at all time throughout the Plant. It is my understanding no similar signs had previously existed.

6. The second photo is of a memo posted on Monday (April 27, 2020) that announces workers will be given a 15 minute grace period to clock in. That memo also states workers many use any clock to clock in and out, whereas, previously, workers had to clock in and out using a specific clock. I believe this is Smithfield's effort to reduce crowding around the clock.

7. On Tuesday (April 28, 2020), a worker confirmed for me that workers could use any clock to clock in and out.

8. Nonetheless, the memo in the second photo attached as Exhibit A states the grace period does not begin until Wednesday (April 29, 2020). The workers were offered no explanation for the delay.

9. I also heard from workers that Smithfield announced starting Tuesday (April 28, 2020) it would be reducing the amount of hogs slaughtered at the facility: the Plant would only be slaughtering around 5,000 hogs per day, down from 10,500.

10. If the workers continued to work the same number of hours, the reduced number of hogs would allow for slower line speeds.

11. However, I spoke to a worker Tuesday night (April 28, 2020) who said that some workers would be working reduced hours, particularly workers on the kill floor. That worker confirmed Smithfield was slaughtering fewer hogs starting Tuesday.

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12. Finally, I have been told that Smithfield has offered workers a $5/hour raise starting in May, but this will not apply to overtime. Workers have seen this pay increase advertised on a screen that previously advertised the $500 "responsibility bonus" offered to workers who did not call in sick in April. This has led some workers to believe that the raise will only apply to workers who do not call in sick in May.

13. Separate and apart from recent changes at Plant, I am aware that Smithfield has suggested a worker would put their name on this case if the statements in if were true. However, I know of multiple incidents in which Smithfield retaliated against workers. In one incident, a worker who raised health and safety concerns was fired after she brought the issue to the company's attention. I have also heard of Smithfield harassing both workers, and even one worker's spouse who also worked at the Plant, because the workers raised concerns.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Kirksville, MO

DocuSigned by:
Axel Fuentes
A84892FC3598495...
Axel Fuentes

4/28/2020
Dated

OSHA-002701

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Exhibit A

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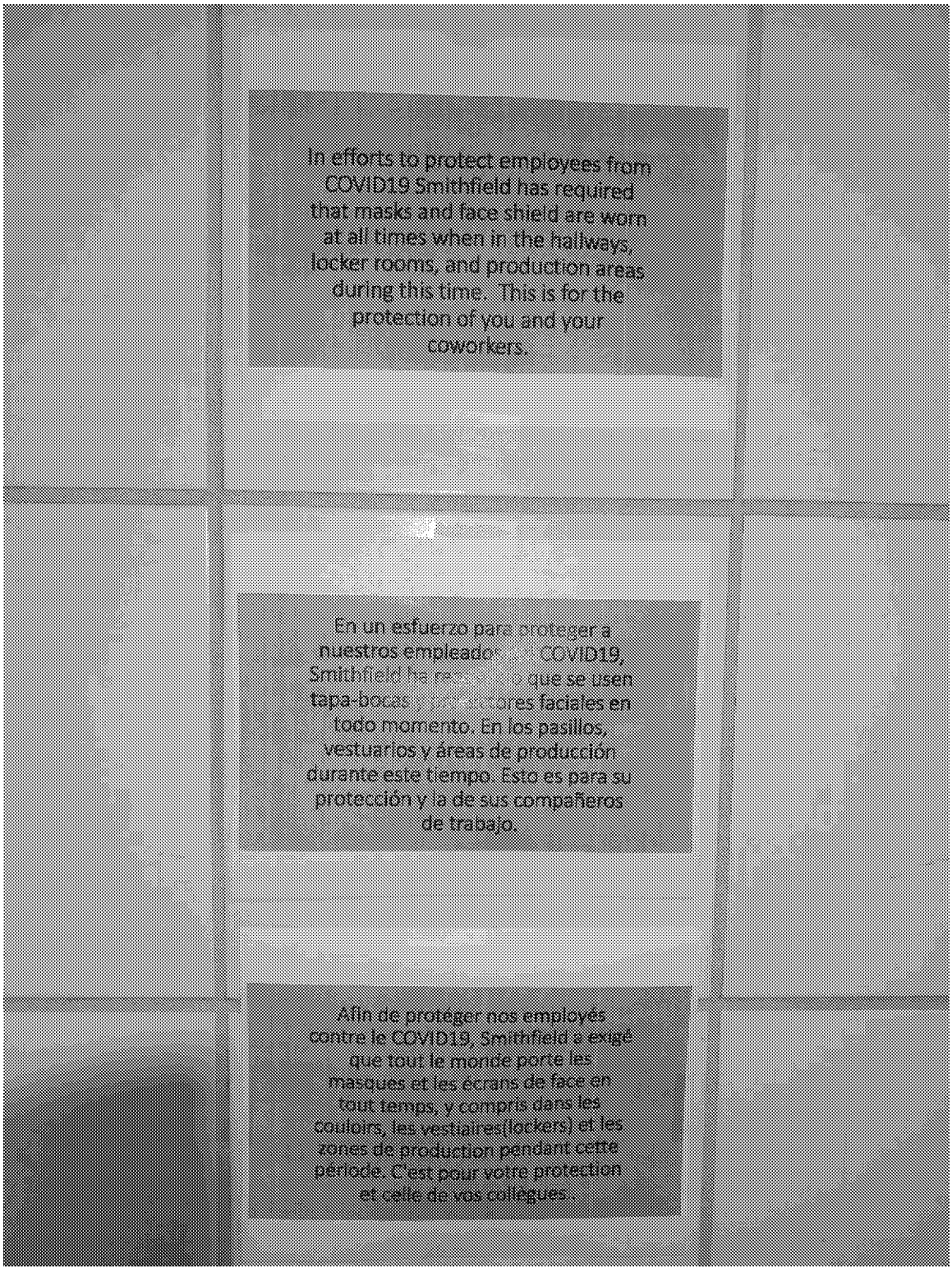

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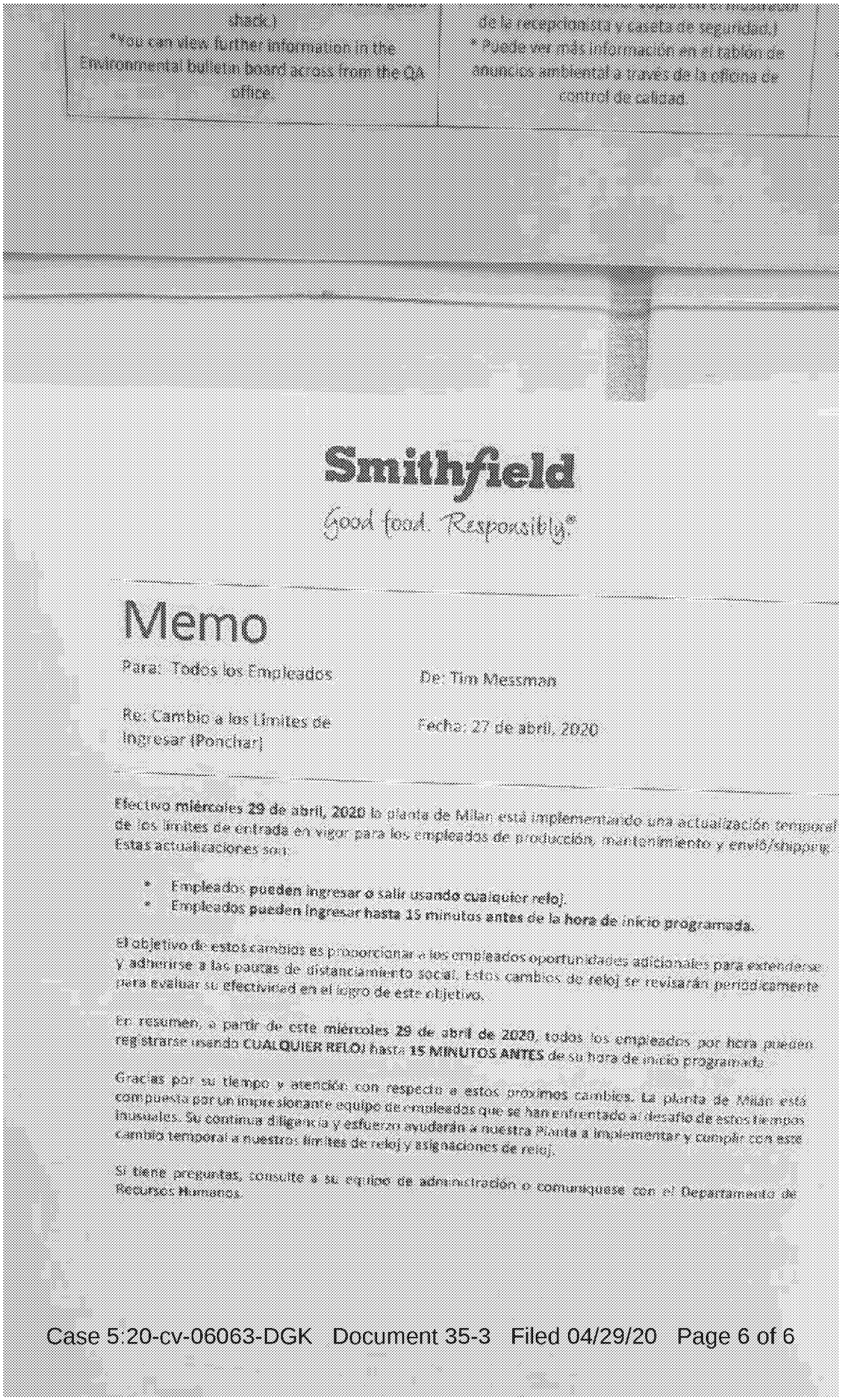


Smithfield

Good food. Responsibly.®

Memo

Para: Todos los Empleados

De: Tim Messman

Re: Cambio a los Límites de Ingresar (Ponchar)

Fecha: 27 de abril, 2020

Efectivo **miércoles 29 de abril, 2020** la planta de Milan está implementando una actualización temporal de los límites de entrada en vigor para los empleados de producción, mantenimiento y envío/shipping. Estas actualizaciones son:

- Empleados **pueden ingresar o salir usando cualquier reloj.**
- Empleados **pueden ingresar hasta 15 minutos antes de la hora de inicio programada.**

El objetivo de estos cambios es proporcionar a los empleados oportunidades adicionales para extenderse y adherirse a las pautas de distanciamiento social. Estos cambios de reloj se revisarán periódicamente para evaluar su efectividad en el logro de este objetivo.

En resumen, a partir de este **miércoles 29 de abril de 2020**, todos los empleados por hora pueden registrarse usando **CUALQUIER RELOJ** hasta **15 MINUTOS ANTES** de su hora de inicio programada.

Gracias por su tiempo y atención con respecto a estos próximos cambios. La planta de Milan está compuesta por un impresionante equipo de empleados que se han enfrentado al desafío de estos tiempos inusuales. Su continua diligencia y esfuerzo ayudarán a nuestra Planta a implementar y cumplir con este cambio temporal a nuestros límites de reloj y asignaciones de reloj.

Si tiene preguntas, consulte a su equipo de administración o comuníquese con el Departamento de Recursos Humanos.

In the United States District Court
Western District of Missouri

RURAL COMMUNITY WORKERS ALLIANCE and JANE DOE,

Plaintiffs,

v.

SMITHFIELD FOODS, INC. and SMITHFIELD FRESH MEATS CORP.,

Defendants.

Declaration of David Michaels, PhD, MPH

I, David Michaels, declare as follows:

1. I am currently a Professor of Environmental and Occupational Health at the Milken Institute School of Public Health of the George Washington University, in Washington, D.C.

2. I am an epidemiologist with expertise in the study and prevention of occupational injuries and illnesses.

3. From 2009 until January 2017, I served as Assistant Secretary for the Occupational Safety and Health Administration ("OSHA") of the U.S. Department of Labor, the longest serving Administrator in OSHA's history.

4. In addition, from 1998 to 2001, I served as Assistant Secretary of Energy for Environment, Safety and Health.

5. I have published studies on work-related injuries and illnesses in numerous peer-reviewed scientific publications, and I have received numerous awards and recognition for my work. I have served or currently serve on international panels

addressing occupational safety and health, including ones focused on the collection and disclosure of work-related injury and illness data.

6. My complete, current CV is attached as Exhibit A.

7. The following draws from my experience at OSHA and an expert on occupational safety and health regulation. Since the beginning of the COVID-19 pandemic, I have been closely monitoring OSHA's activity – or lack thereof – as part of my academic work.

8. OSHA has limited tools to protect workers at slaughterhouses and meatpacking plants during the COVID-19 pandemic, including Defendants "Smithfield." Based on my observation, throughout this crisis—dating back more than three months—OSHA has failed to enforce any of its limited requirements that could conceivably protect meatpacking workers from illness. And, OSHA is not authorized to cite employers who fail to protect members of the community from infectious disease. In my expert opinion, OSHA has been missing in action during the pandemic.

9. The Occupational Safety & Health Act imposes two enforceable duties on employers. Employers are required to comply with OSHA standards. 29 USC § 654(a)(2). And, employers are required to comply with the OSH Act's general duty clause which requires employers to provide their employees "with employment and places of employment free from recognized hazards." 29 USC § 654(a)(1).

10. OSHA has not adopted a specific standard that protects employees from the risk of infectious diseases like COVID-19. Existing OSHA regulations, such as those governing sanitation, and personal protective equipment, 29 CFR §§1910.132,134, require minimal effort by employers. Under these regulations, employers are left to

identify which "hazards" require protection. On April 26, OSHA issued guidance advising employers in the meatpacking industry on how these regulations apply during the current pandemic. Such guidance is not binding.

11. When OSHA has not issued a standard regulating a hazard, it may rely on the general duty clause to protect employees from "recognized hazards." General duty clause citations require a higher degree of proof than do citations alleging violations of OSHA standards, are resource intensive for OSHA to document and justify, and have little effect on improving workplaces generally. OSHA has not issued any such citations to protect against the novel coronavirus causing COVID-19.

12. Moreover, while OSHA could announce its intent to cite employers for failure to follow that guidance, it has not done so. In other words, parroting CDC, OSHA, has made *recommendations* regarding how meat packing plants should operate, but those statements, including the one issued April 26, 2020, are *voluntary*. OSHA has not indicated that it will cite employers who fail to comply with its recommendations.

13. Instead, OSHA has issued guidance advising its inspectors to exercise "enforcement discretion" when addressing complaints relating to COVID-19. https://www.osha.gov/memos/2020-04-13/interim-enforcement-response-plan-coronavirus-disease-2019-covid-19 Based on my years of experience with the agency and Department of Labor, I interpret this guidance to mean that OSHA will not cite employers in the meat industry for violations of the OSH Act relating to COVID 19 risks.

14. OSHA's guidance indicates that it likely will not even conduct inspections in "medium" risk facilities, such as meatpacking plants. Instead, OSHA's guidance indicates that when they learn of potentially hazardous conditions in a meatpacking plant,

they will send a letter to the employer seeking information. Such inquiries are informal, they do not require an employer to take action to abate hazards, and do not lead to citations. In other words, informal letters from OSHA do not impose an enforceable duty on an employer.

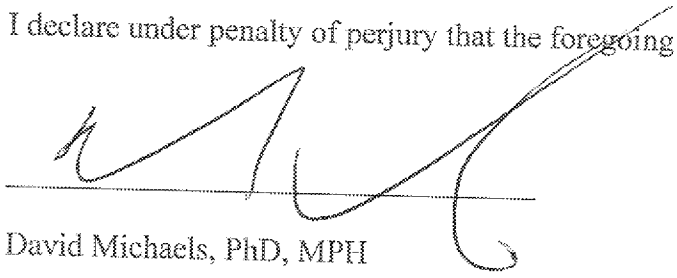
15. If OSHA determines that an employer's response to its informal inquiry is not adequate, OSHA may initiate an on-site inspection. https://www.osha.gov/memos/2020-04-13/interim-enforcement-response-plan-coronavirus-disease-2019-covid-19. Under existing OSHA procedures, OSHA will not cite an employer without an on-site inspection.

16. Furthermore, OSHA citations are not issued immediately after an inspection is completed. In the case of COVID 19, OSHA has advised its area offices that any proposed citations must be reviewed in the National Office before being issued. *Id.* In my experience, such National office review makes it far less likely that citations will be issued – even if OSHA finds that an employer is exposing its workers to serious risk of contracting COVID-19 – for several months at least.

17. Even if OSHA were to issue a citation several months from now, under the OSH Act an employer has no duty to abate the hazards OSHA has identified until a final order of the Occupational Safety & Health Review Commission issues. 29 U.S.C.§659(b). Such a final order is deemed to have been issued 15 days after OSHA issues a citation if the employer does not contest it. However, if the employer contests the citations, an employer has no duty to abate the hazard OSHA has cited until proceedings before OSHRC have concluded. In my experience, OSHRC proceedings usually delay abatement for several years, at least.

18. Under section 13 of the OSH Act, OSHA has the authority to file suit in federal court to enjoin an imminent danger. During my tenure as the head of OSHA, the Agency did not file any imminent danger suits. To the best of my knowledge, OSHA has not filed such an action since the mid-1990s. Further still, OSHA procedures require that the Agency conduct an inspection prior to filing an imminent danger suit. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true to the best of my knowledge



David Michaels, PhD, MPH

EXHIBIT A

DAVID MICHAELS PhD, MPH
6843 Tulip Hill Terrace
Bethesda, MD 20816
drdavidmichaels@gmail.com

PROFESSIONAL EMPLOYMENT AND APPOINTMENTS

Current Employment and Academic Appointment

The Milken Institute School of Public Health of George Washington University
Department of Environmental and Occupational Health

Professor	2009-present
Vice-Chair for Education	2019-present
Interim Chairman	2008-2009
Associate Chairman	2004-2008
Research Professor	2001-2009

Department of Epidemiology

Professor	2017-present

Previous Employment and Primary Academic Appointments

The United States Department of Labor

Assistant Secretary for Occupational Safety and Health	2009-2017

The United States Department of Energy

Assistant Secretary for Environment, Safety and Health	1998-2001

The City University of New York Medical School
Department of Community Health and Social Medicine

Professor	1996-2001
Acting Chairperson	1992, 1996-7
Associate Professor	1990-1995

Montefiore Medical Center/Albert Einstein College of Medicine
Department of Epidemiology and Social Medicine

Director, Division of Public Health	1988-1990
Director, Program in Occupational Health	1981-1988
Curriculum Coordinator	1979-1981
Research Associate	1977-1979

Additional Academic Appointments

The Icahn School of Medicine at Mount Sinai
Department of Environmental Medicine and Public Health

Adjunct Professor	2001-present
Adjunct Associate Professor	1993-2000
The Albert Einstein College of Medicine	
Department of Epidemiology and Population Health	
Visiting Associate Professor	1991-2008
Associate Professor	1990-1991
Assistant Professor	1981-1990
Instructor	1980-1981

EDUCATION

The City College of New York	1977	BA	History (cum laude)
Columbia University	1981	MPH	Epidemiology
	1987	PhD	Sociomedical Sciences

ADDITIONAL POST-GRADUATE TRAINING

Quantitative Methods in Cancer Epidemiology. The International Agency for Research on Cancer, Lyon, France, 1985.

FELLOWSHIPS AND RESIDENCIES

World Health Organization Travel Fellowship, 1992
Robert Wood Johnson Foundation Health Policy Fellowship, Washington, DC 1993-1994
Rockefeller Foundation Bellagio Center Residency, Bellagio, Italy 2018

AWARDS, HONORS & ELECTED MEMBERSHIPS

Jay S. Drotman Memorial Award, American Public Health Association, 1984
Bicentary Keynote Lecturer, Sydney Hospital, Sydney, Australia, 1988
Samuel Gompers Award, International Assoc. of Industrial Accident Boards & Commissions, 2000
National Academy of Social Insurance, 2000-2009, 2017-Present
Meritorious Service Award, United States Department of Energy, 2001
Honorary Kentucky Colonel, 2001
Honorary Duke of Paducah (Kentucky), 2001
David P. Rall Award for Advocacy in Public Health, American Public Health Association, 2001
Collegium Ramazzini (Fellow), 2003-2009, 2017-present
Scientific Freedom and Responsibility Award, American Association for the Advancement of Science, 2005
Delta Omega (Honorary Society in Public Health), 2007-present
John P. McGovern Science and Society Award, Sigma Xi, 2009
Environmental Hero of the Year, Environmental Relief Center, 2009

ASPH/Pfizer Public Health Academy of Distinguished Teachers, 2009-present
Jeffrey S. Lee Lecture, American Industrial Hygiene Conference, Toronto, Canada, 2009
Robert Wood Johnson Heath Policy Fellowship Program, Lifetime Achievement Award, 2010
Isidore I. Benrubi Lecture, Columbia University School of Public Health, 2010
Clara Lemlich Public Service Award, Triangle Shirtwaist Factory Fire Memorial, 2011
Allan Rosenfield Alumni Award for Excellence, Columbia Univ. School of Public Health, 2012
Inaugural Cancer and Society Lecture, International Agency for Research on Cancer, Lyon, France, 2012
John T. Dunlop Memorial Forum, Harvard Law School, 2013
William Steiger Memorial Award, American Conference of Governmental Industrial Hygienists (ACGIH), 2013
Paul Robeson Award, District 1199C American Federation of State, County and Municipal Employees, 2013
Jorma Rantanen Award, Finnish Institute of Occupational Health, Helsinki, Finland, 2013
J. William Lloyd Award, United Steelworkers, 2018
William D. Wagner Award, American Conference of Governmental Industrial Hygienists (ACGIH), 2018

ORIGINAL COMMUNICATIONS

1. Velasquez E, Hassan A, Belmar R, Drucker E, Michaels D. Inorganic Mercury Poisoning-Nicaragua. MMWR 29:393, 1980.

2. Hassan A, Velasquez E, Belmar R, Coye M, Drucker E, Landrigan P, Michaels D, Sidel K. Mercury Poisoning in Nicaragua. A Case Study of Environmental and Occupational Health Hazards by a Multinational Corporation. Int J Health Serv 11:221-226, 1981.

3. Michaels D. Occupational Cancer in the Black Population. The Health Effects of Job Discrimination. J Nat Med Ass 75:1014-1018, 1983.

4. Michaels D, Nagin D, Zoloth S. Occupational Hazards in the Dental Office. NY State Dent J 50:294-297, 1984.

5. Michaels D, Barrera C, Gacharna MG. Economic Development and Occupational Health in Latin America. New Directions for Public Health in Less Developed Countries. Amer J Pub Health 75:536-542, 1985.

6. Zoloth S, Michaels D. Asbestos Disease in Sheet Metal Workers. The Results of a Proportional Mortality Analysis. Amer J Ind Med 7:315-321, 1985.

7. Zoloth SR, Michaels DM, Villalbi JR, Lacher M. Patterns of Mortality among Commercial Pressmen. J Nat Cancer Inst 76:1047-1051, 1986.

8. Zoloth S, Michaels D, Lacher M, Nagin D, Drucker E. Asbestos Disease Screening by Non-Specialists. The Results of an Evaluation. Amer J Pub Health 76:1392-1395, 1986.

9. Michaels D, Zoloth S, Lacher M, Holstein E, Lilis R, Drucker E. Asbestos Disease in Sheet Metal Workers II. Radiologic Signs of Asbestosis among Active Workers. Amer J Ind Med 12:595-603, 1987.

10. Drucker E, Michaels D, Nagin D, Zoloth S. Exposure of Sheet Metal Workers to Asbestos during Construction and Renovation of Commercial Buildings in New York City. A Case Study in Social Medicine. Ann NY Acad Sci 502:230-244, 1987.

11. Michaels D, Zoloth S. Asbestos Disease in Sheet Metal Workers. Proportional Mortality Update. Amer J Ind Med 13:731-734, 1988.

12. Michaels D. Waiting for the Body Count. Corporate Decision Making and Bladder Cancer in the U.S. Dye Industry. Med Anthro Q 2:215-232, 1988.

13. Solet D, Zoloth S, Sullivan C, Jewett J, Michaels D. Patterns of Mortality in Pulp and Paper Workers. J Occup Med 31:627-630, 1989.

14. Alcabes P, Vossenas P, Cohen R, Braslow C, Michaels D, Zoloth S. Compliance with Isoniazid Prophylaxis in Jail. Amer Rev Resp Dis 140:1194-1197, 1989.

15. Shenson D, Dubler N, Michaels D. Jails and Prisons. The New Asylums? Amer J Pub Health 80:655-656, 1990.

16. Michaels D, Zoloth S. Mortality among Urban Bus Drivers. Int J Epidem 20:399-404, 1991.

17. Michaels D, Zoloth S, Stern FB. Does Low-Level Lead Exposure Increase Risk of Death? A Mortality Study of Newspaper Printers. Int J Epidem 20:978-983, 1991.

18. Welch LS, Michaels D, Zoloth S. Asbestos-Related Disease among Sheet Metal Workers: Preliminary Results of the National Sheet Metal Worker Asbestos Disease Screening Program. Ann NY Acad Sci 643:287-295, 1991.

19. Michaels D, Zoloth S, Alcabes A, Braslow C, Safyer S. Homelessness and Indicators of Mental Illness among Inmates in New York City's Correctional System. Hospital and Community Psychiatry 43:150-155, 1992.

20. Michaels D, Zoloth S, Bernstein N, Kass D, Schrier K. Workshops Are Not Enough. Making Right-To-Know Training Lead to Workplace Change. Amer J Ind Med 22:637-649, 1992.

21. Michaels D, Levine C. Estimates of the Number of Motherless Youth Orphaned by AIDS in the United States. JAMA 268:3456-3461, 1992.

22. Zoloth S, Safyer S, Rosen J, Michaels D, Alcabes P, Bellin E. Anergy Compromises Screening for Tuberculosis in High Risk Populations. Amer J Pub Health 83:749-751, 1993.

23. Welch LS, Michaels D, Zoloth SR. The National Sheet Metal Worker Asbestos Disease Screening Program. Radiologic Findings. Amer J Ind Med 25:635-648. 1994.

24. Michaels D. When Science Isn't Enough. Wilhelm Hueper, Robert A.M. Case and the Limits of Scientific Evidence in Preventing Occupational Bladder Cancer. Int J Occup Environ Health 1:278-288, 1995.

25. Michaels D. Fraud in the Workers' Compensation System. Origin and Magnitude. Occupational Medicine State of the Art Reviews 13:439-442, 1998.

26. Michaels D, Bingham E, Boden L, et al. Advice without Dissent. (editorial) Science 298:703, 2002.

27. Michaels D. Environmental Health Science and the Legacy of Popular Literature. Environ Health Perspectives 111:14-5, 2003.

28. Michaels D, Wagner W. Disclosure in Regulatory Science. Science 302:2073, 2003.

29. Wagner W, Michaels D. Equal Treatment for Regulatory Science. Extending the Controls Governing the Quality of Public Research to Private Research. Amer J Law Med 30:119-154, 2004.

30. Michaels D. *In Memoriam.* Thomas F. Mancuso, MD, MPH 1912-2004. Amer J Ind Med. 47:1-3, 2005. (Also published in Eur J Oncol 9.189-190, 2004.)

31. Michaels D. Scientific Evidence and Public Policy. (editorial) Amer J Public Health 95:Suppl1.S5, 2005.

32. Michaels D, Monforton C. Manufacturing Uncertainty. Contested Science and the Protection of the Public's Health and Environment. Amer J Public Health 95.Suppl1:S39-48, 2005.

33. Michaels D, Monforton C. Scientific Evidence in the Regulatory System: Manufacturing Uncertainty and the Demise of the Formal Regulatory System. J Law Policy 13(1): 17-41, 2005.

34. Dweck A, Lurie P, Michaels D, Wolfe S. Hexavalent Chromium Study's Conclusions Unjustified. (letter) J Occup Environ Med. 47:980-1, 2005.

35. Michaels D. Doubt is their Product. Scientific American 292:74-80, June 2005.

36. Michaels D, Monforton C. Lurie P. Selected Science: An Industry Campaign to Undermine an OSHA Hexavalent Chromium Standard. Environmental Health 5:5, 2006.

37. Neutra RR, Cohen A, Fletcher T, Michaels D, Richter ED, Soskolne CL. Toward Guidelines for the Ethical Reanalysis and Reinterpretation of Another's Research. Epidemiology. 17:335-8, 2006.

38. Michaels D. Mercenary Epidemiology – Data Reanalysis and Reinterpretation for Sponsors with Financial Interest in the Outcome. Ann Epidemiol 16:583-5, 2006.

39. Michaels D. Manufactured Uncertainty: Protecting Public Health in the Age of Contested Science and Product Defense. Ann NY Acad Sci. 1076:149-62, 2006.

40. Michaels D. Sarbanes-Oxley for Science. Law & Contemp Problems 69(3):1-19, 2006.

41. Michaels D, Monforton C. The Beryllium Occupational Exposure Limit: Historical Origin and Current Inadequacy. J Occup Environ Med. 48:998-1001, 2006.

42. Michaels D, Monforton C, Lurie P. Lung Cancer Mortality in the German Chromate Industry, 1958 to 1998. J Occup Environ Med. 48:995-7, 2006.

43. Welch LS, Haile E. Dement J, Michaels D. Change in Prevalence of Non-Malignant Asbestos-Related Disease among Sheet Metal Workers 1988-2004. Chest. 131:863-9, 2007.

44. Michaels D, Monforton C. How Litigation Shapes the Scientific Literature: Asbestos and Disease Among Automobile Mechanics. J Law & Policy 5(3):1137-1169, 2007.

45. Michaels D, Monforton C. Beryllium's Public Relations Problem. Protecting Workers When There Is No Safe Exposure Level. Public Health Reports 123:79-88, 2008. doi: 10.1177/003335490812300112

46. Michaels D. Addressing Conflict in Strategic Literature Reviews: Disclosure is not Enough. J Epidemiol Comm Health. 2009;63:599-600. doi: 10.1136/jech.2009.089524

47. Michaels D. OSHA Does Not Kill Jobs: It Helps Prevent Jobs from Killing Workers. Amer J Ind Med 55:961-963, 2012. doi: 10.1002/ajim.22122. Epub 2012 Sep 19.

48. Michaels D, Howard J. Review of the OSHA-NIOSH Response to the Deepwater Horizon Oil Spill: Protecting the Health and Safety of Cleanup Workers. PLOS Currents Disasters. 2012 Jul 18. doi: 10.1371/4fa83b7576b6e.

49. Michaels D, Burke T. The Dishonest HONEST Act. (editorial) Science 356:989 2017. DOI: 10.1126/science.aan5967

50. Gandhi TK, Kaplan GS, Leape L, et al. Transforming concepts in patient safety: a progress report. BMJ Quality & Safety. 2018;27(12):1019-1026. DOI: 10.1136/bmjqs-2017-007756

51. Michaels, D. Reimagining Our System for Public Health Protection. Amer J Public Health 109(7):975-976. 2019. DOI: 10.2105/AJPH.2019.305126

52. Michaels D, Barab J. OSHA at 50: Protecting Workers in a Changing Economy. Amer J Public Health (in press).

BOOKS, CHAPTERS, TRANSLATIONS, AND REPORTS

1. Michaels D. Minority Workers and Occupational Cancer. The Hidden Costs of Job Discrimination. In Behavior, Health Risks and Social Disadvantage. National Academy of Sciences Interim Report No. 6. Washington, DC. National Academy Press, 1982.

2. Michaels D, Zoloth S. Occupational Safety. Why Do Accidents Happen? Occ Health Nursing 30.12-16, 1982.

3. Michaels D, O'Leary K, Frumkin H. How to Determine the Hazard of a Substance. In Occupational Health. Recognizing and Preventing Work-Related Disease. Levy B and Wegman D, editors. Boston. Little, Brown and Company, 1983.

4. Michaels D, Zoloth S. Securite du Travail. Pourqoui les Accidents Arrivent-Ils? Histoire des Accidents du Travail (Nantes, France), 15.71-83, 1983.

5. Michaels D, Barrera C, Gacharna MG. Occupational Health and the Economic Development of Latin America. Multinational Monitor 9.11-13, 1984.

6. Michaels, D. Tackling Tight Building Syndrome. What Can Workers Do? In Human Aspects in Office Automation. Cohen BGF, editor. Amsterdam, The Netherlands; Elsevier Science Publishers, 1984.

7. Michaels D, Barrera C, Gacharna MG. O Desenvolvimento Economico e a Saude Ocupacional na America Latina. Novas Tendencias para a Saude Publica em Paises Subdesenvolvidos. Revista Brasileira de Saude Ocupacional (Sao Paolo, Brazil), 13:7-14, 1985.

8. Michaels D, Barrera C, Gacharna MG. Occupational Health and the Economic Development of Latin America. In The Export of Hazards. Transnational Corporations and Environmental Control Issues. Ives J, editor. Boston. Routledge & Kegan, Paul, 1985.

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10. Michaels D. Remarks on the Role of the University. In Asbesto y Salud en America Latina. Mitastein M, editor. Mexico City. Pan American Health Organization, 1987.

11. Michaels D, Mendes R, Christiani DC, Xue-qi G. Occupational Health in Selected Developing Countries. In Occupational Health. Recognizing and Preventing Work-Related Disease (2nd Edition). Levy B and Wegman D, eds. Boston. Little, Brown and Co., 1988.

12. Michaels D, Zoloth S. How to Research the Toxic Effects of Chemical Substances. In Occupational Health. Recognizing and Preventing Work Related Disease (2nd Edition). Levy B and Wegman D, eds. Boston. Little, Brown and Co., 1988.

13. Michaels D, Mazzocchi A, Eller SW, Edelsack P. A Labor Perspective on the Role of the Health Care Provider in Occupational Health and Safety. In Environmental and Occupational Medicine (2nd Edition). Rom W, ed. Boston. Little, Brown and Co., 1992.

14. Geiger HJ, Rush D, Michaels D. Dead Reckoning. A Critical Review of the Department of Energy's Epidemiologic Research. Washington DC. Physicians for Social Responsibility, 1992.

15. Kaminsky M, Klitzman S, Michaels D. Health Profile of Cancer, Asthma and Childhood Lead Poisoning in Greenpoint/ Williamsburg. New York City Department of Health 1992.

16. Belmar R, Hofmeister V, Michaels D, Moreno AR, Romieu I. Air Pollution. In Environmental Epidemiology. A Project for Latin America and the Caribbean. Finkelman J, Corey G, Calderon R, editors. Mexico City. Pan-American Health Organization, U.S. Environmental Protection Agency, International Programme on Chemical Safety and Global Environmental Epidemiology Network (WHO) 1993.

17. Michaels D. Colorfast Cancer. The Legacy of Corporate Malfeasance in the U.S. Dye Industry. In Toxic Circles. Workplace to Community. Sheehen HE and Weeden RP, editors. New Brunswick. Rutgers University Press 1993.

18. Michaels D, Levine C. The Youngest Survivors. Estimates of the Number of Motherless Youth Orphaned by AIDS in New York City. In A Death in the Family. Orphans of the HIV Epidemic. New York. United Hospital Fund 1993.

19. Michaels D. Projections of Motherless AIDS Orphans under 15 in Six Countries. In Action for Children Affected by AIDS. Programme Profiles and Lessons Learned. A Joint World Health Organization/United Nations Children's Fund Document. New York. UNICEF 1994.

20. Zoloth S, Michaels D. How to Research the Toxic Effects of Chemical Substances. In Occupational Health. Recognizing and Preventing Work-Related Disease (3rd Edition). Levy B and Wegman D, editors. Boston. Little, Brown and Company 1995.

21. Michaels D. ERISA - State Flexibility. In Winning Issues in Health Care Reform. A Report from the 1993-1994 RWJ Health Policy Fellows. Advances. The Newsletter of the Robert Wood Johnson Foundation 8(1):2, 1995.

22. Levine C, Michaels D, Back SD. Orphans of the HIV/AIDS Epidemic. Emerging Global Trends and Programmatic Responses. In AIDS and the World (2nd Edition). Mann J and Tarantola D, editors. New York. Oxford University Press 1996.

23. Michaels D. Estimated Number of Children and Adolescents Orphaned by Maternal HIV/AIDS in New York State. In Families in Crisis. A Report of the Working Committee in HIV Families and Children. New York. Federation of Protestant Welfare Agencies 1996.

24. Michaels D. Estimates of Motherless Youth in New Jersey. In Issues Affecting New Jersey's Orphans of the HIV Epidemic New Jersey AIDS Partnership 1997.

25. Forest W, Kubota C, Zoloth S, Michaels D, Cone J. How to Research the Effects of Chemical Substances or Other Workplace Hazards. In Occupational Health. Recognizing and Preventing Work-Related Disease (4th Edition). Levy B and Wegman D, editors. Philadelphia. Lippincott Williams and Wilkins 2000.

26. Michaels D. Regulatory Science. Does Peer Review Help or Hurt? In Rescuing Science from Politics. Regulation and the Distortion of Scientific Research. Wagner W and Steinzor S, editors. New York. Cambridge University Press 2006.

27. Michaels D. Manufactured Uncertainty. Contested Science and the Protection of the Public's Health and Environment. In Agnotology. The Making and Unmaking of Ignorance. Proctor RN and Schiebinger L, editors. Stanford. Stanford University Press 2008.

28. Michaels D. Doubt is Their Product. How Industry's War on Science Threatens Your Health. New York. Oxford University Press 2008.

29. Michaels D, Wagner GR. Work, Health, and Well-Being. In Environmental Health: From Global to Local. (3rd Edition). Frumkin H, ed. San Francisco. Jossey-Bass, 2016.

30. Michaels, D. Seven Ways to Improve Operations without Sacrificing Worker Safety. Harvard Business Review. March 21, 2018.

31. Michaels D. The Triumph of Doubt: Dark Money and the Science of Deception. New York. Oxford University Press 2020.

RECENT MAJOR NATIONAL AND GLOBAL LEADERSHIP POSITIONS

Federal Advisory Council on Occupational Safety and Health, Chair	2009-2017
Administrative Conference of the United States	
Government Member	2010-2017
Senior Member	2018-present
Emerging Technologies Interagency Policy Coordination Committee	2010-2012
National Science and Technology Council,	
Committee on Homeland and National Security	2010-2017
National Toxicology Program,	
Chair, Executive Committee	2011-2017
Member, Board of Scientific Counselors	2018-present
National Academy of Medicine Roundtable on Environmental Health Sciences, Research, and Medicine	2011-present
Global Reporting Initiative, Occupational Health & Safety Work Group Member	2017-2018
Lucian Leape Institute of the Institute for HealthCare Improvement/ National Patient Safety Foundation Member	2017-present
Singapore Ministry of Manpower International Advisory Panel	2018-present

PEER REVIEWER

Journals:

AIDS
American Journal of Industrial Medicine
American Journal of Public Health
International Journal of Epidemiology

International Journal of Occupational and Environmental Health
Journal of the American Medical Association
Preventive Medicine (Editorial Board)
Public Health Reports
Science

Agencies and Institutions:
National Academy of Sciences/Institute of Medicine
National Center for Environmental Health/Agency for Toxic Substance and Disease Registry
National Institute for Occupational Safety and Health

INTERNATIONAL CONSULTANTSHIPS

Inter-American Center for the Study of Social Security (Mexico)
International Labour Organization
Marshall Islands Nuclear Claims Tribunal, Office of the Public Advocate
Ministry of Health and Institute of Social Security (Colombia)
Pan American Health Organization - Center for Human Ecology and Health (Mexico)
United Nations Centre on Transnational Corporations (New York)

In the United States District Court
Western District of Missouri

RURAL COMMUNITY WORKERS ALLIANCE and JANE DOE,

Plaintiffs,

v.

SMITHFIELD FOODS, INC. and SMITHFIELD FRESH MEATS CORP.,

Defendants.

Declaration of Ann Rosenthal

I, Ann Rosenthal, declare as follows:

1. From 1988 until June, 2018, I worked as a managing attorney in the Office of the United States Solicitor of Labor, Division of Occupational Safety and Health. At the time of my retirement in 2018, I was Associate Solicitor for Occupational Safety and Health, the chief lawyer for the Occupational Safety and Health Administration ("OSHA").

2. My experience at OSHA included providing legal advice on both enforcement and regulatory activities, as well as managing OSHA litigation in Federal district and appellate courts and before the Occupational Safety and Health Review Commission. My office was a necessary participant in all of OSHA's activities in these areas, and was required to approve its relevant policies.

3. Drawing on that background and experience I state as follows.

4. OSHA has extremely limited tools to protect slaughterhouse and meat packing workers during the COVID-19 pandemic and, based on my observation, OSHA has not been using even those tools.

5. Moreover, OSHA has no authority to cite employers who fail to protect members of the community from infectious disease.

6. The Occupational Safety & Health Act imposes two types of duties on employers. Employers are required to comply with OSHA standards. 29 U.S.C. § 654(a)(2). And, employers are required to comply with the OSH Act's general duty clause, which requires employers to provide their employees "with employment and places of employment free from recognized hazards." 29 U.S.C. § 654(a)(1).

7. Regarding the first type of duty, no OSHA standard addresses the risk of infectious diseases like COVID-19.

8. To the extent any OSHA standards could conceivably protect workers from anything related to COVID-19 they are extraordinarily weak, such as those governing sanitation and housekeeping 29 C.F.R. §§ 1910.22, 141, which require minimal effort by employers to protect their workers by keeping the workers and their workplaces clean; OSHA's personal protective equipment standard 29 C.F.R. § 1910. 132,134, which applies when an employer determines its employees face a "hazard." Because these standards require an employer to determine what type of protective equipment *they* think workers need, they are difficult to enforce. Several of these regulatory provisions date from the 1970s and none were drafted to protect workers from the spread of infectious diseases.

9. OSHA could theoretically issue guidance advising employers on when and how to implement these regulations during the current pandemic. It has done no more than issue non-binding statements that it believes these standards may apply. The recent

guidance OSHA published with the Centers for Disease Control (CDC) relating to the meatpacking industry are an example of general, non-binding statements by OSHA.

10. I have been examining OSHA's steps during the pandemic and it has taken no steps that I am aware of to enforce its standards.

11. When OSHA has not issued a standard regulating a hazard, it may rely on the general duty clause to protect employees from "recognized hazards." In the case of the COVID-19 pandemic, OSHA could announce its intent to cite employers under the general duty clause if they do not implement appropriate protective measures, such as those recommended by the Centers for Disease Control guidance and OSHA itself. To issue a general duty clause citation, OSHA must have evidence that workers are exposed to a hazard that is likely to cause death or serious physical harm, that the hazard is "recognized," either by the individual employer or by its industry, and that there is a feasible way to abate the hazard. OSHA cannot enforce the guidelines; however it can use them as evidence that the hazard which the guidelines address is "recognized," and that there are feasible methods to abate it. Currently, OSHA is not using the general duty clause to require that employers outside the health care and emergency response sectors follow such guidelines. See OSHA Interim Enforcement Response Plan for Coronavirus Disease-2019-Covid-19

12. Instead, OSHA has issued guidance advising its inspectors to exercise "enforcement discretion" when addressing complaints relating to COVID-19 outside the health care and emergency response sectors. *Ibid.; see also* OSHA Enforcement Discretion when Considering Employers Good Faith Efforts During the Covid-19 Pandemic. Based on my experience at the agency, I know that "enforcement discretion"

is a term OSHA uses it to describe situations where it will not take enforcement action. I interpret this guidance to mean that OSHA will not cite employers involved in food processing for violations of the OSH Act relating to COVID 19 risks.

13. Moreover, OSHA's guidance indicates that it likely will not even conduct inspections in "medium" risk facilities, such as meatpacking plants. Instead, OSHA's guidance indicates that when its Area Offices learn of potentially hazardous conditions in a meatpacking plant, they are to respond informally ("non-formal phone/fax" in OSHA parlance). This means that OSHA will notify the employer of what it has learned and ask the employer to respond. OSHA also uses the term Rapid Response Investigation (RRI) to describe this practice, but this term should not be interpreted as OSHA conducting any kind of investigation itself. OSHA's notification to the employer does not require the employer to take any action to abate hazards. In other words, these informal letters from OSHA do not impose an enforceable duty on an employer.

14. If OSHA determines that an employer's response to its informal inquiry is not adequate, OSHA may initiate an on-site inspection. I have checked OSHA's online inspection database and it shows that OSHA has not initiated an inspection at Smithfield's Milan facility. In my experience, OSHA will not cite such a facility for violations of the general duty clause or the Agency's sanitation or personal protective equipment standards without first conducting an on-site inspection.

15. OSHA citations are not issued immediately after an inspection is completed.

16. In the case of COVID 19, OSHA has advised its area offices that any proposed citations must be reviewed in the National Office before being issued. In my

experience from working at the agency, such National Office review means that no citations will be issued—even if OSHA finds that an employer is exposing its workers to serious risk of contracting COVID-19—for several months at least, and usually closer to six months.

17. Even if OSHA were to issue a citation several months from now, an employer has no duty to abate the hazards OSHA has identified until there is a final order of the Occupational Safety & Health Review Commission. 29 U.S.C. § 659(b). Such a final order is deemed to have been issued 15 days after OSHA issues a citation, if the employer does not contest the citation. However, if the employer contests the citations, an employer has no duty to abate the hazard OSHA has cited until proceedings before OSHRC have concluded. In my experience, OSHRC proceedings can delay abatement for several years, at least, and more than a decade at most. *See, e.g., Dayton Tire v. Secretary*, 671 F.3d 1249 (D.C. Cir. 2012).

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed April 28, 2020 in Bethesda, MD.

Ann Rosenthal

Ann Rosenthal

April 28, 2020

Dated

In the United States District Court
Western District of Missouri

RURAL COMMUNITY WORKERS ALLIANCE and JANE DOE,

Plaintiffs,

v.

SMITHFIELD FOODS, INC. and SMITHFIELD FRESH MEATS CORP.,

Defendants.

Declaration of David Michaels, PhD, MPH

I, David Michaels, declare as follows:

1. I am currently a Professor of Environmental and Occupational Health at the Milken Institute School of Public Health of the George Washington University, in Washington, D.C.

2. I am an epidemiologist with expertise in the study and prevention of occupational injuries and illnesses.

3. From 2009 until January 2017, I served as Assistant Secretary for the Occupational Safety and Health Administration ("OSHA") of the U.S. Department of Labor, the longest serving Administrator in OSHA's history.

4. In addition, from 1998 to 2001, I served as Assistant Secretary of Energy for Environment, Safety and Health.

5. I have published studies on work-related injuries and illnesses in numerous peer-reviewed scientific publications, and I have received numerous awards and recognition for my work. I have served or currently serve on international panels

addressing occupational safety and health, including ones focused on the collection and disclosure of work-related injury and illness data.

6. My complete, current CV is attached as Exhibit A.

7. The following draws from my experience at OSHA and an expert on occupational safety and health regulation. Since the beginning of the COVID-19 pandemic, I have been closely monitoring OSHA's activity – or lack thereof – as part of my academic work.

8. OSHA has limited tools to protect workers at slaughterhouses and meatpacking plants during the COVID-19 pandemic, including Defendants "Smithfield." Based on my observation, throughout this crisis—dating back more than three months—OSHA has failed to enforce any of its limited requirements that could conceivably protect meatpacking workers from illness. And, OSHA is not authorized to cite employers who fail to protect members of the community from infectious disease. In my expert opinion, OSHA has been missing in action during the pandemic.

9. The Occupational Safety & Health Act imposes two enforceable duties on employers. Employers are required to comply with OSHA standards. 29 USC § 654(a)(2). And, employers are required to comply with the OSH Act's general duty clause which requires employers to provide their employees "with employment and places of employment free from recognized hazards." 29 USC § 654(a)(1).

10. OSHA has not adopted a specific standard that protects employees from the risk of infectious diseases like COVID-19. Existing OSHA regulations, such as those governing sanitation, and personal protective equipment, 29 CFR §§1910.132,134, require minimal effort by employers. Under these regulations, employers are left to

identify which "hazards" require protection. On April 26, OSHA issued guidance advising employers in the meatpacking industry on how these regulations apply during the current pandemic. Such guidance is not binding.

11. When OSHA has not issued a standard regulating a hazard, it may rely on the general duty clause to protect employees from "recognized hazards." General duty clause citations require a higher degree of proof than do citations alleging violations of OSHA standards, are resource intensive for OSHA to document and justify, and have little effect on improving workplaces generally. OSHA has not issued any such citations to protect against the novel coronavirus causing COVID-19.

12. Moreover, while OSHA could announce its intent to cite employers for failure to follow that guidance, it has not done so. In other words, parroting CDC, OSHA, has made *recommendations* regarding how meat packing plants should operate, but those statements, including the one issued April 26, 2020, are *voluntary*. OSHA has not indicated that it will cite employers who fail to comply with its recommendations.

13. Instead, OSHA has issued guidance advising its inspectors to exercise "enforcement discretion" when addressing complaints relating to COVID-19. https://www.osha.gov/memos/2020-04-13/interim-enforcement-response-plan-coronavirus-disease-2019-covid-19 Based on my years of experience with the agency and Department of Labor, I interpret this guidance to mean that OSHA will not cite employers in the meat industry for violations of the OSH Act relating to COVID 19 risks.

14. OSHA's guidance indicates that it likely will not even conduct inspections in "medium" risk facilities, such as meatpacking plants. Instead, OSHA's guidance indicates that when they learn of potentially hazardous conditions in a meatpacking plant,

they will send a letter to the employer seeking information. Such inquiries are informal, they do not require an employer to take action to abate hazards, and do not lead to citations. In other words, informal letters from OSHA do not impose an enforceable duty on an employer.

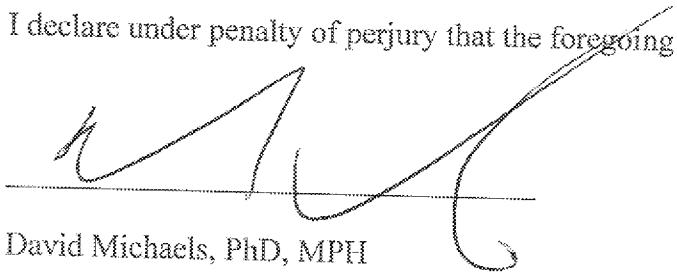
15. If OSHA determines that an employer's response to its informal inquiry is not adequate, OSHA may initiate an on-site inspection. https://www.osha.gov/memos/2020-04-13/interim-enforcement-response-plan-coronavirus-disease-2019-covid-19. Under existing OSHA procedures, OSHA will not cite an employer without an on-site inspection.

16. Furthermore, OSHA citations are not issued immediately after an inspection is completed. In the case of COVID 19, OSHA has advised its area offices that any proposed citations must be reviewed in the National Office before being issued. *Id.* In my experience, such National office review makes it far less likely that citations will be issued – even if OSHA finds that an employer is exposing its workers to serious risk of contracting COVID-19 – for several months at least.

17. Even if OSHA were to issue a citation several months from now, under the OSH Act an employer has no duty to abate the hazards OSHA has identified until a final order of the Occupational Safety & Health Review Commission issues. 29 U.S.C.§659(b). Such a final order is deemed to have been issued 15 days after OSHA issues a citation if the employer does not contest it. However, if the employer contests the citations, an employer has no duty to abate the hazard OSHA has cited until proceedings before OSHRC have concluded. In my experience, OSHRC proceedings usually delay abatement for several years, at least.

18. Under section 13 of the OSH Act, OSHA has the authority to file suit in federal court to enjoin an imminent danger. During my tenure as the head of OSHA, the Agency did not file any imminent danger suits. To the best of my knowledge, OSHA has not filed such an action since the mid-1990s. Further still, OSHA procedures require that the Agency conduct an inspection prior to filing an imminent danger suit. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true to the best of my knowledge



David Michaels, PhD, MPH

EXHIBIT A

DAVID MICHAELS PhD, MPH
6843 Tulip Hill Terrace
Bethesda, MD 20816
drdavidmichaels@gmail.com

PROFESSIONAL EMPLOYMENT AND APPOINTMENTS

Current Employment and Academic Appointment

The Milken Institute School of Public Health of George Washington University
Department of Environmental and Occupational Health

Professor	2009-present
Vice-Chair for Education	2019-present
Interim Chairman	2008-2009
Associate Chairman	2004-2008
Research Professor	2001-2009

Department of Epidemiology

Professor	2017-present

Previous Employment and Primary Academic Appointments

The United States Department of Labor

Assistant Secretary for Occupational Safety and Health	2009-2017

The United States Department of Energy

Assistant Secretary for Environment, Safety and Health	1998-2001

The City University of New York Medical School
Department of Community Health and Social Medicine

Professor	1996-2001
Acting Chairperson	1992, 1996-7
Associate Professor	1990-1995

Montefiore Medical Center/Albert Einstein College of Medicine
Department of Epidemiology and Social Medicine

Director, Division of Public Health	1988-1990
Director, Program in Occupational Health	1981-1988
Curriculum Coordinator	1979-1981
Research Associate	1977-1979

Additional Academic Appointments

The Icahn School of Medicine at Mount Sinai
Department of Environmental Medicine and Public Health

Adjunct Professor	2001-present
Adjunct Associate Professor	1993-2000
The Albert Einstein College of Medicine	
Department of Epidemiology and Population Health	
Visiting Associate Professor	1991-2008
Associate Professor	1990-1991
Assistant Professor	1981-1990
Instructor	1980-1981

EDUCATION

The City College of New York	1977	BA	History (cum laude)
Columbia University	1981	MPH	Epidemiology
	1987	PhD	Sociomedical Sciences

ADDITIONAL POST-GRADUATE TRAINING

Quantitative Methods in Cancer Epidemiology. The International Agency for Research on Cancer, Lyon, France, 1985.

FELLOWSHIPS AND RESIDENCIES

World Health Organization Travel Fellowship, 1992
Robert Wood Johnson Foundation Health Policy Fellowship, Washington, DC 1993-1994
Rockefeller Foundation Bellagio Center Residency, Bellagio, Italy 2018

AWARDS, HONORS & ELECTED MEMBERSHIPS

Jay S. Drotman Memorial Award, American Public Health Association, 1984
Bicentary Keynote Lecturer, Sydney Hospital, Sydney, Australia, 1988
Samuel Gompers Award, International Assoc. of Industrial Accident Boards & Commissions, 2000
National Academy of Social Insurance, 2000-2009, 2017-Present
Meritorious Service Award, United States Department of Energy, 2001
Honorary Kentucky Colonel, 2001
Honorary Duke of Paducah (Kentucky), 2001
David P. Rall Award for Advocacy in Public Health, American Public Health Association, 2001
Collegium Ramazzini (Fellow), 2003-2009, 2017-present
Scientific Freedom and Responsibility Award, American Association for the Advancement of Science, 2005
Delta Omega (Honorary Society in Public Health), 2007-present
John P. McGovern Science and Society Award, Sigma Xi, 2009
Environmental Hero of the Year, Environmental Relief Center, 2009

ASPH/Pfizer Public Health Academy of Distinguished Teachers, 2009-present
Jeffrey S. Lee Lecture, American Industrial Hygiene Conference, Toronto, Canada, 2009
Robert Wood Johnson Heath Policy Fellowship Program, Lifetime Achievement Award, 2010
Isidore I. Benrubi Lecture, Columbia University School of Public Health, 2010
Clara Lemlich Public Service Award, Triangle Shirtwaist Factory Fire Memorial, 2011
Allan Rosenfield Alumni Award for Excellence, Columbia Univ. School of Public Health, 2012
Inaugural Cancer and Society Lecture, International Agency for Research on Cancer, Lyon, France, 2012
John T. Dunlop Memorial Forum, Harvard Law School, 2013
William Steiger Memorial Award, American Conference of Governmental Industrial Hygienists (ACGIH), 2013
Paul Robeson Award, District 1199C American Federation of State, County and Municipal Employees, 2013
Jorma Rantanen Award, Finnish Institute of Occupational Health, Helsinki, Finland, 2013
J. William Lloyd Award, United Steelworkers, 2018
William D. Wagner Award, American Conference of Governmental Industrial Hygienists (ACGIH), 2018

ORIGINAL COMMUNICATIONS

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4. Michaels D, Nagin D, Zoloth S. Occupational Hazards in the Dental Office. NY State Dent J 50:294-297, 1984.

5. Michaels D, Barrera C, Gacharna MG. Economic Development and Occupational Health in Latin America. New Directions for Public Health in Less Developed Countries. Amer J Pub Health 75:536-542, 1985.

6. Zoloth S, Michaels D. Asbestos Disease in Sheet Metal Workers. The Results of a Proportional Mortality Analysis. Amer J Ind Med 7:315-321, 1985.

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8. Zoloth S, Michaels D, Lacher M, Nagin D, Drucker E. Asbestos Disease Screening by Non-Specialists. The Results of an Evaluation. Amer J Pub Health 76:1392-1395, 1986.

9. Michaels D, Zoloth S, Lacher M, Holstein E, Lilis R, Drucker E. Asbestos Disease in Sheet Metal Workers II. Radiologic Signs of Asbestosis among Active Workers. Amer J Ind Med 12:595-603, 1987.

10. Drucker E, Michaels D, Nagin D, Zoloth S. Exposure of Sheet Metal Workers to Asbestos during Construction and Renovation of Commercial Buildings in New York City. A Case Study in Social Medicine. Ann NY Acad Sci 502:230-244, 1987.

11. Michaels D, Zoloth S. Asbestos Disease in Sheet Metal Workers. Proportional Mortality Update. Amer J Ind Med 13:731-734, 1988.

12. Michaels D. Waiting for the Body Count. Corporate Decision Making and Bladder Cancer in the U.S. Dye Industry. Med Anthro Q 2:215-232, 1988.

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15. Shenson D, Dubler N, Michaels D. Jails and Prisons. The New Asylums? Amer J Pub Health 80:655-656, 1990.

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31. Michaels D. The Triumph of Doubt: Dark Money and the Science of Deception. New York. Oxford University Press 2020.

RECENT MAJOR NATIONAL AND GLOBAL LEADERSHIP POSITIONS

Federal Advisory Council on Occupational Safety and Health, Chair	2009-2017
Administrative Conference of the United States	
Government Member	2010-2017
Senior Member	2018-present
Emerging Technologies Interagency Policy Coordination Committee	2010-2012
National Science and Technology Council,	
Committee on Homeland and National Security	2010-2017
National Toxicology Program,	
Chair, Executive Committee	2011-2017
Member, Board of Scientific Counselors	2018-present
National Academy of Medicine Roundtable on Environmental Health Sciences, Research, and Medicine	2011-present
Global Reporting Initiative, Occupational Health & Safety Work Group Member	2017-2018
Lucian Leape Institute of the Institute for HealthCare Improvement/ National Patient Safety Foundation Member	2017-present
Singapore Ministry of Manpower International Advisory Panel	2018-present

PEER REVIEWER

Journals:
AIDS
American Journal of Industrial Medicine
American Journal of Public Health
International Journal of Epidemiology

International Journal of Occupational and Environmental Health
Journal of the American Medical Association
Preventive Medicine (Editorial Board)
Public Health Reports
Science

Agencies and Institutions:
National Academy of Sciences/Institute of Medicine
National Center for Environmental Health/Agency for Toxic Substance and Disease Registry
National Institute for Occupational Safety and Health

INTERNATIONAL CONSULTANTSHIPS

Inter-American Center for the Study of Social Security (Mexico)
International Labour Organization
Marshall Islands Nuclear Claims Tribunal, Office of the Public Advocate
Ministry of Health and Institute of Social Security (Colombia)
Pan American Health Organization - Center for Human Ecology and Health (Mexico)
United Nations Centre on Transnational Corporations (New York)

In the United States District Court
Western District of Missouri

RURAL COMMUNITY WORKERS ALLIANCE and JANE DOE,

Plaintiffs,

v.

SMITHFIELD FOODS, INC. and SMITHFIELD FRESH MEATS CORP.,

Defendants.

Declaration of Ann Rosenthal

I, Ann Rosenthal, declare as follows:

1. From 1988 until June, 2018, I worked as a managing attorney in the Office of the United States Solicitor of Labor, Division of Occupational Safety and Health. At the time of my retirement in 2018, I was Associate Solicitor for Occupational Safety and Health, the chief lawyer for the Occupational Safety and Health Administration ("OSHA").

2. My experience at OSHA included providing legal advice on both enforcement and regulatory activities, as well as managing OSHA litigation in Federal district and appellate courts and before the Occupational Safety and Health Review Commission. My office was a necessary participant in all of OSHA's activities in these areas, and was required to approve its relevant policies.

3. Drawing on that background and experience I state as follows.

4. OSHA has extremely limited tools to protect slaughterhouse and meat packing workers during the COVID-19 pandemic and, based on my observation, OSHA has not been using even those tools.

5. Moreover, OSHA has no authority to cite employers who fail to protect members of the community from infectious disease.

6. The Occupational Safety & Health Act imposes two types of duties on employers. Employers are required to comply with OSHA standards. 29 U.S.C. § 654(a)(2). And, employers are required to comply with the OSH Act's general duty clause, which requires employers to provide their employees "with employment and places of employment free from recognized hazards." 29 U.S.C. § 654(a)(1).

7. Regarding the first type of duty, no OSHA standard addresses the risk of infectious diseases like COVID-19.

8. To the extent any OSHA standards could conceivably protect workers from anything related to COVID-19 they are extraordinarily weak, such as those governing sanitation and housekeeping 29 C.F.R. §§ 1910.22, 141, which require minimal effort by employers to protect their workers by keeping the workers and their workplaces clean; OSHA's personal protective equipment standard 29 C.F.R. § 1910. 132,134, which applies when an employer determines its employees face a "hazard." Because these standards require an employer to determine what type of protective equipment *they* think workers need, they are difficult to enforce. Several of these regulatory provisions date from the 1970s and none were drafted to protect workers from the spread of infectious diseases.

9. OSHA could theoretically issue guidance advising employers on when and how to implement these regulations during the current pandemic. It has done no more than issue non-binding statements that it believes these standards may apply. The recent

guidance OSHA published with the Centers for Disease Control (CDC) relating to the meatpacking industry are an example of general, non-binding statements by OSHA.

10. I have been examining OSHA's steps during the pandemic and it has taken no steps that I am aware of to enforce its standards.

11. When OSHA has not issued a standard regulating a hazard, it may rely on the general duty clause to protect employees from "recognized hazards." In the case of the COVID-19 pandemic, OSHA could announce its intent to cite employers under the general duty clause if they do not implement appropriate protective measures, such as those recommended by the Centers for Disease Control guidance and OSHA itself. To issue a general duty clause citation, OSHA must have evidence that workers are exposed to a hazard that is likely to cause death or serious physical harm, that the hazard is "recognized," either by the individual employer or by its industry, and that there is a feasible way to abate the hazard. OSHA cannot enforce the guidelines; however it can use them as evidence that the hazard which the guidelines address is "recognized," and that there are feasible methods to abate it. Currently, OSHA is not using the general duty clause to require that employers outside the health care and emergency response sectors follow such guidelines. See OSHA Interim Enforcement Response Plan for Coronavirus Disease-2019-Covid-19

12. Instead, OSHA has issued guidance advising its inspectors to exercise "enforcement discretion" when addressing complaints relating to COVID-19 outside the health care and emergency response sectors. *Ibid.; see also* OSHA Enforcement Discretion when Considering Employers Good Faith Efforts During the Covid-19 Pandemic. Based on my experience at the agency, I know that "enforcement discretion"

is a term OSHA uses it to describe situations where it will not take enforcement action. I interpret this guidance to mean that OSHA will not cite employers involved in food processing for violations of the OSH Act relating to COVID 19 risks.

13. Moreover, OSHA's guidance indicates that it likely will not even conduct inspections in "medium" risk facilities, such as meatpacking plants. Instead, OSHA's guidance indicates that when its Area Offices learn of potentially hazardous conditions in a meatpacking plant, they are to respond informally ("non-formal phone/fax" in OSHA parlance). This means that OSHA will notify the employer of what it has learned and ask the employer to respond. OSHA also uses the term Rapid Response Investigation (RRI) to describe this practice, but this term should not be interpreted as OSHA conducting any kind of investigation itself. OSHA's notification to the employer does not require the employer to take any action to abate hazards. In other words, these informal letters from OSHA do not impose an enforceable duty on an employer.

14. If OSHA determines that an employer's response to its informal inquiry is not adequate, OSHA may initiate an on-site inspection. I have checked OSHA's online inspection database and it shows that OSHA has not initiated an inspection at Smithfield's Milan facility. In my experience, OSHA will not cite such a facility for violations of the general duty clause or the Agency's sanitation or personal protective equipment standards without first conducting an on-site inspection.

15. OSHA citations are not issued immediately after an inspection is completed.

16. In the case of COVID 19, OSHA has advised its area offices that any proposed citations must be reviewed in the National Office before being issued. In my

experience from working at the agency, such National Office review means that no citations will be issued—even if OSHA finds that an employer is exposing its workers to serious risk of contracting COVID-19—for several months at least, and usually closer to six months.

17. Even if OSHA were to issue a citation several months from now, an employer has no duty to abate the hazards OSHA has identified until there is a final order of the Occupational Safety & Health Review Commission. 29 U.S.C. § 659(b). Such a final order is deemed to have been issued 15 days after OSHA issues a citation, if the employer does not contest the citation. However, if the employer contests the citations, an employer has no duty to abate the hazard OSHA has cited until proceedings before OSHRC have concluded. In my experience, OSHRC proceedings can delay abatement for several years, at least, and more than a decade at most. *See, e.g., Dayton Tire v. Secretary*, 671 F.3d 1249 (D.C. Cir. 2012).

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed April 28, 2020 in Bethesda, MD.

Ann Rosenthal

Ann Rosenthal

April 29, 2020

Dated

Message

From: Ewell, Richard - SOL [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6ABBFE6B0E5B4C6C9DED9F79CCFF388E-EWELL, RICH]
Sent: 12/22/2020 5:22:44 PM
To: Baird, Edmund - SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=94d10e2526774b56bbc31cec7f67b776-Baird, Edmu]; (b) 6
SOL [/o=ExchangeLabs/ou=Exchange Administrative Group
(b) 6 Kramer, Allison - SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=23594a823e474cff94c353341cd30daa-Kramer, All]
CC: (b) 6
Subject: FYI - (b) 5
Attachments: (b) 5

FYI, (b) 5

(b) 5

- Richard

Richard Ewell
Senior Attorney
(202) 693- (b) 6
Pronouns: he, him, his

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From: (b) 6 - SOL (b) 6
Sent: Tuesday, December 8, 2020 4:56 PM
To: (b) 6
(b) 6 Ewell, Richard - SOL <Ewell.Richard@dol.gov>
Subject: (b) 5

Hello All,

I have attached my outline (b) 5
(b) 5

(b) 5

(b) 5

(b) 6
Attorney, Office of the Solicitor
U.S. Department of Labor
Frances Perkins Building, Room N-2700
200 Constitution Avenue NW
Washington, D.C. 20210
(202) 693-(b) 6

Message

From: (b) 6 - SOL [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (b) 6

Sent: 7/8/2020 8:50:32 PM

To: Baird, Edmund - SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=94d10e2526774b56bbc31cec7f67b776-Baird, Edmu]

Subject: (b) 5

Attachments:

Hi Ed,

(b) 5

(b) 5

(b) 5

(b) 5

(b) 5

Message

From: b(6) OSHA b(6)
b(6)
Sent: 1/4/2021 9:44:15 PM
To: b(6) SOL b(6)
b(6) SOL
b(6)
b(6) SOL
b(6)
b(6)
CC: b(6) OSHA b(6)
b(6) OSHA
b(6)
b(6)
Subject: FW: BNA - CA Agriculture ETS Challenge
Attachments: ETS_Complaint_w_Exhibits.pdf

SOL – see latest lawsuit on Cal-OSHA

From: b(6) OSHA b(6)
Sent: Monday, January 4, 2021 4:18 PM
To: b(6) OSHA b(6)
Cc: b(6) OSHA b(6)
Subject: RE: BNA - CA Agriculture ETS Challenge

Here's the full article (thanks to Pete) and also a copy of the brief (attached). (b) 5
(b) 5

Bloomberg Law

California Agriculture Businesses Fight Covid-19 Protection Rule

Dec. 31, 2020, 3:39 PM

- Asks judge to halt enforcement of Cal/OSHA rule
- Workplace protection measure took effect Nov. 30

California agriculture organizations are challenging in court the state emergency rule intended to protect workers from on-the-job coronavirus infections.

Six groups, including the California Farm Bureau Federation, the Western Growers Association, and the California Business Roundtable, said the lawsuit was filed Thursday in Los Angeles County Superior Court. The case wasn't available on the court website and the filing couldn't be independently confirmed.

California regulators "imposed unrealistic, unfounded and economically harmful standards in total disregard of these realities," Dave Puglia, president of Western Growers, said in a written statement. "We have no choice but to seek judicial relief."

The groups want a judge to order the California Division of Occupational Safety and Health to cease enforcement of the standard, which took effect on Nov. 30, or at the least enforcement of the rule's provisions related to no-cost testing during working hours.

The standard requires employers to implement workplace infection prevention programs that include offering free testing to workers who may have been exposed to the virus at work. Several provisions specifically address farm operations, such as restrictions on how many employees can share a van taking them to work and requiring that in employer-provided housing beds be at least six feet apart.

A spokesman for the California Department of Industrial Relations, which includes Cal/OSHA, said the department doesn't discuss ongoing litigation.

The lawsuit is at least the second to ask a state court to overturn the rule. On Dec. 16, the National Retail Federation and others asked a judge to issue an injunction stopping enforcement of the rule and to eventually vacate the standard. The court hasn't ruled on the federation's request.

The case is W. Growers Ass'n v. Cal. Occupational Safety and Health Standards Bd., Cal. Super. Ct., 12/31/20.

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From: b(6) OSHA <b(6)>
Sent: Monday, January 4, 2021 10:17 AM
To: b(6) OSHA b(6)
Cc: b(6) - OSHA b(6)
Subject: BNA - CA Agriculture ETS Challenge

https://bnanews.bna.com/safety/california-agriculture-businesses-fight-covid-19-protection-rule

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

Western Growers Association, California Farm Bureau Federation, California Business Roundtable, Grower-Shipper Association of Central California, California Association of Winegrape Growers, and Ventura County Agricultural Association,

Plaintiffs/Petitioners,

v.

California Occupational Safety and Health Standards Board; David Thomas, Chris Laszcz-Davis, Laura Stock, Barbara Burgel, David Harrison, and Nola J. Kennedy, in their official capacities as Members of the California Occupational Safety and Health Standards Board; Christina Shupe, in her official capacity as Executive Officer of the California Occupational Safety and Health Standards Board; California Division of Occupational Safety and Health; and Douglas L. Parker, in his official capacity as Chief, California Division of Occupational Safety and Health,

Respondents/Defendants.

Case No.

VERIFIED PETITION AND COMPLAINT FOR:

(1) DECLARATORY RELIEF [Code Civ. Pro., § 1060, Gov. Code, § 11350];
(2) WRIT OF TRADITIONAL MANDATE [Code Civ. Pro., § 1085];
(3) Violation of California Occupational Safety and Health Act [Lab. Code, § 6300, et seq.];
(4) Violation of California Occupational Safety and Health Act [Lab. Code, § 6300, et seq.];
(5) Violation of California Administrative Procedure Act [Gov. Code, § 11340, et seq.];
(6) Violation of California Administrative Procedure Act [Gov. Code, § 11340, et seq.];
(7) Violation of Bagley-Keene Act [Gov. Code, § 11120, et seq.]; and
(8) Violation of Due Process (U.S. Const. amend. XIV, § 2]

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GLOSSARY OF ACRONYMS

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Aerosol Transmissible Diseases	**ATD**
Bagley-Keene Open Meeting Act	**Bagley-Keene Act**
California Administrative Procedure Act	**APA**
California Department of Food and Agriculture	**CDFA**
California Department of Housing and Community Development	**CDHCD**
California Department of Public Health	**CDPH**
California Employment Development Department	**EDD**
California Farm Bureau Federation	**CFBF**
California Highway Patrol	**CHP**
California Occupational Safety & Heath Standards Board	**Board**
California Public Utilities Commission	**PUC**
Centers for Disease Control and Prevention	**CDC**
Department of Industrial Relations	**DIR**
Division of Labor Standards Enforcement	**DLSE**
Division of Occupational Safety and Health	**Division or Cal/OSHA**
Emergency Temporary Standard (Cal. Code Regs, tit. 8, §§ 3205, 3205.1, 3205.2, 3205.3 & 3205.4)	**ETS Regs. or ETS**
Farm Labor Contractors	**FLC**
Injury and Illness Prevention Plan	**IIPP**
May 20, 2020 Petition From Worksafe and the Labor & Employment Committee of National Lawyers Guild to Occupational Safety and Health Standards Board	**Worksafe/NLG Petition or Petition 583**
Office of Administrative Law	**OAL**

U.S. Department of Labor **U.S. DOL or DOL**

OSHA-002936

Petitioners and Plaintiffs Western Growers Association, California Farm Bureau Federation, California Business Roundtable, Grower Shipper Association of Central California, California Association of Winegrape Growers, and Ventura County Agricultural Association (collectively "Plaintiffs") for their Verified Petition and Complaint allege as follows:

I. INTRODUCTION

1. This action challenges an "emergency temporary standard," or "ETS," promulgated on November 30, 2020 by the California Occupational Safety and Health Standards Board ("**Board**") in response to the COVID-19 pandemic. (Cal. Code Regs, tit. 8, §§ 3205 *et seq.*, hereinafter referred to as "**ETS Regs.**") These "emergency" regulations exceed the authority of the Board and undermine existing laws, regulations, and enforceable guidance intended to prevent or slow the spread of COVID-19 in the workplace.

2. While no one doubts that the COVID-19 pandemic constitutes a public health emergency, the Board failed to provide substantial evidence or a reasoned explanation as to why these "emergency regulations" are necessary to avert immediate and serious workplace harm, why the Board delayed, for months, before deciding that there was an urgent need to promulgate the ETS on five working days' notice, or why the ETS was even needed at all. In fact, the staff of the Board advised its members to reject the request for an ETS, as additional COVID-19 related workplace rules would do little to protect workers, and would create needless confusion as to employers' compliance obligations under existing law.

3. Plaintiffs are general business industry and agricultural trade associations representing California farmers, packers, shippers, processors and distributors, all of whom—together with their employees—are essential to maintaining a critical infrastructure sector and the nation's food supply chain. These organizations have a compelling need to obtain a judgment of this Court as to their members' obligations under

the ETS, particularly given the regulation's unique burdens on California farmers, packers, and shippers.

4. While the ETS places unprecedented financial and operational costs on all employers in this state, it imposes unique threats to the agricultural industry, including:

a) **Mandatory "no cost" testing "during working hours"** for employees with "potential COVID-19 exposure," (ETS Regs., § 3205(c)(3)(B)(4)), and continuing rounds of testing for all employees in an "exposed workplace" should three or more employees test positive, regardless of the size of the workplace or the number and location of the workers (*id.*, §§ 3205.1(b) and 3205.2(b)), without considering whether agricultural employers can meet this *en masse* testing mandate, especially in rural communities already straining to obtain and ration a finite number of test kits, lab services, and professional resources to those most at risk.

b) **Mandatory workplace exclusion** requiring employers to remove, with ten days' paid leave and benefits, any worker claiming "COVID-19 exposure," whether they tested positive, tested negative, or were not tested at all. At the same time, the ETS prohibits employers from requiring a negative test before that worker is cleared to return to work (*id.*, §§ 3205(c)(10)-(11), 3205.1(c), 3205.2(c));

c) **Mandatory capacity restrictions on employer-provided housing,** including "[p]hysical distancing and controls" on occupancy, without considering the availability of housing in already scarce housing markets, the potential loss of workers due to the inability to provide them with affordable housing, or the increased risk that the mandated occupancy restrictions will force employers to relocate some workers to rooms that had been set aside to isolate workers should they test positive or be COVID-19 symptomatic (*id.*, § 3205.3(c) & (h)(1)-(3));

d) **Mandatory "[p]hysical distancing" in employer-provided transportation**, thereby cutting capacity by (at least) fifty percent (50%), without considering the availability (and cost) of additional buses that meet current emissions standards for farm labor transportation, whether there are sufficient certified, licensed bus drivers, or the impact on work schedules in time-sensitive agricultural operations in particular (*id.*, § 3205.4).

5. The ETS does not solve a crisis as much as it creates one. Until now, the agricultural industry, like other critical infrastructure sectors, followed state and local public health directives, and guidance from the Centers for Disease Control and Prevention ("**CDC**"), which permitted essential employees, including agricultural workers, "to continue work following potential exposure to COVID-19, provided they remain

asymptomatic and additional precautions are implemented."[1] But the ETS uses "COVID-19 exposure" as a *per se* metric to **exclude workers from the workplace**, regardless of whether exposure was indoors or outdoors, the duration and proximity of exposure, whether the infected person was coughing, singing, or shouting, whether the infected person displayed symptoms (thus increasing the likelihood of viral shedding), or whether the employees were wearing masks, respirators, face shields, or other PPE.

6. The Board concedes that "employers in California are already required to have a written and effective Injury and Illness Prevention Program ("**IIPP**") that complies with existing guidance that "already apply to the hazard of COVID-19." The Board nevertheless justifies the ETS on the basis that the public "would benefit from a specific set" of "easy to understand" regulation or that the emergency regulations would strengthen "enforcement efforts related to the hazard of COVID-19 in workplaces." By law, convenience or expedience cannot justify emergency regulations.

7. The Board never suggests that there is a systemic failure of compliance with existing COVID-19 workplace safety guidance, or that the lack of new COVID-19 related regulations has hobbled the ability of Defendant Division of Occupational Safety and Health ("**Division**" or "**Cal/OSHA**") to enforce standards requiring employers to take all appropriate and necessary measures to mitigate the spread of the virus in the workplace. To the contrary, the Division and the DIR told the Board that they are providing guidance, consultation, and education to employers, and have been inspecting workplaces, issuing citations, and conducting follow-up visits to ensure compliance with existing standards applicable to COVID-19 prevention and mitigation.

---

[1] *See* CDC, *Interim Guidance for Implementing Safety Practices for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19* <https://www.cdc.gov/coronavirus/2019-ncov/downloads/critical-workers-implementing-safety-practices.pdf> [as of December 30, 2020]; CDC, *COVID-19 Critical Infrastructure Sector Response Planning* <https://www.cdc.gov/coronavirus/2019-ncov/community/critical-infrastructure-sectors.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fcommunity%.> [as of December 30, 2020].

8. The Board's failure to consider the ETS's disastrous impacts on essential industries such as agriculture, food processing and distribution, illustrates the extent to which this agency inserted itself into areas far beyond its competence or authority to regulate. The Board has no expertise in H-2A housing, Class B licensing requirements for farm labor transportation, or complex epidemiological, serological, or testing capacity considerations for which public health officers are responsible. Its justifications for the ETS are entitled to little, if any, deference by this Court.

9. Beginning as of January 1, 2021, the ETS will define an "exposed workplace" to include "the building, store, facility, agricultural field, or other location where a worker worked during the infectious period." (ETS Regs., § 3205(b).) This means that every farmworker who is now harvesting strawberries or citrus or milking dairy cows or feeding livestock, or indeed any employee who works in any one of the vital links in the food supply chain may potentially be excluded from work (with ten days' paid leave and benefits). The resulting labor shortages in an already scarce farm labor market could have catastrophic consequences across every part of this critical infrastructure sector.

10. "Exposed workplace," as defined, is unworkable for large, complex operations where employees work in different "workplaces," such as warehouses or production floors that can encompass hundreds of thousands of square feet. In the case of agricultural operations, several different farm labor crews could work in the same "agricultural field," as they move across hundreds of acres during harvesting, as is happening right now in Imperial Valley (where winter vegetables are being picked), Ventura County (where strawberries are being picked), and in Fresno, Tulare, and Kings Counties (where citrus is being picked).

11. The ETS will not only impact the ability of grocery stores to provide fresh milk, meat, and produce. In-store pharmacies have been designated by the U.S. Department of Health and Human Services to administer COVID-19 immunization, starting with essential workers, first responders, and older Americans as part of the first

phase of a broad and rapid rollout of the coronavirus vaccine.[2] Grocery stores that operate in-store pharmacies were chosen because they have (to quote one analyst) "much larger and existing storage areas, whether we're talking in the backroom or on the sales floor."[3] The ETS would consider these "exposed workplaces," along with store aisles, check-out counters, loading docks, parking lots, and in-store pharmacies. It is not difficult to imagine the consequences of enforcing the ETS's mandatory workplace exclusion of essential employees, including pharmacy workers, even if they test negative or may have acquired immunity, whether through vaccination or prior exposure to COVID-19.

12. Employers and workers in critical infrastructure sectors, such as those represented by Plaintiffs, had no choice but to remain open and bear the brunt of COVID-19 during the first half of the year, when the entire nation was learning about the virus, how it is transmitted, and how it may be slowed. In many ways agriculture was a leader in developing best practices based on actual experience. Perhaps the most misguided aspect of the ETS is that, as the Board staff warned against, the Board turned its back on what **was** working, including its own performance-based, objective criteria standards implemented through employer IIPPs based on what made sense for specific businesses and industries.

13. On behalf of their members, Plaintiffs respectfully request the Court declare the ETS invalid, or, in the alternative, invalidate and sever those provisions enumerated in Paragraph 4, *supra*. These regulations conflict with existing local and state public health directives, exceed the Board's authority, and violate the California Administrative Procedure Act ("**APA**"), the Bagley-Keene Open Meeting Act ("**Bagley-Keene Act**"), and the Due Process Clauses of the California and U.S. Constitutions.

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[2] Supermarket News, *FMI: Supermarket pharmacies set for delivery of COVID-19 vaccine* (December 14, 2020) <https://www.supermarketnews.com/health-wellness/fmi-supermarket-pharmacies-set-delivery-covid-19-vaccine> [as of December 30, 2020].

[3] CNBC, *Here's when the Covid vaccine could be available at your neighborhood drugstore, grocery store* (December 14, 2020) <https://www.cnbc.com/2020/12/14/covid-vaccine-cvs-walgreens-early-spring.html>[as of December 30, 2020].

14. Because there is no "plain, speedy, and adequate remedy" at law to prevent the likelihood of irreparable harm or the certainty that Plaintiffs' members will, as a result of the ETS, incur non-compensable damages, preliminary injunctive relief, including the issuance of a peremptory writ of mandate, is appropriate and necessary.

II. STATEMENT OF THE CASE

15. Over the last nine months, our state, county, and local authorities have issued unprecedented and sweeping orders, rules, and guidelines in response to the global COVID-19 pandemic. Beginning on March 19, 2020, Governor Newsom directed all residents to comply with current public health directives and to stay home unless needed to maintain continuity of operations of critical infrastructure sectors.[4] Those designated as "essential" included employees in the agricultural sector and related production, processing, and delivery systems critical to maintaining our nation's food supply chain.[5]

16. Among the earliest guidance issued by the California Department of Public Health ("**CDPH**") was a March 11, 2020 memorandum addressing "Coronavirus Disease 2019 (COVID-19) and the Food Supply Chain."[6] This was the first of many COVID-19 public health and occupational safety guidelines issued by Cal/OSHA, CDPH, the California Department of Housing and Community Development ("**CDHCD**"), and the California Department of Food and Agriculture ("**CDFA**").

17. On August 30, 2020, California became the first state in the nation to enact legislation specifically addressing COVID-19 protections for farm workers. Among the bills included in the "California COVID-19 Farmworker Relief Package" is the Agricultural Workplace Health and Safety Act (AB 2043), which funds a targeted

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[4] Governor's Exec. Order No. N-33-20 (March 19, 2020).

[5] *Essential workforce* (December 3, 2020) <https://covid19.ca.gov/essential-workforce/> [as of December 30, 2020].

[6] CDPH, *Coronavirus Disease 2019 (COVID-19) and the Food Supply Chain* (March 11, 2020) <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/COVID19andtheFoodSupplyChain.aspx> [as of December 30, 2020].

bilingual outreach campaign to educate agricultural workers on Cal/OSHA COVID-19 workplace guidance and enforcement activities, and directs Cal/OSHA to track and report COVID-19 investigations related to the agricultural industry. Other bills provide for COVID-19-related paid sick leave and workers compensation benefits.[7] A number of these legislative enactments were the result of initiatives created and sponsored by California agricultural associations, including "Housing for the Harvest," modeled on a program spearheaded by Plaintiff Grower-Shipper Association of Central California ("**GSACC**"). This program offers temporary hotel housing (and related medical and food services) to agricultural workers who need to isolate due to COVID-19.

18. Well before AB 2043 was enacted, employers were relying on state and local agency guidance to formulate and update their IIPPs to reflect best practices in curbing workplace spread of COVID-19. Cal/OSHA wielded considerable powers to investigate the adequacy of, and compliance with, an employer's COVID-19-related IIPP. On July 16, 2020, Cal/OSHA's Deputy Chief of Health told the Board that Cal/OSHA was "doing many [COVID-19 related] investigations and issuing citations" under existing Cal/OSHA regulations, including those governing the control of harmful exposures or aerosol transmissible diseases in certain workplace sectors, such as meat processing and packing.[8]

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[7] Governor Newsom also signed into law another urgency statute, AB 1867, which codified his Executive Order N-51-20 requiring employers to provide supplemental paid sick leave to food sector workers unable to work due to specified reasons relating to COVID-19, and SB 1159, which creates a rebuttable presumption, for purposes of workers' compensation, that an employee contracted COVID-19 in the workplace if certain circumstances are met.

[8] The July 16, 2020 Board Meeting Minutes are attached as Exhibit 4, and also available at <https://www.dir.ca.gov/oshsb/documents/minutesJul2020.pdf> [as of December 30, 2020].

A failure to comply with these regulations could result in sanctions and considerable penalties.[9]

19. Given the relatively low number of COVID-19 citations against agricultural employers reported by Cal/OSHA to date,[10] there does not appear be a systemic breakdown in compliance or an urgent need for new regulations. To the contrary, all employers, including those in critical infrastructure sectors such as agriculture, are highly motivated to maintain a safe and healthy workforce and continue to expend substantial resources to protect workers from infection in the workplace and to pay for leave when a worker tests positive for COVID-19.

20. An August 10, 2020 evaluation by the Board's staff supports this conclusion.[11] Board staff could not identify a need to supplant or augment existing COVID-19 guidance or regulations, concluding: "**Cal/OSHA is enforcing existing COVID-19 protections** and providing consultative outreach to employers with exposed employees. **Board staff is unable to find evidence that the vast majority of California workplaces are not already in compliance with COVID-19 requirements and guidelines.**" Board staff further advised the Board that new COVID-19 regulations "**would place additional regulatory burden on California businesses that are already compliant with California's COVID-19 requirements and guidelines.**" Accordingly, Board staff advised that the Petitioners' emergency request was unnecessary and recommended that the Petition be "DENIED." (Exh. 2, p. 9 [emphasis added].)

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[9] Cal/OSHA, *COVID-19 Infection Prevention for Agricultural Employers and Employees* (October 27, 2020) <https://www.dir.ca.gov/dosh/Coronavirus/COVID-19-Infection-Prevention-in-Agriculture.pdf> [as of December 30, 2020].

[10] DIR, *Citations for COVID-19 Related Violations* <https://www.dir.ca.gov/dosh/COVID19citations.html> [as of December 30, 2020].

[11] The Board Staff Evaluation is attached as Exhibit 2, and also available at <https://www.dir.ca.gov/oshsb/documents/petition-583-staffeval.pdf> [as of December 30, 2020].

21. This staff evaluation was in response to a May 20, 2020 Petition submitted to the Board by the National Lawyers Guild (Labor and Employment Committee) and Worksafe ("**Worksafe/NLG Petition**" or "**Petition 583**").[12] Worksafe is a California nonprofit corporation, describing itself as "focused on ensuring the occupational safety and health rights of workers through policy advocacy, capacity and coalition building, and impact litigation." Immediately prior to becoming Chief of Cal/OSHA in August, 2019, Defendant Douglas L. Parker was the Executive Director of Worksafe.

22. The Worksafe/NLG Petition requested that the Board immediately promulgate an "emergency temporary standard" to address COVID-19 issues and "a permanent standard to protect all workers from current and future infectious diseases, including novel pathogens." (Exh. 2, p. 1.) The Board did not dispute the staff's finding that many of the regulatory additions requested by the Petition were already required by existing title 8 regulations and enforceable agency guidance.[13] Without providing any reasoned response to the staff's specific and documented concerns, the Board determined that emergency regulations were required to address an urgent, unmet need, without identifying that unmet need or the reasons for urgency.

23. Thus, on November 19, 2020, more than nine months after Governor Newsom declared a state of emergency, the Board approved "emergency" regulations based on a petition pending before the Board for six months. Although complex, prescriptive, and unprecedented regulations of this nature should have been publicly vetted through the APA's notice and comment procedures, the Board did not make its first (and only) version of the ETS publicly available until November 12, 2020—one week before the Board adopted the ETS. The first time the Board heard public comments on the proposed ETS was the day it adopted the new standard. The Board did not change one

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[12] The Worksafe/NLG Petition is attached as Exhibit 1, and also available at <https://www.dir.ca.gov/oshsb/documents/petition-583.pdf> [as of December 30, 2020].

[13] The Adopted Decision is attached as Exhibit 9, and also available at <https://www.dir.ca.gov/oshsb/documents/petition-583-adopteddecision.pdf> [as of December 30, 2020].

word in response to a myriad of concerns expressed by representatives from essential industries, including agriculture.

24. Some of the ETS's rules border on the absurd, such as the requirement that employers "ensure that unwashed dishes, drinking glasses, cups, eating utensils, and similar items are not shared" by workers living in employer-provided housing. (ETS Regs., § 3205.3(c)(2).) Some requirements, e.g., continuous testing of workers (*id.*, § 3205.1(b)), are unrealistic for employers in remote areas, such as dairy farmers in Madera and Stanislaus Counties, where there is limited access to COVID-19 testing services. Other ETS requirements contradict existing guidance of county public health officers. As one example of the ETS's problematic one-size-fits-all approach, the Los Angeles County Public Health Officer permits bunk beds in employer-provided housing, but the ETS forbids them. Employers are thus forced to try and find additional housing (in an already scarce affordable housing market), or potentially forfeit their ability to comply with guest worker visa programs, such as the federal government's H-2A program. Worse, by directing employers to cut room occupancy in half, housing set aside by employers to isolate workers who test positive may no longer be available, thus compounding the risk of COVID-19 spread rather than alleviating the problem.

25. Employers are now being forced to try and find additional housing (in already scarce housing markets) for existing guest workers, or to potentially forfeit their ability to comply with the federal government's H-2A guest worker program for future visas. The H-2A guest worker program is critical to many growers, because they time the hiring of these workers to coincide with when they are most needed. The California Employment Development Department ("**EDD**") is charged with certifying the ability of employers to provide mandatory free housing before visa applications can be submitted. If growers cannot guarantee sufficient housing, then visa applications will certainly be held up, and could even be denied. As one example, the EDD is currently holding up certifications for winegrape growers in need of labor for winter pruning.

26. The ETS testing provisions are impractical, confusing, and do harm to the extent that they have any material impact on the workplace. The ETS directs employers to pay for testing regardless of whether state and county public health officials are already providing community-wide access to free testing. It also requires employers to continuously test, and retest, whenever three or more employees test positive over a fourteen-day rolling period, until there are no positive tests for two weeks. This rule applies, whether the employer has thirty or three-hundred in the "workplace." (ETS Regs., § 3205(b).) Because the Board did not conduct any feasibility or cost-benefit analysis, it never determined whether employers would be able to locate enough test kits or laboratory capacity to comply with the ETS testing mandates, or whether the turnaround time for FDA-approved testing—in some agricultural communities it could take at least two to five days to get results—would have any utility.

27. At the same time, the ETS requires employers to provide ten days' paid leave and benefits for employees "exposed" to a "COVID-19 case," without requiring a test to determine whether that employee is infected at the time they are excluded from the workforce (ETS Regs., § 3205(c)(10)(B)), or at the time they return to work. (*Id.*, § 3205(c)(11)(C).) The ETS's continuous testing mandate requires that all employers provide testing for their entire workforces—potentially hundreds of tests over a multi-week period. Yet, it does not require an employee take that test, or to demonstrate that COVID-19 related "exposure" occurred at the workplace to be paid leave and provided benefits.

28. These rigid directives were made without stakeholder input, expert testimony, or any opportunity to hear from agencies with authority to regulate housing, transportation, and testing, or to protect public health from the spread of COVID-19, and without any consideration of "the latest available scientific data in the field, the reasonableness of the standards, and experience gained under this and other health and safety laws," as is required under the Board's enabling statute. (Lab. Code, § 144.6.)

29. The California Supreme Court has articulated why the APA provisions for notice, comment, initial and final agency reasons, response to comments, regulatory cost/benefit analysis, and Office of Administrative Law ("**OAL**") review are essential in order "to ensure that those persons or entities whom a regulation will affect have a voice in its creation … as well as notice of the law's requirements so that they can conform their conduct accordingly":

> The Legislature wisely perceived that the party subject to regulation is often in the best position, and has the greatest incentive, to inform the agency about possible unintended consequences of a proposed regulation. Moreover, public participation in the regulatory process directs the attention of agency policymakers to the public they serve, thus providing some security against bureaucratic tyranny.

(*Tidewater Marine Western, Inc. v. Bradshaw* (1996) 14 Cal. 4th 557, 569 [59 Cal.Rptr.2d 186] [(internal citations omitted].)

30. Given the chance, employers would have explained why, in the absence of substantial evidence that existing regulations, agency guidance, and employers' IIPPs were not working, there is no need, urgent or otherwise, to promulgate new—and counterproductive—COVID-19 "emergency regulations." But these employers were not given that chance because the Board invoked its authority to promulgate the ETS as an "emergency regulation," thereby eliminating any opportunity by the public to inform itself and the Board of the consequences of the regulation **before** it was adopted.

31. The Board sidestepped these due process safeguards by claiming that the COVID-19 pandemic requires "immediate action to avoid serious harm to the public peace, health, safety, or general welfare." (Gov. Code, § 11342.545.) This claim was, at best, fanciful, given the Board's months long delay and Cal/OSHA's concession that many provisions of the ETS would "complement and augment" or "provide clear guidance" for existing law and regulation, rather than filling an urgent, unmet need to protect workers from serious harm.

32. No one, least of all employers responsible for maintaining the nation's food supply chain, would dispute the pandemic is an unprecedented, global crisis. For purposes

of demonstrating the need for "emergency" regulations under the California Government Code, the question before the Board was not whether COVID-19 is a **public health** emergency. Clearly it is. The question is whether COVID-19 presents an **occupational health** emergency necessitating immediate enforcement of new rules in order to avoid serious and imminent injury. The Board did not and cannot satisfy this test. In addition, the Board must explain the justification for promulgating "emergency" regulations with minimal stakeholder input nine months into an ongoing public health threat.

33. First, by attempting to act as the arbiter of private businesses' financial responsibility to address a public health crisis, the Board failed to recognize the limits of its authority to regulate workplace safety hazards. Cal/OSHA is responsible for occupational safety, not regulating public health in general or employee housing, transportation, workers' compensation, or wage and hour requirements. Cal/OSHA may not invade the jurisdiction of those state agencies authorized to regulate in these areas, just as it may not overstep or contradict the directives of local public health officials who bear primary responsibility for making public health decisions, including whether a person exposed to COVID-19 should be tested, isolated, or quarantined, or permitted to return to school or work.

34. Second, rather than offer any substantial evidence that could support the required link between the immediate harm to be averted and the proposed regulations, the Board's Finding of Emergency largely confines itself to a discussion of the COVID-19 crisis, without explaining how the ETS would protect workers from serious **workplace harm** due to **working conditions** at the place of employment. And while the Board asserts that "[e]mployers and employees would benefit from a specific set of regulations related to COVID-19 in all workplaces," convenience or expedience are not synonymous with urgency and exigency.

35. Yet the best evidence of the lack of any "emergency" is the Board's post hoc attempt to paper over the lack of substantial evidence and deficiencies in the record by purporting to amend the Finding of Emergency **after the regulation was already in force.**

Although this "Addendum #1" is dated November 19, 2020, it appears to have been created on December 3, 2020, and did not appear on the Cal/OSHA website until two weeks after the Board adopted the ETS—or anywhere on the agenda, minutes, or materials made public before the Board's decision to adopt the ETS.

36. To permit meaningful judicial review, an agency must disclose the basis of its action **before** it takes that action. As Chief Justice Roberts explained last term when another, powerful government agency sought to contrive an explanation:

> The reasoned explanation requirement of administrative law, after all, is meant to ensure that agencies offer genuine justifications for important decisions, reasons that can be scrutinized by courts and the interested public. Accepting contrived reasons would defeat the purpose of the enterprise.

(*Department of Commerce v. New York* (2019) 588 U.S. ---, 139 S.Ct. 2551, 2575, 204 L.Ed.2d 978.) This Court "cannot ignore the disconnect between the decision made and the explanation given." (*Ibid.*)

37. These *ultra vires* "emergency" findings still fail to justify the necessity or urgency requirements which the Board was required to demonstrate by specific facts. At a minimum, the remedy is to declare the ETS void, remand the matter with directions that the Board invalidate its decision, provide proper notice to both the public and the OAL (which appears to have not been told about Addendum #1 at the time it reviewed and approved the regulations on November 30, 2020), and reopen the record, so all interested parties are aware of these events and are provided an opportunity to respond to the Board's pretextual justifications to impose rules which could potentially jeopardize the ability of farmers to bring their crops to market. More broadly, the deeply flawed process, and the patently inadequate record, cannot support promulgation of the ETS.

38. Employers have no recourse to obtain a variance or exemption from the Division or the Board before compliance with the ETS imposes massive, non-recoverable costs and depletes their labor supply. The sloppy and secretive way in which the ETS was thrown together shows a failure to appreciate that the Board's hard and fast prescriptions,

to the extent they work at all, fail to account for differences in workplaces in general, and in particular the unique nature of essential industries, such as agriculture.

39. The hard reality of agriculture, like COVID-19, is that it does not wait. California farmers provide over a third of the country's vegetables and two-thirds of the fruits and nuts grown in the United States.[14] In 2019, its top producing commodity—dairy products and milk—is also one of its most perishable. Cows must be milked daily, winter pruning of grape vines must begin, and strawberries and winter vegetables must be picked, now, before spoilage, organisms and lack of care threaten the entire crop—there must be a steady supply of skilled workers to do all of that. Now that the citrus season is in full swing, growers do not have an indefinite amount of time to bring in the fruit before frost overtakes the harvest. This will not happen if, as a result of its enforcement, the ETS puts any part of the agricultural labor force on the bench.

40. Employers now face the choice between implementing impracticable, costly, or unworkable requirements, or risk substantial penalties for non-compliance,[15] and in some cases a real threat of going out of business. Across this State, small businesses and small farmers and new businesses and new farmers, including farmers of color who comprise the majority of vendors in big city outdoor farmers' markets, are particularly at

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[14] CDFA, *California Agricultural Production Statistics* <https://www.cdfa.ca.gov/Statistics/#:~:text=California%27s%20agricultural%20abundance%20includes%20more,the%20nation%27s%20total%20agricultural%20value> [as of December 30, 2020].

[15] Violations of Cal/OSHA's regulations can result in penalties ranging from a minimum of $18,000 up to $25,000 per violation for "Serious Violations." (Cal. Code Regs., tit. 8, § 336.) Because Cal/OSHA has determined COVID-19 exposure in the workplace could result in death or serious physical harm, a violation of the ETS will likely be deemed a "Serious Violation." (Cal. Code Regs, tit. 8, § 334(1) ("There shall be a rebuttable presumption that a 'serious violation' exists in a place of employment if the division demonstrates that there is a realistic possibility that death or serious physical harm could result from the actual hazard created by the violation.").) If employers do not rectify violations by the compliance date given by Cal/OSHA, they face additional daily penalties of up to $15,000. (Cal. Code Regs, tit. 8, § 336(f).)

risk. Many are not eligible for federal relief, such as Paycheck Protection Program loans or the Coronavirus Food Assistance Program payments, which excludes those who rely on direct-to-consumer sales.[16]

41. It seems unimaginable that we might see, as we did during the Great Depression, fields of unpicked lettuce, orchards of rotting fruit, or dairy farms dumping milk because it was no longer economically rational to deliver products to market. But this is already happening in California and other parts of the country.[17] Reduced demand has led farmers to plow under healthy crops or euthanize livestock. Due to a lack of agricultural labor, farmers are breaking eggs rather than raising their chicks for market, while millions of unemployed people across the nation wait in line for hours to obtain a week's worth of groceries.[18] The ETS can only exacerbate and accelerate this tragedy.

42. All those in the agricultural sector recognize that emergency situations may require emergency measures. Given what we know (or do not know) about the impact, duration, velocity and mutability of the novel coronavirus, it is no longer plausible to call the ETS an "emergency" measure to address a "temporary" exigency. The Board all but concedes this by announcing at the time of its promulgation that these regulations remain in force until at least October 1, 2021, and may become permanent should the Board decide to follow the notice-and-comment procedures it dispensed with when it promulgated the ETS.

43. The ETS provides no streamlined (or any) process whereby an employer may obtain relief from immediate compliance. Employers have no "plain, speedy, and

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[16] Washington Post, *Going it alone in two of America's agricultural towns* (December 8, 2020) <https://www.washingtonpost.com/graphics/2020/road-to-recovery/farmers-ranchers-coronavirus-food-california-west-virginia/> [as of December 30, 2020].

[17] econlife, *How the 2020 Pandemic Is Like the 1930s Depression* (April 12, 2020) <https://econlife.com/2020/04/dumping-dairy/> [as of December 30, 2020].

[18] Bloomberg Quint, *A Tenth of the World Could Go Hungry While Crops Rot in Fields* (August 31, 2020) <https://www.bloombergquint.com/global-economics/hunger-is-threatening-to-kill-more-people-than-covid-this-year> [as of December 30, 2020].

adequate remedy, in the course of law" (Code Civ. Pro., § 1086), to avoid the confiscatory threat posed by these regulations. Under the facts and law presented by this case, this Court may not only declare the ETS invalid, in part or in whole, but also may issue a preemptory writ to command the Board "to do the act required to be performed" (Code Civ. Pro., § 1088), and to comply with its obligations under the Labor Code, the APA, and the safeguards of due process.

III. PARTIES

44. Plaintiff Western Growers Association, founded in 1926, is a nonprofit association representing local and regional family farmers in California, Arizona, Colorado and New Mexico. Western Growers members grow, pack, and ship over half of the nation's fresh produce, including nearly a third of America's fresh organic produce. Western Growers member companies are dedicated to providing a great variety of safe and healthy fresh fruits, vegetables and tree nuts to consumers. With offices and dedicated staff in Sacramento, California and Washington, D.C., Western Growers is a leading public policy advocate for the fresh produce industry and has a longstanding interest in employment and labor and employee health and safety matters.

45. Plaintiff California Farm Bureau Federation ("CFBF") is an incorporated nonprofit trade association. Organized in 1919 and headquartered in Sacramento, CFBF is the largest organization of its kind in California. CFBF's members consist of 53 county Farm Bureau organizations—each an incorporated trade association—covering 56 California counties, with more than 31,700 members, including more than 23,000 agricultural (i.e., voting) members. CFBF's purposes include representing and protecting the economic interests of California's farmers and ranchers, and it has done so in many legislative and regulatory proceedings involving workplace safety and health.

46. Plaintiff California Business Roundtable is a nonpartisan organization comprised of the senior executive leadership of major employers throughout the State of California, with a combined workforce of over 750,000 employees. For more than forty

years, the Roundtable has identified the issues critical to a healthy business climate and provided the leadership needed to strengthen California's economy and create jobs.

47. Plaintiff Grower-Shipper Association of Central California ("GSACC") is a regional trade association, offering advocacy, programs and services to over 300 members. Founded in 1930, today the organization's membership consists primarily of growers, shippers, handlers, and processors of vegetables and fruits produced in the Central Coast region of California, encompassing Monterey, Santa Cruz, San Benito and Santa Clara Counties. The mission statement of GSACC is to advance solutions benefitting families, food and farming on the Central Coast. As such, GSACC is dedicated to providing programs and services covering diverse areas, including active crisis management and action, and has created a renowned COVID-19 housing, testing, and education program; implemented large scale personal protective equipment acquisition and distribution efforts to support employer-driven protective efforts; and advanced solutions that address the technical, legal, scientific, and economic basis of challenges with a disproportionate effect onto the region covering water quality and the environment, worker protection, food safety and security, and pest and disease management and prevention.

48. Plaintiff California Association of Winegrape Growers ("CAWG"), established in 1974, serves a unique role as the only statewide organization focused specifically on California winegrape growers. CAWG helps to ensure the implementation of sound public policies through monitoring and advocating on state and federal legislation, advancing safe and sustainable farming practices, and promoting education and research to enhance the California winegrape industry.

49. Plaintiff Ventura County Agricultural Association is a non-profit business trade association representing the interests of over two-hundred agricultural and related employers in Ventura and Santa Barbara Counties since 1970. Its membership includes virtually all of the major agricultural employers, cooperatives, packinghouses, farm labor contractors, trucking businesses and agricultural-related support industries. The Association routinely represents the interests of many of the above employers before the

Department of Industrial Relations ("**DIR**"). The Association has been deeply involved in the COVID-19 pandemic through its partnerships with many local farmers, worker advocacy groups, the County Agricultural Commissioner and the County Public Health Department in i) preparing COVID-19 guidance documents; ii) disseminating federal, state and local COVID-19 guidance documents, workplace training and posters to its membership; and iii) providing consultation on workplace issues involving workers who have contracted or have been exposed to the COVID-19 virus.

50. Defendant California Occupational Safety and Health Standards Board, i.e., "the Board," is charged with adopting, amending, and repealing standards governing occupational health and safety in the State of California. It is "the only agency in the state authorized to adopt occupational safety and health standards." (Lab. Code, § 142.3(a)(1).) The Board is comprised of up to seven members, appointed by the Governor. The Board also responds to petitions for new or revised standards.[19]

51. Defendants David Thomas, Chris Laszcz-Davis, Laura Stock, Barbara Burgel, David Harrison, and Nola J. Kennedy, in their official capacities, are appointed members of the Board who approved, by unanimous vote, the ETS.

52. Defendant Christina Shupe, in her official capacity, is Executive Officer of the Board.

53. Defendant California Division of Occupational Safety and Health, i.e., Cal/OSHA or the "Division," is the governmental agency responsible for overseeing workplace safety in California and enforcing health and safety standards promulgated by the Board.

54. Defendant Douglas L. Parker, in his official capacity, is Chief of the California Division of Occupational Safety and Health, responsible for enforcement of the ETS.

IV. JURISDICTION, VENUE, AND STANDING

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[19] *See* DIR, *Occupational Safety & Health Standards Board (OSHSB)* <https://www.dir.ca.gov/oshsb/oshsb.html> [as of December 30, 2020].

55. This Court has jurisdiction over this action pursuant to Government Code section 11350 and Code of Civil Procedure sections 526, 1085, and 1060.

56. Venue is proper in the County of Los Angeles pursuant to Code of Civil Procedure section 401 because the California Attorney General maintains an office in the County of Los Angeles.

57. Plaintiffs have standing to bring this action: (a) Plaintiffs' members are directly impacted by the Defendants' conduct and would have standing on their own to seek the relief requested herein; (b) the case is germane to Plaintiffs' organizational purpose of advocating for the interests of their members; and (c) the case does not require the participation of Plaintiffs' individual members because this case does not involve a question driven by individualized factors, but rather involves the overarching questions of whether Defendants had the authority to promulgate the ETS (at all or on an emergency basis) and whether the ETS violate the Labor Code, the APA and the California and U.S. Constitutions.

58. Plaintiffs are "interested persons" under Government Code section 11350(a), and therefore may obtain a judicial declaration as to the validity of the ETS based on its "substantial failure to comply" with the requirements of the APA, or "upon the ground that the facts recited in the finding of emergency . . . do not constitute an emergency" under Government Code section 11346.1.

V. FACTUAL ALLEGATIONS

A. The State of Emergency and the Governor's Declaration of the Agricultural Industry as a "Critical Infrastructure Sector"

59. In response to the novel coronavirus, i.e., COVID-19, Governor Newsom declared a "State of Emergency" on March 4, 2020, followed by a Stay-at-Home Order on March 19. That order indefinitely prohibited "non-essential businesses" from operating.[20] Governor Newsom specified that California's response to the coronavirus pandemic "must

[20] *See* Governor's Exec. Order No. N-33-20 (March 19, 2020).

be done using a gradual, science-based and data-driven framework."[21] Agricultural sector businesses were designated as "essential" and its employees were exempted from the Stay-at-Home Order.

60. All non-essential businesses remained closed until May 4, 2020, when Governor Newsom issued Executive Order N-60-20.[22] That Executive Order delegated to the State Public Health Officer the authority "to take any action she deems necessary to protect public health in the face of the threat posed by COVID-19," including whether a business would be deemed "essential," and allowed to remain operating.

61. Businesses deemed "essential" were allowed to remain open. Food and agriculture businesses were designated "essential" by the State Public Health Officer, in accordance with Governor Newsom's March 19, 2020 Executive Order N-33-20, and remain classified as "essential" businesses.[23] This designation recognizes the paramount importance of maintaining the integrity of the food supply chain.[24]

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[21] *See Governor Newsom Outlines Six Critical Indicators the State will Consider Before Modifying the Stay-at-Home Order and Other COVID-19 Interventions* (April 14, 2020) <https://www.gov.ca.gov/2020/04/14/governor-newsom-outlines-six-critical-indicators-the-state-will-consider-before-modifying-the-stay-at-home-order-and-other-covid-19-interventions> [as of December 30, 2020].

[22] *See* Governor's Exec. Order No. N-60-20 (May 4, 2020).

[23] *See Essential workforce* (December 3, 2020) <https://covid19.ca.gov/essential-workforce/> [as of December 30, 2020].

[24] In a rare moment of national consensus, both the state and the federal government agreed that employees in "critical infrastructure industr[ies]," including food and agricultural workers, have a "special responsibility" to continue providing food during the national emergency. (The White House, *30 Days to Slow The Spread* <https://www.whitehouse.gov/wp-content/uploads/2020/03/03.16.20_coronavirus-guidance_8.5x11_315PM.pdf> [as of December 30, 2020].) On April 28, 2020, President Trump issued Executive Order 13917, entitled "Delegating Authority Under the Defense Production Act with Respect to the Food Supply Chain Resources During the National Emergency," which directed certain food and agriculture industries, such as meat and poultry producers, to "continue operating and fulfilling orders" to the extent possible. (Exec. Order No. 13603, 85 Fed.Reg. 26313 (April 28, 2020).) The Executive Order stated that the nation's interest in the "continued supply of protein for Americans" had

B. California Issues COVID-19 Guidelines as Part of Mandating Updates to Employer Injury and Illness Prevention Programs

62. Industries throughout California, and in particular critical infrastructure sectors such as food and agriculture, collaborated with elected officials, state and county regulatory agencies, and public health and occupational safety authorities, including the CDC, CDPH, CDHCD and Cal/OSHA, to develop industry-specific guidelines to assist employers in developing and updating their IIPP to incorporate evolving public health, scientific and medical understanding of the virus, and best practices to contain the spread of COVID-19.

63. State agencies began promulgating detailed COVID-19 guidance specific to agriculture shortly after the March 19, 2020 Stay-at-Home Order and throughout the year. As early as March 20, 2020, the industry was working with state, county and local jurisdictions to formulate guidance for agriculture.[25] Subsequent guidance addressed employer-provided housing for migrant farmworkers,[26] detailed social distancing restrictions for migrant farmworker contractors,[27] guidance on cleaning and disinfecting procedures for COVID-19 gathered from the CDC,[28] a COVID-19 general checklist jointly

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been jeopardized by "recent actions in some States" that "have led to the complete closure of some large processing facilities." (*Id.*)

[25] *See Monterey County and Agriculture Industry Associations Endorse Advisory for Agricultural Worker Protection During COVID-19 Crisis* (March 20, 2020) <https://www.co.monterey.ca.us/home/showdocument?id=88067> [as of December 30, 2020]; Monterey Herald, *COVID-19 exposure: Monterey County issues recommendations for farmworkers* (March 21, 2020) <https://www.montereyherald.com/2020/03/21/covid-19-exposure-monterey-county-issues-recommendations-for-farmworkers/> [as of December 30, 2020].

[26] CDHCD, *Intake Guidance in Response to COVID-19* (April 8, 2020) <https://www.hcd.ca.gov/grants-funding/active-no-funding/docs/oms-memo-covid-19-intake-guidance-2020-04-08.pdf> [as of December 30, 2020].

[27] CDHCD, *COVID-19 Guidance on Social Distancing* (April 27, 2020) <https://www.hcd.ca.gov/coronavirus19/docs/oms-memo-covid-19-guidance-on-social-distancing.pdf> [as of December 30, 2020].

[28] CDHCD, *Guidance on Cleaning and Disinfecting Procedures for COVID-19* (May 15, 2020) <https://www.hcd.ca.gov/grants-funding/active-no-funding/docs/oms%20covid-

prepared by Cal/OSHA and CDPH for agricultural employers, which covered the requirements of a worksite specific plan, worker training topics, screening measures, cleaning and disinfecting protocols, physical distancing guidelines,[29] revised guidance issued two weeks later by Cal/OSHA,[30] joint "Industry Guidance" from CDPH, CDFA and Cal/OSHA for agriculture and livestock industries, and guidance for food packing and processing industries "to support a safe, clean environment for workers."[31] As already noted (paragraph 17 *supra*), AB 2043 directed Cal/OSHA to disseminate, in English and Spanish, all "Guidance Documents" relating to COVID-19 in the food and agricultural sector.[32]

C. Industry Implements State-Directed Mandates for COVID-19 Workplace Safety

64. At the outset, all employers faced two, related challenges: First, how to immediately implement mitigation and prevention measures to slow the spread of COVID-19 in their workplace, while at the same time adjusting strategies as more was learned

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19%20guidance%20for%20cleaning%20and%20disinfecting%20ada.pdf> [as of December 30, 2020].

[29] CDPH, *COVID-19 General Checklist for Agriculture and Livestock Employers* (July 2, 2020) <https://files.covid19.ca.gov/pdf/checklist-agriculture.pdf> [as of December 30, 2020].

[30] DIR, *Cal/OSHA COVID-19 Daily Checklist for Agricultural Employers* (July 21, 2020) <https://www.dir.ca.gov/dosh/Coronavirus/COVID-19-Daily-Checklist-Employers.pdf> [as of December 30, 2020].

[31] *COVID-19 Industry Guidance: Food Packing and Processing* (July 29, 2020) <https://files.covid19.ca.gov/pdf/guidance-food-packing.pdf> [as of December 30, 2020].

[32] *See* Lab. Code, § 6725(a)(2) (identifying "Guidance Documents" to include Cal/OSHA Interim General Guidelines on Protecting Workers from COVID-19 (dated May 14, 2020), Cal/OSHA Safety and Health Guidance: COVID-19 Infection Prevention for Agricultural Employers and Employees (dated October 27, 2020), COVID-19 Industry Guidance: Food Packing and Processing, issued by the division, the State Department of Public Health, and the Department of Food and Agriculture (dated July 29, 2020), COVID-19 Industry Guidance: Agriculture and Livestock, issued by the division, the State Department of Public Health, and the Department of Food and Agriculture (dated July 29, 2020), and "any other guidance or guidelines made available on the division's internet website pertaining to novel coronavirus (COVID-19) infection prevention for agricultural employees").

about the transmission and effects of the virus. Second, to reconcile the myriad of rapidly-changing state and local Executive Orders, agency directives and guidance, and federal, state, county, and municipal laws and ordinances.

65. Various industries, through trade associations and other organizations, worked with various state and federal regulators to promulgate guidelines that were sufficiently categorical to inform employers how to update and comply with their legal requirements to implement an IIPP which would appropriately address COVID-19 workplace risks without prescribing arbitrary rules or benchmarks. Agriculture provides an example of the coordination that took place.

66. Agriculture is already one of the most heavily-regulated sectors in California. It is also one of the most diverse, given that the state produces about four-hundred different agricultural products grown or harvested in different seasons and localities, and with different labor needs and resources. It is not unusual, for example, for one agricultural employer to operate in several counties, if not in more than one state, thus requiring them to comply with potentially different sets of rules. In addition to promulgating clear, timely, and actionable guidance, it was critical that every state actor with aspects of agricultural oversight had to insure that they were operating within the scope of their statutory authority.

67. Section 144.6 of the Labor Code directs the Board to promulgate performance-based standards "expressed in terms of objective criteria and of the performance desired," rather than rigid, or prescriptive metrics which make no allowance for differences across workplaces and industries. Although the IIPP has a specific framework, Cal/OSHA uses a performance-based standard that requires an employer to develop an IIPP that, ideally, is tailored to their company's operations. (*See generally* Cal. Code Regs., tit. 8, § 3203 (describing performance-based standards for IIPPs).)

68. The IIPP is mandated under section 3203 of Cal/OSHA's Title 8 regulations. Section 3203 specifies every major programmatic category—from developing a hazard response plan, investigating workplace illnesses, and providing training concerning

workplace hazards, to protocols for communications with employees, law enforcement, and public health officers. In order to comply with Cal/OSHA's requirement that employers "establish, implement, and maintain an effective Injury and Illness Protection Program" (Cal. Code Regs., tit. 8, § 3203(a)), all California employers above a certain size must develop an IIPP to prevent, mitigate, and slow the spread of COVID-19 in the workplace.

69. As discussed (Part V.G. *infra*), the Board staff told the Board that COVID-19 workplace regulations proposed by Petition 583 were not advisable, in part because California's performance-based IIPP standard would better allow employers to respond to rapidly evolving worker protection guidelines issued by various agencies, including Cal/OSHA. In the case of agriculture, best practices may depend on where, when, and how crops are cultivated and harvested, including how to retrofit or reconfigure the worksite to provide for social distancing, physical barriers, mask wearing, and so on.[33] For many agricultural-related industries, including packing and processing of perishable products, safety and hygiene protocols are not new. Masks, eyewear, hand sanitation, protective garments, disposable gloves, and rigorous separation of food handling for food safety purposes are imbedded practices.

70. The agriculture industry's long familiarity with farmworker needs also led to COVID-19 related innovations. For example, agricultural employers in Monterey County created an employer-funded, "wrap around housing" program to provide facilities for isolating and quarantining farmworkers, whether or not these workers were residing in

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[33] Western Growers, *COVID-19 Resources* <https://www.wga.com/covid-19-resources-page> [as of December 30, 2020]; Western Growers, *WG COVID-19 Webinar Series Resources Available* (July 14, 2020) <https://www.wga.com/blog/wg-covid-19-webinar-series-resources-available> [as of December 30, 2020]; Agricultural Council of California, *COVID-19 Resources* <https://www.agcouncil.org/covid-19> [as of December 30, 2020]; County of Monterey, *Advisory for Agricultural Worker Protection During COVID-19 Crisis on the Central Coast of California* <https://www.co.monterey.ca.us/home/showdocument?id=88063> [as of December 30, 2020].

employer-provided housing. Administered by the GSACC and coordinated with the County, any one of the participating employers' employees who tested positive or exhibited symptoms would be moved to at a hotel or motel at the industry's expense. In addition to housing, the program offered three meals a day and daily visits by nurses for up to fourteen days for those in self-isolation. To qualify, the employee must work in agriculture and have tested positive or been exposed to COVID-19.[34] It was the model for a program sponsored jointly by the state and FEMA, called Housing for the Harvest.[35]

71. As another example, the agricultural industry recommended incorporating into IIPPs worker "cohorting." Worker "cohorting" involves grouping workers or crews such that they live, transport, and work together, effectively creating a "COVID bubble" that minimizes the chance of infections from outside affecting the cohort and the chance of an infection within a cohort from spreading to those outside.

72. In addition to agency guidance, agricultural employers were required to adapt their COVID-19 compliance program to the unique circumstances of their businesses. For example:

a) Because their work force is seasonal and fluid, IIPP compliance could include repeated trainings, in multiple languages and dialects, to educate and train employees about workplace mitigation and prevention of COVID-19, including basic information such as what COVID-19 is, how workers are exposed, etc.;

b) Tailoring social and physical distancing requirements to comply, wherever feasible, with CDC and CDPH guidance, while taking into account the realities of cultivation and harvesting, as well as the differences between picking row crops, such as lettuce and strawberries, versus vine and tree fruits;

c) Because agricultural communities are remote, and tend to be underserved with testing and medical facilities, to assist by providing free access to medical professionals, such as Teledoc services with insurance companies, or bringing physicians out to working crews (often dozens of them), so that

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[34] CA.gov, *Housing for agricultural workers* (November 25, 2020) https://covid19.ca.gov/housing-for-agricultural-workers/ [as of December 30, 2020].

[35] *See* Western Growers, *Governor Newsom Announces Housing for the Harvest Program* (July 28, 2020) <https://www.wga.com/blog/governor-newsom-announces-housing-harvest-program> [as of December 30, 2020].

employees could speak directly with such health care providers about COVID-19;

d) Conducting daily screenings whereby employees must answer specific questions about their health and potential exposure to COVID-19, and/or take temperatures, before entering the workplace;

e) Many agricultural employers—particularly those with larger, more complex, or vertically-integrated operations—have developed sophisticated and aggressive contact tracing protocols, the data from which they have agreed to provide to county health officials trying to develop their own databases for reporting purposes;

f) In connection with employer provided transportation, implementing some or all of the following measures: proactively limiting the number of passengers on vehicles, requiring screenings before entering the vehicles, requiring handwashing before and after transportation on vehicles, wearing masks at all times on the vehicle, requiring windows to remain open (unless extreme hot or cold weather in effect, during which time ventilation measure were taken), requiring seating charts for the day or longer, transporting cohorted employees together, installing barriers between workers on the bus, and/or installing barriers between passengers and the bus driver (to keep the driver safe); and

g) In connection with employer-provided housing, and aside from the wrap-around housing program discussed above, implementing some of all of the following measures: proactively limiting the number of individuals in units, testing workers before placing them into housing, providing additional cleaning and sanitation supplies, closing and prohibiting congregation in certain common areas and making other common areas (such as laundry rooms) subject to appointments or other scheduling limitations, enhanced cleaning and sanitation of common or high-use areas, and/or housing cohorted employees together.

73. Because agricultural employers work closely with local health, agricultural, housing, and occupational safety agencies, certain agricultural communities, such as Ventura County, have been able to track positivity rates based on various demographic and occupational characteristics. As of December 23, 2020, the County reported 506 cases where farmworkers tested positive. Roughly half of these cases traced back to two major outbreaks in the first half of 2020. The downward trend is reflected by the fact that only 1.5 percent of total Ventura County cases reported involved farmworkers, as compared to other essential workers or vulnerable populations, such as long-term care and skilled nursing (2.7%), healthcare workers (2.8%), those 65+ (9.2%) or those with underlying

health conditions (11.5%).[36] Workers in the grocery and food service section amounted to 1.1% of the total cases. The Ventura County statistics strongly suggest that the agriculture, grocery, and food services industries have learned from experience, and adjusted best practices in dealing with COVID-19.

74. Employers have continuing obligations to ensure that all workers provided with employer housing, including H-2A guest workers, are provided with a safe place to live and work. The H-2A program requires, as a condition of the grant of a work visa, employers are able to secure safe and habitable living quarters for every guest worker. Such housing must be in place before an employer even applies for visas. The compliance standards under this program are rigorous, comprehensive, and detailed, as are the guidelines for worker housing promulgated by the CDHCD and EDD. Any departure from the requirements imposed by state and federal agencies or a finding of non-compliance could jeopardize an employer's ability to secure critically needed guest workers through the H-2A program. Because these requirements mandate that each worker is provided with 100 square feet of living space, crowding conditions, such as those seen in unregulated housing arrangements (where many workers may cram into one apartment), is avoided.

D. Cal/OSHA's Enforcement Response to the COVID-19 Pandemic

75. Prior to the onset of COVID-19, Cal/OSHA had the ability to regulate "Control of Harmful Exposure to Employees" and "Aerosol Transmissible Diseases" ("**ATD**") in workplaces where employees are exposed to infectious diseases that spread by inhalable particles and droplets. (Cal. Code Regs., tit. 8, §§ 5141, 5199 & 5199.1) Employees protected by the ATD regulations include health care workers and first responders, as well as those who work in certain agricultural sectors, such as animal and poultry farms, slaughterhouses, meat packing plants, and transportation of livestock. (*Id.*, § 5199.1(a)(1)(A)(4)-(5).)

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[36] Ventura County Recovers, *County of Ventura, COVID-19 Information* <https://www.venturacountyrecovers.org/> [updated as of December 30, 2020].

76. Cal/OSHA had, in addition to the ATD standard, a number of other standards, including the IIPP standard under section 3203 of Cal/OSHA's Title 8 regulations, to regulate COVID-19 compliance.

77. Cal/OSHA has authority to ensure that employers have an up-to-date, written, and comprehensive COVID-19 compliance and prevention plan, and may investigate and enforce any violation of the IIPP requirements under section 3203. On May 14, 2020, Cal/OSHA explicitly required employers "to determine if COVID-19 infection is a hazard in their workplace . . . For most California workplaces, adopting changes to their IIPP is mandatory since COVID-19 is widespread in the community."[37] This guidance details COVID-19 prevention information that should be included in every employer's IIPP to maintain compliance. (*Id.*)

78. On July 16, 2020, the Deputy Chief of Health for Cal/OSHA, Eric Berg, briefed the Board on Cal/OSHA's current enforcement of employers' requirements to establish, implement, update, and monitor compliance with COVID-19 prevention and mitigation protocols under their IIPPs. Deputy Chief Berg stated that "the Division is doing many investigations and issuing citations under the ATD standard where it applies, and for situations where it does not apply, the Division is citing under Sections 3203 and 5141." (Exh. 4, pp. 5-6.)

79. During that same Board meeting, Katie Hagen, Director of the DIR, informed the Board as to its efforts to ensure that employers are acting on agency COVID-19 related guidance:

> The Division is doing workplace visits and inspections, issuing citations after the investigation is complete, and conducting follow-up visits as needed, in addition to providing guidance, consultation, and education. The Division of Labor Standards Enforcement (DLSE) is assisting with these things as well. The Division is providing outreach to employers via mass email to various industries, and has also set up a call center that reaches 1,200 callers per day to provide assistance.

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[37] DIR, *Cal/OSHA Interim General Guidelines on Protecting Workers from COVID-19* (May 14, 2020) <https://www.dir.ca.gov/dosh/coronavirus/General-Industry.html> [as of December 30, 2020].

(Exh. 4, p. 6.)

80. AB 2043 directs Cal/OSHA to routinely compile and report the subject matter, findings, and results of any investigation "relating to practices or conditions prescribed in the Guidance Documents or a COVID-19 illness or injury at a workplace of agricultural employees." (Lab. Code, § 6725(d).) Although AB 2043's reporting requirements went into effect on or about September 28, 2020, Cal/OSHA had already been investigating and citing employers for failure to comply with their IIPPs.

81. For example, on September 4, 2020, Cal/OSHA Chief Douglas L. Parker issued a press release where he reported Cal/OSHA "has cited 11 employers for not protecting employees from COVID-19 exposure during inspections of industries where workers have an elevated risk of exposure. The industries include food processing, meatpacking, health care, agriculture and retail." [38] Chief Parker also stated that Cal/OSHA has "identified these industries as priorities in our strategic enforcement efforts to make sure employers have adequate COVID-19 infection prevention procedures in place," and that "[t]hese are industries where workers have been disproportionately affected, and these citations are the first of many to be issued in the coming weeks and months."

82. Six of the eleven companies cited were in the "Agriculture" sector. Each involved outdoor workplace activities. Five of the six companies were cited for "failure to provide sufficient shade to enable employees using the shade during breaks/means to maintain a physical distance from co-workers of at least six feet in all directions." One company was cited for failing to ensure workers wore face coverings "while weeding strawberries in close proximity to one another," while another was cited for "failure to provide handwashing facilities within five minutes of a crew working in a field roguing

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[38] DIR, *Cal/OSHA Issues Citations to Multiple Employers for COVID-19 Violations* (September 4, 2020) <https://www.dir.ca.gov/DIRNews/2020/2020-76.html> [as of December 30, 2020].

[i.e., removing plants with undesirable characteristics] sunflowers." The fines ranged from $4,050 to $11,700.[39]

83. Cal/OSHA updates on a weekly basis its webpage reporting citations for COVID-19 related violations. As of December 22, 2020, Cal/OSHA reported a total of ninety-two (92) COVID-19 related citations—none of these citations is based on a violation of the newly-promulgated ETS. Fourteen of the COVID-19 citations related to employers in the agriculture—planting, cultivating, harvesting, postharvest crop activities, cattle ranching, poultry processing, and animal slaughtering.[40] The majority of proposed penalties against these agricultural employers were for under $10,000.00.[41]

84. Five of the ninety-two citations related to food processors, including frozen specialty food manufacturing and perishable prepared food manufacturing.[42] Of the thirteen COVID-19 citations with substantial proposed penalties (over $50,000), six were issued to health care employers (one relating to a correctional facility), two were issued to animal slaughterers, three to frozen food processors, one to a restaurant company, and one to a temporary help services employer. This relatively narrow collection of employer

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[39] DIR, *Citations for COVID-19 Related Violations* <https://www.dir.ca.gov/dosh/COVID19citations.html> [as of December 30, 2020].

[40] *See* DIR, *Citation and Notification of Penalty, Uni-Kool Partners* (August 27, 2020) <https://www.dir.ca.gov/dosh/coronavirus/citations/08.27.2020_Uni-Kool%20Partners_1473209.pdf> [as of December 30, 2020]; DIR, *Citation and Notification of Penalty, Duncan Family Farms* (August 25, 2020) <https://www.dir.ca.gov/dosh/coronavirus/citations/08.25.2020_Duncan-Family-Farms_1483358.pdf> [as of December 30, 2020]; DIR, *Citation and Notification of Penalty, Jobsource North America, Inc.* (September 8, 2020) <https://www.dir.ca.gov/dosh/coronavirus/citations/09.08.2020_Jobsource-North-America-Inc._1473542%E2%80%93Plant1.pdf> [as of December 30, 2020].

[41] DIR, *Citations for COVID-19 Related Violations* <https://www.dir.ca.gov/dosh/COVID19citations.html> [as of December 30, 2020].

[42] *See* DIR, *Citation and Notification of Penalty, Overhill Farms, Inc.* (September 8, 2020) <https://www.dir.ca.gov/dosh/coronavirus/citations/09.08.2020_Overhill-Farms-Inc_1473510%E2%80%93Plant1.pdf> [as of December 30, 2020].

categories does not support any inference of a compliance problems with employers in general.

E. Worksafe/NLG Petitions for a COVID-19 "Emergency" Standard

85. The Board has the authority to initiate proceedings to consider whether existing standards are inadequate to address changing or novel workplace health or safety issues. At no point did the Board consider the need for a COVID-19 standard, let alone its promulgation on an emergency basis and without the opportunity for public participation, until September 17, 2020—four months after receiving the Workspace/NLG Petition—when the Board decided, against the recommendation of the Board's staff, that emergency regulations were needed.

86. On May 20, 2020, WorkSafe and the National Lawyers Guild filed Petition 583 with the Board, requesting the Board promulgate a "temporary emergency standard" governing COVID-19 related workplace safety. (Exh. 1.) The petitioners also requested that, following promulgation of the standard on expedited basis, the Board conduct notice and comment proceedings, pursuant to the rulemaking provisions of the APA (Gov. Code, § 11340 et seq.), to adopt a permanent standard.

87. The standard proposed in the Worksafe/NLG Petition largely mirrored existing guidance from various state agencies, including Cal/OSHA and, in fact, was already an essential part of any COVID-19 related IIPP that must comply with pre-existing Cal/OSHA standards under section 3203. This included the designation of a "competent person" to create, implement, and maintain "effective written infection control procedures to control the risk of transmission," i.e., a "Compliance Action Plan" for COVID-19 prevention and mitigation.[43] But the Worksafe/NLG Petition said nothing about paid leave for employees who test positive for COVID-19 or who have been "exposed" to COVID-

[43] Citing the need to issue regulations to "protect employees in any facility, service category, or operation who may be exposed to SARS-CoV-2 [Covid-19], and who are not within the scope" of the aerosol transmissible diseases standards (Cal. Code Regs., tit. 8, §§ 5199 & 5199.1), Petitioners requested that the Board promulgate COVID-19 regulations as an emergency temporary standard and ultimately permanent standard.

19. It was also silent as to requiring employers to conduct, at their cost, worksite-wide and repeated COVID-19 testing. It did not mention restrictions on employer-provided housing or transportation to reduce exposure or minimize the spread of COVID-19.

88. Notwithstanding the Worksafe/NLG Petition's claim of urgency, the Board did not expedite consideration of the matter. During the July 16, 2020 Board meeting, one Board member made a motion "that petition 583 be heard, discussed, and voted on at the August 2020 Board Meeting."[44] The motion was not seconded, and therefore failed. Although the Board agreed to bring the Worksafe/NLG Petition before the Board at the August 20, 2020 Board meeting "for consideration," no action was taken at that meeting.

F. Cal/OSHA Recommends Adoption of the Worksafe/NLG Petition

89. Under Labor Code section 147.1(d), Cal/OSHA was required to evaluate the proposed "occupational health" standard and submit a report to the Board within 60 days of the Board's receipt of the Workplace/NLG Petition. As of the July 16, 2020 Board meeting, Cal/OSHA still had not provided its report to the Board, and would not do so until July 30, 2020.

90. On July 30, 2020, Cal/OSHA issued a Memorandum recommending the Board "grant Petition 583, in part, by requesting Cal/OSHA to develop and promulgate a proposed emergency temporary standard for the consideration of the Standards Board."[45]

91. Cal/OSHA's analysis of the Worksafe/NLG Petition did not suggest that Petition 583 was breaking new ground or proposing any material change to existing workplace guidance or standards applicable to COVID-19, or that existing guidance or standards were ineffective as to current needs. Cal/OSHA rationalized the need for a new,

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[44] Occupational Safety and Health Standards Board, *Public Meeting and Business Meeting* (July 16, 2020) <https://www.dir.ca.gov/oshsb/documents/minutesJul2020.pdf> [as of December 30, 2020].

[45] The Memorandum is attached as Exhibit 3, and also available at <https://www.dir.ca.gov/oshsb/documents/petition-583-dosheval.pdf> [as of December 30, 2020].

emergency temporary standard because it would "**complement and augment** the existing rules and provide **clear guidance** to employers and workers":

> If COVID-19-specific protections similar to the [COVID-19-specific] guidelines were spelled out in the Title 8 standards, Cal/OSHA could more easily enforce requirements that would be specific, detailed, and more protective of workers . . . . A specific COVID-19 emergency regulation in Title 8 would provide clear instructions to employers and employees on what needs to be done to protect workers from COVID-19, eliminating any confusion and enhancing compliance.

(Exh. 3, pp. 22-23.)

92. Cal/OSHA also stated that "it is essential that Cal/OSHA have all available tools to protect workers from COVID-19 illness and death," but did not identify what tools it believed were missing, or why the tools available were inadequate to protect workers. While claiming that "COVID-19 is an occupational health emergency causing more deaths in less time than any other workplace crisis in the nearly fifty-year existence of Cal/OSHA," and speculating that the "COVID-19 public health crisis is exactly the type of catastrophe that the legislature intended an emergency regulation to address," Cal/OSHA did not support these claims by any citation to evidence. (Exh. 3, p. 21.)

93. Cal/OSHA justified the need for emergency regulation by stating "[t]here is no existing Title 8 regulation that comprehensively addresses an employer's responsibility to protect Non-5199 Workers from infectious diseases." (Exh. 3, p. 22.)[46] The Division does not explain why there is an urgent need for a "comprehensive" standard to address infectious diseases, or why that need necessarily follows because of the current crisis concerning a unique infectious disease.[47]

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[46] Although the Worksafe/NLG Petition excluded workers covered by Title 8's Aerosol Transmissible Disease standard in sections 5199 (primarily health care and related facilities) **and** 5199.1 (facilities and services involving animals), Cal/OSHA decided to exclude only "Non-5199 Workers."

[47] Title 17, section 2500 of the California Code of Regulations lists over 80 communicable diseases, ranging from anthrax, lime disease, botulism, to rabies and Middle East Respiratory Syndrome. Of these, section 5199 specifically addresses one—tuberculosis—as it relates to *occupational exposure*, i.e., "exposure from *work activity* or *working*

94. Nevertheless, the Division cited numerous Cal/OSHA standards currently being used by the Board to initiate investigations and enforcement proceedings. (*Id.*, pp. 6-20.) Cal/OSHA acknowledged "these general provisions provide Cal/OSHA a regulatory basis for requiring employers to take measures to protect workers from COVID-19." (*Id.*, p. 22.).

G. The Board Staff Concludes Proposed Emergency Regulations Are Not Necessary and Recommends the Worksafe/NLG Petition Be Denied

95. On August 10, 2020, the Board staff issued its evaluation of the Worksafe/NLG Petition. (Exh. 2.) The Board staff concluded that the emergency request was not "necessary" and recommended that the Worksafe/NLG Petition be denied. (Exh. 2, p. 9.) The findings and rationale upon which Board staff based its conclusion included the following:

a) Board staff is unable to find evidence that the vast majority of California workplaces are not already in compliance with COVID-19 requirements and guidelines.

b) Board staff cautions that a new regulation would place additional regulatory burden on California businesses that are already compliant with California's COVID-19 requirements and guidelines.

c) Unnecessarily creating an offshoot of the IIPP, without substantial evidence of need, can harm the existing protective nature of the regulation and its benefit to California workplaces by diluting its capacity to serve as the primary regulation requiring employers to address newly discovered hazards.

d) Attempting to codify some of those requirements will no doubt result in confusion when the updated guidelines conflict with the written regulation.

e) Relying on California's performance-based IIPP allows employers to respond to updated worker protection guidelines in a more efficient and responsive manner. which translates into more-effective employee protections.

f) Instead of directing limited resources to create new regulations to prescriptively require what is already required by the existing IIPP performance regulation, enforcement and consultative efforts could continue to focus on businesses in specific parts of the state, such as Los Angeles County, where about 40% of the cases and 50% of the deaths in California have occurred, or on specific industries identified as having disproportionately high incidents of infection. Developing an ETS and a

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conditions" in facilities where exposure is "reasonably anticipated" based on the nature of the workplace itself, in this case health care facilities, services, or operations listed in the standard. (*Id.*, sec. 5199 (a)(1)(A).)

follow-up permanent regulation for the entire state may not be the most effective use of California's limited Cal/OSHA and Board resources.

g) Board staff is not aware of any California studies or data showing that employers are lacking the information necessary to provide employee protections from COVID-19 hazards, nor that the vast majority of employers are not already doing as much as they are able to keep their employees, customers, and businesses functioning safely in accordance with federal, state, and local requirements.

h) Board staff is of the opinion that while the risk of exposure to SARS-CoV-2 is significant, new regulations, whether in the form of an emergency or permanent regulation, are not likely to significantly improve employee outcomes, Employers have ready access to credible information to combat exposure to SARS-CoV-2 and are already required to effectively address such challenges in their workplace. Continued enforcement of existing regulations and consultative outreach is a more efficient and likely effective use of the Cal/OSHA's limited resources.

(Exh. 2, pp. 5-9.)

96. The first time the Board had an opportunity to publicly discuss Cal/OSHA's Memorandum and Board Staff's evaluation took place at the Board's monthly meeting on August 20, 2020. One Board member, commenting on Cal/OSHA's evaluation of the Worksafe/NLG Petition, stated: "It is important to note that the Division has recommended undertaking emergency rulemaking in this case, **but they have not made it clear what the gap is that needs to be addressed**." (Exh. 5, p. 8 [emphasis added].)

97. Another Board member stated "several standards have been developed out of need for additional regulation, such as the ATD and heat illness standards" and "[a]lthough the Division has conducted many inspections pertaining to COVID-19 exposure in the workplace, no citations have been issued yet." (*Id.*, p. 7.)

H. The Board Rejects the Staff Evaluation and Recommendations and Directs the Division to Draft and Submit an Emergency COVID-19 Regulatory Proposal

98. On September 17, 2020, four months after the Worksafe/NLG Petition was first submitted, the Board decided that emergency COVID-19 regulations were necessary. It based this decision largely on Cal/OSHA's unsubstantiated claim that an emergency regulation "would enhance worker safety," and its "assertion that an emergency regulation would strengthen, rather than complicate, the Division's enforcement efforts." At this September 17, 2020 Board meeting, Eric Berg, Deputy Chief for Health, Cal/OSHA, was

asked to provide responses to questions posed by Board Member Kennedy following the July 16, 2020, Board meeting, including whether, "[o]f the numerous inspections that the Division has conducted, are there any situations were identified COVID-19-related workplace problems could **not** be cited under Section 3203 [the IIPP standard] or the ATD standard?" (Exh. 6, at p.9 [emphasis added].) [48]

99. According to the minutes, Deputy Chief Berg did not identify any situations where a lack of regulatory standards prevented the Division from citing employers:

> Mr. Berg stated that the Division is conducting inspections into COVID-19-related hazards in response to complaints, outbreaks, and clusters. The Division is focusing its inspection efforts on industries that have vulnerable populations, increased rates of COVID, and that are having significant outbreaks and clusters.
>
> Mr. Berg stated that in cases where employers do not fall under the requirements of the ATD standard, **Sections 3203 and 5144 provide a regulatory basis that requires employers to protect workers from exposure to COVID-19 in the workplace.** However, the Division feels that a regulation specific to COVID-19 would greatly increase their efficiency, effectiveness, and success in protecting workers.

(*Id*. at pp. 9-10 [emphasis added].)

100. By unanimous vote, the Board voted to adopt the Worksafe/NLG Petition. It directed Cal/OSHA to "draft and submit an emergency regulatory proposal for consideration of adoption by the Board no later than the November 19, 2020 Board Meeting." The Board further instructed the Division to work with Board staff "to convene an advisory committee at four-month intervals to review and recommend amendments to the emergency standard," and to consider the need for a permanent regulation "[a]fter the COVID-19 pandemic subsides." (Exh. 6., at p. 9.)

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[48] The September 17, 2020 minutes are attached as Exhibit 6, and also available at <https://www.dir.ca.gov/oshsb/documents/minutesSep2020.pdf> [as of December 30, 2020].

I. The Board Adopts the Emergency Temporary Standard on November 19, 2020

101. At least five working days before submitting an emergency regulation to OAL, the Board must send notice of the proposed emergency action to every person who has filed a request for notice of regulatory action. (Gov. Code, § 11346.1(a)(2).) OAL has to review emergency regulations within ten calendar days after they are submitted to OAL. (Gov. Code, § 11349.6(b); Cal. Code. Regs., tit. 8, § 56(a)(1).) After OAL posts emergency regulations on its website, it shall allow five calendar days for written comments to be submitted.

102. On November 12, 2020, the Board made public its "Notice of Proposed Emergency Action," which included the proposed ETS.[49] The first time for any opportunity for public comment was on November 19, 2020, at the Board's monthly meeting. In other words, the Board gave the public the minimum notice required under the APA, and no more.

103. Given the minimal notice and the complexity of the 21-page emergency standard, a thoughtful, written presentation from stakeholders was out of the question. The Board adopted the standard on the same day stakeholders first had a chance to comment publicly on the proposed standard.

104. Under the APA's non-emergency rulemaking process, the Board must do all of the following:

a) prepare an extensive initial statement of reasons for the proposed regulatory action setting forth the "specific purpose" and "rationale" for the regulations, an "economic impact assessment" or "regulatory impact analysis," a "description of reasonable alternatives," and "facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business." (Gov. Code, § 11346.2(b)(1)-(5));

b) provide at least 45 days-notice to allow for public comment prior to a public hearing on the regulation (*id.*, § 11346.4);

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[49] The Notice of Proposed Emergency Action is attached as Exhibit 7, and also available at <https://www.dir.ca.gov/oshsb/documents/noticeNov2020-COVID-19-Prevention-Emergency.pdf> [as of December 30, 2020].

c) allow any interested party to voice their concerns through oral or written statements at a public hearing requested by any interested party (*id.*, § 11346.8(a));

d) provide a "final statement of reasons" to "update" the initial reasons and to include a "summary of each objection or recommendation," a "determination with supporting information that no alternative considered by the agency would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law," an "explanation setting forth the reasons for rejecting any proposed alternatives that would lessen the adverse economic impact on small businesses" (*id.*, § 11346.9(a)(1), (3)-(5)); and

e) submit an extensive rulemaking record for final review to the OAL (*id.*, § 11347.3).

105. By invoking emergency rulemaking procedures, the Board avoided these requirements. Instead, the Board was only required to provide five working days' notice of the language of the ETS before submission to OAL for approval. (Gov. Code, § 11346.1(a)(2).) This allowed the Board to reveal for the first time complex and controversial proposals, not included in the Worksafe/NLG Petition and never before shown to or considered by the public, including regulations relating to no-cost testing, paid leave, and employer-provided housing and transportation. (*See* Section V.I. *infra*.)

106. The Board also would have been required to comply with the requirements for a "major regulation," including providing a standardized regulatory impact analysis. (Gov. Code, §§ 11346.2(b)(2)(B) & 11346.3(c).) A "major regulation" is any regulation that would have an economic impact on California business enterprises or individuals in an amount exceeding fifty million dollars ($50,000,000). (*Id.*, § 11342.548.)

107. As reflected in the minutes of the August 20, 2020 Board meeting, the Board was aware of this requirement when it considered the Worksafe/NLG Petition: "This regulation will also affect every employer in the state of California, so the costs will cross the $50 million threshold and result in the regulation having to go through a standardized regulatory impact analysis (SRIA)." (Exh. 5, p. 3.)

J. The Board's Flawed and Speculative "Finding of Emergency"

108. Government Code section 11346.1(b)(2) requires that a "finding of emergency" must:

a) describe "the specific facts demonstrating the existence of an emergency and the need for immediate action";

b) demonstrate, by substantial evidence, "the need for the proposed regulation to effectuate the statute being implemented, interpreted, or made specific and to address only the demonstrated emergency";

c) "identify each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies"; and

d) include facts explaining the failure to address the situation through the normal rulemaking process where the "emergency situation" was known to the agency and could have been addressed in sufficient time through nonemergency regulations.

109. The Board's November 19, 2020 "Finding of Emergency"[50] rests almost entirely rest on conjecture, speculation, or unsubstantiated conclusions rather than evidence.

1. The Finding Fails to Establish the Existence of a COVID-19 Workplace Emergency

110. The Board admits that "[d]ata for the number of cases of COVID-19 infection and number of deaths attributable to workplace exposure is not currently available; however, the numbers are likely substantial." (Exh. 8, p. 4.) Speculation is not adequate to demonstrate the existence of an emergency. (Gov. Code. Sec. 11346.1(b)(2).)

111. The Finding states that the ETS is "necessary to preserve worker safety and health," "to combat the spread of COVID-19," or "to strengthen the Division's enforcement efforts," again without substantial evidence that the spread of COVID-19 remains unchecked in the workplace due to lack of enforceable or ineffective Cal/OSHA guidance, that employers are not complying with their legal obligations to maintain and update their IIPPs, or that there has been a breakdown in the ability of the Division to enforce these mandates.

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[50] The Finding of Emergency is attached as Exhibit 8, and also available at <https://www.dir.ca.gov/oshsb/documents/COVID-19-Prevention-Emergency-FOE.pdf> [as of December 30, 2020].

112. Other evidence is contradicted by Cal/OSHA's publicly available data. For example, the Board states that Cal/OSHA received over 6,937 COVID-19-related complaints over a nine-month period through the end of September 2020, without mentioning that, as of December 28, 2020, Cal/OSHA reported less than 100 cases which resulted in enforcement citations and proposed penalties.

113. The only purported evidence presented by the Board relating specifically to agricultural workers is taken from two news articles describing COVID-19 outbreaks in farmworker housing. While the Finding asserts "that many of these workers live in compact, dorm-like housing facilities provided by employers," and attributes the "overrepresentation of migrant temporary farmworkers testing positive" to these living arrangements, the Finding does not actually identify what percentage of these workers live in employer-provided housing, or why these two incidents—which took place six months before the Board decided to promulgate the ETS—constituted substantial evidence of a serious, and unremedied, problem. Although these articles were cited to justify the need for regulation of employer-provided housing, the Findings do not discuss whether employer-provided housing materially contributes to the spread of COVID-19 at the workplace. Moreover, one of the articles reports that the number of confirmed cases for H-2A employees represents a little under two percent of all guest workers in California.[51]

114. According to the EDD, the California agricultural industry employed over 400,000 workers, whether via direct hire or though farm labor contractors over the last twelve months ending on September 30, 2020. During this same twelve-month period, California employers housed a total number of 25,453 H-2A guest workers—less than seven percent (7%) of all California agricultural workers.

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[51] *See* The Californian, *COVID-19 rips through California motel rooms of guest workers who pick nation's produce*, dated August 26, 20020. <https://www.thecalifornian.com/story/news/2020/08/17/california-motel-guest-farm-workers-coronavirus-case-outbreak/5475182002/> [as of December 30, 2020], cited in Finding of Emergency (Exh. 8), p. 5 ¶6 nn. 8 & 10, p. 43 ¶56.

115. Setting aside the Board's failure to cite any empirical or technical studies or reports that might support a finding of emergency, what evidence it does provide undercuts the suggestion that there is any substantial nexus between **employer-provided** housing and COVID-19 outbreaks. The Board states, for example, that "one California health officer noted that 'farmworkers face the greatest infection risk not at work, but at home.'" (Exh. 8, p. 3.) That article goes on to note that, based on an analysis of federal records, California guest workers sleep on average five to a room. The H-2A program requires that each worker be provided with no less than fifty square feet of space in their sleeping quarters and no less than fifty square feet of common area space. (29 C.F.R. 1910.142(b)(2).) Given the rigorous inspections of these facilities by CDHCD and other authorities, it is unthinkable that any responsible employer would jeopardize its ability to obtain H-2A guest workers by failing to comply with the occupancy restrictions.

116. In fact, there is no basis whatsoever to infer that employer-provided housing, as opposed to communal living arrangements outside of the employer's control, are more likely to cause COVID-19 spread. For example, a large farm labor contractor ("**FLC**") providing H-2A guest workers throughout the United States, including California, has performed rigorous contact tracing and found that the vast majority of new infections originated from domestic workers living in their own private housing, not H-2A guest workers residing in employer-provided housing. Similarly, a large grower, shipper, and distributor in Salinas Valley has had only 256 positive cases in California, and has not confirmed any as occurring in or arising from the workplace; rather, they have all originated elsewhere, such as in personal carpool situations, in close quarter living situations, or as a result of community spread activities (e.g., holiday get-togethers) outside the workplace.

2. The Findings Fail to Identify How the ETS Is Necessary to Address a COVID-19 "Emergency" in the Workplace

117. The Board's claimed necessity for the ETS is "to combat the spread of COVID-19 in California workers," stating the proposed regulation would "significantly reduce the number of COVID-19-related illnesses, disabilities and deaths in California's

workforce." (Exh. 8, p. 5.) To the extent the Board offered any evidence, it goes no further than to demonstrate that the virus is a health hazard and that the spread of COVID-19 in the state of California constitutes a public health emergency. It does not, however, provide any substantial evidence that the ETS's specific requirements will prevent or significantly slow the spread of the virus in the workplace, or that it is necessary for employees with potential exposure to be excluded from work for fourteen days, even after receiving negative test results.

118. The Finding essentially confines itself to justifications having no connection with the "demonstrated emergency," i.e, that "[e]mployers and employees would benefit from a specific set of regulations related to COVID-19 prevention in all workplaces," (Exh. 8, at. p. 5), or that its adoption would make existing regulations "specific to COVID-19 and easy to understand" (*id.*). By statute, these justifications are insufficient to warrant an emergency regulation. (Gov. Code § 11346.1(b)(2) ["A finding of emergency based only upon expediency, convenience, best interest, general public need, or speculation, shall not be adequate to demonstrate the existence of an emergency."].)

119. In fact, it took less than two weeks to demonstrate that the perceived "benefit" of the ETS's prescriptive set of regulations would require its own emergency modification. On December 14, 2020, the Governor suspended the ETS regulations to the extent they conflicted with changes in CDC and CDPH guidelines concerning the duration of quarantine periods. This underscores the extent to which Board's hastily-contrived rules caused needless confusion and placed unnecessary burdens on employers and public health officials, just as the Board staff predicted.[52]

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[52] Executive Order N-84-20, effective "immediately," among other things, "suspended" the employee "exclusion periods" in the ETS (ETS Regs., tit. 8, § 3205(c)(10), (11)) "to the extent they exceed the longer of" any "applicable quarantine or isolation period recommended" by CDPH or "recommended or ordered" by a local health officer with jurisdiction over the workplace. (*See* Governor's Exec. Order No. N-84-20 (December 14, 2020).) CDPH currently recommends a ten-day quarantine or isolation period.

120. The Finding of Emergency presented no substantial evidence to establish the necessity of requiring employers to provide company-wide, repeated testing at their expense, during working hours, and regardless of the ability of employers to pay for or to locate enough test kits to comply with the ETS's massive testing mandate. Although California state and local health agencies offer free testing and COVID-19 screening, the Board offered no substantial evidence that there presently exists an urgent need to shift testing allocation decisions and costs onto private employers, or one that could justify the added strain on limited public health resources in agricultural communities caused by the ETS's forced reallocation of test kits and laboratory capacity.

121. The Board justifies this massive shifting of costs based on the claim that "[o]ffering COVID-19 testing at no cost to employees . . . will encourage these employees to get tested for COVID-19 and also to not report to work following a COVID-19 exposure." Under the ETS, employees must be removed from the workplace, with pay, if they state they were exposed to COVID-19 while at work. This does not encourage testing, since testing isn't a requirement before an employer must remove a worker or, apparently, before a worker decides to make that decision for the employer.

122. The Finding also states that "[m]aintaining employees' earnings and benefits when they are excluded from the workplace is important in ensuring that employees will notify their employers if they test positive for COVID-19 or have an exposure to COVID-19, and stay away from the workplace during the high-risk exposure period when they may be infectious." Under the ETS, an employee is not required to submit to any test, or to test positive, in order to require the employer to maintain their wages and benefits. As to those who do present symptoms, or who do test positive, earnings and benefits are already provided under existing law. Moreover, even if regulation of wage and hour benefits were within the authority of Cal/OSHA—and it is not—there is no evidence whatsoever suggesting that employers are refusing to maintain pay and benefits for workers who test positive, or any evidence suggesting under what circumstances workers would get tested, or report results to their employers.

123. In fact, the ETS's per se rule actually cuts against the Findings. The regulation requires removal of any worker who had "COVID-19 exposure," whether or not that exposure took place at work. Those employees who were exposed **outside** of work are **not** eligible for 10-days' paid leave and benefits. For many farmworkers, the ETS's exclusion rule presents real financial hardship, and therefore a reason **not** to report COVID-19 exposure outside of work, or to be tested, since a negative test result would not alter the employer's legal obligation under the ETS to send that worker home, albeit without requiring pay. In fact, the ETS would encourage employees to overreport workplace exposure, in order to qualify for paid leave, even if the exposure took place outside the workplace.

3. The Board's After-the-Fact Attempt to Cure its Inability to Justify an Emergency Standard Nine Months After the COVID-19 Pandemic Disrupted All California Employers

124. Since the March 4, 2020 declaration of a State of Emergency, Cal/OSHA was issuing and updating guidance, enforcing compliance, and publicly reporting on their successes in bringing enforcement proceedings, with substantial penalties against employers in essential industries, including agriculture. The Board makes no effort to avoid the undeniable fact that the COVID-19 pandemic, and its implications for workplace safety, was not a new, unforeseen, or unforeseeable eventuality. In fact, the Board says nothing that could reconcile its claimed need for immediate action months after employers had fully implemented COVID-19 compliance and mitigation as part of their IIPPs.

125. On the evening of November 30, 2020, OAL approved the proposed ETS, to be effective "immediately."[53] The most recent statement on Cal/OSHA's website states that employers "must" comply as of November 30, 2020, "the day the Office of

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[53] *See* DIR, *Cal/OSHA Emergency Regulations to Protect Workers from COVID-19 in Effect* (December 1, 2020) <https://www.dir.ca.gov/DIRNews/2020/2020-99.html> [as of December 30, 2020].

Administrative Law approved the ETS."[54] According to the DIR website, the ETS remain in effect until October 2, 2021.[55]

126. Sometime after November 19, 2020, the date the Finding of Emergency was issued and the date on which the Board adopted the ETS, Cal/OSHA published on its website "Addendum #1 to the Finding of Emergency."[56] The metadata of Addendum #1, as published on the Cal/OSHA website, reveals the document was not created until **December 3, 2020**, several days **after** the ETS became effective, and two weeks after it was adopted.

127. There is no public record as to the circumstances relating to the promulgation of these "addended findings." There was no notice of a public hearing, no notice of the publication of these new findings, and no indication that the Board approved or voted on them, or that it had reopened the record, after OAL signed off on the Finding of Emergency, to augment its decision.

128. This was a significant breach of a basic due process safeguard under the APA. Section 11346.1 of the APA requires that, no less than five days before submitting an emergency regulation to the OAL, the Board must provide notice of the intent to adopt the proposed emergency action, and the finding of emergency. The reason for this is particularly important where the process invoked by the Board largely dispenses with any opportunity for public participation or notice and comment.

129. Addendum #1 purports to add additional justification for the ETS, stating: "Guidance is not sufficient to address the present increase in cases and the risk of

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[54] *See* DIR, *COVID-19 Emergency Temporary Standards Frequently Asked Questions* (December 1, 2020) <https://www.dir.ca.gov/dosh/coronavirus/COVID19FAQs.html> [as of December 30, 2020].

[55] *See* DIR, *COVID-19 Prevention* <https://www.dir.ca.gov/OSHSB/COVID-19-Prevention-Emergency.html> [as of December 30, 2020].

[56] Addendum #1 is attached as Exhibit 9, and also available at <https://www.dir.ca.gov/OSHSB/documents/COVID-19-Prevention-Emergency-addendum.pdf> [as of December 30, 2020].

occupational spread." (Exh. 9, p. 2.) But it also attempts to back into an explanation as to why the Board delayed so long in promulgating these regulations, or why it could not have done so through non-emergency rulemaking. The Addendum #1 suggests that, while COVID-19 was understood from the outset to be an emergency and public health crisis of unparalleled dimension, the urgency associated with regulating COVID-19 related workplace safety somehow abated during the summer, but took on new immediacy in October or November, when the rate of COVID-19 positivity began to rise.

130. This post hoc rationalization was pretextual. There was no articulable basis that justifies issuing the ETS as an emergency regulation, and no legal or good faith basis that would permit the Board to use an *ultra vires*, backdated document to manufacture such a justification.

K. The ETS Provisions

1. Section 3205 Written COVID-19 Prevention Program

131. Section 3205, entitled "COVID-19 Prevention," has three subdivisions. Subdivision (a) states the scope, excluding employees covered by the Aerosol Transmissible Disease standard (Cal. Code Regs., tit. 8, § 5199), one-person places of employment, and employees working from home. Subdivision (b) contains definitions. Subdivision (c) sets forth eleven mandatory elements for a COVID-19 Prevention Program ("Prevention Program"): (1) "[s]ystem for communicating"; (2) "[i]dentification and evaluation of COVID-19 hazards"; (3) "[i]nvestigating and responding to COVID-19 cases in the workplace"; (4) "[c]orrection of COVID-19 hazards"; (5) "[t]raining and instruction"; (6) "[p]hysical distancing"; (7) "[f]ace coverings"; (8) "[o]ther engineering controls, administrative controls, and personal protective equipment"; (9) "[r]eporting, recordkeeping, and access"; (10) "[e]xclusion of COVID-19 cases"; and (11) "[r]eturn to work criteria."

132. Many of these requirements are largely duplicative of (and in some cases word-for-word identical to) pre-existing guidance. As the attached "Comparison of Emergency Temporary Standards with Cal/OSHA Guidance" chart illustrates, the ETS

does not "clarify" the guidance, as the Finding of Emergency claims. (Exh. 10.) It **codifies** what was intended to be flexible guidance intended to be tailored to the specific considerations of each employer's individual IIPP into rigid, prescriptive regulations.

133. This is contrary to what the Legislature had in mind when it created section 3203 (governing IIPPs) to be performance-based standards. More particularly, the ETS flies in the face of the Legislature's decision this session not to codify Cal/OSHA guidance documents. As originally proposed, AB 2043 would have required that a designated collection of "Guidance Documents" be incorporated by reference into the Labor Code as enforceable OSHA standards. This provision was removed based on the same concerns articulated by the Board staff when it recommended that the Board deny the Worksafe/NLG Petition.

134. The Board, in effect, did what the Legislature expressly chose not to do, and did so via a process that made public scrutiny next to impossible.

135. There are significant new obligations imposed on employers discussed below.

a. No-Cost Testing

136. The Prevention Program requires that employers offer testing "at no cost to employees during their working hours **to all employees who had potential COVID-19 exposure in the workplace**." (ETS Regs., § 3205(c)(3)(B)(4.) [emphasis added].) While the ETS defines "COVID-19 exposure" as "being within six feet of a COVID-19 case for a cumulative total of 15 minutes or greater in any 24-hour period within or overlapping with the 'high-risk' exposure period" (*id.*, § 3205(b)(3)),[57] the standard does not define what is a "potential" COVID-19 exposure.

b. Employee Exclusion and Paid Leave

137. The "[e]xclusion of COVID-19 cases" element provides:

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[57] The "'high-risk' exposure period" varies depending on whether a person has developed COVID-19 symptoms or tests positive but never develops symptoms. (ETS Regs., § 3205(b)(9)(A) & (B).)

> (A) Employers **shall ensure that COVID-19 cases are excluded from the workplace** until the return to work requirements of subsection (c)(11) are met.
>
> (B) Employers **shall exclude employees with COVID-19 exposure from the workplace for 14 days** after the last known COVID-19 exposure to a COVID-19 case.
>
> (C) **For employees excluded from work** under subsection (c)(10) and otherwise able and available to work, **employers shall continue and maintain an employee's earnings**, seniority, and all other employee rights and benefits, including the employee's right to their former job status, as if the employee had not been removed from their job….

(ETS Regs., § 3205(c)(10)(A)-(C) [emphasis added].)[58]

138. Although the fourteen-day exclusion period was modified by Governor Newsom to conform with the latest CDC guidance, the Governor's order does nothing to bring the ETS into line with other, critically important CDC guidance, which does **not** impose a per se exclusionary rule for COVID-19 exposure, but rather adopted a fact-specific analysis, taking into account the nature of the interaction and when it occurred. Moreover, the ETS does not comply with CDC guidance concerning COVID-19 exposure in critical infrastructure industries, and thus fails to reflect the reality that it is not practicable to impose rigid exclusion rules, especially where essential workers are concerned.

139. There are two exceptions to the paid leave requirement: (1) where the employee is unable to work for reasons other than COVID-19; and (2) "where the employer demonstrates that the COVID-19 exposure is not work related." (§ 3205(c)(10)(C).)

140. The "[r]eturn to work criteria" element provides:

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[58] A COVID-19 "case" is a person who has a "positive 'COVID-19 test,'" is subject to a COVID-19-related order to isolate issued by a local or state health official, or who has died "due to COVID-19." (ETS Regs., § 3205(b)(2)(A)].) A person is no longer a "case" "when a licensed health care professional determines that the person does not have COVID-19." (*Id.*, § 3205(b)(2)(B)].)

> (A) COVID-19 cases with COVID-19 symptoms shall not return to work until:
>
> 1. At least 24 hours have passed since a fever of 100.4 or higher has resolved without the use of fever-reducing medications;
>
> 2. COVID-19 symptoms have improved; and
>
> 3. At least 10 days have passed since COVID-19 symptoms first appeared.
>
> (B) COVID-19 cases who tested positive but never developed COVID-19 symptoms shall not return to work until a minimum of 10 days have passed since the date of specimen collection of their first positive COVID-19 test.
>
> (C) **A negative COVID-19 test shall not be required for an employee to return to work.**

(ETS Regs., § 3205(c)(11)(A)-(C) [emphasis added].)

141. Requiring employers to provide no-cost testing and paid leave for employees excluded from the workplace who are not sick is not authorized by the statutory authority cited for these regulations — Labor Code sections 142.3 and 144.6 have nothing to do with employee benefits. Other regulatory schemes cover worker benefits. (*See* paragraphs 234-237 *infra*.)

142. The exclusion requirement contains two presumptions: (1) a de jure irrebuttable presumption that an "exposed" worker is infectious, since an exposed worker must be excluded from the workplace regardless of whether they tested negative or positive or were tested at all; and (2) a de facto irrebuttable presumption that an excluded worker is entitled to paid leave, since, as a practical matter, it would be virtually impossible for an employer to show that "COVID-19 exposure is not work related."

143. Even if an employer could show that exposure was not work-related, the exclusion of persons "exposed" fails to take into account the labor shortages and supply chain disruptions that would result, especially in time-sensitive industries with perishable products like agriculture. (*See* paragraphs 160-182 *infra*.)

144. The return to work criteria, by not requiring a negative COVID-19 test, does not seem designed to prevent COVID-19 transmission. The ETS also sets up a conflict

with other agricultural employers (farms producing animals and slaughterhouses) regulated by a different Cal/OSHA standard, the Aerosol Transmissible Standard in section 5199.1 of Title 8.

2. Multiple COVID-19 Infections and COVID-19 Outbreaks

145. Section 3205.1 imposes obligations on employers when the place of employment has been identified by a local health department as the "location of a COVID-19 outbreak or when there are three or more COVID-19 cases in an exposed workplace within a 14-day period," which apply "until there are no new COVID-19 cases detected in a workplace for a 14-day period." (ETS Regs., § 3205.1(a)(1) & (2).) Among other things, extensive, continuous no-cost COVID-19 testing is required (*id.*, § 3205.1(b)) and "cases" and "exposed" employees must be excluded from the workplace in accordance with the Prevention Program's exclusion period and any applicable local health officer orders (*Id.*, § 3205.1(c)). Defining an "outbreak" based on "three or more COVID-19 cases" regardless of the size of the workplace is arbitrary.

3. Major COVID-19 Outbreaks

146. Section 3205.2 imposes obligations on employers when "there are 20 or more COVID-19 cases in an exposed workplace within a 30-day period," and applies "until there are no new COVID-19 cases detected in a workplace for a 14-day period." (ETS Regs., § 3205.2(a)(1), (2).) Among other things, extensive no-cost COVID-19 testing is required (*id.*, § 3205.1(b)) and "cases" and "exposed" employees must be excluded from the workplace in accordance with the Prevention Program's exclusion period and any applicable local health officer orders (*id.*, § 3205.1(c)). Defining an "outbreak" based on the number of "cases" regardless of the size of the workplace is arbitrary. Employers are required to "evaluate whether to halt some or all operations at the workplace until COVID-19 hazards have been corrected." (*Id.*, § 3205.2(e)(3).) But the ETS is vague regarding what an employer must do to satisfy this requirement.

4. COVID-19 Related Regulation of Employer-Provided Housing

147. Section 3205.3 applies to "employer-provided housing"—"housing that is arranged for or provided by an employer," which includes a "labor camp" and housing maintained in "hotels and motels," but excludes housing provided for "emergency response," where the employer is a "government entity," or where persons "maintained a household together prior to residing in employer-provided housing." (ETS Regs., § 3205.3(a)(1) & (2).) Subdivision (c) requires employers to:

> (1) Ensure the premises are of sufficient size and layout to permit at least six feet of physical distancing between residents in housing units, common areas, and other areas of the premises.
>
> (2) Ensure beds are spaced at least six feet apart in all directions and positioned to maximize the distance between sleepers' heads. For beds positions next to each other, i.e., side by side, the beds shall be arranged so that the head of one bed is next to the foot of the next bed. For beds positioned across from each other, i.e., end to end, the beds shall not be arranged so that the foot of one bed is closest to the foot of the next bed. Bunk beds shall not be used.
>
> (3) In housing units, maximize the quantity and supply of outdoor air and increase filtration efficiency to the highest level compatible with the existing ventilation system.

(*Id.*, § 3205.3(c)(1)-(3).)

148. Other provisions address assignment of housing, face coverings, cleaning and disinfecting, "screening" (i.e., "encourag[ing] residents to report COVID-19 symptoms to the employer"), and testing. (ETS Regs., § 3205.3(b) & (d)-(g).)

149. Subdivision (h) addresses "[i]solation of COVID-19 cases and persons with COVID-19 exposure":

> (1) Employers shall effectively **isolate** COVID-19 exposed residents from all other occupants. Effective **isolation** shall include providing COVID-19 exposed residents with a private bathroom, sleeping area, and cooking and eating facility.
>
> (2) Employers shall effectively **isolate** COVID-19 cases from all occupants who are not COVID-19 cases. Effective **isolation** shall include housing COVID-19 cases only with other COVID-19 cases, and providing COVID-19 case occupants with a sleeping area, bathroom, and cooking and eating facility that is not shared by non-COVID-19 case occupants.
>
> * * *

> (4) Employers shall end **isolation** in accordance with subsections 3205(c)(10) and (c)(11) and any applicable local or state health officers orders.

(ETS Regs., § 3205.3(h)(1), (2) & (4) [emphasis added].)

150. Labor Code sections 142.3 and 144.6 say nothing about the authority of the Board to regulate employer-provided housing; other agencies, such as the CDHCD, have jurisdiction in this area. Isolation of persons infected or exposed to infected persons is within the purview of state and local public health officers, and not the Board or Cal/OSHA. (*See* paragraphs 254-256 *infra*.) And as a practical matter, ETS section 3205.3 does not account for the housing shortages the physical distancing and isolation requirements would cause, particularly in rural and remote areas. (*See* paragraphs 183-185 *infra*.)

5. COVID-19 Related Regulation of Employer-Provided Transportation

151. Section 3205.4 applies to "employer-provided motor vehicle transportation to and from work," with exceptions where the driver and all passengers are from the same household, and the transportation is necessary for emergency response. (ETS Regs., § 3205.4 (a)(1) & (2).) Provisions address assignment of transportation, physical distancing and face coverings, screening, cleaning and disinfecting, ventilation, and hand hygiene. (*Id.*, § 3205.4(b)-(f).) The physical distancing provision requires the "vehicle operator and any passengers are separated by at least three feet in all directions during the operation of the vehicle, regardless of the vehicle's normal capacity." (*Id.*, § 3205.4(c)(2).)

152. Labor Code sections 142.3 and 144.6 do not authorize regulation of worker transportation; other regulatory schemes do cover worker transportation. (*See* paragraphs 242-253 *infra*.). The physical distancing requirement fails to take into account the impracticality of "three feet in all directions" for most vehicles.

L. The ETS Presents Unique, Grave and Immediate Risks of Irreparable Harm to All Critical Infrastructure Sectors, and in Particular to Agricultural Employers

1. The ETS Imposes One Set of Rules for All Employers Regardless of Vastly Different Circumstances

153. The ETS places all employers in all sectors at risk, but its failure to even take into account significant differences between hardware stores or factories and orange groves or dairy farms has devastating consequences for agriculture. While the arbitrary and rigid requirements of the ETS also harm employers in other industries, perhaps no industry is more vulnerable than agriculture to labor shortages, transportation strikes, and even weather. Unlike a factory where production can be shut down, put on hold, and then started up again, animals, fields, and orchards must be continually managed, crops are perishable (often with very short windows of harvest), and produce cannot be stored indefinitely.

154. Even within the agriculture industry, the ETS treats all employers the same, regardless of (a) variations in geography, season, product, perishability of product, or how product is harvested, (b) whether workers work outdoors (e.g., crop care workers or harvesters) or indoors (e.g., cold room packers or food processors), (c) the availability of local or employer-provided housing, or (d) whether a particular employer is already complying with all other public health and safety requirements in an effort to keep workers safe and healthy.

2. Effect of Testing Rules

155. The ETS requires an employer to "offer" free testing "during working hours" to "all employees who had potential COVID-19 exposure in the workplace" and requires mandatory testing when there is an "outbreak." Both requirements fail to grasp the realities of agriculture.

156. Under the ETS, an "outbreak" is arbitrarily defined as three positive COVID-19 cases within a rolling two week period without regard to the size of the workforce (e.g., three cases in a workforce of twenty versus 1,000 employees) or location (e.g., in one building or in a 200-acre field). In the event of an "outbreak," all employees in the same "workplace" — as of January 21, 2021 "the building, store, facility, **agricultural field**, or other location where a worker worked during the infectious period" (Lab. Code § 6409.6(d)(5) [emphasis added]) must be "immediately" tested. (ETS Regs., §

3205.1(b)(2)(A).) As a result, growers will be required to provide COVID-19 testing to all employees in an agricultural field — regardless of size — when there are three or more COVID-19 cases within a 14-day period. Testing is mandatory regardless of whether an employee was anywhere near an employee who tested positive or those who worked in close proximity to the person who tested positive. The ETS seems to presume that the workplace is static. This is untrue in agriculture. Farm labor crews move from one facility or agricultural field to another, hugely expanding what constitutes the "exposed workplace."

157. It is also uncertain that employers will be able to secure sufficient tests for large workplaces given the shortages of tests in some rural communities, especially when all employers are under an obligation to test large numbers of employees. Further, it is unclear how those tests can be "immediately" provided to employees who are in fields, which are sometimes hours away from the employer's offices. It is also unclear whether qualified personnel would be available to administer tests, and whether field tests are even possible.

158. Dairy farms are located in rural areas of the State. These areas have limited access to COVID-19 testing services, which causes delays in receiving test results and limit the number of available tests. Receiving test results in these rural areas can take up to fourteen days. In addition, it is impracticable for dairy farms to gain access to provide enough tests for all of their employees on a weekly basis in the event of a COVID-19 "outbreak" or "potential exposure" to a COVID-19 case. These restraints on the availability of COVID-19 tests in rural areas make it impossible for dairy farmers to comply with the ETS.

159. Logistics and scarcity issues aside, employers must bear the costs of testing. For example, an employer with 80 employees, seeking to provide tests at $127 per test would incur $11,600 the first week, and then a similar cost per week until there are no additional positive cases. Such costs would repeat anytime there is an "outbreak" of three

or more within the workforce, which is statistically likely to recur, depending on the workforce size and pervasiveness of COVID-19 in surrounding communities.

3. Effect of Exclusion Rules

160. While both the ETS and the CDC use the same metric for their definitions of "exposure" (the CDC uses the term "close contact") — fifteen cumulative minutes of exposure at a distance of six feet or less over a 24-hour period — the CDC uses this as an "operational definition for contact investigation." In contrast, the ETS uses it as a per se rule, regardless of environmental factors, such as whether exposure was indoors or outdoors, the duration and proximity of exposure, whether the infected person was coughing, singing, or shouting, or whether the infected person displayed symptoms.

161. The CDC recommends testing be among the first tools in preventing or containing the spread of COVID-19. The ETS does not require a positive test to be excluded from the workplace or a negative test to return to work. In fact, the ETS does not permit employers to consider the results of testing or medical examination at all. Once "exposed" and thus excluded, the ETS creates a conclusive (or irrebuttable) presumption that the employee cannot return to work for ten days.[59]

162. Based on guidance promulgated by federal, state, and local authorities (including Cal/OSHA agricultural-specific guidelines first issued on May 14, 2020), many growers have conducted contact tracing whenever an employee tests positive, in addition to reporting the case to county health officers. The ETS presumes that anyone "exposed" may be presumed to be infected and therefore must be excluded from the workplace, thus raising the question as to why it is necessary to do contact tracing in the first place. This mandatory exclusion is not consistent with contact tracing procedures, and may in fact

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[59] As previously noted, this aspect of the ETS is not consistent with CDC guidance regarding non-symptomatic persons in critical infrastructure jobs. Such workers are not required to be per se excluded from the workplace. (*See* CDC, *Interim Guidance for Implementing Safety Practices for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19* <https://www.cdc.gov/coronavirus/2019-ncov/downloads/critical-workers-implementing-safety-practices.pdf> [as of December 30, 2020].)

contradict directives of local public health officers, who have the legal authority to order isolation and quarantine based on their definition of "close contact" with an infected person.

163. The ETS, by prescribing exclusion and return to work criteria, regardless of individual circumstances, puts employers in a no-win situation. Because testing expressly cannot be required for an employee to return to work, co-workers will reasonably ask their employer for assurances that it is safe to readmit an "exposed" employee to the worksite. Because the employer cannot know whether the returning worker may have actually contracted COVID-19 after being "exposed" to a COVID-19 case in the workplace or after being excluded from the workplace and cannot know whether the worker may still be contagious, it will be impossible for the employer to give employees any assurances.

164. The ETS requirement that "exposed" employees be "excluded," as a result of not only an "outbreak," but even a single positive "case," coupled with employer-paid testing and paid leave, triggers a cascade of events that can have devastating financial and operational consequences for employers in the agricultural industry. These consequences arise from the direct costs to implement testing requirements and paid leave and the loss of income, crops, and produce caused by labor shortages.

165. The costs of testing are compounded by the costs of paid leave for all "exposed" employees, who must per se be "excluded" for ten days. For example, an employer with 80 employees who has an "outbreak" of three cases in the "workplace" must pay excluded employees at a minimum rate of $12 for ten days, for a total of $76,800 per each such "outbreak," which is statistically likely to recur given the workforce size and pervasiveness of COVID-19 in surrounding communities.[60]

[60] Many employers in the agricultural industry already have robust programs to identify, manage, and trace positive COVID-19 cases. Not surprisingly, given the pervasiveness of COVID-19 in communities, employers have repeatedly traced positive cases to employees' activities outside the workplace, when employees are not within the employer's control, such as gatherings during holidays, parties, and shared meals.

166. In addition to direct costs of testing and paid leave, agricultural employers will likely experience crop and produce losses, which in turn results in financial losses. Because crops are perishable, and often have short windows for harvesting and require continuous management, they cannot simply be ignored while crews are excluded from the workplace. When harvesting, packing, processing, cooling, shipping and distribution are delayed, crops and produce must be ploughed under or otherwise destroyed, which means financial losses for employers. This disruption to the food supply chain is especially worrying during a pandemic.

167. Strawberry harvesting provides one example of the consequences of the ETS conclusive presumption requiring exclusion of employees. Growers are currently harvesting strawberries in the Santa Maria Valley in Santa Barbara and San Luis Obispo Counties. Compared to other crops, strawberries are very labor intensive. Workers examine every plant and pick only the ripe berries, leaving non-ripe berries on the plant to be picked later. The pickers go back every three days to pick newly ripened berries. If this process gets disrupted, the results can be catastrophic for the plants. If ripe berries are left on the plant, they quickly become overripe and spoil. Fungi and spoilage organisms can then infect and insects infest the plant. The whole plant can be lost. Leaving berries unpicked can also condition the plant into "believing" its production cycle is ending, potentially making the plant significantly less productive going forward. Thus, an inability to manage large numbers of plants due to sidelined crews can lead to loss of entire crops for the 16-month life cycle of strawberry plants.



168. As the above photograph illustrates, strawberries are grown in rows, typically four feet apart. As crews go through the fields, it is impracticable to stagger them in a way that ensures they will remain more than six feet apart at all times. Should one member of a strawberry crew of 20 workers test positive, there is a strong likelihood that, under the ETS definition of "COVID-19 exposure," the entire crew may have to be excluded for ten days. The loss of crews that size could have consequences well beyond the cost of paid leave, including long-term harm to plants and operations, as well as supply chain disruption.

169. Seasonal crops, such as strawberries, present unique challenges, including conditions beyond the grower's control, such as heat wave, rainstorm, frost, or hailstorm, all with the potential to ruins crops. These weather conditions require immediate action – workers must quickly salvage as much of the undamaged fruit and remove as much of the damaged fruit as possible. A labor shortage caused by the ETS mandatory employee exclusion, even if employees test negative, would have devastating consequences.

170. The unavailability of certain employees, such as those involved in plant management, can affect the long-term production of crops. For example, one grower of

various commodities, including lettuce, spinach, broccoli, carrots, onions, and strawberries, in Salinas Valley, hires crews of eighteen to thirty workers to manage crops, including by thinning and weeding. The majority are domestic workers who have their own housing and transportation, outside the company's control, but who also visit outside the workplace and share rides to work. If any of them contracted COVID-19, the ETS would require the company to exclude them from work with paid leave. Their unavailability to perform critical work in managing crops could reduce yield by up to thirty to forty percent.

171. The California dairy industry could also face detrimental consequences from compliance with the ETS. The dairy industry is highly interconnected, and depends on the timely functioning of various components to operate properly. Delays in any part of the dairy supply chain could lead to spoilage and waste of milk and milk products.

172. Dairy farming requires the work of laborers who cannot be replaced on short notice. For example, workers milking cows are highly skilled and work in small teams, usually of three to four workers at a time. Each of the workers plays a critical role in the milking process. If even a single worker is exposed to COVID-19, the ETS requires that worker to be excluded from the dairy farm even if they test negative or show no symptoms of COVID-19. Mission critical employees, such as dairy truck drivers, who cannot be easily replaced would have to be removed from the workplace should they have any "COVID-19 exposure," thus creating a bottleneck preventing milk from being delivered. Loss of a single worker will cause delays in the milking process, which could have a catastrophic impact on the health and productivity of the cows, which must be milked on a strict schedule. Dairy farmers in this situation who must milk their cows will face the terrible choice of either violating the ETS to allow the exposed worker to continue working or violating other labor laws by requiring the other workers to work overtime to compensate for the excluded worker's lost labor.

173. As with other row crops, picking lettuces, cabbage, cauliflower, bok choy, and other leafy produce requires a crew to move systematically through the agricultural field.



174. As the above photograph illustrates, farmworkers necessarily work in relatively close quarters when they pick lettuce. It is not practical or economically feasible to separate workers by leaving every other row unharvested for a variety number of reasons that go beyond cost and inefficiency. In fact, one grower of leafy greens tried alternate row harvesting to maintain social distancing. The experiment concluded when the grower determined, based on contact tracing and crew monitoring, that physically separating crews in this manner did not have any appreciable impact on the spread of COVID-19 within these crews.

175. As the photograph below illustrates, other growers have used plastic barriers on their harvesting equipment as an alternative to social distancing.



176. These barriers may or may not slow the spread of COVID-19. For purposes of the ETS's per se rules, it would not matter, because the workers likely would be deemed to have been "exposed" because they were working within six feet of one another, even though they are working outdoors and wearing masks. The barriers simply are not part of that calculus, just as other safety measures or environmental factors are also deemed irrelevant under the ETS.

177. Because agricultural fields are large and spread out over miles, growers must transport workers to the "workplace," in trucks, vans, or other farm labor personnel carriers. This means that, for at least the duration of that trip, workers will be in close proximity while being moved from field to field, even if those workers were not on the same crew picking lettuce with the COVID-19 case.

178. In other words, the ETS's mandatory removal provisions could result in losing not only an entire crew, but other workers "exposed" in the agricultural field, break room, bathroom, or parking lot to a positive case, including drivers, crew bosses,

inspectors, and other critical workers. This mandatory rule is not consistent with the CDC guidance for essential workers potentially exposed to a COVID-19 case. It is also completely irrational, given the realities of how perishable crops must be picked.

179. These losses are not limited to farmers and growers. Cooling facilities are used to store produce, such as leafy greens, prior to shipment. It is a critical link in the food supply chain. Should a worker in a cooling facility test positive, it is possible that others who work around that employee could be "exposed," as that term is defined in the ETS. In that event, it is possible, if not likely, that due to the loss of trained cooling facility employees, the entire facility may have to close. But even the temporary removal of some of these critical workers would have the effect of reducing the capacity of the cooling facility for lack of manpower. This will have a domino effect on both sides of the supply chain.

180. First, it will mean that fewer pallets of produce can be brought into the facility. Thus, the operator of the cooling facility will have to ration the amount of produce each grower may be able to store in the facility. Second, it means that less produce will be available to go to customers when needed, thus limiting supply to wholesalers, institutional food suppliers, and grocery stores.

181. A loss of crops due to a shortage of available workers caused by exclusion under the ETS can have even more of a ripple effect. For example, if a grower cannot meet contractual commitments to those downstream in the supply chain such as food wholesalers, wholesalers will have to buy products on the open market, potentially at higher prices to satisfy their own contractual obligations to grocery stores and restaurants, causing even more financial losses.

182. For most agricultural employers –whether growers, shippers, farm labor contractors, processors or distributors – the lack of labor that would necessarily be caused by the per se exclusion rules of the ETS could be devastating, even if they are not required to remove workers under the regulation's per se exclusion rule. If other employer "links" in the food supply chain suffer a major disruption due to a labor shortage – especially in a

region with especially acute shortages – there will be inevitable ripple effects. While some employers may be able to pass on cost increases, such as farm labor contractors, others may not be able to pass on price increases. Some growers may be contractually locked into pricing. Some purchasers may have options to buy seasonal vegetables elsewhere if faced with higher prices. In combination with other, additional direct expenses imposed by the ETS, such as testing, paid leave, transportation and housing (assuming housing or transportation may be had), this could prove financially ruinous to many employers.

4. Effect of Employer-Provided Housing Rules

a. The Farm Labor Housing Shortage

183. There is a historic shortage of available housing for agricultural workers. This is especially true in coastal counties with high populations of agricultural workers, such as Monterey County, Santa Barbara County, and Ventura County. Even before COVID-19, agricultural growers all struggled to find adequate housing for their employees, and some even opted to construct employee housing to provide housing that was otherwise unavailable to their employees. Employers have also opted to use a wide variety of housing, including dormitories, motels, hotels, and apartments. It is very difficult to find additional housing on a short term basis, because there is simply not enough housing or real estate to house all agricultural workers, especially in coastal areas.

184. There are also housing shortages in rural communities in California. For example, in the Santa Maria Valley there is a severe housing shortage. Growers have encountered push-back about housing guest workers in homes in various neighborhoods. The City of Santa Maria has therefore asked them to house guest workers in hotels and motels; however, there are not enough hotels and motels in the area to accommodate all guest workers. The additional housing restrictions imposed by the ETS have only compounded the problem, leaving growers scrambling to find and competing for a shrinking pool of additional replacement housing to comply with the ETS. Even if available, costs will be significantly increased for one-third more units at likely higher rates.

185. Employers in the agricultural industry often use employer-provided housing, either as an optional benefit or a mandatory requirement for foreign national "guest" workers, in order to secure sufficient labor to meet their needs. This is often true of FLCs, who recruit, hire, furnish and supervise seasonal or temporary agricultural laborers for a fee. They most often enter into contracts with growers to provide a labor workforce to harvest and pack crops. FLCs can have laborers numbering in the hundreds or thousands, contractually committing their workers year- round, moving from one grower and field to another, based on crop, season, and other factors.

b. H-2A Guest Worker Housing

186. FLCs frequently rely on the H-2A visa program to obtain guest workers and, as a result, are required by law to provide housing (though they may also provide housing as a benefit to some domestic workers). Growers may also offer employer-provided housing, either as a benefit for domestic workers or as a legal requirement when they directly hire guest workers.

187. Given the well-recognized, chronic labor shortage for agricultural workers, including laborers who work in the field, FLCs and growers must often resort to using the H-2A guest worker program, bringing in foreign nationals on temporary visas, to satisfy their labor needs. The need for such labor has continually increased over the years. This year presented a particular shortage of domestic workers. There are a limited number of people in the domestic labor force willing to do field work, and increasing wages only ends up taking employees from other growers, who will then suffer their own labor shortages.

188. The H-2A visa program allows a foreign national worker into the United States for temporary agricultural work. The employer must apply for visas to bring in enough guest workers to meet their temporary labor needs. The employer also has to have in place, before the application, certified, housing for the guest workers. To demonstrate this, the employer must first submit an application to EDD for job orders, at least 60 to 75 days before date of need, identifying the specific housing intended to be used for the guest workers. Then EDD (or, alternatively, DCHCD and the appropriate county agency) will

initiate inspection of the housing to determine whether it satisfies strict and specific state and federal standards. Concurrently, and at least 45 days before date of need, the employer must also file an application with the federal Department of Labor ("**U.S. DOL**"), incorporating the EDD application and job order, which identifies the specific housing to be used. If the application is incomplete, for example if the EDD does not certify the number of people in the housing that the employer requested, the U.S. DOL's certification will be delayed until all issues are resolved. Once the U.S. DOL application is complete, the U.S. DOL will provide certification – historically at least 30 days ahead of need. Finally, the certification will be provided to U.S. Citizenship and Immigration Services for visa approvals, and the employer will go to the consulate for issuance of the visas. The process usually takes two to three months.

189. Employer-provided housing may take various forms, from permanent apartment-style housing built by the employer, to leased properties to hotel and motel rooms. Regardless of the type of housing, H-2A regulations impose various requirements on housing for guest workers. If three workers are housed together, each has to have fifty square feet of sleeping space. (29 C.F.R. 1910.142(b)(2).) Employers have necessarily contracted for housing meeting that standard. The ETS upends this. Under the ETS, no occupant or bed can be within six feet of another, which results in no more than two persons per room. This new, diminished capacity forces employers to either find local housing for the third person or lose that person for the season.

190. Grape growers in Northern California must begin winter pruning in January 2021. Due to a shortage of domestic farm labor (particularly in Sonoma and Napa Counties), employers rely on the H-2A program to meet their labor requirements. Northern California growers submitted their applications to the H-2A program well before the Board disclosed the ETS mandated restrictions on occupancy for employer-provided housing.

191. EDD has recently declined to certify employers' requests for H-2A workers because the housing obtained based on the number of workers requested does not comply

with ETS capacity restrictions, largely due to the ETS prohibition on the use of bunkbeds and the requirement of six-feet distance from bed-corner-to-bed-corner.[61]

192. Because U.S. DOL certification of H-2A worker applications hinges on prior EDD approval, the U.S. DOL has delayed certification pending resolution of this issue with the EDD. Due to this uncertainty, some employers have agreed to accept a smaller number of workers just to get their U.S. DOL certification.

193. Pruning must take place during a specific time window – generally speaking, roughly four months after harvest but before budbreak. The timing as to when pruning should occur depends on the grape varietal, as well as factors not within the control of growers, such as frost, spring rains, and variations in local weather. If there is not a sufficient number of H-2A workers available at the time when pruning must occur, crop yield and quality will be impacted.

c. Agricultural Employers Have Implemented Effective Protocols to Mitigate or Prevent the Spread of the Virus in Employer-Provided Housing

194. A large grower, shipper, and distributer who employs 2,800 employees at any given time, with California operations in Monterey and Imperial Counties, is also facing housing obstacles created by the ETS. This company has spent millions of dollars to build permanent housing for 800 of its workers. The housing is primarily designed to accommodate eight people per unit, divided into two rooms and common space (including a living room, television, WiFi and kitchen). The units are provided to guest workers at no cost, but also to domestic workers at a modest cost ($125/month) as a benefit. At the start of the COVID-19 pandemic, the company drastically cut down the occupancy of its units in an effort to protect workers. However, the new ETS rules, which categorically prohibit bunkbeds (regardless of space or engineering controls) and require six-feet distance from

[61] In fact, on December 29, 2020, EDD advised H-2A employers that it "will be following the new Emergency Temporary Standards with an emphasis on the Housing Inspections to ensure compliance within the H-2A Program." (*See* Exh. 12.)

bed corner to bed corner (as a practical matter often resulting in nine or more feet between occupants), will require the company to cut housing capacity by half or more.

195. Similar housing obstacles are faced by FLCs. One midsize FLC in business since 1950 provides labor to growers eight months of the year in California, largely to harvest leafy greens and vegetables. It hires 6,500 workers per year, with 900 to 1,200 workers available at any given time, and has increasingly relied on the H-2A program as domestic labor has become less and less available. This FLC has spent millions to build an apartment-style housing complex for its workers, consisting of two units (each with four beds and a dedicated bathroom) connected by a common area (living room, television, and kitchen). The units are largely provided to H-2A guest workers, but also as a benefit to a small percentage of domestic workers. In light of the new ETS restrictions, this FLC will have to cut its housing capacity by at least half.

196. The ETS housing restrictions will also have negative effects on larger FLCs. One FLC has provided H-2A guest workers in several states, including California, Arizona, Nevada, Oregon, Texas, Colorado, and Florida, for almost forty years. This FLC serves most of the major brands in the produce section of local grocery stores that feed the nation its leafy greens, berries, citrus, garlic, pears, tomatoes, and various other commodities.

197. Throughout the year, this FLC employs approximately 5,000 to 6,000 workers. Because agricultural work is seasonal, the company hires workers for varying lengths of time to fit the seasonal labor needs of the commodity being handled. At any given moment, the company employs approximately 2,000 workers, with fluctuation depending on demand for domestic labor, which takes priority over H-2A workers for available job opportunities. Approximately 90% of the workforce are on H-2A visas. The other 10% are domestic workers who live in the areas near worksites.

198. In May 2020, this FLC adopted a rigorous COVID-19 prevention protocol in order to minimize the spread of COVID-19 in its workplaces. This included strict protocols for monitoring employee symptoms, sanitizing work and living areas,

engineering controls for minimizing employee exposure, and education for workers. The company has spent approximately $3 million on these protocols since May.

199. One of this FLC's most successful protocols was adopting a three-pronged system of monitoring, quarantining, and isolating employees with potential exposure to COVID-19. Employees who show symptoms of COVID-19 or have been exposed to someone with COVID-19 are given a questionnaire that asks about various factors, including their symptoms, how long they have had symptoms, who they have been in contact with, who their roommates are, what medical care—if any—they have received, and more. If the employee shows at least 3 symptoms of COVID-19, they are placed in "quarantine housing," single-occupant rooms specifically set aside for workers with COVID-19 to stay away from coworkers. These quarantine housing units are provided in addition to the housing units generally provided to other employees. Quarantined employees are not allowed to work for the first three days to confirm whether symptoms develop. Workers in quarantine housing are monitored for symptoms based on temperature checks and their responses to questions about their symptoms. If symptoms develop, they are tested for COVID-19.

200. Workers who test positive for COVID-19 are placed in "isolation housing." Like quarantine housing, isolation housing is separate from the general housing provided to employees. Unlike quarantine housing, isolation housing includes "wrap around care," including nursing visits, food delivery, laundry delivery, and other services. Workers providing wrap around care are given PPE. These wrap around care protocols minimize contact between the employee and other workers. After isolation, employees are allowed to return to work if they test negative for COVID-19, or if they are symptom-free for ten days, have gone at least 24 hours without a fever without fever-reducing medication, and other symptoms of COVID-19 are improving.

201. This FLC's COVID-19 prevention protocol has been highly effective. On average, between May and December 2020, **less than 0.57% of its total workforce tested positive for COVID-19**. The rate of infection was highest when the protocol was first

adopted in May and June, with positivity rates of 1.65% and 1.02%, respectively. The positivity rate quickly declined to 0.88% in July, 0.30% in August, and 0.00% in September. Only one employee has tested positive for COVID-19 in December to date, accounting for 0.06% of the current total workforce.

202. This FLC also performs rigorous contact tracing. As a result, it has found that the vast majority of infections originated with domestic workers living in their own private housing, not H-2A guest workers residing in employer-provided housing.

d. The ETS Housing Requirements Will Severely Harm Agricultural Employers and Employees

203. The effect of cutting housing capacity for agricultural employers by half has a devastating ripple effect.

204. Since H-2A workers cannot be brought to the United States unless free employer-provided housing is in place, the ETS puts employers in a dilemma. Employers are forced either to secure more housing for guest workers – substantially increasing their costs (as much as doubling) if additional housing is even available – or bring in far fewer workers, causing a labor shortage. A labor shortage, in turn, leads to the negative consequences discussed above, including rotting and loss of perishable crops, costs of destroying crops, inability to store and ship produce, lost income, potential long-term productivity decreases, liability for failure to meet contractual obligations, etc. Labor shortages are particularly devastating because the process for obtaining guest workers takes 60 to 90 days.

205. Even where employers are inclined or able to absorb a doubling of their housing costs, such housing cannot always be found. For example, in Monterey where these employers have operations, there is well-known housing shortage. Many individuals, including those working in agriculture, are already not living in secure and safe places, e.g., in overcrowded houses sleeping in closets, on couches, or on the floor. There are not enough apartments or hotel and motel rooms to accommodate the drastically increased need for housing, especially if all agricultural employers suddenly need more housing to comply with the ETS in communities with existing shortages.

206. If employers must suddenly cut their housing capacity by half, they will have to provide all available housing to H-2A workers, who must by law be provided employer-arranged housing. This means that domestic workers who currently enjoy housing benefits will lose their housing, and be forced to seek housing in a market experiencing a shortage. Domestic workers would thus need to seek housing with no employer oversight, and may be left with no alternative but to share overcrowded units. It is inexcusable to create rules that oust workers from well-maintained and regulated housing into uncertain or insecure housing in the midst of a pandemic.

207. Forcing employers to cut their housing capacity by half will also undermine existing COVID-19 prevention protocols adopted by employers who have established separate housing units to allow workers to quarantine or isolate without contact with other employees. If these employers are forced to find additional housing units to comply with the ETS, they will be forced to convert their quarantine and isolation housing into general housing for their employees. Employers will have no available housing for employees infected with COVID-19, forcing them to 1) isolate in the same general housing units as other employees, potentially infecting other employees; 2) find housing outside of the employer-provided housing units, which may be impossible in light of housing scarcities; or 3) return to their homes, risking infection to others they travel with and their families.

208. The ETS is having an immediate and irreparable effect on employers with H-2A workers in the country when the ETS went into effect. Those guest workers would either have to be removed from their housing to comply with the ETS, which would violate the employer's obligation to the U.S. DOL, or the employer would have to let those guest workers remain in their housing, which would violate the ETS. It is a cruel choice imposed on both the employer and worker. And even if an employer is inclined to send the guest worker back to his or her home country, the employer is still obligated to pay that

guest worker 75% of his or her remaining contract, under what is commonly known as the "three-quarter guarantee."[62]

209. The ETS housing regulations do not allow for alternatives, such as installing plexiglass or other barriers between existing worker sleeping spaces, to address social distancing guidelines. They also do not allow employers to calculate six feet between occupants (as opposed to bed-corner-to-bed-corner), or to arrange occupants such that they can measure six feet from head-to-toe, as other regulations – such as those enforced by the Los Angeles County Public Health Officer permit. The ETS's strict and unyielding requirements effectively guarantee that **all** existing housing certified under the H-2A program is inadequate, regardless of any other measures agricultural employers take to mitigate COVID-19 exposure.

210. The strict rules of the ETS are irrational as well as harmful. For example, the regulations require but do not explain how employers are supposed to comply with the requirement that they "ensure that unwashed dishes, drinking glasses, cups, eating utensils, and similar items are not shared." (ETS Regs., § 3205.3(e)(2).) Nor do they explain how employers are required to guarantee the cleanliness of common spaces **inside** residential units in which workers reside (as opposed to cleaning common areas outside of such units, e.g., shared laundry space). Though employers provide cleaning supplies, this does not "guarantee" cleanliness. The only way to do so would be to hire cleaning crews to enter workers' residences, which itself raises a host of issues including (a) the cost of hiring crews, (b) violation of privacy rights of residents, and (c) perhaps most important, putting in danger both cleaning crews and residents by introducing new people into the living environment and creating new contacts, especially when most workers are "cohorts" living, transporting and working in COVID-19 bubbles. The Board never explains how

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[62] As a requirement of the H-2A program, employers must enter into written contracts with each guest worker, and each such contract guarantees a certain amount of work per week and number of weeks. If an employer is unable to satisfy that requirement, the guest worker must be paid 75% of any remaining obligation at the minimum hourly rate of $14.77 per hour.

these strict requirements of the ETS protect employees in the workplace when they do not in any way regulate domestic employees' housing situations. Domestic employees live in their own housing, often overcrowded, and often travel together. Employers cannot control and the ETS does not regulate any of this. Such employees can have more significant exposure to COVID-19, bringing COVID-19 "cases" into the workplace regardless of employer compliance with costly ETS strictures on employer-provided housing.

5. Effect of Employer-Provided Transportation Rules

211. Transporting employees from their residence to the fields is an important though not mandatory benefit for employees. While it is a legal requirement for H-2A guest workers, it is not otherwise a condition of employment. Employers who have built permanent H-2A-compliant permanent housing for their H-2A guest workers must offer transport for workers from their residences to the fields. Many workers still choose to carpool.

212. To transport guest workers, employers use private vans or buses, or a limited number of public carpooling systems that charge employers on a per mile basis.

213. Many growers have purchased buses to transport workers, which have limited seating capacity. These buses are often custom-made by manufacturers in order to comply with California vehicle emissions standards. In response to COVID-19, growers have taken measures to reduce COVID-19 transmission, e.g., making sure windows are left open and everyone on board wears a mask, installing hand cleaning stations, and cleaning between each use.

214. Notwithstanding the numerous safety measures and engineering controls already put in place by employers, the ETS mandates at least three feet between each person in a vehicle, which can reduce capacity by two-thirds in a bus with a seventy-two person capacity and by half in a bus with a forty person capacity. Thus, complying with the ETS requires employers to acquire more vehicles. If they cannot afford to do so, they will

need to make multiple trips, and stagger crews, which is disruptive to operations, especially since round trips (from housing to fields and back) can sometimes take hours.

215. Initially, double or more trips will cost double or more to transport H-2A workers from their housing or pick-up point to the field or other work location. Similarly, if the employer uses a public carpooling system, double the trips means double the per-mile fee.

216. Even if employers were able to absorb this additional cost, it is unlikely that sufficient transportation would be available. There is a shortage of qualified bus drivers for such work. Bus drivers for farm labor transportation must have a class B driver's license and certified qualification for farm labor transportation from the California Highway Patrol ("**CHP**"). The tests for these bus driver qualifications are difficult to pass, and drivers must be recertified periodically. These qualification requirements limit the number of available drivers, which were already scarce before COVID-19 and the ETS. Buses that comply with California emissions requirements are also scarce. To avoid staggering of transportation schedules, employers would be forced to purchase additional buses, but buses may take up to two years after being ordered to be manufactured and delivered. The most prevalent third party carpooling system available, Cal Vans, has already stated its capacity is quickly filling up, advising employers to reserve spaces well in advance. This capacity problem is only exacerbated by agricultural employers required to double their transportation requirements to comply with the ETS. If unable to secure sufficient transportation, employers will face daily labor shortages.

217. Even where transportation can be arranged and costs absorbed, the staggering of workers during multiple trips, starting at different times, will lead to other negative consequences. For example, employers would need to have some workers taken to the field, while others await the bus; and those waiting in the fields would wait for those who come on the next bus so they can complete a crew and start working. This is problematic as some round trips can take hours, and some crews, such as broccoli harvesters, cannot start working until the whole team is there, given the nature of the team,

equipment, and work. Meanwhile, all the waiting time would be compensable, adding to the ever increasing costs for the employer; and the delays would likely require overtime work, which would further increase costs. This can also lead to a stressed and overworked workforce, which can actually result in a less safe workplace.

218. Staggering workers could also run afoul of H-2A requirements, since H-2A workers have written contracts with certain guaranteed hours per week, and weeks per season. To avoid giving H-2A less hours than contractually promised, employers would have to take guest workers out to the fields first, while domestic workers waited for the next bus. But that would result in domestic employees being disfavored by receiving fewer hours than H-2A workers, which the law does not permit. (8 U.S.C. § 1188(a)(1).)

FIRST CAUSE OF ACTION

DECLARATORY RELIEF

(Against All Defendants)

219. Plaintiffs incorporate by reference and reallege each allegation set forth above.

220. Code of Civil Procedure section 1060 authorizes this Court to render a declaratory judgment in cases of actual controversy relating to the legal rights and duties of the respective parties.

221. Government Code section 11350(a) authorizes this Court to render a declaratory judgment as to the validity of the ETS based on its "substantial failure to comply" with the requirements of the APA, or "upon the ground that the facts recited in the finding of emergency . . . do not constitute an emergency" under Government Code section 11346.1.

222. Defendants have promulgated and are enforcing standards in a manner that interferes with Plaintiffs' and their members' rights and violates California statutory law and the California and U.S. Constitutions.

223. An actual and substantial controversy exists between Plaintiffs and Defendants as to the parties' respective rights and responsibilities. A judicial determination

of the parties' rights and the constitutionality of the ETS, as applied to Plaintiffs and their members, will give relief from the uncertainty and insecurity giving rise to this controversy.

224. Plaintiffs seek a declaration as to whether the ETS was promulgated in violation of the APA, exceeds the Defendants' statutory authority, violates the California Constitution, and/or violates the U.S. Constitution.

SECOND CAUSE OF ACTION

WRIT OF TRADITIONAL MANDATE

(Against All Defendants)

225. Plaintiffs incorporate by reference and reallege each allegation set forth above.

226. Plaintiffs seek a writ of traditional mandamus under Code of Civil Procedure section 1085, which provides that a writ of traditional mandamus is available to compel public agencies to perform acts required by law, for failure to perform a mandatory duty, or for review of quasi-legislative action by a local agency. A writ of traditional mandamus "may be issued by any court to any inferior tribunal, corporation, board, or person, to compel the performance of an act which the law specially enjoins, as a duty resulting from an office, trust, or station, or to compel the admission of a party to the use and enjoyment of a right or office to which the party is entitled, and from which the party is unlawfully precluded by that inferior tribunal, corporation, board, or person." (Code Civ. Pro., § 1085(a).) The procedure set forth in section 1085 is used to review adjudicatory decisions when the agency is not required by law to hold an evidentiary hearing. (*Scott B. v. Bd. Of Trustees of Orange Cty. High Sch. Of the Arts* (2013) 217 Cal.App.4th 117, 122-23 [158 Cal.Rptr.3d 173].) A decision that was "arbitrary, capricious, or entirely lacking in evidentiary support" will not be upheld. (*Ibid.*)

227. Plaintiffs have a clear, present, and direct beneficial interest in, and right to, Defendants' performance of their legal duty to find legitimate means of addressing COVID-19 in the workplace, which includes a duty not to exceed the authority delegated

to Cal/OSHA by the Legislature, a duty to find an emergency and the need to promulgate emergency regulations to address an emergency based only on satisfying the legal requirements for doing so, and a duty to rely on science and experience and to act reasonably when promulgating regulations.

228. At all times relevant to this action, Defendants have had the ability to perform the duties set forth herein, and have failed and refused to do so. Defendants have acted arbitrarily, capriciously, and without legal basis in refusing to carry out or discharge their mandatory duties as set forth herein.

229. Unless compelled by this Court to perform those acts and duties and to refrain from acts as required by law, Defendants will continue to refuse to perform said duties and continue to violate the law, and Plaintiffs and their members will be injured as a result.

THIRD CAUSE OF ACTION

VIOLATION OF THE CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH ACT

(Lab. Code § 6300, et seq.)

(Against All Defendants)

(No Statutory Authority)

230. Plaintiffs incorporate by reference and reallege each allegation set forth above.

231. The Legislature's "intent" is that "the occupational safety and health standards and orders promulgated under [the Labor Code]," are applicable to "**employers for the exclusive purpose of maintaining and enforcing employee safety**." (Lab. Code, § 6304.5 [emphasis added].) The Board's authority to set standards is limited by Cal/OSHA's jurisdiction. (*United Air Lines, Inc. v. Occupational Safety and Health Appeals Bd.* (1982) 32 Cal.3d 762, 768 [654 P.2d 157, 187 Cal.Rptr. 387].) Cal/OSHA "has the power, jurisdiction, and supervision over every **employment and place of employment** in this state, which is necessary adequately to enforce and administer all laws

and lawful standards and orders, or special orders **requiring such employment and palace of employment to be safe**, and requiring the protection of the life, safety, and health of every employee **in such employment or place of employment**." (Lab. Code, § 6307 [emphasis added].)[63] Cal/OSHA's jurisdiction, however, does not extend to "a place where the health and safety jurisdiction is **vested by law in, and actively exercised by**, any state or federal agency other than the division." (Lab. Code, § 6303(a) [emphasis added].)

232. The Board is "the only agency in the state authorized to adopt occupational safety and health standards." (Lab. Code, § 142.3(a)(1).) The Board is only authorized to adopt occupational safety and health standards enforced by Cal/OSHA. (Lab. Code, §§ 142 & 142.3(a)(1)).)

233. The Legislature's intent is for the Board and Cal/OSHA to regulate hazards created by the nature of the workplace. The ETS, however, improperly seeks to regulate outside the area of workplace safety and with respect to a hazard that does not originate in the workplace and is not caused by employers, but that exists outside and may be brought into the workplace. The Board has not established any nexus between COVID-19 and workplaces generally, and merely concluded, without supporting scientific data or studies, that COVID-19 presented a workplace emergency that employers were failing to address.

234. Defendants' overreach disregards the statutory structure of the Labor Code, the Legislature's intent, and the jurisdiction of other agencies, including the Division of Labor Standards Enforcement ("**DLSE**"), DHCD, CHP, Public Utilities Commission ("**PUC**"), CDPH, and U.S. DOL.

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[63] "'Place of employment' means any place, and the premises appurtenant thereto, **where employment is carried on**, except a place where the health and safety jurisdiction is vested by law in, and actively exercised by, any state or federal agency other than the division." (Lab. Code, § 6303(a) [emphasis added].) "'Employment' includes the carrying on of any trade, enterprise, project, industry, business, occupation, or work, including all excavation, demolition, and construction work, or any process or operation in any way related thereto, in which any person is engaged or permitted to work for hire, except household domestic service." (Lab. Code, § 6303(b).)

235. The Board had no authority to adopt and Cal/OSHA has no authority to enforce the following regulations:

- ETS section 3205(c)(10)(C) (paid leave for "exposed" workers and "cases") (Cal. Code Regs., tit. 8, § 3205(c)(10)(C));
- ETS section 3205.3 (distancing and other mandates for employer-provided housing) (Cal. Code Regs., tit. 8, § 3205.3);
- ETS section 3205.4 (distancing and other mandates for employer-provided transportation to and from work) (Cal. Code Regs., tit. 8, § 3205.4);
- ETS section 3205.3(h)(1)-(3) (requiring employers to "isolate" "exposed residents" and "cases" in employer-provided housing) (Cal. Code Regs., tit. 8, § 3205(h)(1)-(3));
- ETS section 3205(c)(3)(B)(4.) ("no cost" testing of workers with "potential" "exposure") (Cal. Code Regs., tit. 8, § 3205(c)(3)(B)(4)).

ETS sections 3205(c)(10)(C), 3205.1(c), 3205.2(c) (paid leave for "exposed" workers and "cases")

236. The structure of the Labor Code demonstrates the Board's legislatively-delegated authority over occupational safety and health does not extend to job security and employment benefits, including the circumstances under which an employee may be entitled to paid leave due to safety and health concerns. The DIR has separate divisions, including the Division of Occupational Safety and Health (i.e., Cal/OSHA) and the Division of Labor Standards Enforcement (i.e., DLSE). (Lab. Code, § 56.) Cal/OSHA administers and enforces Part 1 (Occupational Safety and Health) of Division 5 (Safety in Employment) of the Labor Code. (Lab. Code, § 60.5.) DLSE administers and enforces Chapter 1 (Wages, Hours, and Working Conditions), of Part 4 of Division 2 (Employment Regulation and Supervision) of the Labor Code. (Lab. Code, § 61.) The Board is only authorized to adopt occupational safety and health standards enforced by Cal/OSHA. (Lab. Code, §§ 142 & 142.3(a)(1)).)

237. The Legislature has directly exercised its authority with respect to paid leave, for example, through the "Healthy Workplaces, Healthy Families Act of 2014." (Lab.

Code, §§ 245 – 249.) In response to COVID-19, the Legislature expanded the rights of workers to obtain supplemental paid leave. (*Id.*, § 248.1.) The Labor Commissioner (not Cal/OSHA) enforces these provisions. (*Id.*, § 248.5.)

238. There is no statutory authority for the ETS provision that workers be removed from the workplace with paid leave. No statute expressly authorizes the Board to enact paid leave laws with respect to COVID-19. The only authority for removing workers from the workplace with paid leave is based on the express statutory requirement that the Board promulgate regulations based on federal regulations concerning occupational exposure to lead. (*See* Cal. Code Regs., tit. 8, §§ 1532.1 & 5198; 29 C.F.R.§ 1910.1025(k); *see also* Lab. Code, § 142.3(a)(2) ("The board shall adopt standards at least as effective as the federal standards for all issues for which federal standards have been promulgated").)

239. Since the ETS paid leave provision applies regardless of whether a worker has a positive or negative COVID-19 test (Cal. Code Regs., tit. 8, § 3205(c)(11)(C), it is not even tailored to its purported "purpose" of "limit[ing] transmission of COVID-19 in the workplace." (Cal. Code Regs., tit. 8, § 3205(c)(10).)

240. Defendants' actions in exceeding their authority create confusion regarding the interaction of the ETS and various state and federal mandates regarding paid leave.

241. Based on the above, the Board lacked authority to adopt the ETS paid leave regulations, which renders them invalid.

ETS sections 3205.3 and 3205.4 (distancing and other mandates for employer-provided housing and transportation to and from work)

242. Under Labor Code sections 6303 and 6307, the Board has jurisdiction over the health and safety conditions in any "place of employment" except where the health and safety jurisdiction over that place of employment is "vested by law in, and actively exercised by" any other state or federal agency.

243. Health and safety jurisdiction over a place of employment is "vested by law" in a federal or state agency when the agency has been specifically mandated to protect

worker safety. (*United Air Lines, Inc. v. Occupational Safety and Health Appeals Bd.* (1982) 32 Cal.3d 762, 768 [187 Cal.Rptr. 387].)

244. Section 6303's "actively exercised" element requires "at least some degree of enforcement by another agency in order to divest [Cal/OSHA] of jurisdiction," which is determined by analyzing whether the agency has promulgated a body of rules directly addressing the health and safety of the place of employment, and whether the agency has undertaken systematic enforcement of those safety measures. (*United Air Lines, supra*, 32 Cal.3d at 777.)

245. State agencies other than Cal/OSHA regulate worker housing and transportation pursuant to express statutory authority.

246. Vehicle Code section 31401 grants the CHP authority to adopt regulations designed to promote the safe operation of farm labor vehicles, including, but not limited to, vehicular design, equipment, passenger safety, and seating, and authorizes the CHP to inspect farm labor vehicles to ensure compliance. The definition of farm labor vehicle exempts vehicles carrying only members of the driver's immediate family, or vehicles regulated by the PUC. (Veh. Code, § 322.)

247. The CHP actively exercises jurisdiction by requiring that farm labor vehicles be inspected and certified annually "to ensure their safe operation" and encourages the public to report farm labor vehicles "being operated without certification or in an unsafe condition."[64]

248. The PUC has authority to prescribe health and safety rules for common carriers, including charter buses and similar services commonly relied upon by agricultural employers. (*See* Pub. Util. Code, §§ 701 et seq., 1033 & 5381.) The PUC has issued a resolution requiring carriers under its jurisdiction to follow CDC and CDPH guidance to

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[64] *See* CHP, *Farm Labor Vehicle Program* <https://www.chp.ca.gov/programs-services/programs/commercial-vehicle-section/farm-labor-vehicle-program> [as of December 30, 2020].

protect "the safety of carriers' employees, their passengers and anyone they come in contact with."[65]

249. Labor Code section 1682.7 expressly authorizes the Labor Commissioner to regulate farm labor contractors, and specifically applies to "day haulers," defined as any person employed or contracted by a farm labor contractor to provide transportation services to workers.

250. The federal Migrant and Seasonal Agricultural Worker Protection Act ("MSPA") (29 U.S.C. § 1801, *et seq.*) grants the U.S. DOL authority to regulate health and safety conditions related to the transportation and housing of agricultural employees. The MSPA requires that all persons providing employee housing and transportation to migrant agricultural workers register with the U.S. DOL and obtain specific authorization from the U.S. DOL before providing housing or transportation.[66]

251. California's Employee Housing Act specifically authorizes the CDHCD to promulgate and enforce health and safety regulations governing employee housing. (*See* Health & Saf. Code, § 17050.) The CDHCD has promulgated regulations governing employee housing, issues permits related to employee housing, and enforces its regulations through inspections and investigations.[67]

252. The CDHCD also maintains an Office of Migrant Services which has issued and revised health and safety guidance specific to migrant farmworker contractors since

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[65] P.U.C. Res. TL-19131 (August 6, 2020) <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M344/K842/344842850.PDF> [as of December 30, 2020].

[66] *See* U.S. Dept. of Lab., *Fact Sheet #49: The Migrant and Seasonal Agricultural Worker Protection Act* (July 2008) <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/whdfs49.pdf> [as of December 30, 2020].

[67] *See* Dept. of Housing and Community Development, *Employee Housing Program* <https://www.hcd.ca.gov/building-standards/employee-housing/index.shtml#employee-housing-enforcement> [as of December 30, 2020].

the onset of the COVID-19 pandemic.[68] The only reference to employer provided housing in Cal/OSHA regulations prior to the enactment of the ETS recognizes the authority of CDHCD to regulate employee housing:

> Every employer operating a labor camp under the provisions of the California Employee Housing Act shall obtain a valid permit issued by the Department of Housing and Community Development or by a local governmental agency authorized to issue such permits by the Department. The employer shall either post or have available a valid and current permit.

(Cal. Code Regs., tit. 8, § 3350 ("Labor Camp Permits").)

253. The U.S. DOL also regulates the health and safety of migrant agricultural workers under the H-2A visa program. Section 218 of the Immigration and Nationality Act authorizes the lawful admission into the United States of temporary, nonimmigrant workers, defined as H-2A workers, to perform agricultural labor or services of a temporary or seasonal nature. The H-2A visa program establishes standards related to housing and transportation for employers of H-2A workers.[69]

ETS section 3205.3(h) (requiring employers to "isolate" "exposed residents" and "cases" in employer-provided housing)

254. The ETS provision addressing housing, entitled COVID-19 Prevention in Employer-Provided Housing, provides that employers "effectively **isolate** COVID-19

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[68] *See* Dept. of Housing and Community Development, *COVID-19 Guidance on Social Distancing* (April 27, 2020) <https://www.hcd.ca.gov/coronavirus19/docs/oms-memo-covid-19-guidance-on-social-distancing.pdf> [as of December 30, 2020]; Dept. of Housing and Community Development, *Attachment A – Social Distancing Protocols and Enforcement* <https://www.hcd.ca.gov/coronavirus19/docs/attachment-a-social-distancing-protocols-and-enforcement.pdf> [as of December 30, 2020]; Dept. of Housing and Community Development, *Attachment B – State of Emergency Addendum* <https://www.hcd.ca.gov/coronavirus19/docs/attachment-b-state-of-emergency-addendum.pdf> [as of December 30, 2020]; Dept. of Housing and Community Development, *Guidance on Cleaning and Disinfecting Procedures for COVID-19* (May 15, 2020) <https://www.hcd.ca.gov/grants-funding/active-no-funding/docs/oms%20covid-19%20guidance%20for%20cleaning%20and%20disinfecting%20ada.pdf> [as of December 30, 2020].

[69] U.S. Department of Labor, *Agricultural Employment* <https://www.dol.gov/agencies/whd/agriculture> [as of December 30, 2020].

exposed residents" and "cases." (ETS Regs., § 3205.3(h) [emphasis added].) To the extent the ETS address quarantine and isolation standards outside the workplace, that is clearly within the province of the CDPH.

255. The California Legislature has granted CDPH **specific authority** to respond to public health threats, including epidemiological events. The Health and Safety Code confers authority on the CDPH to "quarantine, isolate, inspect, and disinfect persons … [and] places … [if] the action is necessary to protect or preserve the public health." (Health & Saf. Code, § 120145; *see also* Health & Saf. Code, § 120130(d).)

256. The Health and Safety Code confers authority for CDPH to promulgate regulations concerning isolation or quarantine procedures. (Health & Saf. Code, § 120130(c).) And CDPH may establish "places for quarantine or **isolation**." (Health & Saf. Code, § 120135.) The Health and Safety Code confers authority for CDPH to destroy property if it cannot be disinfected. (Health & Saf. Code, § 120150.) The Health and Safety Code confers authority for CDPH to "take measures as are necessary to ascertain the nature of the disease and prevent its spread" such as taking control of "the body of any living person, or the corpse of any deceased person." (Health & Saf. Code, § 120140.)

ETS sections 3205(c)(3)(B)(4.), 3205.1(b) and 3205.2(b) ("no cost" testing of potentially exposed and exposed workers)

257. The ETS requires employers to "[o]ffer COVID-19 testing at no cost to employees during working hours to all employees who had potential COVID-19 exposure in the workplace." (ETS Regs., § 3205(c)(3)(B)(4).) And if there is an "outbreak" repeated rounds of "no cost" testing are required. (*Id.*, §§ 3205.1(b) & 3205.2(b).) These provisions are related to the paid leave and housing and transportation provisions, as the requirements of those provisions would be triggered upon a positive test, or even a negative test if the employee had "exposure." Since the Board has no authority to regulate paid leave and housing and transportation, it has no authority to enact the derivative no cost testing provision. Moreover, the no cost testing provisions are not tethered to workplace safety and health at all. There is no requirement an employee take a COVID-19

test, much less test negative, to remain at or return to the workplace. (ETS Regs., § 3205(c)(11)(C).) Therefore, this provision of the ETS is invalid.

258. Defendants' actions in excess of their authority are "void." (*See American Federation of Labor v. Unemployment Ins. Appeals Bd.* (1996) 13 Cal.4th 1017, 1042 [56 Cal.Rptr.2d 109]) ("An administrative agency must act within the powers conferred upon it by law and may not act in excess of those powers. Actions exceeding those powers are void, and administrative mandate will lie to nullify the void acts.").)

259. Plaintiffs request declaratory and injunctive relief to nullify California Code of Regulations, Title 8, sections 3205(c)(3)(B)(4), 3205(c)(10)-(11), 3205.1(b) & (c), 3205.2(b) & (c), and 3205.3, and 3205.4, and to enjoin Defendants from attempting to enforce them.

FOURTH CAUSE OF ACTION

VIOLATION OF THE CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH ACT

(Lab. Code § 6300, et seq.)

(Against All Defendants)

(Unlawful Irrebuttable Presumption)

260. Plaintiffs incorporate by reference and reallege each allegation set forth above.

261. ETS section 3205(c)(10)(C) EXCEPTION 2 states that the paid leave requirement does not apply where the employer "demonstrates that the COVID-19 exposure is not work related."

262. The Labor Code does not permit the Board or Cal/OSHA to shift the burden to the employer to prove exposure was **not** work-related. Defendants' grant of legislative authority does not permit them to, in effect, pronounce that COVID-19 exposure is a prima facie occupational hazard. The Legislature has the authority to create and has created rebuttable presumptions regarding workplace exposure. (*See, e.g.,* Lab. Code, § 77.8 (amending existing law "creat[ing] a disputable presumption that specified injuries

sustained in the course of employment of a specified member of law enforcement or a specified first responder arose out of and in the course of the employment" to include "illness or death resulting from" COVID-19 "under specified circumstances"). The Legislature did not extend this rebuttable presumption to other types of workers.

263. The exclusion requirement contains two presumptions: (1) a de jure irrebuttable presumption that an "exposed" worker is infectious, since an exposed worker must be excluded from the workplace regardless of whether they test negative or positive or at all; and (2) a de facto irrebuttable presumption that an excluded worker is entitled to paid leave, since, as a practical matter, it would be virtually impossible for an employer to show that "COVID-19 exposure is not work related."

264. These presumptions are also irrational, arbitrary, and unreasonable. First, given how widespread COVID-19 now is in the community, any presumption it is an occupational hazard is not grounded in reality. With respect to employees generally, COVID-19 also does not fit within the Labor Code's definition of "exposure." (Lab. Code, § 6370 defining "exposure" as "any situation **arising from work operation** where an employee may ingest, inhale, absorb through the skin or eyes, or otherwise come into contact with a hazardous substance") [emphasis added].)

265. Second, there is no basis to conclude an employee who is "exposed" (but never tested positive) must still be removed from the workplace, no matter how many times he takes a COVID-19 test and receives a negative diagnosis. Under the ETS, it is conclusively presumed this employee may pose a risk to workers, whether or not he contracted the virus in the first place.

266. Third, there is no reason why a conclusive presumption should attach after 10 days of exclusion from the workplace that he may safely return without endangering workers. Under either scenario, no public health purpose can be served by treating a healthy person as unsafe to return, whether or not that person obtains a negative test. At the same time, confidence in the integrity of the employer's COVID-19 safety protocols

will be called into question by other employees, who want (but may not receive) any objective assurance that a worker isolated for 10 days is safe to return.

267. Defendants' actions in excess of their authority are "void." (*See generally American Federation of Labor*, *supra*, 13 Cal.4th at 1042 ("An administrative agency must act within the powers conferred upon it by law and may not act in excess of those powers. Actions exceeding those powers are void, and administrative mandate will lie to nullify the void acts.").)

268. Plaintiffs request declaratory and injunctive relief to nullify California Code of Regulations, Title 8, section 3205(c)(10)(C), and to enjoin Defendants from attempting to enforce it.

FIFTH CAUSE OF ACTION

VIOLATION OF THE CALIFORNIA ADMINISTRATIVE PROCEDURE ACT

(Gov. Code § 11340, et seq.)

(Against All Defendants)

(Invalid Emergency Rulemaking)

269. Plaintiffs incorporate by reference and reallege each allegation set forth above.

270. "'Emergency' means a situation that calls for immediate action to avoid serious harm to the public peace, health, safety, or general welfare." (Gov. Code, § 11342.545.) This is a revised definition added in 2006 by Assembly Bill 1302. (Stats. 2006, ch. 713.) The prior definition allowed emergency adoption of regulations whenever the agency found that the regulations were "necessary for the immediate preservation of the public peace, health and safety or general welfare." (*Ibid.*)

271. Legislative history confirms that the amendment was intended to tighten the emergency standard. In an August 30, 2006 letter, Assembly Member Jerome E. Horton, lead author of the bill, stated: "AB 1302 modifies language that determines when a state agency may adopt emergency regulations. **Because emergency regulations restrict public notice and participation, they should be permitted only in limited**

circumstances. … **This standard clarifies and augments the demonstration that a state agency must make to justify the use of emergency regulations**." (Assem. J. (2005–2006 Reg. Sess.) pp. 7634–7635 [emphasis added]; *see also* 1 Michael Asimow, et al., California Practice Guide: Administrative Law ¶ 26:155 (2020).)

272. Case law prior to the revised definition recognized that, in the context of emergency regulations:

> [A]n emergency must have a substantial likelihood that serious harm will be experienced unless immediate action is taken. The anticipation that harm will occur if such action is not taken must have a basis firmer than simple speculation. Emergency is not synonymous with expediency, convenience, or best interests, and it imports more than merely a general public need. Emergency comprehends a situation of grave character and serious moment.

(*Sonoma County Organization of Public/Private Employees v. County of Sonoma* (1991) 1 Cal.App.4th 267, 270, 277-78 [1 Cal.Rptr.2d 850].)

273. The APA imposes procedural requirements on agencies adopting emergency regulations.

274. The Finding of Emergency published with the proposed ETS failed to satisfy the requirements of the APA. (Gov. Code, § 11346.1(b)(2).)

275. The Finding of Emergency stated: "The objective of the proposed emergency standard is to reduce employee exposure to the virus that causes COVID-19 and therefore reduce COVID-19 illness and transmission." (Exh. 8, p. 1.) However, a close reading of the Finding of Emergency reveals that the specific issue addressed by the ETS is not simply employee exposure to COVID-19, but rather, the purported lack of adequate regulatory protections against the spread of COVID-19 in the workplace.

276. The Finding of Emergency failed to demonstrate that the existing guidance and regulations of various federal and state agencies were inadequate to address the spread of COVID-19 in California workplaces.

277. The Finding of Emergency also failed to cite actual evidence, e.g., scientific data or research, demonstrating the extent to which COVID-19 spreads in the workplace. Without any such evidence in support, the Finding of Emergency simply makes the claim

that "[c]lusters and outbreaks of COVID-19 have occurred in workplaces throughout California, including in food manufacturing, agricultural operations, and warehouses." (Exh. 8, p. 4, ¶8.)

278. The Finding of Emergency does not explain the Board's delay in adopting the ETS. It does not explain, as required by the APA (Gov. Code, §11346.1(b)(2)), why the Board failed to address the spread of COVID-19 in the workplace through nonemergency regulations.

279. While COVID-19 is a public emergency, the Board has failed to demonstrate, as it must, why its draconian prescriptions are necessary to address an emergency purportedly arising from working conditions.

280. The ETS were enacted despite evidence that Cal/OSHA's more general regulations and guidance were already successful in securing employer compliance. The ETS are either duplicative of those general regulations and guidance, or not based on statutorily mandated criteria.

281. The Board is required to promulgate standards based on the following criteria:

> In promulgating standards dealing with toxic materials or harmful physical agents, the board shall adopt that standard which most adequately assures, to the extent feasible, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to a hazard regulated by such standard for the period of his working life. Development of standards under this section **shall be based upon research, demonstrations, experiments, and such other information as may be appropriate.** In addition to the attainment of the highest degree of health and safety protection for the employee, **other considerations shall be the latest available scientific data in the field, the reasonableness of the standards, and experience gained under this and other health and safety laws. Whenever practicable, the standard promulgated shall be expressed in terms of objection criteria and of the performance desired.**

(Lab. Code, § 144.6 [emphasis added].)

282. Labor Code section 144.6's requirement that the Board consider scientific data, experience, and reasonableness of the standards means: (1) objective criteria and performance-based standards, as opposed to prescriptive mandates; (2) experience

obtained through consultation with experts and stakeholders; and (3) reasonableness demonstrated by performing cost-benefit analysis or trade-offs. There is no indication in the record the Board considered any of this. And particularly with respect to the four challenged provisions, there is no science, experience, or reasonableness to support their enactment.

283. The Board justifies its emergency action by claiming existing enforceable guidance (including its own) "varies between federal and state agencies and contains some contradictory information." (Exh. 8, p.5.) Assuming the ETS could resolve these variances or harmonize these contradictions (and it cannot), a general public need to reconcile state and federal regulations calls for a meeting among the regulators, not a set of cramdown prescriptions which impose substantial burdens on **all** California employers, and unique, substantial burdens on the agricultural industry.

SIXTH CAUSE OF ACTION

VIOLATION OF THE CALIFORNIA ADMINISTRATIVE PROCEDURE ACT

(Gov. Code, § 11340, et seq.)

(Against All Defendants)

(Underground Rulemaking)

284. Plaintiffs incorporate by reference and reallege each allegation set forth above.

285. The Board published Addendum #1 at some point on or after December 3, 2020 without a public meeting.

286. The Board did not provide notice of any public meeting concerning the issuance of Addendum #1.

287. By failing to provide notice of the of a meeting to publish Addendum #1, the Board denied plaintiffs and other interested parties the opportunity to provide input on the content of Addendum #1.

288. The APA requires the agency make a finding the regulatory action is "necessary to address an emergency." (Gov. Code, § 11346.1(b)(1).) That finding must be made before the agency acts to adopt the proposed emergency regulation.

289. The finding of emergency must contain "a description of the **specific facts** demonstrating the existence of an emergency and the need for immediate action, and demonstrating, by **substantial evidence**, the need for the proposed regulation to effectuate the statute being implemented, interpreted, or made specific and to address only the demonstrated emergency." (Gov. Code, § 11346.1(b)(2) [emphasis added].) The APA requires, at least five working days before submitting an emergency regulation to OAL, an agency must send notice of the proposed emergency action to every person who has filed a request or notice of regulatory action with the agency. The notice must contain the specific language to be adopted and the required finding of emergency. (Gov. Code, § 11346.1(a)(2).)

290. Under the APA, the Board is required to provide notice and an opportunity to comment on all Findings of Emergency before the Board acts to adopt an emergency regulation based on those findings. The Board failed to do these things, leading to one of two conclusions, neither of which are mutually exclusive: Either the Board approved the Addendum #1, via "serial communications" with other Board members, in violation of the Bagley-Keene Act (Gov. Code, § 11122.5.) and the APA's prohibition against "underground regulations," or the Board contrived to add Addendum #1 to the record after the close of rulemaking proceedings, because it concluded (correctly) that the November 19, 2020 Finding of Emergency failed to meet the statutory requirements to demonstrate the existence of an emergency.

291. Under either scenario, the Board violated its duties under the APA.

292. Under the APA, any challenge to a regulation adopted by a state agency on procedural or substantial grounds is through a declaratory judgment action. (Gov. Code, § 11350(a).) In such an action, the record is "closed," meaning the rulemaking file is treated as the exclusive record for purposes of judicial review. (Gov. Code,

§ 11350(d)(1).) The agency may not add any material to a rulemaking proceeding after the public hearing or comment period closes, unless the agency complies with the APA provisions or adding material to the rulemaking file.

293. The rulemaking file is treated as the exclusive record for purposes of OAL review. (Gov. Code, § 11349.1(a).) While an agency may add items inadvertently omitted from the file (Gov. Code, § 11349.2), it cannot create documents after the fact, and then claim they were inadvertently omitted. There is no exception under the APA that would permit an agency to insert a finding of fact, after the fact, and without disclosing it to the Office of Administrative Law.

294. Addendum #1 is an essential part of the emergency rulemaking process because it purports to supplement and justify the Board's decision to adopt the ETS. Accordingly, the Board was required to provide Plaintiffs (as well as the OAL) the opportunity to comment on this addendum before the Board voted to adopt the ETS. (Gov. Code, § 11346(a)(2).) Thus, publishing any portion of the Finding of Emergency—including Addendum #1—without a public hearing requires the Court to declare the ETS null and void.

SEVENTH CAUSE OF ACTION

VIOLATION OF THE BAGLEY-KEENE OPEN MEETING ACT

(Gov. Code, § 11120, et seq.)

(Against Board Defendants)

295. Plaintiffs incorporate by reference and reallege each allegation set forth above.

296. The California Constitution provides that "[t]he people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny." (Cal. Const., art. I, § 3(b)(1).) The Bagley-Keene Act requires that all meetings of a state body "be open and public and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in this article." (Gov. Code,

§ 11123.) Its purpose is to facilitate accountability and transparency of government activities and to protect the rights of citizens to participate in state government deliberations. These constitutional and statutory safeguards require that state agencies, such as the board, comply with the rigorous open meeting requirements. The state body must also provide notice of a meeting on the Internet at least 10 days in advance of the meeting. (Gov. Code, § 11125.) As a multimember state body, the Board is subject to the public meeting requirements of the Bagley-Keene Act. (Gov. Code, § 11121.)

297. Any interested party can commence an action by mandamus, injunction or declaratory relief to obtain a judicial determination that an action taken by a state body was in violation of Government Code sections 11123 or 11125. (Gov. Code, § 11130.3(a).) Plaintiffs are "interested parties," as that term is broadly construed. (*See McKee v. Orange Unified School Dist.* (2003) 110 Cal.App.4th 1310, 1316 [2 Cal.Rptr.3d 774] (taxpayer, as citizen of State, was "interested person" under the Ralph M. Brown Act and thus had standing to sue school district for violations of Act even though taxpayer was not resident or taxpayer of school district).)[70]

298. The challenged action by the Board which Plaintiffs are seeking to declare null and void occurred on or about November 19, 2020, November 30, 2020, and December 3, 2020. (Gov. Code, § 11130.3(a).) By these actions, Plaintiffs were denied access to a Finding of Emergency, or access to any meeting of a public body where Addendum # 1 was discussed, and/or where, on information and belief, it was discussed and voted on in a meeting subject to Government Code section 1112. (*See North Pacifica*

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[70] Because both the Bagley-Keene and Brown Acts address the common topic of open and public meetings for state and local bodies, respectively, courts frequently rely on cases decided under the Brown Act to construe similar provisions of Bagley-Keen and vice versa. (*See, e.g., Southern Calif. Edison Co. v. Peevey* (2003) 31 Cal.4th 781, 798-99 [3 Cal.Rptr.3d 703] (relying on Brown Act precedent to construe closed-session provisions of Bagley-Keene); *Travis v. Board of Trustees of Calif. State Univ.* (2008) 161 Cal.App.4th 335, 342 [73 Cal.Rptr.3d 854] (Bagley-Keene and Brown Acts employ "a virtually identical open meeting scheme," making cases construing Brown Act's personnel exception applicable to Bagley-Keene as well).)

LLC v. California Coastal Com. (2008) 166 Cal.App.4th 1416, 1433-1435 [83 Cal.Rptr.3d 636].) Pursuant to Government Code section 11130.3(b)(3), the Board failed to substantially comply with its obligation to ensure that state actions taken and deliberations made at such meetings are open to the public. (*North Pacifica LLC*, *supra*, 166 Cal.App.4th at 1432.)

299. The Finding of Emergency was approved by the Board in a public meeting when the Board voted to adopt the ETS. That vote took place on November 19, 2020. Addendum #1 is a Finding of Emergency by the Board. Although Addendum #1 is dated November 19, 2020, no notice of the Finding of Emergency contained in Addendum #1 was given so as to advise the public and the OAL of the existence of this document.

300. The Board violated the Bagley-Keene Act by promulgating Addendum #1 without a public meeting. Addendum #1 was published on the DIR website at some date on or after December 3, 2020, as shown by the metadata of the document showing that the document was created on December 3, 2020. No other document in the ETS rulemaking record, including any Board meeting minutes, discusses Addendum #1.[71]

301. Pursuant to Government Code section 11130.5, a court may award court costs and reasonable attorney's fees to the plaintiff in an action brought pursuant to section 11130 or 11130.3 where it is found that a state body has violated the provisions of the Bagley-Keene Act.

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[71] As of December 30, the Board had not posted Addendum # 1 with its electronic packet of documents, including its 57-page Finding of Emergency, as part of the monthly meeting file. *See* Dept. of Industrial Relations, *Occupational Safety and Health Standards Board 2020 Meeting Schedule* <https://www.dir.ca.gov/oshsb/mtgsch2020.html> [as of December 30, 2020].

EIGHTH CAUSE OF ACTION

VIOLATION OF DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT

(U.S. Const. amend. XIV, §2)

(Against All Defendants)

302. Plaintiffs incorporate by reference and reallege each allegation set forth above.

303. Under the Due Process Clause of the Fourteenth Amendment, no State shall "deprive any person of life, liberty, or property, without due process of law."

304. Under *Birkenfeld v. City of Berkeley* (1976) 17 Cal.3d 129, 165 [130 Cal. Rptr. 465, 550 P.2d 1001], "a regulation may be invalid on its face when its terms will not permit those who administer it to avoid confiscatory results in its application to the complaining parties."

305. The ETS threatens ruinous consequences for employers. For example, the mandatory exclusion rules of the ETS could force some employers to lose a significant portion of their workforce, forcing them to close critical portion of their businesses. If agricultural growers are forced to exclude a significant portion of their workforce, they risk significant delays in harvesting crops. Delaying harvests by even a few days could cause a loss of crops, which would be financially devastating to growers. Other requirements of the ETS threaten similar economic devastation to employers.

306. The ETS applies to "all employees and places of employment," except for places of employment with only one employee, employees working from home, and employees covered by § 5199. (*See* ETS Regs., § 3205(a)(1).) The ETS does not provide for any means of obtaining variances or exceptions from strict compliance.

307. Cal/OSHA's procedures for requesting variances to regulations are inadequate to provide timely relief from confiscatory results of the ETS. The Board is empowered to grant a permanent variance to employers (Lab. Code, § 143(a)), and Cal/OSHA is empowered to grant temporary variances to employers (Lab. Code, § 6450).

However, obtaining a permanent or temporary variance takes at least several months. Neither of these procedures are realistic or viable to avoid the immediate consequences of the ETS.

308. Plaintiffs request declaratory and injunctive relief to nullify California Code of Regulations, Title 8, sections 3205(c)(3)(B)(4), 3205(c)(10)-(11), 3205.1(b) & (c), 3205.2(b) & (c), and 3205.3, and 3205.4, and to enjoin Defendants from attempting to enforce them.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray:

1. For a declaration that the ETS is invalid because it violates the Board's statutory authority, the APA, the Bagley-Keene Act, the California Constitution, and/or the U.S. Constitution;

2. That a peremptory writ of mandate issue commanding Defendants to rescind and immediately cease all enforcement of the ETS, or, in the alternative, at least the provisions relating to "no cost" testing "during working hours" for employees with "potential COVID-19 exposure" or who were at an "exposed workplace" regardless of the size or location of the workforce (Cal. Code Regs., tit. 8, §§ 3205(c)(3)(B)(4), 3205.1(b), 3205.2(b)), mandatory paid leave for workers "exposed" to COVID-19 (Cal. Code Regs., tit. 8, §§ 3205(c)(10)-(11), 3205.1(c), 3205.2(c)), and COVID-19 related regulation of employer-provided housing (Cal. Code Regs., tit. 8, § 3205.3) and transportation (Cal. Code Regs., tit. 8, § 3205.4);

4. For a temporary and permanent injunction restraining Defendants from unconstitutionally enforcing the ETS, or, in the alternative, at least the provisions relating to "no cost" testing "during working hours" for employees with "potential COVID-19 exposure" or who were at an "exposed workplace" regardless of the size or location of the workforce (Cal. Code Regs., tit. 8, §§ 3205(c)(3)(B)(4), 3205.1(b), 3205.2(b)), mandatory paid leave for workers "exposed" to COVID-19 (Cal. Code Regs., tit. 8, §§ 3205(c)(10)-(11), 3205.1(c), 3205.2(c)), and COVID-19 related regulation of employer-provided

housing (Cal. Code Regs., tit. 8, § 3205.3) and transportation (Cal. Code Regs., tit. 8, § 3205.4);

5. For costs and attorney fees, under Code of Civil Procedure section 1021.5 and Government Code section 11120 et seq., incurred herein; and

6. For such other and further relief as this Court deems just and proper.

Dated: December 30, 2020

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By _____
DAVID A. SCHWARZ

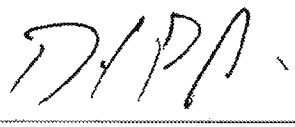
Attorneys for Plaintiffs/Petitioners
Western Growers Association, California Farm Bureau Federation, California Business Roundtable, Grower-Shipper Association of Central California, California Association of Winegrape Growers, and Ventura County Agricultural Association

VERIFICATION

I, David Puglia, am President and Chief Executive Officer of Western Growers Association, one of the Plaintiffs and Petitioners herein. I have read the foregoing Verified Petition and Complaint and know the contents thereof. The facts alleged therein are true of my own knowledge, except as to those matters which are therein stated on information and belief, and, as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 30th day of December 2020, in Newport Beach, California.



WORKSAFE
safety, health, and justice for workers
seguridad, salud y justicia para los trabajadores

NLG L&EC

May 20, 2020

Occupational Safety and Health Standards Board
1017 L Street, PMB #254
Sacramento, CA 95814-3805
Attention: Executive Officer, Christina Shupe
By email:

Re: **Petition for an emergency temporary standard** to protect workers from Covid-19
Petition for a permanent standard to protect workers from infectious diseases including novel pathogens

Dear Members of the OSH Standards Board:

On behalf of all workers not currently protected by the Aerosolized Transmissible Disease (ATD) standard, 8 CCR 5199, and in consultation with labor and community organizations throughout California, this petition for two standards is submitted by the Labor & Employment Committee of National Lawyers Guild and Worksafe. We are seeking regulatory protection for those currently working as "essential" workers; those who are working although not deemed essential workers; those working because they must work to support their families; those working because if they refuse unsafe work they will suffer retaliation – permanently lose their jobs and may not be eligible for unemployment insurance; and those who will fearfully be returning to work as the economy opens up.

Since 1937 the National Lawyers Guild has provided legal support to movements for social change, principally on a volunteer basis. The Labor & Employment Committee (L&EC) focuses on struggles for economic and social justice. In the 1930s the Guild focused on workers' rights supporting New Deal legislation to assist working people and the unemployed; in the 1950s the Guild defended labor leaders and others attacked for their progressive political views. Then and now, the Guild L&EC actively supports progressive labor and employment law struggles. The L&EC is comprised of close to 1,000 labor and employment attorneys across the country.

1736 Franklin Street, Suite 500 · Oakland, CA 94612
P: 510 922 8075 · www.worksafe.org

Worksafe is California's only statewide nonprofit focused on ensuring the occupational safety and health (OSH) rights of vulnerable workers through policy advocacy, capacity and coalition building, and impact litigation. We are a leader in engaging and convening worker advocates, legal aid organizations, academic institutions, and government agencies to prevent workplace injury, illness, and death by bringing justice to the workplace. We achieve this by focusing our efforts on the low-income, immigrant, and workers of color who bear a disproportionate burden of exposure to workplace hazards.

With respect to the request for an emergency temporary standard to protect employees in any facility, service category, or operation who may be exposed to SARS-CoV-2 [Covid-19], and who are not within the scope of 8 CCR 5199 or 5199.1, time is of the essence. An emergency temporary standard is necessary for the immediate protection of the public peace, health, or safety within the meaning of Article IV of the California Constitution and as such, must be issued as soon as possible and take immediate effect. Such will protect the lives not only of employees who in the course of their employment may be exposed to Covid-19, a deadly infectious pathogen, but also protect the lives of their families and those in the communities in which they live.

Without specific occupational health and safety measures to protect essential workers, to protect workers currently working but not necessarily deemed essential workers, and to protect those who will in the future return to work to revitalize the economy of the State of California, **Californians will die unnecessarily.**

With respect to the request for a permanent standard to protect workers from infectious diseases including novel pathogens, this petition is submitted pursuant to Labor Code Section 142.2. Petitioners also reference Labor Code Section 142.3(c) which requires standards to include specific warnings to ensure that employees are apprised of all hazards to which they are exposed. It also requires suitable protective equipment and procedures necessary to control those hazards. Medical monitoring is also prescribed where appropriate.

With respect to the request for both the emergency regulation to protect workers from Covid-19 and the permanent regulation to protect workers from infectious diseases, Labor Code Section 144.6 requires that in promulgating standards dealing with toxic materials or harmful physical agents, which petitioners contend applies to Covid-19 and infectious diseases:

> *the board shall adopt that standard which most adequately assures, to the extent feasible, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to a hazard regulated by such standard for the period of his working life. Development of standards under this section shall be based upon research, demonstrations,*

experiments, and such other information as may be appropriate. In addition to the attainment of the highest degree of health and safety protection for the employee, other considerations shall be the latest available scientific data in the field, the reasonableness of the standards, and experience gained under this and other health and safety laws. Whenever practicable, the standard promulgated shall be expressed in terms of objective criteria and of the performance desired.

We respectfully ask the Board to consider the enclosed draft of an emergency temporary standard as guidance. We understand that the Board will apply its expertise in developing the emergency temporary standard and this is offered simply as a compilation of best practices that have been developed by a number of different worker representatives. We hope this draft will be of assistance in moving forward with the temporary standard with all deliberate speed given the ongoing pandemic conditions impacting the state's workers, employers, and economy.

The Covid-19 pandemic is not going away anytime soon. And other novel pathogens may threaten this state and the world in the future. As more and more workers are brought back, their lives and livelihoods are pitted against each other. In order to protect the lives and health of workers and their families, in the face of this public health emergency, clarity is required.

The draft we share is a hybrid of a performance-based and specification-based standard. The performance-based dictates of 8 CCR 3203 combined with a small number of more specific standards have not been adequate. Lives are being lost and will continue to be lost without consistent rules as a starting point for our state's workplaces that allow employers some flexibility with respect to individual needs in their places of employment.

In brief, the proposed regulation is divided into subsections that parallel the framework of the Injury and Illness Prevention Program (8 CCR 3203), and add specifics that are helpful:

a. Requires minimizing the risk of transmission of Covid-19 to employees from other employees or from the public. Requires:
    1. Identification of a competent employer representative to develop and administer a written Compliance Action Plan to protect employees (sets timelines and requires employer to share with workers / unions)
    2. Procedures to identify and evaluate Covid-19 workplace hazards
    3. Procedures to control the hazard (engineering controls, work practices, PPE, etc.)
    4. Identification of job categories, tasks, procedures where employees exposed
    5. Procedures to respond to three categories of employees
        A. Employee who has been diagnosed with Covid-19
        B. Employee who has symptoms of Covid-19

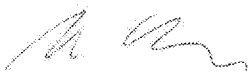
C. Employee who has been exposed to a person who has been diagnosed with Covid-19

b. Job Hazard Analysis to identify modes of transmission and adopt and implement feasible preventive measures to minimize transmission risk, including but not limited to:
    1. Specific measures to assure social distancing
    2. Ventilation systems to reduce airborne exposure to Covid-19
    3. Personal hygiene and workplace maintenance measures to reduce exposure to Covid-19
    4. PPE, including appropriate respirators with appropriate training and fit testing
c. Employee training
d. Recordkeeping per 8 CCR 3203(b)

Thank you in advance for your prompt attention to our request for an emergency temporary standard, and for a timely response to our request for a permanent standard to protect workers from infectious disease including novel pathogens. We look forward to continuing to work with the Board on this matter in order to protect the health and safety of all Californians during the Covid-19 pandemic and in anticipation of future pandemics.

Sincerely,

/s
Frances C. Schreiberg
Labor & Employment Committee of the
National Lawyers Guild
francesschreiberg@gmail.com (510) 333-9907



Stephen Knight
Executive Director
Worksafe
sknight@worksafe.org (510) 922-8075

DRAFT of Emergency Temporary Standard to Protect Workers from Covid-19

(a) Every employer shall minimize the risk of transmission of Covid-19 during work among employees who may be exposed to other employees or the public with Covid-19 or who may expose other employees. The procedures shall include the following elements:

(1) Identification of a person or persons as a "competent person" with authority and responsibility for the establishment, implementation and maintenance of effective written infection control procedures to control the risk of transmission of Covid-19, to wit, a **Compliance Action Plan**. The **Compliance Action Plan** shall be prepared or updated within 10 business days of any new state or local law, regulation or order, including any guidance document issued by DOSH or CDPH. A competent person shall have the authority to perform this function and shall be knowledgeable in infection control principles as they apply specifically to the facility, service or operation. When a competent person is not on site, there shall be a designated competent site representative with full authority to act on his or her behalf. The name, position, and contact information for the competent person and any competent site representative shall be posted at the site of each work operation covered by this subsection. The written **Compliance Action Plan** shall be made available for inspection and copying by any employee or employee representative within five business days of a written request, at no cost to the employee or representative.

(2) Procedures for identifying and evaluating workplace hazards that may expose any employee to Covid-19. Procedures shall include, but not be limited to, scheduled periodic inspections to identify and evaluate hazards.

(3) Methods and/or procedures for controlling employee exposure and correcting unsafe or unhealthy conditions. These shall include engineering controls, work practices and procedures, and personal protective equipment [PPE], including respiratory protection, as required by Title 8 California Code of Regulations.

(4) Procedures to respond to:

(A) an employee report that he or she has been diagnosed by a physician with Covid-19. Such procedures shall include, but not be limited to:

(i) immediately sending employee home or instructing the employee who is already at home to stay home, until a medical provider authorized return to work;

(ii) implementing work policies that do not penalize workers for missing work as a result of being diagnosed by a physician with Covid-19;

(iii) written notice within 24 hours to all employees who may have been exposed to the employee with a physician confirmed diagnosis of Covid-19. Employees to be notified shall include those who may have worked during the same shift or on an adjacent shift in the same or adjacent work areas of, or may have shared equipment with, the diagnosed employee. Employees to be notified shall also include individuals who may have been close contacts: to wit, have been within 6 feet of the diagnosed employee for more than 10 minutes during the period when the employee was potentially contagious, which is from 48 hours before symptoms first appeared, or from the date of their positive lab test if they did not have symptoms.

(iv) filing a report with the Division of Occupational Safety and Health by telephone. email, or via a specified online mechanism, within one business day of the

employer obtaining knowledge of the diagnosis, whether or not it is work- related as defined in 8 CCR 14300.5. Each report of diagnosis shall indicate the social security number of the diagnosed employee.

(v) filing a report or amended report with the Division of Occupational Safety and Health by telephone, email, or via a specified online mechanism, immediately upon the employer obtaining knowledge of the hospitalization or death of an employee, whether or not it is work-related as defined in 8 CCR 14300.5. Each report of hospitalization or death shall indicate the social security number of the diagnosed employee.

(vi) filing a report with the local county, and where applicable city, health authorities, within one business day of the employer obtaining knowledge o the diagnosis. Each report of diagnosis shall indicate the social security number of the diagnosed employee; the employer name and address, EIN, and Contractors' State License Board number if applicable; the diagnosed employee's work assignments, actual work locations and job sites, and actual work periods beginning two weeks prior to the date of the physician's diagnosis; and

(vii) procedures immediately to close and deep clean all areas, surfaces and equipment that may have been in contact with the diagnosed employee.

(B) an employee report of symptoms of Covid-19. Such procedures shall include, but not be limited to:

(i) encouraging sick workers to go or stay home by implementing work policies that do not penalize workers for missing work; and

(ii) immediately sending employees with acute respiratory illness symptoms home or to medical care.

(C) an employee report that he or she has been exposed to a person who has been diagnosed by a physician with Covid-19 or has learned from his or her employer pursuant to subsection (A) that he or she has been exposed to an employee who has been diagnosed by a physician with Covid-19. Such procedures shall include, but not be limited to,

(i) immediately sending such employee to home quarantine, and

(ii) implementing work policies that do not penalize workers for missing work as a result of being quarantined.

(b) Employers shall conduct a Job Hazard Analysis to identify any potential modes of Covid-19 transmissions and adopt and implement feasible preventive measures to eliminate or minimize the risk of transmission. The competent person shall provide a written list of these measures to each employee. These measures shall include, but not be limited to, the following:

(1) Identification in writing of the job categories, tasks or procedures in which employees may have occupational exposure to Covid-19.

(2) Implementing measures to assure social distancing including but not limited to:

(A) changing work stations, work area arrangements, and work flow or pace of work to ensure physical distancing of 6 feet, at a minimum, at all times:

(i) among employees at all work stations,

(ii) among employees in all other work areas,

(iii) among employees in areas not utilized for work such as areas for breaks and meals, and

(iv) between employees and the public, including but not limited to:

(a) use of barriers between employees and the public;

(b) limiting the number of the public in the facility, marking distances in areas where the public may congregate;

(c) ensuring that where employees interact with customers at less than 6 feet, employees are provided with access to N-95 respirators (or filtering facepieces) and face shields;

(B) ensuring seating in areas where employees may take a break or eat meals face forward so that employees are not facing each other;

(C) ensuring limits are set for employees to occupy common areas such as locker or break rooms, dining facilities, training or conference rooms, so that all present can maintain a social distance of 6 feet;

(D) scheduling shifts and breaks to assure distancing in non-work areas;

(3) Installing ventilation systems designed to reduce employee exposure to the airborne virus;

(4) Implementing measures to assure personal hygiene including but not limited to:

(A) providing hand sanitizer that is at least 60% alcohol in multiple locations,

(B) providing time and materials and accessible locations for regular hand washing,

(C) adjusting operating procedures such as pace of work to assure that work assignments and requirements do not interfere with hygiene measures;

(5) Immediate cleaning of all shared materials before another employee handles that material, and regularly scheduled frequent cleaning and disinfection of areas and surfaces that may become contaminated and pose an infection risk to employees, including but not limited to:

(A) work areas accessible surfaces, vehicles, equipment and tools,

(B) shared non-work areas where employees congregate, including but not limited to: break, lunch, locker and rest rooms,

(C) high-touch surfaces throughout the workplace including but not limited to: doorknobs, stair railings, access keypads, light switches, shared items such as common water sources, microwaves, etc.,

(6) implementing other procedures to minimize the likelihood the public may contaminate workers, such as providing employees with personal protective equipment, including but not limited to:

(A) hand protection so employees do not handle items already handled by the public;

(B) requiring members of the public to cover their nose and mouth with face coverings while in the facility to minimize the transmission of airborne pathogens to employees.

(c) Employers shall provide employees with the tools, operating equipment and PPE necessary to comply fully with public health orders, regulations and laws. These shall be provided by the employer to employees at no cost. PPE shall be assessed and certified as required by 8 CCR 3380.f.1 and f.2 for the hazard of exposure to Covid-19 risk, and employees shall be trained on the proper use of PPE required for potential exposure to Covid-19. Employees who provide their own PPE that meets or exceeds the PPE required by the Division shall not suffer any adverse action by the employer. All employees who are directed by their employer to wear compliant PPE shall be provided with a medical evaluation to assure

compliance with 5144.e. Employee respiratory protection designed to protect employees exposed to airborne pathogen hazards shall comply with 8 CCR 5144, including but not limited to subsections 5144.a.2, b, c, d, e, h, k, l and m, including filtering facepieces as defined in 5144.b.

(d) Employers shall train employees regarding and assure compliance with the **Compliance Action Plan**, and provide each employee with a copy of the Plan and the full list of compliance measures which apply to the employee's specific operations, jobs and tasks, including the names of and how to contact persons responsible for implementation of the plan. Training shall occur upon initial assignment, when site conditions change, and when hazards are newly introduced or newly recognized. Training shall be appropriate in content and vocabulary for the educational level, literacy, and language of employees.

(e) In addition to any specific recordkeeping or reporting requirements set forth in this regulation or state and local laws, regulations and orders, employers shall maintain records of the **Compliance Action Plan** according to the recordkeeping requirements in 8 CCR 3203 (b).

OCCUPATIO AL SAFETY AND H ALTH
STANDARDS BOARD
(Board)

PETITION FILE NO. 583

BOARD STAFF EVALUATION

Submitted by: David Kernazitskas, MSPH, CIH, CSP

Senior Safety Engineer

August 10, 2020

OSHSB Petition File No. 583
Board Staff Review, August 10, 2020

INTRODUCTION

Petition File No. 583 (Petition) was submitted by the Labor and Employment Committee of National Lawyers Guild and Worksafe (Petitioners) on May 20, 2020. The Petition seeks two Board actions to minimize the exposure of employees to SARS-CoV-2, the virus that causes COVID-19.

REQUESTED ACTION

The Petitioners' first request is for an emergency temporary standard (ETS) to immediately place into effect protections from COVID-19 for employees, who are not covered by Title 8 CCR 5199 or 5199.1 (Aerosol Transmissible Diseases and Aerosol Transmissible Diseases – Zoonotic, respectively). The second request is for a permanent standard to protect all workers from current and future infectious diseases, including novel pathogens.

PETITIONER'S ASSERTIONS

The Petitioners assert:

- "With respect to the request for an emergency temporary standard...time is of the essence."
- The emergency temporary standard "will protect the lives not only of employees...[but also] of their families [and communities]."
- "Without specific occupational health and safety measures...Californians will die unnecessarily."
- COVID-19 and infectious diseases are "toxic materials or harmful physical agents" covered by Labor Code 144.6, which requires the Board to: "*adopt that standard which most adequately assures, to the extent feasible, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to a hazard regulated by such standard for the period of his working life.*"
- "The COVID-19 pandemic is not going away anytime soon. And other novel pathogens may threaten this state and the world in the future. As more and more workers are brought back, their lives and livelihoods are pitted against each other. In order to protect the lives and health of workers and their families, in the face of this public health emergency, clarity is required."
- With regard to protecting employees from COVID-19, Title 8 Section 3203 (Injury and Illness Prevention Program (IIPP)) and "a small number of more specific standards have not been adequate. Lives are being lost and will continue to be lost without consistent rules as a starting point."

STAFF EVALUATION

In support of their request, the Petitioners provide draft language for a proposed ETS, which follows the general outline of the existing IIPP standard (i.e. identify a person responsible for

implementing the plan, develop procedures for identifying and evaluating COVID-19 workplace hazards, develop procedures to control the hazard using hierarchy of controls, etc.). They propose some additional specific requirements to be included with the IIPP-like requirements, which they deem helpful to employers seeking to protect employees from exposure to COVID-19.

The proposed temporary standard aims to require employers to minimize the risk of COVID-19 transmission to employees from coworkers and the public. The suggested text requires employers to identify "a competent employer representative to develop and administer a written Compliance Action Plan [CAP] to protect employees." The text proposes timelines for updating the CAP and requires the employer to share the information with workers and labor representatives.

Further, the text includes requirements for procedures to identify, evaluate, and control COVID-19 workplace hazards. The proposal also requires identification of job categories and tasks where employees can be exposed to COVID-19, as well as procedures to respond to employees exposed to, exhibiting symptoms of, or diagnosed with the illness. Finally, the proposal outlines requirements for performing job hazard analyses, social distancing, employee training and recordkeeping.

Relevant Standards

Federal Standards

Federal OSHA regulations do not specifically address employee protections against COVID-19. Generally applicable standards that apply to controlling employee exposures to the virus include OSHA's PPE standards (29 CFR 1910 Subpart I), which require gloves, eye and face protection, and respiratory protection. The General Duty Clause, which requires employers to furnish employees a workplace free from recognized hazards that cause or are likely to cause death or serious physical harm, applies to the presence of SARS-CoV-2 in the workplace. Finally, OSHA's Bloodborne Pathogens standard (29 CFR 1910.1030) may be helpful in providing a framework for controlling potential virus exposure from bodily fluids expressed via respiratory secretions[1].

The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) brought suit against federal OSHA in the United States Court of Appeals for the District of Columbia Circuit, attempting to compel OSHA to create an ETS to provide specific employee protections against COVID-19 risks. In the suit, the AFL-CIO alleges that the guidance documents produced by OSHA do not carry the weight of enforceable standards and are therefore insufficient to protect employees from COVID-19 hazards.

In a May 29, 2020, federal OSHA response to the action, OSHA claims:

[1] "Guidance on Preparing Workplaces for COVID-19." U.S. Department of Labor, Occupational Safety and Health Administration. https://www.osha.gov/Publications/OSHA3990.pdf. Accessed 7/24/20.

> Petitioner [AFL-CIO] fails to demonstrate that any employer has or would forgo compliance with any of the potential standards to which Petitioner alludes, simply because they are not set forth in an ETS. Nor could Petitioner do so, because the standards Petitioner seeks are largely already mandatory and enforceable either through existing OSHA requirements or the veritable gamut of non-OSHA public safety requirements enacted by federal, state, and local officials in response to the pandemic.[2]

The court ruled in favor of federal OSHA, stating:

> In light of the unprecedented nature of the COVID-19 pandemic, as well as the regulatory tools that the OSHA has at its disposal to ensure that employers are maintaining hazard-free work environments..., the OSHA reasonably determined that an ETS is not necessary at this time.[3]

California Standards

Cal/OSHA's Aerosol Transmissible Diseases (ATD) standard (Title 8, Section 5199) directly applies to novel viruses such as SARS-Cov-2, but the scope of the standard is limited mostly to medical offices, certain laboratories, correctional facilities, homeless shelters, drug treatment programs, and any other employer that Cal/OSHA informs in writing that they must comply with the ATD standard. Employers not included in the scope of the ATD standard have generally applicable requirements, which include the Injury and Illness Prevention Program (IIPP, Section 3203), Washing facilities (Sections 1527, 3366, 3457, and 8397.4), PPE (Section 3380), Respiratory Protection (Section 5144), Sanitation (Article 9), and Control of Harmful Exposures (Section 5141).

Additionally, Cal/OSHA recommends that employers not covered by the ATD standard comply with the recommendations from the Centers for Disease Control (CDC) "Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19)." Cal/OSHA provides a number of documents with guidance for specific industry sectors, as well as model ATD plans and programs[4]. Several Cal/OSHA guidance documents point out that updating the employer's IIPP to address exposure to SARS-Cov-2 is "mandatory in most California workplaces since COVID-19 is widespread in the community."[5]

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[2] United States Court of Appeals FOR THE DISTRICT OF COLUMBIA CIRCUIT, No. 20-1158. Document #1844937. Filed 5/29/2020. Page 24 of 73. An online copy was found here on 7/24/2020: https://www.ali.org/media/filer_public/2f/4f/2f4fcca1-8b14-4725-a6f3-4a302f3eb83d/osha_response_to_afl-cio_petition_for_writ_of_mandamus_2020.pdf

[3] United States Court of Appeals FOR THE DISTRICT OF COLUMBIA CIRCUIT, No. 20-1158. Document #1846700. Filed 6/11/2020. Page 1 of 2. An online copy was found here on 7/24/2020: https://environblog.jenner.com/files/order-no-20-1158-1.pdf

[4] "Cal/OSHA Guidance on Requirements to Protect Workers from Coronavirus." State of California, Department of Industrial Relations. https://www.dir.ca.gov/dosh/coronavirus/Health-Care-General-Industry.html. Accessed 4/29/2020.

[5] "Safety & Health Guidance." Cal/OSHA Publications. https://www.dir.ca.gov/dosh/puborder.asp. Accessed 4/30/2020.

Consensus and Other Standards

A variety of sources exist which provide information on reducing potential employee exposure to SARS-CoV-2. In general, the sources provide information on reducing transmission among employees, maintaining healthy business operations, and maintaining a healthy work environment. The CDC, the World Health Organization (WHO), the American Industrial Hygiene Association, and the California Department of Public Health are examples of the many organizations that provide such information.

The state of Virginia, which has a state-run OSHA program (VOSH), adopted an ETS on July 15, 2020, "designed to establish requirements for employers to control, prevent, and mitigate the spread of SARS-CoV-2."[6] The standard is the first of its kind in the nation and is "designed to supplement and enhance existing VOSH laws, rules, regulations, and standards applicable [to COVID-19]." The standard allows businesses to comply with CDC guidelines, instead of VOSH regulations, where the CDC guidelines are more protective. In general, the VOSH program mandates compliance with many of the recommended practices found in guidelines from a variety of credible occupational safety and health organizations.

The state of Oregon has also started the process of developing regulations to protect employees in healthcare settings and in general industry. A timeline for such actions anticipates emergency regulations to be in place by September 1, 2020, and permanent regulations to be in place, at least in part, by March 1, 2021[7].

Position of Division (Cal/OSHA)

In its July 30, 2020, evaluation of Petition 583, Cal/OSHA recommends that the Standards Board grant the petition, in part, by requesting Cal/OSHA to develop a proposed emergency temporary standard for the consideration of the Standards Board. Cal/OSHA also recommends that the Board request Cal/OSHA to convene a future advisory committee to determine whether a permanent regulation should be promulgated to protect Non-5199 Workers from infectious diseases, including novel pathogens.

In support of the recommendation, the evaluation states,

> If COVID-19-specific protections similar to the [COVID-19-specific] guidelines were spelled out in the Title 8 standards, Cal/OSHA could more easily enforce requirements that would be specific, detailed, and more protective of workers...A specific COVID19 emergency regulation in Title 8 would provide clear instructions to employers and

[6] Virginia Department of Labor and Industry. "16VAC25-220 Emergency Temporary Standard, Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19." Safety and Health Codes Board. July 15, 2020. https://www.doli.virginia.gov/wp-content/uploads/2020/07/RIS-filed-RTD-Final-ETS-7.24.2020.pdf. Accessed 7/24/2020.

[7] Potential Oregon OSHA Rulemaking Timeline COVID-19/Infectious Diseases. Rev. July 13, 2020. https://osha.oregon.gov/rules/advisory/infectiousdisease/Documents/Infectious-Disease-Public-Timeline.pdf. Accessed 7/28/2020.

> employees on what needs to be done to protect workers from COVID-19, eliminating any confusion and enhancing compliance.

Analysis

As the Board is aware, the WHO declared the COVID-19 outbreak a pandemic on March 11, 2020.[8] On March 19, 2020, Governor Newsom signed Executive Order N-33-20[9], requiring all residents of California to shelter in place, except as needed to maintain critical infrastructure sectors.

The Petitioners assert that employees not covered by one of California's ATD standards, which would include the majority of California workers, are not sufficiently protected by existing regulations and are at risk of death from COVID-19 without their proposed ETS or another enforceable standard. They state:

> Lives are being lost and will continue to be lost without consistent rules as a starting point for our state's workplaces that allow employers some flexibility with respect to individual needs in their places of employment.

Cal/OSHA's webpage for COVID-19 guidance to employers contains the following statement:

> Workplace safety and health regulations in California require employers to take steps to protect workers exposed to infectious diseases like the Novel Coronavirus (COVID-19), which is widespread in the community. Cal/OSHA has posted guidance to help employers comply with these requirements and to provide workers information on how to protect themselves and prevent the spread of the disease. (Emphasis added.)[10]

Eric Berg, Deputy Chief of Health for Cal/OSHA has recently testified to the Board that Cal/OSHA is enforcing existing COVID-19 protections and providing consultative outreach to employers with exposed employees. Board staff is unable to find evidence that the vast majority of California workplaces are not already in compliance with COVID-19 requirements and guidelines.

A Nevada OSHA press release on July 17, 2020 reported that an average of 80%-90% of Nevada businesses from a variety of sectors are in compliance with the state's guidelines for employee COVID-19 protections. The release states:

> Follow up visits have been conducted at 192 businesses where Nevada OSHA officials found that 93 percent of those locations are now in compliance.

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[8] "WHO Director-General's opening remarks at the media briefing on COVID-19 – 11 March 2020." https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020. Accessed 4/28/20.

[9] "Executive Order N-33-20." Executive Department, State of California. https://covid19.ca.gov/img/Executive-Order-N-33-20.pdf. Accessed 4/30/2020.

[10] Cal/OSHA and Statewide Industry Guidance on COVID-19. https://www.dir.ca.gov/dosh/coronavirus/Health-Care-General-Industry.html. Accessed 7/27/2020.

> Since initial observations to determine compliance with mandated health and safety measures began, Division of Industrial Relations officials have visited 2,257 business establishments in northern and southern Nevada. As of July 15, the overall compliance rate for all business sectors statewide stood at 82 percent, with an 86 percent compliance rate in northern Nevada, and 80 percent in the south.[11]

Board staff cautions that a new regulation would place additional regulatory burden on California businesses that are already compliant with California's COVID-19 requirements and guidelines. Some employers exhibit a lack of regard for Cal/OSHA regulations and continue to do so despite robust efforts on the part of regulatory agencies and employer and labor groups. It is the opinion of Board staff that during the pandemic crisis, Cal/OSHA's limited resources should continue to be focused on enforcement and consultation outreach specifically targeted at employers and sectors of the economy with deficient COVID-19 protections, as this is more likely to be effective at ensuring employee protections.

The Petitioners' effort to prescribe specific requirements in conjunction with an IIPP-like framework may contradict the legislative intent described in Government Code Section 11340.1(a):

> It is the intent of the Legislature that agencies shall actively seek to reduce the unnecessary regulatory burden on private individuals and entities by substituting performance standards for prescriptive standards wherever performance standards can be reasonably expected to be as effective and less burdensome, and that this substitution shall be considered during the course of the agency rulemaking process. (Emphasis added.)

California's IIPP regulation is a performance standard that has been used successfully since its effective date in 1991 to require employers to identify and address workplace hazards in accordance with the referenced legislative intent. Unnecessarily creating an offshoot of the IIPP, without substantial evidence of need, can harm the existing protective nature of the regulation and its benefit to California workplaces by diluting its capacity to serve as the primary regulation requiring employers to address newly discovered hazards.

Because of the novel nature of the COVID-19 virus, guidelines for employers to reference for assistance in protecting employees frequently change. Attempting to codify some of those requirements will no doubt result in confusion when the updated guidelines conflict with the written regulation. Although the Petitioners suggest a requirement for employers to update their programs within 10 days of new information, current regulations require employers address hazards "in a timely manner based on the severity of the hazard". As it would be

[11] "DIVISION OF INDUSTRIAL RELATIONS ANNOUNCES CITATIONS, INDUSTRY-LEVEL COMPLIANCE RATES WITH COVID-19 HEALTH AND SAFETY REQUIREMENTS." Division of Business and Industry. Las Vegas, NV. July 17, 2020. http://business.nv.gov/News_Media/Press_Releases/2020/Industrial_Relations_COVID-19/Division_of_Industrial_Relations_announces_citations,_industry-level_compliance_rates_with_COVID-19_health_and_safety_requirements/. Accessed 7/27/2020.

improper for employers to delay 10 days prior to addressing some hazards, the Petitioners' proposal would be less protective than current regulations. It is already the responsibility of employers to be aware of new information, and regulations setting specific prescriptive requirements are likely to become quickly outdated in the rapidly evolving crisis, creating a potential for wasteful enforcement actions.

For example, the state of Virginia's recently adopted ETS would encounter conflicts with the Petitioners' proposal for updating the program. VOSH allows employers to follow CDC guidance instead of state law where the CDC guidance is more protective, without providing information for determining the effectiveness of the protective measures. VOSH also requires employers to screen employees for signs or symptoms of COVID-19 before each shift. Updated guidance now recommends employees self-screen at home before coming to work[12]. Relying on California's performance-based IIPP allows employers to respond to updated worker protection guidelines in a more efficient and responsive manner, which translates into more-effective employee protections.

As of July 26, 2020, at 11:00am, the https://covid19.ca.gov/ website for California's COVID-19 data, says that there are 453,659 cases in the state and that 8,416 people have died from the illness. As pointed out by several observers, the Latino population in California has been disproportionately affected by the virus. The following figures are reproduced from the COVID-19.ca.gov website:

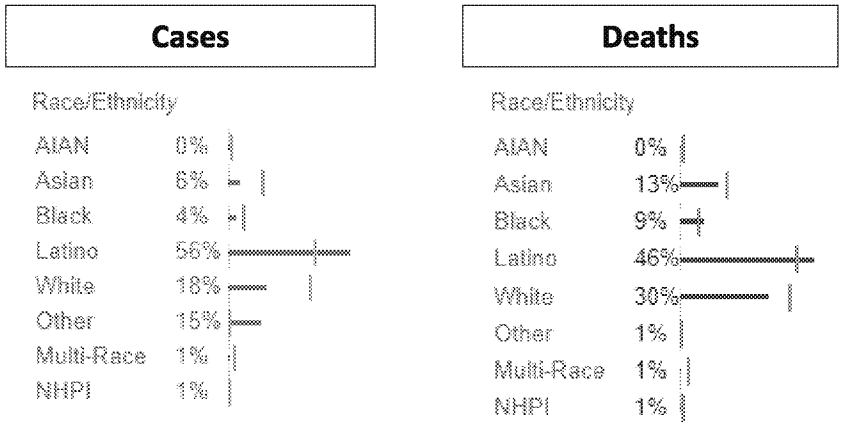

Figure 1. California data indicating that 56% of the identified COVID-19 cases and 46% of the deaths have occurred in the Latino population. The vertical gray lines indicate the percentage of the population for each Race/Ethnicity.

[12] Interim Guidance for Businesses and Employers Responding to Coronavirus Disease 2019 (COVID-19), May 2020. https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html#more-changes. Accessed 8/5/2020.

The same website also provides the number of cases and deaths by county:

Positive Cases by County (Updated 7/25/2020)		
Los Angeles	172,611	38%
Riverside	34,921	8%
Orange	33,978	7%
San Bernardino	29,265	6%
San Diego	26,703	6%
Kern	16,910	4%
Fresno	12,866	3%
Alameda	10,361	2%
San Joaquin	10,347	2%
Santa Clara	8,767	2%

Deaths by County (Updated 7/25/2020)		
Los Angeles	4,351	52%
Riverside	637	8%
Orange	562	7%
San Diego	533	6%
San Bernardino	372	4%
Santa Clara	184	2%
Imperial	181	2%
Alameda	178	2%
Tulare	168	2%
Kern	123	1%

Figure 2. California data showing that Los Angeles County has more COVID-19 cases than the next seven counties combined and more deaths than the next nine counties combined.

Public health experts are at a loss for an explanation of the disproportionate impact on the Latino communities. The phenomenon has appeared in several other states, including Arizona, Florida, North Carolina, Texas, Washington, and Wisconsin. In an attempt to explain the data, a New York Times article says that contact tracers have found large spikes in the number of cases associated with large family gatherings both in the United States and in Latin American countries. The article also states that:

> During the lockdown, millions of Latino workers kept a bare-bones economy running: at the cutting tables of food-processing plants, as farmhands, as hospital orderlies, food preparers, supermarket workers and in many other jobs deemed essential. And they brought the virus home to often cramped living quarters, compounding the spread.[13]

Instead of directing limited resources to create new regulations to prescriptively require what is already required by the existing IIPP performance regulation, enforcement and consultative efforts could continue to focus on businesses in specific parts of the state, such as Los Angeles County, where about 40% of the cases and 50% of the deaths in California have occurred, or on specific industries identified as having disproportionately high incidents of infection. Developing an ETS and a follow-up permanent regulation for the entire state may not be the most effective use of California's limited Cal/OSHA and Board resources.

[13] Shawn Hubler, Thomas Fuller, Anjali Singhvi and Juliette Love. "Many Latinos Couldn't Stay Home. Now Virus Cases Are Soaring in Their Communities." New York Times. Published June 26, 2020. Updated June 28, 2020. https://www.nytimes.com/2020/06/26/us/corona-virus-latinos.html. Accessed 7/27/2020.

The Petitioners have identified a concern in that the tragic effects of the COVID-19 pandemic disproportionately affect people of generally lower-income and socio-economic status, but they have provided no evidence that their proposed statewide ETS, which is necessarily limited to workers, will remedy this concern. Alternatively, the State's approach to date has utilized tactics learned from emergency management, focusing finite resources asymmetrically to provide containment and abatement. Crowded public places and inadequate social distancing and face-covering provide opportunities for virus transmission not limited to workplaces. Cal/OSHA's continued coordination of efforts with other State agencies, including the California Department of Public Health, is more likely to be effective in addressing the need in disproportionately impacted communities.

Board staff is not aware of any California studies or data showing that employers are lacking the information necessary to provide employee protections from COVID-19 hazards, nor that the vast majority of employers are not already doing as much as they are able to keep their employees, customers, and businesses functioning safely in accordance with federal, state, and local requirements. Cal/OSHA enforcement officers are able to cite employers who flout worker protection regulations. Employers who fail to properly address the hazard to employees presented by COVID-19 incur risks of being shut down, fined, having licenses revoked, and a damaged reputation in the public forum.

After reviewing the Petition and existing regulations governing the concerns raised by the Petitioners, Board staff is of the opinion that while the risk of exposure to SARS-CoV-2 is significant, new regulations, whether in the form of an emergency or permanent regulation, are not likely to significantly improve employee outcomes. Employers have ready access to credible information to combat exposure to SARS-CoV-2 and are already required to effectively address such challenges in their workplace. Continued enforcement of existing regulations and consultative outreach is a more efficient and likely effective use of the Cal/OSHA's limited resources.

STAFF RECOMMENDATION

Consistent with the foregoing discussion, Board staff does not believe that the Petitioners' emergency request is necessary and recommends that Petition File No. 583 be DENIED.

State of Califor a
Department of Industr al Re ations
Division of Occupational Safety and Health

Memorandum

Date: July 30, 2020

To: Christina Shupe, Executive Officer
Occupational Safety and Health Standards Board

From: Douglas L. Parker, Chief
Division of Occupational Safety and Health

Re: Evaluation of Petition 583 to Adopt an Emergency Regulatio to Protect Workers from COVID-19, and a Permanent Regulation to Protect Workers from Infectious Diseases

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1.0 INTRODUCTION

On May 20, 2020, the Division of Occupational Safety and Health (Cal/OSHA) received a petition from Frances C. Schreiberg, National Lawyers Guild, and Stephen Knight, Worksafe (Petitioners). Petitioners propose that the Occupationa Safety and Health Standards Board (Standards Board) amend the California Code of Regulations, title 8 (Title 8) as follows:

- Adopt a new emergency regulation[1] to protect employees in any facility, service category, or operation from SARS-CoV-2 (the virus that causes COVID-19) who are not covered by the Aerosol Transmissible Disease standard at Title 8, sections 5199 or 5199.1 ("Non-5199 Workers"); and
- Adopt a permanent regulation to protect employees from infectious diseases, including those caused by novel pathogens.

Labor Code section 142.2 permits interested persons to propose new or revised standards concerning occupational safety and health and requires the Occupational Safety and Health Standards Board (Standards Board) to consider such proposals and render a decision no later than six months following receipt. California Governor Gavin Newsom, in recognition of the State of Emergency that exists in California as a result of the threat of COVID-19, extended this time

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[1] Petitioners use the term "emergency temporary standard" to refer to an emergency regulation.

period by 120 days in Executive Order N-71-20 (modifying extension in Executive Order N-63-20).

Further, as required by Labor Code section 147, any proposed occupational safety or health standard received by the Standards Board from a source other than Cal/OSHA must be referred to Cal/OSHA for evaluation. Cal/OSHA has 60 days after receipt to submit a report to the Standards Board on the proposal. The Governor has also extended this time period an additional 120 days.

For the reasons discussed below, Cal/OSHA recommends that the Standards Board grant the petition, in part, by requesting Cal/OSHA to develop a proposed emergency temporary standard for the consideration of the Standards Board. The Board should also request Cal/OSHA to convene a future advisory committee to determine whether a permanent regulation should be promulgated to protect Non-5199 Workers from infectious diseases, including novel pathogens.

2.0 REGULATORY CHANGES REQUESTED BY THE PETITIONER

Petitioners propose to amend Title 8, through the adoption of an emergency regulation to require employers to take specific steps to protect Non-5199 Workers from COVID-19.

Specifically, Petitioners request that a temporary emergency regulation be adopted that requires employers to:

a. Minimize the risk of transmission of COVID-19 to employees from other employees or from the public, through procedures that shall include the following elements:

    1. Identification of a competent employer representative to establish, implement, and maintain an effective written Compliance Action Plan (Plan) to protect employees and requires employers to share the Plan with employees and employee representatives;

    2. Procedures to identify and evaluate workplace hazards that may expose employees to COVID-19;

    3. Methods and/or procedures to control employee exposure to COVID-19 and correcting unsafe of unhealthy conditions. These shall include engineering controls, work practices and procedures, and personal protective equipment (PPE); and

4. Procedures to respond to an employee report that:

   A. The employee has been diagnosed with COVID-19;

   B. The employee has symptoms of COVID-19; or

   C. The employee has been exposed to a person who has been diagnosed with COVID-19.

b. Conduct a Job Hazard Analysis to identify potential modes of COVID-19 transmission and adopt and implement feasible preventive measures to eliminate or minimize transmission risk. A written list of these measures shall be provided to each employee, and shall include at least the following:

   1. Identification of job categories, tasks, and procedures in which employees may have occupational exposure to COVID-19;

   2. Specific measures to ensure social distancing of at least six (6) feet between employees and other persons: measures to be used to protect employees interacting with the public include the use of barriers between employees and the public, limiting the number of members of the public in the facility, marking distances in areas where the public may congregate, and ensuring that where employees interact with the public at a distance of less than six (6) feet, employees are provided with access to N-95 or filtering facepiece respirators and face shields;

   3. Installing ventilation systems to reduce employee exposure to airborne COVID-19 virus;

   4. Implementing measures to ensure personal hygiene;

   5. Immediate cleaning of all shared materials before another employee handles that material and regularly scheduled frequent cleaning and disinfection of areas and surfaces that may become contaminated and pose an infection risk to employees; and

   6. Implementing other procedures to minimize the likelihood the public may contaminate employees, such as providing employees with PPE, *e.g.*, gloves, and requiring members of the public to cover their noses and mouths with face coverings while in the facility to minimize the transmission of airborne pathogens to employees.

c. Provide employees with the tools, operating equipment, and PPE necessary to comply fully with public health orders, regulations, and laws, at no cost to employees. PPE shall be assessed and certified as required by Title 8, section 3380, subdivision (f) for the hazard of exposure to COVID-19, and employees shall be trained on the proper use of PPE required for potential exposure to COVID-19. Employees who provide their own PPE that meets or exceeds the PPE required by Cal/OSHA shall not suffer any adverse action by the employer. Further, all employees who are directed by their employer to wear compliant PPE shall be provided with a medical evaluation in accordance with Title 8, section 5144, subdivision (e). Employee respiratory protection, including filtering facepiece respirators, designed to protect employees exposed to airborne pathogen hazards, shall comply with Title 8, section 5144.

d. Train employees on the Plan, ensure compliance with the Plan, and provide each employee with a copy of the Plan, along with the full list of relevant compliance measures.

e. Maintain records of the Plan, in accordance with Title 8, section 3203, subdivision (b).

In addition, Petitioners propose to amend the California Code of Regulations, title 8, through the adoption of a permanent regulation intended to protect all workers from infectious diseases, including novel pathogens. Petitioners have not provided suggested regulatory language for a permanent regulation.

3.0 HAZARDS ASSOCIATED WITH EXPOSURE TO COVID-19

COVID-19 is widespread in the community and is transmitted easily from person to person. Routes of exposure include:

- **Airborne transmission**: An infected person (with or without symptoms) sheds virus in small particles when breathing, talking, coughing, sneezing, etc. The contaminated particles are suspended in the air. A susceptible person is infected when inhaling the contaminated particles.
- **Droplet transmission**: An infected person expels droplets containing the virus when talking, coughing, and sneezing. A susceptible person is infected when the droplets contact that person's conjunctivae or the mucous membranes of the nose, mouth, or eyes.

- **Surface transmission:** An infected person coughs or sneezes and sheds virus onto a surface or object. A susceptible person is infected when they touch the contaminated surface or object and then touch their own mouth, nose, or eyes.

The airborne transmission is the dominant route for the spread of COVID-19.[2] Surface transmission is believed to be less common than airborne and droplet transmission.[3] Transmission can occur from an infected person who is asymptomatic or presymptomatic.[4]

Infection with COVID-19 may result in a serious illness that includes difficulty breathing, pneumonia, and hospitalization. In some cases, the disease progresses, and organ failure and death may result. Approximately 14% of COVID-19 patients are hospitalized, 2% are admitted to an intensive care unit, and 5% die based on data through May 30, 2020. Hospitalizations are six times higher and deaths are 12 times higher among patients with a reported underlying health condition (cardiovascular disease, diabetes, and chronic lung disease)

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[2] Renyi Zhang, Yixin Li, Annie L. Zhang, Yuan Wang, Mario J. Molina. *Identifying airborne transmission as the dominant route for the spread of COVID-19.* Proceedings of the National Academy of Sciences, Jun 2020, 117 (26) 14857-14863. https://www.pnas.org/content/117/26/14857.

Parham Azimi, Zahra Keshavarz, Jose Guillermo Cedeno Laurent, Brent R. Stephens, Joseph G. Allen. Mechanistic Transmission Modeling of COVID-19 on the Diamond Princess Cruise Ship Demonstrates the Importance of Aerosol Transmission. BMJ. July 15, 2020. https://doi.org/10.1101/2020.07.13.20153049.

Guenther, Thomas and Czech-Sioli, Manja and Indenbirken, Daniela and Robitailles, Alexis and Tenhaken, Peter and Exner, Martin and Ottinger, Matthias and Fischer, Nicole and Grundhoff, Adam and Brinkmann, Melanie, Investigation of a superspreading event preceding the largest meat processing plant-related SARS-Coronavirus 2 outbreak in Germany (July 17, 2020). http://dx.doi.org/10.2139/ssrn.3654517

Rachael M. Jones (2020): Relative contributions of transmission routes for COVID-19 among healthcare personnel providing patient care, Journal of Occupational and Environmental Hygiene, DOI: 10.1080/15459624.2020.1784427. https://www.tandfonline.com/doi/full/10.1080/15459624.2020.1784427

Lidia Morawska, Donald K Milton, It is Time to Address Airborne Transmission of COVID-19, *Clinical Infectious Diseases*, ciaa939, https://doi.org/10.1093/cid/ciaa939

Guenther, Thomas and Czech-Sioli, Manja and Indenbirken, Daniela and Robitailles, Alexis and Tenhaken, Peter and Exner, Martin and Ottinger, Matthias and Fischer, Nicole and Grundhoff, Adam and Brinkmann, Melanie, Investigation of a superspreading event preceding the largest meat processing plant-related SARS-Coronavirus 2 outbreak in Germany (July 17, 2020). Available at SSRN: https://ssrn.com/abstract=3654517

[3] Centers for Disease Control and Infection. CDC updates COVID-19 transmission webpage to clarify information about types of spread. May 23, 2020. Accessed July 07, 2020. https://www.cdc.gov/media/releases/2020/s0522-cdc-updates-covid-transmission.html

[4] Furukawa NW, Brooks JT, Sobel J. *Evidence Supporting Transmission of Severe Acute Respiratory Syndrome Coronavirus 2 While Presymptomatic or Asymptomatic*. Emerging Infectious Diseases. 2020 Jul. https://doi.org/10.3201/eid2607.201595

compared with those without reported underlying conditions.[5]

There are no established safe exposure limits to an infectious pathogen such as SARS-CoV-2. It is unknown how many infectious particles are needed to cause infection and disease.

4.0 APPLICABLE TITLE 8 REGULATIONS

The following are Title 8 regulations that are be applicable to protecting Non-5199 Workers from COVID-19. Section 5199 is not discussed as the petition is specific to Non-5199 Workers.

As discussed below, while the following standards require protections against COVID-19, they are not specific to this virus and generally do not identify the particular measures or controls that employers must take to prevent workplace spread of COVID-19. For these reasons, as explained in section 7.0, Cal/OSHA recommends the adoption of an emergency regulation, which would complement and augment the existing rules and provide clear guidance to employers and workers. Given the unprecedented nature of the current pandemic, it is essential that Cal/OSHA have all available tools to protect workers from COVID-19 illness and death.

4.2.1 Section 3203. Injury and Illness Prevention Program.

Title 8, section 3203 applies to nearly all California workplaces and requires employers to establish, implement, and maintain an effective written Injury and Illness Prevention Program (IIPP) to protect their employees, and to keep records of the steps taken to implement and maintain the IIPP. Its requirements are general in nature, and as such it requires employers to address all workplace hazards, including those that are not specifically addressed by other Cal/OSHA regulations.

4.2.1.1 Title 8, section 3203, subdivision (a)(4), identifying and evaluating workplace hazards

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[5] Stokes EK, Zambrano LD, Anderson KN, et al. Coronavirus Disease 2019 Case Surveillance — United States, January 22–May 30, 2020. MMWR Morb Mortal Wkly Rep 2020;69:759–765. DOI: http://dx.doi.org/10.15585/mmwr.mm6924e2external icon

Section 3203, subdivision (a)(4) requires employers to implement procedures for identifying and evaluating workplace hazards. Due to the widespread transmission of COVID-19 in California, this subdivision requires employers to evaluate COVID-19-transmission hazards and risks in their workplaces.

Section 3203, subdivision (a)(4) reads, in pertinent part, as follows:

> Include procedures for identifying and evaluating work place hazards including scheduled periodic inspections to identify unsafe conditions and work practices.
> (A) When the Program is first established;
> * * * *
> (B) Whenever new substances, processes, procedures, or equipment are introduced to the workplace that represent a new occupational safety and health hazard; and
> (C) Whenever the employer is made aware of a new or previously unrecognized hazard.

4.2.1.2 Title 8, section 3203, subdivision (a)(5), investigating occupational injury or occupational illness

Section 3203, subdivision (a)(5) requires employers to implement procedures to investigate occupational illnesses. If an employer learns of an employee (or employees) who has or is suspected to have COVID-19, the employer must investigate to determine if the transmission was work related and, if it was work-related, how it was transmitted in the workplace.

> Section 3203, subdivision (a)(5) reads as follows: Include a procedure to investigate occupational injury or occupational illness.

4.2.1.3 Title 8, section 3203, subdivision (a)(6), correcting unsafe or unhealthy conditions, work practices, and work procedures

Section 3203, subdivision (a)(6) requires employers to implement methods and/or procedures for correcting unsafe or unhealthy conditions, work practices, and work procedures in a timely manner. It requires employers to take measures to effectively reduce COVID-19-transmission hazards that exist in their workplaces as identified through implementation of subdivisions (a)(4) and (a)(5).

However, section 3203, subdivision (a)(6) does not specify how employers are to correct unsafe workplaces (*i.e.*, engineering controls, administrative controls, personal protective equipment (PPE)). Instead, it puts the responsibility on employers, given their intimate knowledge of the hazards at issue and the workings of the place of employment, to devise such methods or procedures.

Section 3203, subdivision (a)(6) reads as follows:

> Include methods and/or procedures for correcting unsafe or unhealthy conditions, work practices and work procedures in a timely manner based on the severity of the hazard:
> (A) When observed or discovered; and,
> (B) When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, remove all exposed personnel from the area except those necessary to correct the existing condition. Employees necessary to correct the hazardous condition shall be provided the necessary safeguards.

4.2.1.4 Title 8, section 3203, subdivision (a)(7), providing training and instruction

Subdivision (a)(7) requires employers to train their employees on workplace hazards and their prevention. Due to the widespread transmission of COVID-19 in California, employers must train employees on the transmission hazards of COVID-19 in their workplace, what measures the employer has implemented to reduce the hazard, and what actions employees need to take to help reduce transmission.

Section 3203, subdivision (a)(7) reads, in pertinent part, as follows:

> Provide training and instruction:
> (A) When the program is first established;
> *****
> (B) To all new employees;
> (C) To all employees given new job assignments for which training has not previously been received;

> (D) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard;
> (E) Whenever the employer is made aware of a new or previously unrecognized hazard; and,
> (F) For supervisors to familiarize themselves with the safety and health hazards to which employees under their immediate direction and control may be exposed.

4.3 Title 8, section 5141. Control of Harmful Exposure to Employees

Section 5141 requires employers to control harmful exposures to employees. Under section 5140, harmful exposure is defined as:

> An exposure to dusts, fumes, mists, vapors, or gases:
> (a) In excess of any permissible limit prescribed by Section 5155; or
> (b) Of such a nature by inhalation as to result in, or have a probability to result in, injury, illness, disease, impairment, or loss of function.

Exposure to COVID-19 is a harmful exposure, as exposure to aerosols (in the breath of infected persons) containing SARS-CoV-2 has a probability to result in illness, disease, impairment, or loss of function.

4.3.1 Title 8 subsection 5141, subdivision (a), Engineering Controls

Section 5141, subdivision (a) requires employers to control harmful exposures using feasible engineering controls. Although section 5141 does not specify the controls that must be implemented for any particular hazard, examples of engineering controls for COVID-19 include physical barriers, ventilation, air filtration, source controls (universal masking), etc.

Subsection 5141, subdivision (a) reads, in pertinent part, as follows:

> Engineering Controls. Harmful exposures shall be prevented by engineering controls whenever feasible.

4.3.2 Title 8, section 5141, subdivision (b), Administrative Controls

Section 5141, subdivision (b) requires employers to use practicable administrative controls when engineering controls are not feasible or do not fully

prevent harmful exposure. While not specified in the rule, examples of administrative controls to help prevent transmission of COVID-19 include remote work, physical distancing, changing schedules, reducing the number of persons in spaces, etc.

Section 5141, subdivision (b) reads as follows:

> Administrative Controls. Whenever engineering controls are not feasible or do not achieve full compliance, administrative controls shall be implemented if practicable.

4.3.3 Title 8, section 5141, subdivision (c), Control by Respiratory Protective Equipment

Section 5141, subdivision (c) requires employers to use respiratory protective equipment to prevent harmful exposures when engineering controls and administrative controls are not sufficient to prevent harmful exposures. Given the nature of COVID-19, all California employers unable to control COVID-19 with engineering and administrative controls would need to provide respiratory protection in order to comply with section 5141, subdivision (c) during the current pandemic, but that is not possible due to current respirator supply constraints.

Section 5141, subdivision (c) reads as follows:

> Control by Respiratory Protective Equipment. Respiratory protective equipment, in accordance with Section 5144, shall be used to prevent harmful exposures as follows:
> (1) During the time period necessary to install or implement feasible engineering controls;
> (2) Where feasible engineering controls and administrative controls fail to achieve full compliance; and
> (3) In emergencies.

4.4 Title 8, section 5144. Respiratory Protection

Similar to section 5141, subdivision (c), section 5144 requires respirators be used to protect the health of employees when effective engineering controls to prevent harmful atmospheres are not feasible. Again, compliance with this section for all California workplaces where there are COVID-19 transmission hazards despite

engineering and administrative controls has not been possible during the current pandemic due to respirator supply constraints.

Section 5144 reads, in pertinent part, as follows:

> § 5144. Respiratory Protection.
> (a) Permissible practice.
> (1) In the control of those occupational diseases caused by breathing air contaminated with harmful dusts, fogs, fumes, mists, gases, smokes, sprays, or vapors, the primary objective shall be to prevent atmospheric contamination. This shall be accomplished as far as feasible by accepted engineering control measures (for example, enclosure or confinement of the operation, general and local ventilation, and substitution of less toxic materials). When effective engineering controls are not feasible, or while they are being instituted, appropriate respirators shall be used pursuant to this section.
> (2) Respirators shall be provided by the employer when such equipment is necessary to protect the health of the employee. The employer shall provide the respirators which are applicable and suitable for the purpose intended. The employer shall be responsible for the establishment and maintenance of a respiratory protection program which shall include the requirements outlined in subsection (c).
> *****
> (d) Selection of respirators. This subsection requires the employer to evaluate respiratory hazard(s) in the workplace, identify relevant workplace and user factors, and base respirator selection on these factors...
> (1) General requirements.
> (A) The employer shall select and provide an appropriate respirator based on the respiratory hazard(s) to which the worker is exposed and workplace and user factors that affect respirator performance and reliability.

(B) The employer shall select a NIOSH-certified respirator. The respirator shall be used in compliance with the conditions of its certification.
(C) The employer shall identify and evaluate the respiratory hazard(s) in the workplace; this evaluation shall include a reasonable estimate of employee exposures to respiratory hazard(s) and an identification of the contaminant's chemical state and physical form. Where the employer cannot identify or reasonably estimate the employee exposure, the employer shall consider the atmosphere to be IDLH.
(D) The employer shall select respirators from a sufficient number of respirator models and sizes so that the respirator is acceptable to, and correctly fits, the user.
*****

4.5 Title 8 section 3362. General Requirements (Sanitation)

Section 3362, subdivision (a) requires that workplaces be kept clean and in sanitary condition. It also requires that buildings be cleaned and maintained to prevent harmful exposures (defined in section 5140 – see part 4.3 above). Thus, under this rule, employers must perform workplace cleaning to prevent exposure to COVID-19. For example, SARS-CoV-2 can remain viable on surfaces and objects for up to seven days.[6] There are products known to effectively disinfect surfaces from the virus. Thus, use of those products is required by this subdivision where there is a risk of surface contamination.

Section 3362, subdivision (b) requires cleaning and sweeping be done in a manner that does not create a harmful exposure to COVID-19. For example, dry sweeping of floors may aerosolize SARS-CoV-2 and thus is prohibited by this subsection where there is a likelihood of viral contamination.

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[6] Alex Chin, Julie Chu, Mahen Perera, Kenrie Hui, Hui-Ling Yen, Michael Chan, Malik Peiris, Leo Poon. Stability of SARS-CoV-2 in different environmental conditions. The Lancet Microbe. 2 April 2020. https://www.thelancet.com/action/showPdf?pii=S2666-5247%2820%2930003-3

However, like sections 3203 and 5141, section 3362 does not identify specific sanitation measures that must be taken to protect workers from COVID-19.

Section 3362, subdivisions (a) and (b) read as follows:

> (a) To the extent that the nature of the work allows, workplaces, storerooms, personal service rooms and passageways shall be kept clean, orderly and in a sanitary condition. The interiors, exteriors and environs of buildings that contribute to a hazard to which these orders apply shall be cleaned and maintained in such conditions as will not give rise to harmful exposure, as defined in Section 5140.
>
> (b) Cleaning and sweeping shall be done in such a manner as to minimize the contamination of the air and, insofar as is practicable, shall be performed at such time and in such a manner that will avoid harmful exposures as defined in Section 5140.

4.6 Title 8 section 3366. Washing Facilities

Section 3366, subdivision (a) requires that washing facilities be reasonably accessible to all employees. The section, however, does not specifically require measures to ensure that employees are able to maintain personal hygiene, such as the provision of hand sanitizer by the employer.

Section 3366, subdivision (a) reads as follows:

> Washing facilities for maintaining personal cleanliness shall be provided in every place of employment. These facilities shall be reasonably accessible to all employees.

4.7 Title 8 section 3380. Personal Protective Devices

Section 3380 contains general requirements for PPE. Requirements of this section include that: PPE be labeled, be used in accordance with the manufacturer's instructions, be maintained in a safe and sanitary condition, and fit adequately. The section also requires employers to properly train employees on the use of PPE.

Section 3380, subdivision (f)(1) requires employers to assess the workplace for hazards and select the appropriate PPE. Subdivision (f)(2) requires written documentation that certifies that a workplace-hazard assessment has been performed. Subdivision (f)(4) requires the employer to provide training to employees on the proper use of required PPE.

These subdivisions, however, apply only to PPE required by sections 3381 (head protection), 3382 (eye protection), 3384 (hand protection), and 3385 (foot protection). As explained in parts 4.8 and 4.9 of this evaluation below, none of these sections require PPE to help prevent the transmission of COVID-19. Construction and mining employers are also exempt from section 3380, subdivision (f), which reads, in pertinent part, as follows:

> Hazard assessment and equipment selection.
> (1) The employer shall assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE). If such hazards are present, or likely to be present, the employer shall:
> (A) Select, and have each affected employee use, the types of PPE that will protect the affected employee from the hazards identified in the hazard assessment;
> (B) Communicate selection decisions to each affected employee; and,
> (C) Select PPE that properly fits each affected employee.
> *****
> (2) The employer shall verify that the required workplace hazard assessment has been performed through a written certification that identifies the workplace evaluated; the person certifying that the evaluation has been performed; the date(s) of the hazard assessment; and, which identifies the document as a certification of hazard assessment.
> *****
> (4) Training. The employer shall provide training to each employee who is required by this section to use PPE. Each such employee shall be trained to know at least the following:

(A) When PPE is necessary;
(B) What PPE is necessary;
(C) How to properly don, doff, adjust, and wear PPE;
(D) The limitations of the PPE; and,
(E) The proper care, maintenance, useful life and disposal of the PPE.
*****
(8) Subsections (f)(1) and (2) and (f)(4) through (7) of this section apply only to Sections 3381, 3382, 3384 and 3385 of these Orders. Subsections (f)(1) and (2) and (f)(4) through (7) of this section do not apply to Section 5144 of these Orders and Section 2940.6 of the High Voltage Electrical Safety Orders. Subsection (f) does not apply to workplace operations regulated by the Construction Safety Orders or the Mine Safety Orders.

4.8 Title 8 section 3382. Eye and Face Protection

Section 3382 contains requirements for the provision and use of eye and face protection. Section 3382, subdivision (a) requires eye and face protection only to protect against acute eye injuries. It does not require eye protection to prevent infectious diseases. COVID-19 is believed to be transmissible through the eyes, mouth, and nose, and eye and face protection may help prevent infections.[7]

Section 3382, subdivision (a) reads as follows:

> Employees working in locations where there is a risk of receiving eye injuries such as punctures, abrasions, contusions, or burns as a result of contact with flying particles, hazardous substances, projections or injurious light rays which are inherent in the work or environment, shall be safeguarded by means of face or eye protection. Suitable screens or shields isolating the hazardous

[7] Christian J. Kähler, Rainer Hain, Fundamental protective mechanisms of face masks against droplet infections, Journal of Aerosol Science, Volume 148, 2020.
https://www.sciencedirect.com/science/article/pii/S0140673620311429

> exposure may be considered adequate safeguarding for nearby employees.

4.9 Title 8 section 3384. Hand Protection

Section 3384 contains requirements for the provision and use of hand protection. Section 3384, subdivision (a) requires hand protection from exposures to harmful substances that absorb through the skin, cuts or lacerations, abrasions, punctures, chemical burns, thermal burns, radioactive materials, and harmful temperature extremes.

Subdivision (a) does not require hand protection when the hands of employees may contact a surface contaminated with SARS-CoV-2 because SARS-CoV-2 does not penetrate the skin, but rather infects persons after they touch their eyes, nose, or mouth with contaminated hands.

Section 3384, subdivision (a) reads as follows:

> Employers shall select, provide and require employees to use appropriate hand protection when employee's hands are exposed to hazards such as those from skin absorption of harmful substances, cuts or lacerations, abrasions, punctures, chemical burns, thermal burns, radioactive materials, and harmful temperature extremes.

4.10 Title 8 section 5193. Bloodborne Pathogens

Section 5193 applies to all occupational exposure to blood or "*other potentially infectious materials*" (the construction industry is exempted). Other potentially infectious materials" is defined in the regulation as follows:

"Other Potentially Infectious Materials" is defined, in pertinent part, as follows:

> The following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any other body fluid that is visibly contaminated with blood such as saliva or vomitus, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids such as emergency response

*****

Although SARS-CoV-2 is not likely transmitted through parenteral contact with blood and other potentially infections materials,[8] it is likely transmitted when infected blood or other potentially infectious materials are aerosolized and are inhaled or contact the eyes, nose, or mouth. This occurs most frequently in settings generally subject to section 5199, the Aerosol Transmissible Disease standard. For workplaces not covered by section 5199 where aerosolization of blood and other potentially infectious materials occurs (such as dentistry and other medical specialties that meet exemptions in 5199), section 5193 contains requirements to reduce the risk of COVID-19 transmission, including requirements for engineering controls, cleaning practices, personal hygiene practices, and personal protective equipment.

Some of the relevant requirements in section 5193 are the following:

> (d)(1) ... Universal precautions shall be observed to prevent contact with blood or OPIM [*Other potentially infectious materials*]. Under circumstances in which differentiation between body fluid types is difficult or impossible, all body fluids shall be considered potentially infectious materials.
> * * * *
> (d)(2)(A) ... Engineering and work practice controls shall be used to eliminate or minimize employee exposure.
> * * * *
> (d)(3)(D) All procedures involving blood or OPIM shall be performed in such a manner as to minimize splashing, spraying, spattering, and generation of droplets of these substances.
> * * * *
> (d)(3)(H)(2)a. Contaminated Work Surfaces. Contaminated work surfaces shall be cleaned and decontaminated with an appropriate disinfectant

[8] National Institute of Environmental Health Sciences. Can SARS-CoV-2, the Virus that Causes COVID-19 Disease, Be Spread by Blood? 2020. https://tools.niehs.nih.gov/wetp/public/hasl_get_blob.cfm?ID=11981

immediately or as soon as feasible when:
i. Surfaces become overtly contaminated;
ii. There is a spill of blood or OPIM;
iii. Procedures are completed; and
iv. At the end of the work shift if the surface may have become contaminated since the last cleaning.
* * * *
(d)(3)(I) Hygiene.
1. Employers shall provide handwashing facilities which are readily accessible to employees.
2. When provision of handwashing facilities is not feasible, the employer shall provide either an appropriate antiseptic hand cleanser in conjunction with clean cloth/paper towels or antiseptic towelettes. When antiseptic hand cleansers or towelettes are used, hands shall be washed with soap and running water as soon as feasible.
3. Employers shall ensure that employees wash their hands immediately or as soon as feasible after removal of gloves or other personal protective equipment.
4. Employers shall ensure that employees wash hands and any other skin with soap and water, or flush mucous membranes with water immediately or as soon as feasible following contact of such body areas with blood or OPIM.
* * * *
(d)(4) Personal Protective Equipment.
(d)(4) (A) Provision. Where occupational exposure remains after institution of engineering and work practice controls, the employer shall provide, at no cost to the employee, appropriate personal protective equipment such as, but not limited to, gloves, gowns, laboratory coats, face shields or masks and eye protection, and mouthpieces, resuscitation bags, pocket masks, or other ventilation devices. Personal protective equipment will be considered "appropriate" only if it does not permit blood or OPIM to pass through to or reach the employee's work clothes, street clothes, undergarments, skin, eyes, mouth, or other mucous membranes under normal conditions of use and for the

duration of time which the protective equipment will be used.

* * * *

(d)(4)(G) Gloves. Gloves shall be worn when it can be reasonably anticipated that the employee may have hand contact with blood, OPIM, mucous membranes, and non-intact skin; when performing vascular access procedures except as specified in subsection (d)(4)(G)4.; and when handling or touching contaminated items or surfaces. These requirements are in addition to the provisions of Section 3384.

1. Disposable (single use) gloves such as surgical or examination gloves, shall be replaced as soon as practical when contaminated or as soon as feasible if they are torn, punctured, or when their ability to function as a barrier is compromised.

* * * *

(d)(4)(H) Masks, Eye Protection, Face Shields, and Respirators.

1. Masks in combination with eye protection devices, such as goggles or glasses with solid side shields, or chin-length face shields, shall be worn whenever splashes, spray, spatter, or droplets of blood or OPIM may be generated and eye, nose, or mouth contamination can be reasonably anticipated. These requirements are in addition to the provisions of Section 3382.

2. Where respiratory protection is used, the provisions of Sections 5144 and 5147 are required as applicable.

* * * *

(d)(4)(I) Gowns, Aprons, and Other Protective Body Clothing.

1. Appropriate protective clothing such as, but not limited to, gowns, aprons, lab coats, clinic jackets, or similar outer garments shall be worn in occupational exposure situations. The type and characteristics will depend upon the task and degree of exposure anticipated. These requirements are in addition to the provisions of Section 3383.

5.0 FEDERAL OSHA REGULATIONS

Federal OSHA standards contain many of the same requirements as Title 8. The foremost exceptions are:

- The IIPP, required by Title 8, has no similar federal regulatory mandate.
- The definition of "harmful exposure." In Title 8, a *harmful exposure* is defined as exposure to any airborne substance that can cause injury, illness, disease, impairment, or loss of function. This includes SARS-CoV-2. The federal regulations do not have such a broad definition, and they limit regulation of harmful airborne exposures to specific substances listed in title 29 Code of Federal Regulations Subpart Z "Toxic and Hazardous Substances," which does not include SARS-CoV-2. Thus, protections against SARS-CoV-2 are not required by those federal regulations.

However, while there is no federal regulation governing airborne exposure to substances such as SARS-CoV-2, federal OSHA does have the "General Duty Clause" in section 5(a)(1) of the Occupational Safety and Health Act of 1970. The clause states the following:

> Each employer shall furnish to each of his [*sic*] employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees;

The General Duty Clause is used by federal OSHA to address conditions that are not subject to other Federal OSHA regulations. As such, it can be used by Federal OHA to require employers to protect employees from harmful airborne pathogens, such as SARS-CoV-2.

Other federal regulations such as those governing respiratory protection, sanitation, washing facilities, personal protective equipment, and bloodborne pathogens are similar to their counterpart regulations in the California Code of Regulations, title 8, discussed above.

6.0 PETITIONERS AND THEIR BASIS FOR NEW REGULATIONS

Petitioners assert that without specific occupational health and safety regulation to protect workers from COVID-19, Californians will become sick and die

unnecessarily. They request regulatory protection for workers not currently protected by the Aerosol Transmissible Disease standard, title 8 section 5199 ("Non-5199 Workers"). Petitioners seek to add both an emergency regulation to immediately protect Non-5199 Workers from COVID-19, and a permanent regulation to protect Non-5199 Workers in the long-term from infectious diseases in general, including novel pathogens such as COVID-19.

Petitioners assert that an emergency regulation to protect Non-5199 Workers from COVID-19 must be issued as soon as possible and take immediate effect. They state that the California economy is in the process of opening back up, and employees currently working, or who will be returning to work in the future, need an emergency regulation now. Many more workers will be exposed to COVID-19 as the economy opens back up. Petitioners contend an emergency regulation is necessary, not only to protect the employees' health and safety, but also the health and safety of their families and communities.

Petitioners assert that the COVID-19 pandemic is not diminishing and will persist for some time, and in the face of this public health emergency, clarity is required for both employers and employees. They state that the performance-based requirements of Title 8, section 3203, combined with a small number of other regulations, are not adequate in protecting employees from COVID-19.

Thus, Petitioners propose language for a draft emergency regulation to protect Non-5199 Workers standard from COVID-19 and ask the Standards Board to consider their draft as guidance in developing an emergency regulation. They also propose the adoption of a permanent regulation to protect employees from infectious diseases, including those caused by novel pathogens.

7.0 ANALYSIS OF THE PROPOSAL

Cal/OSHA agrees with Petitioners that COVID-19 is a workplace emergency. SARS-CoV-2 is a highly infectious, easily transmissible, and virulent pathogen. It has killed hundreds of workers in California and sickened thousands, and workers will continue to become ill and die until the pandemic subsides. COVID-19 is an occupational health emergency causing more deaths in less time than any other workplace crisis in the nearly fifty-year existence of Cal/OSHA. The COVID-19 public health crisis is exactly the type of catastrophe that the legislature intended an emergency regulation to address.

Cal/OSHA also agrees that an emergency regulation is warranted. Although section 5199 provides specific protections for novel pathogens such as COVID-19, it does not protect all workers. Many Non-5199 Workers are affected by major outbreaks of COVID-19 including workers in the following industries: meat and poultry processing, food processing, agriculture, garment manufacturing, warehousing, public transportation, and retail stores.

There is no existing Title 8 regulation that comprehensively addresses an employer's responsibility to protect Non-5199 Workers from infectious diseases. While many of the regulations discussed above require employers to take steps to protect workers against COVID-19, these standards are not specific to infectious diseases, including COVID,-19 and do not necessarily identify specific measures that must be taken to fight the spread of any infectious disease. In the absence of a specific set of mandatory infection-control requirements that employers clearly must implement, there is no assurance that all Non-5199 Workers will be protected from infectious diseases like COVID-19.

Guidance exists on how employers can protect workers from COVID-19. There are a large number of COVID-19 prevention guidelines from myriad government agencies (including federal OSHA and Cal/OSHA), universities, non-profit organizations, business associations, and others. And employers should follow these guidelines to protect Non-5199 Workers from COVID-19 in order to comply with general regulations such as sections 3203, 3362, 3366, 5141, 5144, But these standards themselves do not prescribe specific steps that employers must take to protect workers from COVID-19. Thus, while these general provisions provide Cal/OSHA a regulatory basis for requiring employers to take measures to protect workers from COVID-19, Cal/OSHA's enforcement efforts could be streamlined and strengthened through regulatory mandates specific to preventing the spread of infectious diseases. In addition, the PPE regulations (sections 3380 through 3385) do not apply to infectious-disease prevention and section 5193, which contains applicable PPE requirements, only applies to a very small number of Non-5199 Workplaces.

If COVID-19-specific protections similar to the guidelines were spelled out in the Title 8 standards, Cal/OSHA could more easily enforce requirements that would be specific, detailed, and more protective of workers. Given the unprecedented nature of the COVID-19 pandemic, a new standard that will enhance Cal/OSHA's

ability to protect workers is essential to keep workplaces safe. A specific COVID-19 emergency regulation in Title 8 would provide clear instructions to employers and employees on what needs to be done to protect workers from COVID-19, eliminating any confusion and enhancing compliance.

8.0 CONCLUSION

Pursuant to Labor Code section 147.1, Cal/OSHA has determined there is a necessity for an emergency regulation to protect all Non-5199 Workers from COVID-19. Due to the current COVID-19 pandemic, it is important that a regulation be promulgated as soon as possible to protect employees from exposure to the virus.

Cal/OSHA recommends that the Standards Board grant petition 583, and that an emergency regulation be promulgated to protect employees from exposure to COVID-19. In addition, Cal/OSHA recommends that an advisory committee be convened by Cal/OSHA after the COVID-19 pandemic subsides to determine whether a permanent regulation should be promulgated to protect Non-5199 Workers from infectious diseases, including novel pathogens.

cc: Susan Eckhardt
Chris Kirkham
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STATE OF CALIFORNIA - DEPARTMENT OF INDUSTRIAL RELATIONS GAVIN NEWSOM, Governor

OCCUPATIONAL SAFETY
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SUMMARY
PUBLIC MEETING AND BUSINESS MEETING
July 16, 2020
Teleconference in Sacramento, California

I. PUBLIC MEETING

A. CALL TO ORDER AND INTRODUCTIONS

Chairman Dave Thomas called the Public Meeting of the Occupational Safety and Health Standards Board (Board) to order at 10:00 a.m., July 16, 2020, in Suite 350 of the Occupational Safety and Health Standards Board Office, Sacramento, California, via teleconference at 844-992-4726 and via Webex at www.webex.com.

ATTENDANCE

Board Members Present at OSHSB Office
Dave Thomas

Board Members Absent
NONE

Board Members Present via Teleconference and/or Webex
Barbara Burgel
Dave Harrison
Nola Kennedy
Chris Laszcz-Davis
Laura Stock

Board Staff Present at OSHSB Office
Christina Shupe, Executive Officer
Michael Nelmida, Senior Safety Engineer
Sarah Money, Executive Assistant

Division of Occupational Safety and Health Staff Present via Teleconference and/or Webex
Eric Berg, Deputy Chief of Health

Board Staff Present via Teleconference and/or Webex
Mike Manieri, Principal Safety Engineer
Lara Paskins, Staff Services Manager
David Kernazitskas, Senior Safety Engineer
Jennifer White, Staff Services Analyst

Others Present via Teleconference and/or Webex
Michael Donlon, Construction Employers Association
Eric Conn, Conn Maciel Carey
Mirella Deniz-Zaragoza, Warehouse Worker Resource Center
Jennifer Wysick, Truebeck Construction
Edward Flores, University of CA, Merced
Stan Santos, Fresno Madera Tulare Kings Central Labor Council
Eric Frumin, Change to Win
Ramón Castellblanch, CA Alliance for Retired Americans
Stephen Knight, Worksafe
Cassie Hilaski, Nibbi Brothers General

Anne Katten, CA Rural Legal Assistance Foundation
Robert Moutrie, CA Chamber of Commerce
Dan Leacox, Leacox and Associates
Raul Pickett, Central Valley Response Task Force
Frances Schreiberg, National Lawyers Guild - Labor & Employment Committee (NLG – L&EC)
Contractors
Julie Rey, San Joaquin Valley Air Pollution Control District
Frank Belio, International Union of Elevator Constructors Local 18
Elizabeth Treanor, Phylmar Regulatory Roundtable
Kevin Riley, University of CA, Los Angeles, Labor Occupational Safety and Health Program

Mr. Thomas indicated that this portion of the Board's meeting is open to any person who is interested in addressing the Board on any matter concerning occupational safety and health or to propose new or revised standards or the repeal of standards as permitted by Labor Code Section 142.2.

Steven Knight, Worksafe, commented in support of the petition that his organization and the National Lawyers Guild - Labor and Employment Committee (NLG L&EC) submitted in May to address COVID-19 exposure in the workplace (Petition 583). He asked when the petition will be put before the Board for consideration and vote.

Eric Conn, Conn Maciel Carey, representing the Coalition for Uniformity in COVID-19 Recordkeeping, stated that his organization is concerned about the fact that recordkeeping requirements in the Division's COVID-19 guidance differs substantially from federal OSHA's.

- The Division's guidance document says that while a positive test is considered determinative of recordability, a positive test result is not necessary. This directly contradicts federal OSHA's recordkeeping requirements for COVID-19 and guarantees that some cases will be recordable on the 300 logs in California that are not being recorded on 300 logs in other states.

- Federal OSHA requires employers to find work-relatedness for COVID-19 recordkeeping only where it is more likely than not that an illness was caused by an exposure in the workplace based on reasonably available evidence and in the absence of an equally or more likely alternative non-work explanation for the ailment. The Division's guidance document has created a presumption of work-relatedness and provided no guidance as to whether or not non-work exposures can be considered that may have been likely to have caused the illness.

He asked the Division to reexamine its guidance and either revise it to match federal OSHA's standards or withdraw it. **Elizabeth Treanor, Phylmar Regulatory Roundtable,** echoed Mr. Conn's comments.

Michael Donlon, Construction Employers Association, stated that the regulations petition 583 is seeking to promulgate are duplicative of the public health orders that have already been issued and will create confusion for employers. The public health orders are able to be modified much easier and quicker than the new standard that petition 583 seeks to implement. **Robert Moutrie, CA Chamber of Commerce,** echoed Mr. Donlon's comments.

Eric Fruman, Change to Win, commented in support of petition 583. He said that the existing regulations are inadequate, so a clearly applicable standard is needed. He also stated that COVID-19 is a workplace hazard that needs to be addressed, and the Division has the ability to deal with it better than public health authorities because the Division understands the problem from an employer/employee standpoint.

Raul Pickett, Central Valley Response Task Force, commented in support of petition 583. He also provided the following suggestions:

- Work plans need to be required at worksites and must contain specific language regarding infection control standards.
- There needs to be a central location where infection control data is collected and disseminated.
- It is important to identify and establish specific infection thresholds levels that clearly define when an outbreak has occurred.

Mr. Pickett also said that this petition is needed because many essential workers are immigrants and low-wage workers who do not have access to healthcare and have preexisting medical conditions, which puts them at greater risk of getting infections such as COVID-19. They also do not have union representation and no worksite protections. This petition will help to keep those workers healthy and will save lives.

Ramón Castellblanch, CA Alliance for Retired Americans, stated that the CDC guidelines to protect workers from exposure to COVID-19 are clearly not working. They need to be updated and turned into permanent standards. That is why petition 583 is needed right now.

Mirella Deniz-Zaragosa, Warehouse Worker Resource Center, stated that employers are not doing enough to protect workers from exposure to COVID-19. They are not doing adequate reporting and contact tracing around confirmed cases and they are not cleaning and sanitizing work areas. Proper physical distancing and regular handwashing by employees is not taking place because employees are hurrying to meet relentless quotas and production speeds that are set by their employer. **Stan Santos, Fresno Madera Tulare Kings Central Labor Council,** echoed this comment. Ms. Deniz-Zaragosa stated that the guidance protocols that the Division has issued are not the same as a mandatory standard that specifically addresses COVID-19 hazards, so an emergency standard is needed.

Elizabeth Treanor, Phylmar Regulatory Roundtable, asked the Board staff and Division to take into account the fluidity of the medical research and technological innovations and make requirements that are adaptable to changing situations, as they consider petition 583. She said that keeping the requirements simple will ensure that more employers comply. She also encouraged the Division to continue its work providing guidance documents to help employers comply.

Robert Moutrie, CA Chamber of Commerce, stated that petition 583 takes away the Division's ability to update guidance documents quickly and address new science as it comes along, and most of the issues that are being brought up are being addressed through the Governor's actions and the Division's guidance documents. Petition 583 also requires the

inclusion of a competent person, which means that employers will need to hire a person that is experienced in infectious disease control, which may not be feasible for some employers.

Cassie Hilaski, Nibbi Brothers, stated that the Division has managed to effectively develop and implement guidance documents, conduct enforcement of current regulations, and issue citations to employers who refuse to protect their workers from exposure to COVID-19 despite not having an emergency standard in place that is specific to COVID-19, so a standard for COVID-19 exposure is not needed. Additional regulation will not make bad actors comply and will not provide employees with any additional protections.

Frances Schreiberg, National Lawyers Guild – Labor & Employment Committee (NLG – L&EC), stated that an emergency regulation is needed to address COVID-19 exposure because more needs to be done than just relying on the Division for enforcement action. The emergency regulation needs to have flexible aspects to it so that employers can make it fit with their workplace, but it also needs to give workers clear guidance and specifics on what their rights are. Having an emergency regulation in place will allow unions to enforce the regulation through collective bargaining agreements or by taking direct action, and it will provide direction for workers who do not have a union.

The following individuals also commented in support of petition 583:

- **Edward Flores, University of CA, Merced**
- **Kevin Riley, University of CA, Los Angeles, Labor Occupational Safety and Health**
- **Stan Santos, Fresno Madera Tulare Kings Central Labor Council**

Jennifer Wysick, Truebeck Construction, stated that additional regulation is not necessary to address COVID-19 exposure because the guidance documents that have been issued are specific to each county, and that is sufficient to address COVID-19 exposure in the workplace.

B. ADJOURNMENT

Mr. Thomas adjourned the Public Meeting at 11:20 a.m.

Mr. Thomas called for a break at 11:20 a.m. and reconvened the meeting at 11:25 a.m.

II. BUSINESS MEETING

Mr. Thomas called the Business Meeting of the Board to order at 11:25 a.m., July 16, 2020, in Suite 350 of the Occupational Safety and Health Standards Board Office, Sacramento, California, via teleconference at 844-992-4726, and via Webex at www.webex.com.

A. PROPOSED VARIANCE DECISIONS FOR ADOPTION

1. Consent Calendar

Ms. Shupe stated that there is a minor clerical error on the consent calendar regarding item L. Item L is incorrectly listed on the consent calendar as OSHSB File No 20-V-078. The correct file number is 20-V-178. With that clerical correction, she is aware of no unresolved procedural issues regarding the items on the consent calendar, and she believes that those

items are ready for the Board's decision on the question of adoption.

MOTION

A motion was made by Ms. Laszcz-Davis and seconded by Mr. Harrison to adopt the consent calendar as modified.

A roll call was taken, and all members present voted "aye." The motion passed.

B. OTHER

1. DOSH Update

Mr. Berg provided updates on the following Division projects:

- Indoor Heat: Going through the Standardized Regulatory Impact Analysis (SRIA) process.
- Workplace Violence in General Industry: Working on an updated draft to be posted for comments. This project is on hold due to COVID-19.
- Evaluation of Petition 583: Evaluation has been completed and is undergoing review.

Mr. Berg also responded to a previous question about recordkeeping as it pertains to COVID-19 cases in the workplaces. He said that the Division has posted its guidelines for recordkeeping on its website. They are consistent with the Division's recordkeeping regulations and are the same as those of federal OSHA.

Ms. Stock stated that it is clear that the existing regulations are not sufficiently addressing COVID-19 exposure in the workplace. It is also very confusing to navigate the multitude of guidance documents available. She asked the Division and Board staff about what needs to be done to get Petition 583 on the agenda for next month's meeting, and how the Board can help accelerate it once it comes up for a vote. She also asked how each of the guidance documents intersect with each other, and how they are being enforced. **Mr. Berg** stated that the evaluation for petition 583 is complete and has been submitted to the Department of Industrial Relations (DIR) for review. He will communicate the urgency of the petition to DIR. He asked Ms. Shupe what the deadline will be by which the Division will need to get its review to the Board staff in time to put petition 583 on the August agenda. **Ms. Shupe** stated that she did not have a deadline to share at the moment, but will find out and get the deadline to him by tomorrow. She also stated that the Board staff has not seen the Division's evaluation, and once the Board staff receives it, the Board staff needs time to review it and prepare a legally defensible proposed decision before the petition can be placed on the agenda for adoption.

MOTION

A motion was made by Ms. Burgel that petition 583 be heard, discussed, and voted on at the August 2020 Board Meeting. Motion not seconded. Motion failed.

Ms. Laszcz-Davis stated that she understands the urgency, but the Division should do a brief evaluation that takes into consideration the regulations that are already in place and what it

would take to upgrade or strengthen them to provide the protection that is needed. Communication and education regarding these regulations also needs to be much better.

Ms. Stock stated that the situation regarding workplace protections from COVID-19 exposure is the same as the situation was when the aerosol transmissible disease (ATD) standard was passed for healthcare. The injury and illness prevention plan (IIPP) provides basic requirements to protect workers, but additional industry-specific regulations are needed to address COVID-19 exposure, just like the additional requirements in the ATD standard were needed for healthcare. The ATD standard only applies to healthcare workers, but there are similar situations with COVID-19 that are occurring in non-healthcare workplaces, and those workers need to be protected. If the Board votes on the petition in August and moves it forward, the evaluation that Ms. Laszcz-Davis suggested can still take place as part of the process.

Mr. Thomas asked Mr. Berg how the Division is currently citing and enforcing regulations regarding COVID-19 exposure. **Mr. Berg** stated that the Division is doing many investigations and issuing citations under the ATD standard where it applies, and for situations where it does not apply, the Division is citing under Sections 3203 and 5141. **Ms. Stock** asked Mr. Berg how many citation have been issued under standards other than the ATD standard. **Mr. Berg** stated that he is unsure. **Ms. Stock** stated that she has heard of only one or two at the most, which is concerning.

Katie Hagen, Director for the Department of Industrial Relations, stated that the Division is doing workplace visits and inspections, issuing citations after the investigation is complete, and conducting follow-up visits as needed, in addition to providing guidance, consultation, and education. The Division of Labor Standards Enforcement (DLSE) is assisting with these things as well. The Division is providing outreach to employers via mass email to various industries, and has also set up a call center that reaches 1,200 callers per day to provide assistance.

Ms. Shupe stated that the Board staff and Division both understand the urgency and unprecedented need for worker protection against COVID-19, but it is important to review and evaluate petition 583 without rushing it so as to avoid making any mistakes.

Mr. Thomas stated that petition 583 will probably not be ready for the Board until at least the September meeting. He also stated that it is important for everyone to do their part to control the spread of COVID-19. He said that workers are forced to come to work when they're sick, and employers do not properly report cases of COVID-19 to the authorities.

Ms. Kennedy had the following questions for Mr. Berg:

- How are sites for inspections determined?
    - In response to complaints?
    - In response to outbreak clusters?
    - Is the Division targeting industries with increased case rates?
    - Is the Division focusing on vulnerable populations?
- Are there any situations where a COVID-19 outbreak is due to workplace exposure where the Division cannot cite under the IIPP or ATD standards?

Mr. Berg asked Ms. Kennedy to submit her questions in writing to him, and he will look into getting answers to those questions.

MOTION

A motion was made by Ms. Burgel and seconded by Ms. Stock that the proposed decision for petition 583 be brought before the Board at the August 2020 Board Meeting for consideration.

A roll call was taken, and all members present voted "aye." The motion passed.

2. Legislative Update

Ms. Shupe provided updates on the following bills:

- AB 2043
- AB 2092
- AB 2028
- AB 2537
- AB 3056
- SB 275
- SB 1257

3. Executive Officer's Report

Ms. Shupe stated that on June 30, the Governor issued Executive Order N-71-20, which modifies the 60-day extension for deadlines listed in Labor Code Sections 147 and 142.2 that were provided in Executive Order N-63-20. N-71-20 replaces the 60-day extension with a 120-day extension. This order applies to petitions already in progress with the Standards Board and to any future incoming petitions until the order is lifted. The order extends the petition deadline from within 6 months of submission of the petition to within 10 months of submission.

4. Board Member Comments and Future Agenda Items

No future agenda items were mentioned.

C. CLOSED SESSION

Pursuant to Government Code Sections 11126(e)(1) and 11126(a)(1), the Board conferred with counsel regarding the pending litigation matters listed on the agenda and consideration of personnel matters. Closed Session began at 12:13 p.m.

D. RETURN TO OPEN SESSION

1. Report on any Closed Session Action

Closed Session ended at 12:36 p.m. A roll call was taken to ensure all Board Members had returned to the teleconference and Webex meeting. All Board Members were present.

No action was taken during the Closed Session.

E. ADJOURNMENT

Mr. Thomas adjourned the Business Meeting at 12:37 p.m.

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SUMMARY
PUBLIC MEETING AND BUSINESS MEETING
August 20, 2020
Teleconference in Sacramento, California

I. PUBLIC MEETING

A. CALL TO ORDER AND INTRODUCTIONS

Chairman Dave Thomas called the Public Meeting of the Occupational Safety and Health Standards Board (Board) to order at 10:00 a.m., August 20, 2020, in Suite 350 of the Occupational Safety and Health Standards Board Office, Sacramento, California, via teleconference at 844-992-4726 and via Webex at www.webex.com.

ATTENDANCE

Board Members Present at OSHSB Office
Dave Thomas

Board Members Absent
NONE

Board Members Present via Teleconference and/or Webex
Barbara Burgel
Dave Harrison
Nola Kennedy
Chris Laszcz-Davis
Laura Stock

Board Staff Present at OSHSB Office
Christina Shupe, Executive Officer
Michael Nelmida, Senior Safety Engineer
Sarah Money, Executive Assistant

Division of Occupational Safety and Health Staff Present via Teleconference and/or Webex
Eric Berg, Deputy Chief of Health

Board Staff Present via Teleconference and/or Webex
Mike Manieri, Principal Safety Engineer
Lara Paskins, Staff Services Manager
David Kernazitskas, Senior Safety Engineer
Jennifer White, Staff Services Analyst

Others Present via Teleconference and/or Webex
Dan Leacox, Leacox & Associates
Michael Donlon, Construction Employers Association
Mirella Deniz-Zaragosa, Warehouse Worker Resource Center
Len Welsh, Western Steel Council
Kevin Goddard, CalTrans
Maggie Robbins, Worksafe
Ramón Castellblanch, CA Alliance for Retired Americans
Dr. Robert Blink
Bruce Wick, CA Professional Association of Specialty Contractors (CALPASC)
Megan Shaked, Conn Maciel Carey

Edith Aburto, Fight for $15 and a Union
Margarita Tomas, Fight for $15 and a Union
Kevin Bland, Ogletree Deakins
Lisa Prince, The Prince Firm
Anne Katten, CA Rural Legal Assistance Foundation
Robert Moutrie, CA Chamber of Commerce
Stephen Knight, Worksafe
Lorena Perea Elox, Fight for $15 and a Union
Elizabeth Treanor, Phylmar Regulatory Roundtable
Rosa Trevizo, Associated General Contractors of CA
Cassie Hilaski, Nibbi Brothers General Contractors
Bryan Little, CA Farm Bureau Federation
Michael Young, CA Federation of Teachers
Alice Berliner, Southern CA Coalition for Occupational Safety and Health (SoCalCOSH)
Eric McClaskey, International Union of Elevator Constructors
Michael Donlon, Construction Employers Association
Johanna Bernal, Service Employees International Union, United Service Workers West (SEIU USWW)
Michael Miiller, CA Association of Winegrape Growers
Katherine Hughes, Service Employees International Union Nurse Alliance of CA

Mr. Thomas indicated that this portion of the Board's meeting is open to any person who is interested in addressing the Board on any matter concerning occupational safety and health or to propose new or revised standards or the repeal of standards as permitted by Labor Code Section 142.2.

Mr. Thomas called for a break at 10:08 a.m. to resolve some technical issues with the meeting audio and reconvened the meeting at 10:09 a.m.

Dan Leacox, Leacox and Associates, stated that the emergency regulation that petition 583 is seeking to establish is not necessary because there are plenty of rules that the Division has successfully enforced to protect employees from exposure to COVID-19. He also stated that the process to create emergency regulations does not always include meaningful engagement with the regulated community, and without that meaningful engagement, the resulting regulation can be unrealistic, put unjustified burdens on the employer, and can result in a rule that is not fully vetted. **Cassie Hilaski, Nibbi Brothers General Contractors,** echoed this comment. Mr. Leacox stated that COVID-19 is a public health issue, and controlling it through the employment relationship can result in overreaching requirements, such as:

- The petition requires employers to collect and disseminate personal information about employees. **Cassie Hilaski, Nibbi Brothers General Contractors,** echoed this comment.

- The petition requires employers to establish, implement, and maintain an effective written compliance plan. This may result in employers being cited if just one employee gets sick.

- The petition requires the rule to include certain wage and hour provisions.

This regulation will also affect every employer in the state of California, so the costs will cross the $50 million threshold and result in the regulation having to go through a standardized regulatory impact analysis (SRIA).

Lorena Perea Elox, Fight for $15 and a Union, stated that her employer, McDonald's, has failed to protect workers from exposure to COVID-19. She said that McDonald's is not being honest with its employees about who has COVID-19 and who has been exposed to an employee with COVID-19. She is also not sure if her store is being properly sanitized between shifts to prevent exposure. Workers are forced to come in when they are sick because if they don't, their shifts get cut or changed. This was an issue prior to the COVID-19 pandemic. The Los Angeles County Health Department has failed to act on any complaints filed by the store employees. The current regulations are not working, so they need to be rewritten.

Maggie Robbins, Worksafe, stated that the lack of evidence of employer non-compliance with the COVID-19 guidance documents and standards does not mean that employers are complying. There is no data, such as inspections done by the Division, to support this contention. However, there are plenty of reports from the media and from workers of worksite outbreaks, workers remaining at work when they are sick, no social distancing, no handwashing access, and no worksite cleaning that indicate employers are not complying. There may be a lack of data as to how many of the COVID-19 illnesses and fatalities are due to exposure in the workplace, but no matter how big or small the percentage is of them that can be attributed to COVID-19, the illnesses and deaths from COVID-19 outnumber those caused by other means. **Anne Katten, CA Rural Legal Assistance Foundation,** echoed Ms. Robbins's comments.

Elizabeth Treanor, Phylmar Regulatory Roundtable, stated that developing an emergency regulation to address COVID-19 is not the best course of action for the Board to take, and the existing regulations sufficiently address COVID-19 exposure in the workplace. **Rosa Trevizo, Associated General Contractors of CA,** echoed this comment. Ms. Treanor stated the injury and illness prevention program (IIPP) standard encompasses all hazards, including COVID-19, and is comprehensive enough, and the other existing regulations and guidance do work. The Division's time would be better spent targeting employers who are not complying with the existing regulations through inspections and enforcement rather than on emergency rulemaking. She asked the Board to step back and assess the consequences that will come with adopting an emergency regulation, and to review the prescriptive and overreaching requirements in petition 583. **Kevin Bland, Ogletree Deakins, representing the CA Framing Contractors Association, the Residential Contractors Association, and the Western Steel Council,** echoed Ms. Treanor's comments.

Edith Aburto, Fight for $15 and a Union, stated that her employer, McDonald's in Berkeley, has not closed for proper cleaning and sanitizing even though many of the workers have tested positive for COVID-19. McDonald's has asked the employees to do surface cleaning in the bathrooms and kitchen, but they are not the professional cleaners that are needed to properly clean the store following a COVID-19 outbreak. The employees have reported this to the city officials, but no action has been taken, and the management has retaliated against them by cutting their hours.

Michael Donlon, Construction Employers Association, stated that it is impossible for employers to comply with the wildfire smoke regulation because there are no N95 masks available and the Division has not found an adequate alternative. The Governor issued an order asking employers to give their N95 masks to healthcare workers, and now employers are being cited and fined for not having them. This is what happens when an emergency regulation is passed too quickly.

Mr. Donlon also stated that petition 583 is very duplicative of the public health orders that have been issued and will not make the workplace any safer than following the existing guidelines. A regulation to address COVID-19 exposure would also not be able to remain consistent with public health orders because public health orders are constantly changing. It will also lack consistency with the Health Insurance Portability and Accountability Act (HIPAA) laws because employers are not allowed to disclose that kind of information to other employees. The petition also requires that employers hire a competent person to implement this plan, and most employers do not have someone on staff who is qualified to do this.

Margarita Tomas, Fight for $15 and a Union, stated that her employer, McDonald's in Oakland, told their employees to wear their disposable masks for several days and gave them gloves to wear that broke easily. There is no social distancing being implemented by her employer, and as a result, several workers have tested positive for COVID-19 and they have had to go to court to get their employer to comply.

Dr. Robert Blink stated that he supports petition 583 because Section 3203 does not apply to many industries, but it is important to address the concerns that have been raised so that employers are not unnecessarily burdened by the regulation. The new regulation will need to have a lot of built-in flexibility to accommodate the new incoming information and the rapidly changing circumstances surrounding the COVID-19 pandemic. He also recommended including a provision for getting input from local health officers in each jurisdiction.

Bryan Little, CA Farm Bureau Federation, stated that it will be difficult for most employers to find a person with the expertise needed to fulfill the "competent person" requirement that is listed in petition 583. He also said that N95 respirators are difficult to obtain because they are being given to healthcare workers to protect them against COVID-19 exposure, so employers need to have other alternatives. As a result, outdoor employers can only comply with the emergency wildfire smoke standard by implementing feasible engineering controls and practicable administrative controls, but these do not exist for many of those employers. As a result, outdoor employers are forced to either cease operations or to continue operating out of compliance. He asked the Board to consider the unintended consequences that have resulted from the emergency wildfire smoke standard because there may be unintended consequences if petition 583 is adopted.

Lisa Prince, The Prince Firm, stated that the Division is conducting many inspections related to COVID-19 exposure in the workplace, and there are regulations under which the Division can cite employers. **Rosa Trevizo, Associated General Contractors of CA,** echoed this comment. Ms. Prince said that adding an additional regulation like that mentioned in petition 583 will not help. She is concerned that some of the requirements in the petition, such as having a competent person on staff and updating an employer's written program, will take the focus away from safety and compliance. Also, the reporting requirements in the petition require employers to report positive COVID-19 cases to both the Division and the local public health department, regardless of whether or not the exposure occurred in the workplace. This is duplicative of the system that is already in place to report positive cases to the public health and contact tracing departments. The petition also creates problems when it comes to employee privacy. It will result in more fear and less communication in the employer/employee relationship.

Len Welsh, Western Steel Council, stated that it is important for the Division to focus its limited resources on where it will do the most good. The Division has been in compliance assistance mode since the beginning of this pandemic, and that has been the most helpful to employers. It has allowed the Division to reach more employers, explain what needs to be done to comply and why, and helped gain more trust from employers. It is best to allow the Division to continue to work in compliance assistance mode with employers to address COVID-19 exposure in the workplace because it gives the Division and employers the flexibility to change things quickly when new information becomes available instead of having to go through the process outlined in the Administrative Procedures Act (APA) to change a regulation. It also allows the Division to better target non-compliant employers and industries.

Bruce Wick, CA Professional Association of Specialty Contractors, stated that it would be good to find out from the Division the following:

- How have employers assessed the industry-specific guidance and used it to protect their employees from exposure to COVID-19?

- Are most of the citations being issued because employers are not following the industry guidance?

Mr. Wick also stated that employers who are not complying with the existing regulations will not comply with the new regulation, so it is better for the Division to focus its resources on enforcement and targeting non-compliant employers. **Rosa Trevizo, Associated General Contractors of CA, Cassie Hilaski, Nibbi Brothers General Contractors, and Michael Miiller, CA Association of Winegrape Growers,** echoed this comment.

Mr. Thomas called for a break at 12:00 p.m. and reconvened the meeting at 12:15 p.m.

Anne Katten, CA Rural Legal Assistance Foundation, stated that it is important to find alternatives to N95 masks for workers working outdoors when wildfire smoke is present. KN95's could be used, as well as valved N95's for socially distanced work outdoors and slightly expired N95's that could provide adequate protection. Employers also have the option to limit exposure to wildfire smoke by relocating or rescheduling the outdoor work if possible. It is very important to limit exposure to wildfire smoke because it can increase the risk of a worker getting COVID-19.

Stephen Knight, Worksafe, stated that an emergency regulation is needed right away to address COVID-19 exposure in the workplace because the ATD standard is limited in scope to only apply to healthcare workplaces. The Division has also indicated in its evaluation of petition 583 that an emergency temporary standard is needed so that the Division has all of the tools that it needs to ensure that workers are protected.

Robert Moutrie, CA Chamber of Commerce, stated that employers need to know what to do to comply with the wildfire smoke regulation in light of the fact that there is a lack of N95's available and there are no alternatives allowed. It appears that the only option for outdoor employers is to shut down when they are unable to get N95's. This is not a feasible option, especially for the indoor workplaces that have had to move their operations outdoors due to COVID-19 requirements.

Mr. Moutrie also stated that moving too quickly to develop an emergency regulation to address COVID-19 is not a good idea and could result in a regulation being developed that is not feasible. The regulation could also become outdated very quickly when science changes. **Cassie Hilaski, Nibbi Brothers General Contractors, and Michael Miiller, CA Association of Winegrape Growers,** echoed this comment. Mr. Moutrie also said that a rise in the number of COVID-19 cases does not indicate that the current regulations aren't working, and anecdotal stories from workers do not demonstrate that there is a need for additional regulation.

Michael Miiller, CA Association of Winegrape Growers, stated that many employers gave their N95 masks to healthcare workers at the beginning of this pandemic, and as a result, they don't have any to give to their workers because there is a shortage. Many winegrape growers are afraid that they will miss the harvest because they don't have N95 masks and there is no other alternative except to shut down. He asked the Division to coordinate with other agencies as soon as possible to come up with a solution. He also asked the Board to ensure that a complete fiscal analysis is done on each regulation that comes before it so that the true costs of each regulation are known before the regulation is adopted.

Katherine Hughes, Service Employees International Union Nurse Alliance of CA, stated that when it comes to talking with employees about work-related exposure incidents to COVID-19, employers cannot claim HIPAA protections or violations as a reason not to communicate this information with them. She said that further regulation is needed to address COVID-19, and though it may take a while, all employers will eventually comply with the new regulation. She stated that some employers continue to lock up and ration out personal protective equipment (PPE) to their workers or require their workers to reuse PPE that is not designed to be reused.

The following individuals also commented in support of petition 583:

- **Johanna Bernal, Service Employees International Union, United Service Workers West**
- **Ramón Castellblanch, CA Alliance for Retired Americans**
- **Mirella Deniz-Zaragosa, Warehouse Worker Resource Center**
- **Alice Berliner, Southern CA Coalition for Occupational Safety and Health (SoCalCOSH)**
- **Alexis Perez-Nava, Koreatown Immigrant Workers Alliance** [Mr. Perez-Nava provided a written statement to Alice Berliner of SoCalCOSH, and she read his statement into the record]
- **Michael Young, CA Federation of Teachers**

B. ADJOURNMENT

Mr. Thomas adjourned the Public Meeting at 12:49 p.m.

II. BUSINESS MEETING

Mr. Thomas called the Business Meeting of the Board to order at 12:49 p.m., August 20, 2020, in Suite 350 of the Occupational Safety and Health Standards Board Office, Sacramento, California, via teleconference at 844-992-4726, and via Webex at www.webex.com.

A. PROPOSED VARIANCE DECISIONS FOR ADOPTION

1. Consent Calendar

Ms. Shupe stated that she is aware of no unresolved procedural issues regarding the items A-P on the consent calendar, and she believes that those items are ready for the Board's consideration and vote.

MOTION

A motion was made by Ms. Laszcz-Davis and seconded by Mr. Harrison to adopt the consent calendar as proposed.

A roll call was taken, and all members present voted "aye." The motion passed.

B. OTHER

1. Legislative Update

Ms. Shupe provided updates on the following bills:

- AB 685
- AB 2092
- AB 2537
- SB 275
- SB 1257

2. Executive Officer's Report

Ms. Shupe stated that the Board staff is preparing the proposed decision for petition 583. The proposed decision for petition 583 will be voted on at the September 17th Board Meeting. It will be posted on the Board's website no later than September 10th.

Ms. Stock stated that several standards have been developed out of need for additional regulation, such as the ATD and heat illness standards. Although the Division has conducted many inspections pertaining to COVID-19 exposure in the workplace, no citations have been issued yet. She asked Mr. Berg about the value that the ATD standard has provided since it was promulgated. **Mr. Berg** stated that the ATD standard has provided very valuable protection for the workers in healthcare, but it contains specifics that would be difficult to apply to all employers through the IIPP.

Ms. Burgel asked Mr. Berg if notification requirements similar to those in the ATD standard exist somewhere in the General Industry Safety Orders or the IIPP standard and pertain to infectious disease. **Mr. Berg** stated that there aren't any notification requirements outside of Section 5199 and 5199.1 that pertain to hazard communication.

Mr. Harrison stated that the total number of COVID-19-related deaths is already more than twice the number of fatalities in agriculture and construction combined, so an emergency standard is needed. He said that several Board Members have requested information from the Division regarding how many citations have been issued regarding COVID-19 exposure in the

workplace, and under what standards the Division is citing, but the Division has yet to provide this information. He asked the Board and Division staff to move forward with petition 583 and develop an emergency standard that is COVID-19-specific.

Ms. Laszcz-Davis stated that developing rulemaking does not guarantee that employers will comply, so if an emergency regulation is developed, there needs to be enough tension between the rulemaking and the compliance that will make a difference. It is important to note that the Division has recommended undertaking emergency rulemaking in this case, but they have not made it clear what the gap is that needs to be addressed. It is also important that if emergency regulation is undertaken, the process to develop the regulation needs to be much better than it was for developing the emergency wildfire smoke regulation so that everyone is on the same page. The resulting regulation needs to be simple, clear, understandable, and easy to implement.

Ms. Stock stated that there have been some situations, such as heat illness and wildfire smoke, where an emergency regulation has been issued due to the urgent need for one, followed by a process to refine it allowing further input from stakeholders. The language in the petition is a starting point, and she hopes that if the petition is adopted, that further discussion with stakeholders will take place. It is especially important for them to discuss how the emergency regulation can be refined in light of new science that is discovered regarding COVID-19.

3. Board Member Comments and Future Agenda Items

No future agenda items were mentioned.

C. CLOSED SESSION

The need did not develop for the Board to hold a closed session at this time.

D. ADJOURNMENT

Mr. Thomas adjourned the Business Meeting at 1:11 p.m.

TATE OF CAL FO NIA AVIN NEWSOM, *Governor*

DEPARTMENT OF INDUSTRIAL RELATIONS
Occupational Safety and Health Standards Board
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SUMMARY
PUBLIC MEETING AND BUSINESS MEETING
September 17, 2020
Teleconference in Sacramento, California

I. PUBLIC MEETING

A. CALL TO ORDER AND INTRODUCTIONS

Chairman Dave Thomas called the Public Meeting of the Occupational Safety and Health Standards Board (Board) to order at 10:00 a.m., September 17, 2020, , via Webex/teleconference, in accordance with Executive Order N-29-20.

ATTENDANCE

Board Members Present at OSHSB Office
Dave Thomas

Board Members Absent
NONE

Board Members Present via Teleconference and/or Webex
Barbara Burgel
Dave Harrison
Nola Kennedy
Chris Laszcz-Davis
Laura Stock

Board Staff Present at OSHSB Office
Christina Shupe, Executive Officer
Michael Nelmida, Senior Safety Engineer
Sarah Money, Executive Assistant

Division of Occupational Safety and Health Staff Present via Teleconference and/or Webex
Eric Berg, Deputy Chief of Health

Board Staff Present via Teleconference and/or Webex
Mike Manieri, Principal Safety Engineer
Lara Paskins, Staff Services Manager
David Kernazitskas, Senior Safety Engineer
Jennifer White, Staff Services Analyst

Others Present via Teleconference and/or Webex
Elizabeth Treanor, Phylmar Regulatory Roundtable
Len Welsh, Western Steel Council
Olivia Gallegos Murillo, CLEAN Carwash Campaign
Eric Frumin, Change to Win
Shane Gusman, Broad & Gusman
Zenaida Perez Fuentes, Southern CA Coalition for Occupational Safety and Health
Maggie Robbins, Worksafe
Michael Young, CA Federation of Teachers
Silvia Hernandez, CLEAN Carwash Campaign
Isabel Urbano, Fight for $15 and a Union
Kevin Bland, Ogletree Deakins

Christian Ramirez, Service Employees International Union – United Service Workers West
Stasha Lampert, Service Employees International Union Local 2015
Michael Donlon, Construction Employers Association
Jonathan Vick, Atkinson, Andelson, Loya, Ruud & Romo
Dr. Robert Blink, Western Occupational and Environmental Medicine Association
Veronica Perez, Líderes Campesinas, Farmworker Packing House
Irene de Barraicua, Líderes Campesinas
Bryan Little, CA Farm Bureau Federation
Sylvia Alvarado, Service Employees International Union
Erin Guerrero, CA Attractions and Parks Association
Michael Miiller, CA Association of Winegrape Growers
Edward Flores, UC Merced Community and Labor Center
Jovana Morales, Leadership Counsel for Justice and Accountability
Andrew Gross Gaitan, Service Employees International Union – United Service Workers West
Rick Nils, former Amazon and Martinez On Time Parcel worker
Carmen, Líderes Campesinas, Farm Worker
Natasha Castro, Los Angeles Alliance for a New Economy
Mitch Steiger, CA Labor Federation
Mirella Deniz-Zaragoza, Warehouse Worker Resource Center
Gabriel Salazar, resident of Merced County
Ramón Castellblanch, CA Alliance for Retired Americans
Fred Walter, Conn Maciel Carey
Veronica Perez, Primex Farms
Steve McCarthy, CA Retailers Association
Mishaal Gill, CA Immigrant Policy Centers
Salvador Sandoval, Merced County Health Officer
Robert Moutrie, CA Chamber of Commerce
Bruce Wick, CA Professional Association of Specialty Contractors
Sheng Xiong, Leadership Counsel for Justice and Accountability
Katherine Hughes, Service Employees International Nurse Alliance of CA
Maria Maldonado, Fight for $15 and a Union
Cassie Hilaski, Nibbi Brothers General Contractors
Eric McClaskey, International Union of Elevator Constructors
Jeff Eldridge, Chevron North America Exploration and Production

Mr. Thomas indicated that this portion of the Board's meeting is open to any person who is interested in addressing the Board on any matter concerning occupational safety and health or to propose new or revised standards or the repeal of standards as permitted by Labor Code Section 142.2.

Elizabeth Treanor, Phylmar Regulatory Roundtable (PRR), asked the Board to consider the alternative language that her organization submitted in response to petition 583. The alternative language is performance-based, has flexibility, and provides scientifically-based protective measures to address COVID-19 exposure in the workplace. Prescriptive measures such as those listed in petition 583 are impossible to apply to all workplaces due to the uniqueness of some jobs, tasks, and operations where they are not feasible.

Her organization is also concerned that the Board has implemented a deadline of November 19 by which to draft the text for the regulation, the Finding of Emergency, and the economic impact statement. Rushing to meet this deadline will cause errors, and it is dangerous to issue an emergency rule with the intent to fix the problems later. She asked the Board to extend the deadline one month so that outreach can occur and stakeholders can provide input to make the emergency regulation the best that it can be.

The following individuals echoed Ms. Treanor's comments:

- **Steve McCarthy, CA Retailers Association**
- **Robert Moutrie, CA Chamber of Commerce**
- **Erin Guerrero, CA Attractions and Parks Association**
- **Bryan Little, CA Farm Bureau Federation**
- **Michel Miiller, CA Association of Winegrape Growers**

Zenaida Perez Fuentes, Southern CA Coalition for Occupational Safety and Health, encouraged the Board to adopt petition 583 because swift action is needed to protect workers from exposure to COVID-19, and an emergency standard is needed to hold employers accountable. Some employers are not providing their employees with personal protective equipment (PPE) and proper training, and not allowing employees to maintain proper social distancing, thereby putting their employees at risk of getting COVID-19. **Rick Nils, former worker for Amazon and Martinez On Time Parcel,** echoed Ms. Perez Fuentes's comments.

Olivia Gallegos Murillo, CLEAN Carwash Campaign, stated that her employer is not protecting workers from exposure to COVID-19. As a result, several employees have contracted COVID-19, and there have been no changes in working conditions or proper disinfection taking place in the workplace. More training is needed, especially for management, and the proper precautions need to be taken to protect employees.

Michael Young, CA Federation of Teachers, stated that it is important to ensure that teachers, students, and others in education are protected from COVID-19 exposure. He said that many children have been diagnosed with COVID-19 and can transmit it to others, and it is important to consider that as schools and colleges reopen.

Len Welsh, Western Steel Council, stated that there are provisions in the injury and illness prevention plan (IIPP) that cover COVID-19 exposure, so it would be a better use of the Division's resources to continue with the compliance assistance mode to identify and address noncompliant employers. However, if the Board decides to adopt petition 583 and have the Division develop an emergency regulation, it needs to be kept simple. **Robert Moutrie, CA Chamber of Commerce, Bryan Little, CA Farm Bureau Federation, and Kevin Bland, Ogletree Deakins, representing the CA Framing Contractors Association, the Residential Contractors Association, and the Western Steel Council,** echoed Mr. Welsh's comments.

Eric Frumin, Change to Win, stated that there is too much misinformation going around to employers about how to protect their employees from COVID-19, so an emergency standard is needed. It needs to be a standard that the Division can quickly enforce and will cover employers that are not currently covered by the aerosol transmissible disease (ATD) standard.

Natasha Castro, Los Angeles Alliance for a New Economy, stated that her organization supports petition 583 because there are employers who are not following the public health orders. Many retail employers are not regulating the number of customers allowed in their stores at one time, and therefore, there is no social distancing taking place. There is also no access to cleaning supplies, and following a COVID-19 outbreak among employees, stores are not being deep cleaned.

Mitch Steiger, CA Labor Federation, stated that his organization supports petition 583 and is looking forward to participating in the advisory committee process. However, it is important that the emergency standards does not weaken the existing standards. There is a lot of confusion and conflicting guidance going around, but there are also some good strong protections that need to remain in place.

Stasha Lampert, Service Employees International Union Local 2015, stated that her organization supports petition 583 because there are healthcare workers who are still facing inadequate safety protocols to protect them during the pandemic, even though the ATD standard is in place. She read supporting testimonies into the record from Maria Carmen Vasquez, Nicole Marzano, and Devin Wood, who are nursing home workers.

Mirella Deniz-Zaragoza, Warehouse Worker Resource Center, stated that her organization supports petition 583 because the existing regulations do not address specific preventative measures necessary to prevent exposure to COVID-19 in the workplace. It is also important to expand the ATD standard so that it covers all employers.

Mr. Thomas called for a break at 11:20 a.m. and reconvened the meeting at 11:30 a.m.

Michael Donlon, Construction Employers Association, stated that the emergency regulation petition 583 seeks to establish is duplicative of existing regulations in the IIPP, and the Division has been able to easily cite employers under those existing regulations. The Division has also provided dozens of industry-specific guidance documents to assist employers. There are two main issues with the language in petition 583:

- It requires an employer to hire a competent person knowledgeable in infection control principles. This will be problematic for small employers who do not have the resources to comply with this regulation.

- It requires employers to update their compliance action plan within 10 days of a new order or regulation being issued. The Administrative Procedures Act (APA) does not allow regulations that automatically update without public comment and following Americans with Disabilities Act (ADA) procedures.

If the Board chooses to undertake emergency rulemaking in response to this petition, the language needs to be clear, concise, and consistent with other laws and regulations, including AB 685. It is important to not push it through too quickly so that there aren't any unintended consequences like there have been for the emergency wildfire smoke regulation.

The following individuals echoed Mr. Donlon's comments:

- **Robert Moutrie, CA Chamber of Commerce**
- **Erin Guerrero, CA Attractions and Parks Association**
- **Bryan Little, CA Farm Bureau Federation**
- **Cassie Hilaski, Nibbi Brothers General Contractors**

Gabriel Salazar, resident of Merced County, stated that he is concerned that it took the Foster Farms plant in his area two months to respond to local health and safety orders following a COVID-19 outbreak at the facility before temporarily shutting down. Workers at the plant need protection from COVID-19, and there needs to be stricter enforcement of

regulations to keep this from happening again.

Maggie Robbins, Worksafe, stated that her organization is pleased to see that the proposed decision for petition 583 strikes a balance between getting public input and getting an emergency standard in place quickly to address COVID-19 exposure in the workplace. A temporary standard will address COVID-19 and having an advisory committee meeting after it is adopted is a good idea so that changes can be made if necessary.

Jonathan Vick, Atkinson, Andelson, Loya, Ruud & Romo, also representing the Engineering Contractors Association, the Tilt-Up Concrete Contractors Association, United General Contractors, and the Southern CA Scaffolding Association, stated that the Division is successfully enforcing the existing rules that are designed to protect workers from exposure to COVID-19, and additional regulation will further confuse employers. The guidance documents that the Division has issued are helpful and sufficient for employers. The language in petition 583 requires employers to collect personally identifiable information from employees, which would trigger provisions in the CA Consumer Protection Act. He asked the Board to consider the proposed language from PRR if the Board chooses to move forward with developing an emergency regulation. **Bryan Little, CA Farm Bureau Federation,** echoed Mr. Vick's comments.

Dr. Robert Blink, Western Occupational and Environmental Medicine Association, stated that stronger regulations are needed to address COVID-19 exposure in the workplace because not all employers are covered under the ATD standard and the IIPP standard is not sufficient to cover them. He said that if the Board chooses to develop an emergency temporary standard, the following provisions should be included:

- Employers must properly report an outbreak to the local health officer. After that, any subsequent cases should be reported to the local health officer within a week of occurrence.

- Employers experiencing an outbreak should be required to submit a COVID-19 prevention plan to their employees detailing the control measures that are to be used, such as handwashing, cleaning procedures, social distancing, and training on these measures.

- Employers who refuse to comply with orders from the local health officer should be considered to be in violation of this regulation.

- Upon direction from the local health officer, employers should arrange with a local healthcare provider to do contact tracing.

- In the event of ongoing transmission despite implementing early steps to prevent it, employers should require employees to wear N95 masks, eye protection, and any other protection recommended by a healthcare professional.

His organization realizes that these regulations may be difficult for smaller workplaces to implement, so provisions should be made for them as well.

Steve McCarthy, CA Retailers Association, stated that a prescriptive emergency temporary standard to address COVID-19 is not necessary and will add an additional set of regulations for retailers to follow, creating further confusion. The Division has the capabilities to enforce, cite, and shut down noncompliant employers with the guidance documents that it has issued, which is more appropriate. His organization has several concerns with the proposed language in petition 583:

- The reporting language conflicts with the language in AB 685 and should be deleted.
- Confrontations with customers who refuse to wear masks do escalate to violence, so enforcement of mask mandates should remain with local law enforcement. The regulation should be limited to signage and state that companies will not be penalized because a customer refuses to wear a mask. **Andrew Gross Gaitan, Service Employees International Union – United Service Workers West,** echoed this comment.
- Employers cannot guarantee that employees will always maintain proper social distancing at all times.
- The language in petition 583 allows employees to bring their own PPE, but this could be problematic in some industries, so employers should retain the right to require their employees to wear only the PPE that the employer provides.
- The language in petition 583 requires a medical evaluation that is not required in any other COVID-19-related guidance documents.
- The language in petition 583 requires employers to retrain employees when site conditions change. This should be limited to when new hazards are recognized.

Erin Guerrero, CA Attractions and Parks Association, echoed Mr. McCarthy's comments.

Mr. Thomas called for a break at 12:25 p.m. and reconvened the meeting at 12:30 p.m. **Shane Gusman, Broad & Gusman, representing the CA Teamsters Public Affairs Council,** stated that his organization supports petition 583 because workers are being forced to come to work when sick or face disciplinary action. Other workers are forced to work next to people who are sick and are retaliated against for complaining. Some employers are also deliberately not following the guidance given to them because they know they won't get in trouble for doing so.

Bruce Wick, CA Professional Association of Specialty Contractors, stated that it is best for the Division to continue focusing its resources on enforcing the current regulations, but if the Board decides to move forward with an emergency regulation, it should consider the version that has been proposed by the PRR. If the Board decides to use PRR's version, his organization feels that the rule should relate only to guidance issued by the Division and bear in mind the fact that this guidance has not been vetted by stakeholders.

Mr. Thomas called for a break at 12:57 p.m. due to technical issues and reconvened the meeting at 1:05 p.m.

Michel Miiller, CA Association of Winegrape Growers, stated that an emergency regulation to address COVID-19 is unnecessary and will violate the APA. He said that there are already plenty of existing regulations and guidance documents that cover the same things that the emergency regulation is intended to address. Developing more regulations will not force bad actors to comply, and the Division should be conducting stringent enforcement actions against them. **Kevin Bland, Ogletree Deakins, representing the CA Framing Contractors Association, the Residential Contractors Association, and the Western Steel Council, and Cassie Hilaski, Nibbi Brothers General Contractors,** echoed Mr. Miiller's comments.

Mr. Thomas called for a break at 1:49 p.m. due to technical issues and reconvened the meeting at 2:00 p.m.

Cassie Hilaski, Nibbi Brothers General Contractors, stated that an emergency regulation is not needed to address COVID-19 exposure in the workplace. However, if the Board feels that the IIPP and ATD standards are not doing a sufficient job to address COVID-19, her organization recommends issuing a directive that mandates that all employers must follow their local shelter-in-place orders, or CDC guidelines in the rare instances where shelter-in-place orders do not exist, and then pick a date by which employers must follow them. If they refuse to follow them by that date, then they would be in violation of those orders and subject to enforcement action.

Andrew Gross Gaitan, Service Employees International Union – United Service Workers West, stated that janitors who are providing more frequent and deeper cleaning of buildings are not being given the proper training, disinfecting procedures, and protective equipment to do their jobs safely during the COVID-19 pandemic. Many of these workers are subcontracted, so it is unclear as to who must provide them with training, procedures, and PPE. There is also no current standard, including AB 685,that requires property managers to inform subcontracted janitors and security guards of a potential exposure at their workplace. That is why an emergency regulation is needed to address COVID-19 exposure in the workplace.

The following individuals also commented in support of petition 583:

- **Silvia Hernandez, CLEAN Carwash Campaign**
- **Maria Maldonado, Fight for $15 and a Union**
- **Christian Ramirez, Service Employees International Union – United Service Workers West**
- **Ramón Castellblanch, CA Alliance for Retired Americans**
- **Veronica Perez, Primex Farms**
- **Anjolie Rodriguez, Fight for $15 and a Union** [Ms. Rodriguez provided a written statement to Isabel Urbano of Fight for $15 and a Union, who read Ms. Rodriguez's statement into the record]
- **Mishaal Gill, CA Immigrant Policy Center**
- **Sylvia Alvarado, Service Employees International Union**
- **Carmen, Líderes Campesinas, Farm Worker**
- **Irene de Barraicua, Líderes Campesinas**
- **Katherine Hughes, SEIU Nurse Alliance of CA**
- **Edward Flores, UC Merced Community and Labor Center**

B. ADJOURNMENT

Mr. Thomas adjourned the Public Meeting at 2:25 p.m.

II. BUSINESS MEETING

Mr. Thomas called the Business Meeting of the Board to order at 2:25 p.m., September 17, 2020, in Suite 350 of the Occupational Safety and Health Standards Board Office, Sacramento, California, via teleconference at 844-992-4726, via Webex/teleconference, in accordance with Executive Order N-29-20..

A. PROPOSED PETITION DECISIONS FOR ADOPTION

1. Stephen Knight, Executive Director, Worksafe
   Frances C. Schreiberg, Labor & Employment Committee of the National Lawyers Guild
   Petition File No. 583

   Petitioners request to amend Title 8 standards to create two new regulations. The first, a temporary emergency standard that would provide specific protections to California employees who may have exposure to COVID-19, but who are not protected by the Aerosol Transmissible Diseases standards (Sections 5199 and 5199.1). The second standard would be a permanent rulemaking effort to protect workers from infectious diseases including novel pathogens (e.g. COVID-19).

Ms. Shupe summarized the history and purpose of petition 583, and stated that the proposed decision is to grant the petition in part with a three-pronged approach:

1. The Division shall draft and submit an emergency regulatory proposal for consideration of adoption by the Board no later than the November 19, 2020 Board Meeting.

2. Subsequent to the adoption of an emergency regulation, the Division shall work with the Board staff to convene an advisory committee at four-month intervals to review and recommend amendments to the emergency standard.

3. After the COVID-19 pandemic subsides, the Division shall convene a representative advisory committee to consider the necessity for a permanent regulation to protect workers not covered by Section 5199, including novel pathogens.

MOTION

A motion was made by Mr. Harrison and seconded by Ms. Stock that the Board adopt the petition decision.

Ms. Stock stated that there is clearly a need for the Board to take action to help protect workers from exposure to COVID-19 in the workplace, especially since the Division has indicated in its evaluation of the petition that an emergency regulation is needed. Developing an emergency regulation will address a lot of the confusion that employers have been facing regarding the multitude of guidance documents that have been issued. She urged the Board Members to join her in voting "aye".

Ms. Laszcz-Davis stated that the testimony today proves there is a need for further regulation to address COVID-19 in the workplace, but the regulation needs to be performance-based, leverage the existing industry guidelines and best practices that are currently working, and allow some flexibility. She also recommended that the Board delay taking action for a month or two to allow time for stakeholder input and consideration of existing regulations.

Mr. Harrison recommended that the Board move the petition forward as presented.

Ms. Burgel stated that she hopes the process for this emergency standard will be robust and time-sensitive and will result in a performance-based standard that will focus on hierarchy of controls. She also hopes that there is greater focus on ventilation and design, with not too much reliance on PPE.

A roll call was taken, and all members present voted "aye." The motion passed.

B. PROPOSED VARIANCE DECISIONS FOR ADOPTION

1. Consent Calendar

Ms. Shupe stated that she is aware of no unresolved procedural issues regarding the items A-U on the consent calendar, and she believes that those items are ready for the Board's decision on the question of adoption.

MOTION

A motion was made by Ms. Laszcz-Davis and seconded by Mr. Harrison to adopt the consent calendar.

A roll call was taken, and all members present voted "aye." The motion passed.

C. OTHER

1. DOSH Update

Ms. Kennedy had submitted the following questions to Mr. Berg via the OSHSB email account following the July 16, 2020, Board Meeting:

- Is the Division investigating COVID-related hazards in response to complaints?
- Is the Division investigating COVID-related hazards in response to outbreaks or clusters?
- Is the Division targeting industries with increased COVID case rates?
- Is the Division focusing on populations that are most vulnerable to COVID?
- Of the numerous inspections that the Division has conducted, are there any situations where identified COVID-19-related workplace problems could not be cited under Section 3203 or the ATD standard?

Mr. Berg stated that the Division is conducting inspections into COVID-19-related hazards in response to complaints, outbreaks, and clusters. The Division is focusing its inspection efforts on industries that have vulnerable populations, increased rates of COVID, and that are having significant outbreaks and clusters.

Mr. Berg stated that in cases where employers do not fall under the requirements of the ATD standard, Sections 3203 and 5144 provide a regulatory basis that requires employers to protect workers from exposure to COVID-19 in the workplace. However, the Division feels that a regulation specific to COVID-19 would greatly increase their efficiency, effectiveness, and success in protecting workers.

2. Legislative Update

Ms. Shupe provided updates on the following bills:

- AB 2658
- AB 1512
- AB 2537
- AB 2043
- SB 1257
- SB 275
- AB 2092
- AB 685

3. Executive Officer's Report

Ms. Shupe stated that the Board staff has contracted with a company to help provide meeting support and expand public access to the Board Meetings. In addition to the Webex and teleconference options for attending Board Meetings, the meetings are now being broadcast live in English and Spanish, and audio-only streams are also available in both languages.

Ms. Shupe stated that during next month's meeting, the Board will consider the proposed decision for petition 579, and there will be a report on any enrolled bills that have been adopted by the Governor.

4. Board Member Comments and Future Agenda Items

No future agenda items were mentioned.

D. CLOSED SESSION

The need did not develop for the Board to hold a closed session at this time.

E. ADJOURNMENT

Mr. Thomas adjourned the Business Meeting at 3:00 p.m.

TATE OF CAL FO NIA AVIN NEWSOM, *Governor*

DEPARTMENT OF INDUSTRIAL RELATIONS
Occupational Safety and Health Standards Board
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NOTICE OF PROPOSED EMERGENCY ACTION BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD REGARDING PROPOSED CHANGES TO CALIFORNIA CODE OF REGULATIONS, TITLE 8, NEW SECTIONS 3205; 3205.1; 3205.2; 3205.3; and 3205.4

COVID-19 PREVENTION

NOTICE IS HEREBY GIVEN that the Occupational Safety and Health Standards Board (Board) is proposing to take the action described in the Informative Digest as included in the Finding of Emergency. The emergency filing will adopt new sections 3205; 3205.1; 3205.2; 3205.3; and 3205.4, COVID-19 Prevention, under the California Code of Regulations, Title 8, Division 1, Chapter 4, of the General Industry Safety Orders (GISO).

Government Code Section 11346.1(a)(2) requires that, at least five (5) working days prior to submission of the proposed emergency action to the Office of Administrative Law (OAL), the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency regulation to OAL, OAL shall allow interested persons five (5) calendar days to submit comments on the proposed emergency regulation as set forth in Government Code Section 11349.6(b). For further information on the emergency rulemaking process, access the OAL website at: www.oal.ca.gov or contact the OAL reference attorney: (916) 323-6815 / staff@oal.ca.gov.

This proposed emergency action to adopt new sections 3205; 3205.1; 3205.2; 3205.3; and 3205.4 of the GISO has been placed on the agenda of the November 2020 Board Meeting:

November 19, 2020 at 10:00 a.m.
The physical meeting location has been cancelled. Remote attendance options below:

Video Conference: www.webex.com (meeting information 268 984 996)

Teleconference: (844) 992-4726 (access code 268 984 996, attendee ID #)

Live video/audio stream (English/Spanish): https://videobookcase.com/california/oshsb/

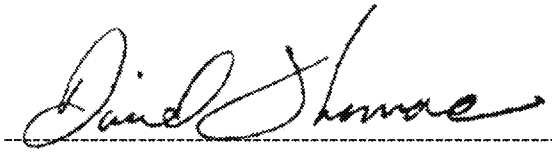
Prior to any action by the Board to adopt the proposal, the public will be given an opportunity to comment on the proposal. **You are advised, however, that comments made at this Board meeting or submitted to the Board in writing regarding this proposal will NOT be forwarded to OAL; therefore, such comments directed to the Board are NOT comments submitted to OAL in accordance with Government Code Section 11349.6.**

If this emergency proposal is adopted by the Board, the proposal will be submitted to OAL. Upon submission, OAL will have ten (10) calendar days within which to review and make a decision on the proposed emergency regulation. If approved, OAL will file the emergency regulation with the Secretary of State, and the emergency regulation will become effective for 180 days, with possible extensions[1]. Within the 180-day effective period, the Board may proceed with a regular rulemaking action, including a public comment period.

Attached to this Notice are: (1) the specific new language proposed to be adopted, and (2) the Finding of Emergency required by Government Code Section 11346.1(b). You may also review the proposed regulatory language and the Finding of Emergency on the Board's website: www.dir.ca.gov/oshsb/emergencyregulations.html.

If you have any questions regarding this proposed emergency action, please contact Christina Shupe, Executive Officer, at (916) 274-5721.

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD



DAVE THOMAS, Chairman

[1] Pursuant to Governor Newsom's Executive Order N-40-20, the timelines for filing, refiling, certification and/or review of regulations and emergency regulations are extended for a period of 60 calendar days. These timelines are further extended for 60 days by Executive Order N-66-20.

TITLE 8, DIVISION 1, CHAPTER 4

Subchapter 7. General Industry Safety Orders

Amend Section 3205 to read:

§ 3205. ~~"Shall" and "Should." [Repealed]~~ COVID-19 Prevention.

(a) Scope.

(1) This section applies to all employees and places of employment, with the following exceptions:

(A) Places of employment with one employee who does not have contact with other persons.

(B) Employees working from home.

(C) Employees when covered by section 5199.

(2) Nothing in this section is intended to limit more protective or stringent state or local health department mandates or guidance.

(b) Definitions. The following definitions apply to this section and to sections 3205.1 through 3205.4.

"COVID-19" means coronavirus disease, an infectious disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

"COVID-19 case" means a person who:

(1) Has a positive "COVID-19 test" as defined in this section;

(2) Is subject to COVID-19-related order to isolate issued by a local or state health official; or

(3) Has died due to COVID-19, in the determination of a local health department or per inclusion in the COVID-19 statistics of a county.

A person is no longer a "COVID-19 case" in this section when a licensed health care professional determines that the person does not have COVID-19, in accordance with recommendations made by the California Department of Public Health (CDPH) or the local health department pursuant to authority granted under the Health and Safety Code or title 17, California Code of Regulations to CDPH or the local health department.

"COVID-19 exposure" means being within six feet of a COVID-19 case for a cumulative total of 15 minutes or greater in any 24-hour period within or overlapping with the "high-risk exposure period" defined by this section. This definition applies regardless of the use of face coverings.

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"COVID-19 hazard" means exposure to potentially infectious material that may contain SARS-CoV-2, the virus that causes COVID-19. Potentially infectious materials include airborne droplets, small particle aerosols, and airborne droplet nuclei, which most commonly result from a person or persons exhaling, talking or vocalizing, coughing, sneezing, or procedures performed on persons which may aerosolize saliva or respiratory tract fluids, among other things. This also includes objects or surfaces that may be contaminated with SARS-CoV-2.

"COVID-19 symptoms" means fever of 100.4 degrees Fahrenheit or higher, chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea, unless a licensed health care professional determines the person's symptoms were caused by a known condition other than COVID-19.

"COVID-19 test" means a viral test for SARS-CoV-2 that is:

(1) Approved by the United States Food and Drug Administration (FDA) or has an Emergency Use Authorization from the FDA to diagnose current infection with the SARS-CoV-2 virus; and

(2) Administered in accordance with the FDA approval or the FDA Emergency Use Authorization as applicable.

"Exposed workplace" means any work location, working area, or common area at work used or accessed by a COVID-19 case during the high-risk period, including bathrooms, walkways, hallways, aisles, break or eating areas, and waiting areas. The exposed workplace does not include buildings or facilities not entered by a COVID-19 case.

Effective January 1, 2021, the "exposed workplace" also includes but is not limited to the "worksite" of the COVID-19 case as defined by Labor Code section 6409.6(d)(5).

"Face covering" means a tightly woven fabric or non-woven material with no visible holes or openings, which covers the nose and mouth.

"High-risk exposure period" means the following time period:

(1) For persons who develop COVID-19 symptoms: from two days before they first develop symptoms until 10 days after symptoms first appeared, and 24 hours have passed with no fever, without the use of fever-reducing medications, and symptoms have improved; or

(2) For persons who test positive who never develop COVID-19 symptoms: from two days before until ten days after the specimen for their first positive test for COVID-19 was collected.

(c) Written COVID-19 Prevention Program. Employers shall establish, implement, and maintain an effective, written COVID-19 Prevention Program, which may be integrated into the

employer's Injury and Illness Program required by section 3203, or be maintained in a separate document. The written elements of a COVID-19 Prevention Program shall include:

(1) System for communicating. The employer shall do all of the following in a form readily understandable by employees:

(A) Ask employees to report to the employer, without fear of reprisal, COVID-19 symptoms, possible COVID-19 exposures, and possible COVID-19 hazards at the workplace.

(B) Describe procedures or policies for accommodating employees with medical or other conditions that put them at increased risk of severe COVID-19 illness.

(C) Provide information about access to COVID-19 testing. If testing is required under this section, section 3205.1, or section 3205.2, the employer shall inform affected employees of the reason for the COVID-19 testing and the possible consequences of a positive test.

(D) In accordance with subsection (c)(3)(B)3., communicate information about COVID-19 hazards and the employer's COVID-19 policies and procedures to employees and to other employers, persons, and entities within or in contact with the employer's workplace.

NOTE: See subsections (c)(3)(C) and (c)(3)(D) for confidentiality requirements for COVID-19 cases.

(2) Identification and evaluation of COVID-19 hazards.

(A) The employer shall allow for employee and authorized employee representative participation in the identification and evaluation of COVID-19 hazards.

(B) The employer shall develop and implement a process for screening employees for and responding to employees with COVID-19 symptoms. The employer may ask employees to evaluate their own symptoms before reporting to work. If the employer conducts screening at the workplace, the employer shall ensure that face coverings are used during screening by both screeners and employees and, if temperatures are measured, that non-contact thermometers are used.

(C) The employer shall develop COVID-19 policies and procedures to respond effectively and immediately to individuals at the workplace who are a COVID-19 case to prevent or reduce the risk of transmission of COVID-19 in the workplace.

(D) The employer shall conduct a workplace-specific identification of all interactions, areas, activities, processes, equipment, and materials that could potentially expose employees to COVID-19 hazards. Employers shall treat all persons, regardless of symptoms or negative COVID-19 test results, as potentially infectious.

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1. This shall include identification of places and times when people may congregate or come in contact with one another, regardless of whether employees are performing an assigned work task or not, for instance during meetings or trainings and including in and around entrances, bathrooms, hallways, aisles, walkways, elevators, break or eating areas, cool-down areas, and waiting areas.
2. This shall include an evaluation of employees' potential workplace exposure to all persons at the workplace or who may enter the workplace, including coworkers, employees of other entities, members of the public, customers or clients, and independent contractors. Employers shall consider how employees and other persons enter, leave, and travel through the workplace, in addition to addressing fixed work locations.

(E) For indoor locations, the employer shall evaluate how to maximize the quantity of outdoor air and whether it is possible to increase filtration efficiency to the highest level compatible with the existing ventilation system.

(F) The employer shall review applicable orders and guidance from the State of California and the local health department related to COVID-19 hazards and prevention, including information of general application and information specific to the employer's industry, location, and operations.

(G) The employer shall evaluate existing COVID-19 prevention controls at the workplace and the need for different or additional controls. This includes evaluation of controls in subsections (c)(4), and (c)(6) through (c)(8).

(H) The employer shall conduct periodic inspections as needed to identify unhealthy conditions, work practices, and work procedures related to COVID-19 and to ensure compliance with employers' COVID-19 policies and procedures.

(3) Investigating and responding to COVID-19 cases in the workplace.

(A) Employers shall have an effective procedure to investigate COVID-19 cases in the workplace. This includes procedures for verifying COVID-19 case status, receiving information regarding COVID-19 test results and onset of COVID-19 symptoms, and identifying and recording COVID-19 cases.

(B) The employer shall take the following actions when there has been a COVID-19 case at the place of employment:

1. Determine the day and time the COVID-19 case was last present and, to the extent possible, the date of the positive COVID-19 test(s) and/or diagnosis, and the date the

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COVID-19 case first had one or more COVID-19 symptoms, if any were experienced.

2. Determine who may have had a COVID-19 exposure. This requires an evaluation of the activities of the COVID-19 case and all locations at the workplace which may have been visited by the COVID-19 case during the high-risk exposure period.

   Note: See subsection (c)(10) for exclusion requirements for employees with COVID-19 exposure.

3. Give notice of the potential COVID-19 exposure, within one business day, in a way that does not reveal any personal identifying information of the COVID-19 case, to the following:

   a. All employees who may have had COVID-19 exposure and their authorized representatives.

   b. Independent contractors and other employers present at the workplace during the high-risk exposure period.

4. Offer COVID-19 testing at no cost to employees during their working hours to all employees who had potential COVID-19 exposure in the workplace and provide them with the information on benefits described in subsections (c)(5)(B) and (c)(10)(C).

5. Investigate whether any workplace conditions could have contributed to the risk of COVID-19 exposure and what could be done to reduce exposure to COVID-19 hazards.

(C) Personal identifying information of COVID-19 cases or persons with COVID-19 symptoms shall be kept confidential. All COVID-19 testing or related medical services provided by the employer under this section and sections 3205.1 through 3205.4 shall be provided in a manner that ensures the confidentiality of employees.

EXCEPTION to subsection (c)(3)(C): Unredacted information on COVID-19 cases shall be provided to the local health department, CDPH, the Division, the National Institute for Occupational Safety and Health (NIOSH), or as otherwise required by law immediately upon request.

(D) The employer shall ensure that all employee medical records required by this section and sections 3205.1 through 3205.4 are kept confidential and are not disclosed or

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reported without the employee's express written consent to any person within or outside the workplace.

EXCEPTION 1 to subsection (c)(3)(D): Unredacted medical records shall be provided to the local health department, CDPH, the Division, NIOSH, or as otherwise required by law immediately upon request.

EXCEPTION 2 to subsection (c)(3)(D): This provision does not apply to records that do not contain individually identifiable medical information or from which individually identifiable medical information has been removed.

(4) Correction of COVID-19 hazards. Employers shall implement effective policies and/or procedures for correcting unsafe or unhealthy conditions, work practices, policies and procedures in a timely manner based on the severity of the hazard. This includes, but is not limited to, implementing controls and/or policies and procedures in response to the evaluations conducted under subsections (c)(2) and (c)(3) and implementing the controls required by subsection (c)(6) through (c)(8).

(5) Training and instruction. The employer shall provide effective training and instruction to employees that includes the following:

(A) The employer's COVID-19 policies and procedures to protect employees from COVID-19 hazards.

(B) Information regarding COVID-19-related benefits to which the employee may be entitled under applicable federal, state, or local laws. This includes any benefits available under workers' compensation law, the federal Families First Coronavirus Response Act, Labor Code sections 248.1 and 248.5, Labor Code sections 3212.86 through 3212.88, local governmental requirements, the employer's own leave policies, and leave guaranteed by contract.

(C) The fact that COVID-19 is an infectious disease that can be spread through the air when an infectious person talks or vocalizes, sneezes, coughs, or exhales; that COVID-19 may be transmitted when a person touches a contaminated object and then touches their eyes, nose, or mouth, although that is less common; and that an infectious person may have no symptoms.

(D) Methods of physical distancing of at least six feet and the importance of combining physical distancing with the wearing of face coverings.

(E) The fact that particles containing the virus can travel more than six feet, especially indoors, so physical distancing must be combined with other controls, including face coverings and hand hygiene, to be effective.

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(F) The importance of frequent hand washing with soap and water for at least 20 seconds and using hand sanitizer when employees do not have immediate access to a sink or hand washing facility, and that hand sanitizer does not work if the hands are soiled.

(G) Proper use of face coverings and the fact that face coverings are not respiratory protective equipment.

(H) COVID-19 symptoms, and the importance of not coming to work and obtaining a COVID-19 test if the employee has COVID-19 symptoms.

(6) Physical distancing.

(A) All employees shall be separated from other persons by at least six feet, except where an employer can demonstrate that six feet of separation is not possible, and except for momentary exposure while persons are in movement. Methods of physical distancing include: telework or other remote work arrangements; reducing the number of persons in an area at one time, including visitors; visual cues such as signs and floor markings to indicate where employees and others should be located or their direction and path of travel; staggered arrival, departure, work, and break times; and adjusted work processes or procedures, such as reducing production speed, to allow greater distance between employees.

(B) When it is not possible to maintain a distance of at least six feet, individuals shall be as far apart as possible.

(7) Face coverings.

(A) Employers shall provide face coverings and ensure they are worn by employees over the nose and mouth when indoors, when outdoors and less than six feet away from another person, and where required by orders from the CDPH or local health department. Employers shall ensure face coverings are clean and undamaged. Face shields are not a replacement for face coverings, although they may be worn together for additional protection. The following are exceptions to the face coverings requirement:

1. When an employee is alone in a room.

2. While eating and drinking at the workplace, provided employees are at least six feet apart and outside air supply to the area, if indoors, has been maximized to the extent possible.

3. Employees wearing respiratory protection in accordance with section 5144 or other title 8 safety orders.

4. Employees who cannot wear face coverings due to a medical or mental health condition or disability, or who are hearing-impaired or communicating with a hearing-impaired person.

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5. Specific tasks which cannot feasibly be performed with a face covering. This exception is limited to the time period in which such tasks are actually being performed, and the unmasked employee shall be at least six feet away from all other persons unless unmasked employees are tested at least twice weekly for COVID-19.

   NOTE: CDPH has issued guidance for employers that identifies examples when wearing a face covering is likely not feasible.

(B) Employees exempted from wearing face coverings due to a medical condition, mental health condition, or disability shall wear an effective non-restrictive alternative, such as a face shield with a drape on the bottom, if their condition or disability permits it.

(C) Any employee not wearing a face covering, face shield with a drape or other effective alternative, or respiratory protection, for any reason, shall be at least six feet apart from all other persons unless the unmasked employee is tested at least twice weekly for COVID-19. Employers may not use COVID-19 testing as an alternative to face coverings when face coverings are otherwise required by this section.

(D) No employer shall prevent any employee from wearing a face covering when not required by this section, unless it would create a safety hazard, such as interfering with the safe operation of equipment.

(E) Employers shall implement measures to communicate to non-employees the face coverings requirements on their premises.

(F) The employer shall develop COVID-19 policies and procedures to minimize employee exposure to COVID-19 hazards originating from any person not wearing a face covering, including a member of the public.

(8) Other engineering controls, administrative controls, and personal protective equipment.

(A) At fixed work locations where it is not possible to maintain the physical distancing requirement at all times, the employer shall install cleanable solid partitions that effectively reduce aerosol transmission between the employee and other persons.

(B) For buildings with mechanical or natural ventilation, or both, employers shall maximize the quantity of outside air provided to the extent feasible, except when the United States Environmental Protection Agency (EPA) Air Quality Index is greater than 100 for any pollutant or if opening windows or letting in outdoor air by other means would cause a hazard to employees, for instance from excessive heat or cold.

(C) Employers shall implement cleaning and disinfecting procedures, which require:

1. Identifying and regularly cleaning and disinfecting frequently touched surfaces and objects, such as doorknobs, elevator buttons, equipment, tools, handrails, handles, controls, bathroom surfaces, and steering wheels. The employer shall inform

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employees and authorized employee representatives of cleaning and disinfection protocols, including the planned frequency and scope of regular cleaning and disinfection.

2. Prohibiting the sharing of personal protective equipment and to the extent feasible, items that employees come in regular physical contact with such as phones, headsets, desks, keyboards, writing materials, instruments, and tools. When it is not feasible to prevent sharing, sharing shall be minimized and such items and equipment shall be disinfected between uses by different people. Sharing of vehicles shall be minimized to the extent feasible, and high touch points (steering wheel, door handles, seatbelt buckles, armrests, shifter, etc.) shall be disinfected between users.

3. Cleaning and disinfection of areas, material, and equipment used by a COVID-19 case during the high-risk exposure period.

NOTE: Cleaning and disinfecting must be done in a manner that does not create a hazard to employees. See Group 2 and Group 16 of the General Industry Safety Orders for further information.

(D) To protect employees from COVID-19 hazards, the employer shall evaluate its handwashing facilities, determine the need for additional facilities, encourage and allow time for employee handwashing, and provide employees with an effective hand sanitizer. Employers shall encourage employees to wash their hands for at least 20 seconds each time. Provision or use of hand sanitizers with methyl alcohol is prohibited.

(E) Personal protective equipment.

1. Employers shall evaluate the need for personal protective equipment to prevent exposure to COVID-19 hazards, such as gloves, goggles, and face shields, and provide such personal protective equipment as needed.

2. Employers shall evaluate the need for respiratory protection in accordance with section 5144 when the physical distancing requirements in subsection (c)(6) are not feasible or are not maintained.

3. Employers shall provide and ensure use of respirators in accordance with section 5144 when deemed necessary by the Division through the Issuance of Order to Take Special Action, in accordance with title 8 section 332.3.

4. Employers shall provide and ensure use of eye protection and respiratory protection in accordance with section 5144 when employees are exposed to procedures that

may aerosolize potentially infectious material such as saliva or respiratory tract fluids.

NOTE: Examples of work covered by subsection (c)(8)(E)4. include, but are not limited to, certain dental procedures and outpatient medical specialties not covered by section 5199.

(9) Reporting, recordkeeping, and access.

(A) The employer shall report information about COVID-19 cases at the workplace to the local health department whenever required by law, and shall provide any related information requested by the local health department.

(B) The employer shall report immediately to the Division any COVID-19-related serious illnesses or death, as defined under section 330(h), of an employee occurring in a place of employment or in connection with any employment.

(C) The employer shall maintain records of the steps taken to implement the written COVID-19 Prevention Program in accordance with section 3203(b).

(D) The written COVID-19 Prevention Program shall be made available at the workplace to employees, authorized employee representatives, and to representatives of the Division immediately upon request.

(E) The employer shall keep a record of and track all COVID-19 cases with the employee's name, contact information, occupation, location where the employee worked, the date of the last day at the workplace, and the date of a positive COVID-19 test. Medical information shall be kept confidential in accordance with subsections (c)(3)(C) and (c)(3)(D). The information shall be made available to employees, authorized employee representatives, or as otherwise required by law, with personal identifying information removed.

Note: Subsection (c)(9)(E) does not alter the right of employees or their representatives to request and obtain an employer's Log of Work-Related Injuries and Illnesses (Log 300), without redaction, or to request and obtain information as otherwise allowed by law.

(10) Exclusion of COVID-19 cases. The purpose of this subsection is to limit transmission of COVID-19 in the workplace.

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(A) Employers shall ensure that COVID-19 cases are excluded from the workplace until the return to work requirements of subsection (c)(11) are met.

(B) Employers shall exclude employees with COVID-19 exposure from the workplace for 14 days after the last known COVID-19 exposure to a COVID-19 case.

(C) For employees excluded from work under subsection (c)(10) and otherwise able and available to work, employers shall continue and maintain an employee's earnings, seniority, and all other employee rights and benefits, including the employee's right to their former job status, as if the employee had not been removed from their job. Employers may use employer-provided employee sick leave benefits for this purpose and consider benefit payments from public sources in determining how to maintain earnings, rights and benefits, where permitted by law and when not covered by workers' compensation.

EXCEPTION 1: Subsection (c)(10)(C) does not apply to any period of time during which the employee is unable to work for reasons other than protecting persons at the workplace from possible COVID-19 transmission.

EXCEPTION 2: Subsection (c)(10)(C) does not apply where the employer demonstrates that the COVID-19 exposure is not work related.

(D) Subsection (c)(10) does not limit any other applicable law, employer policy, or collective bargaining agreement that provides for greater protections.

(E) At the time of exclusion, the employer shall provide the employee the information on benefits described in subsections (c)(5)(B) and (c)(10)(C).

EXCEPTION to subsection (c)(10): Employees who have not been excluded or isolated by the local health department need not be excluded by the employer, if they are temporarily reassigned to work where they do not have contact with other persons until the return to work requirements of subsection (c)(11) are met.

(11) Return to work criteria.

(A) COVID-19 cases with COVID-19 symptoms shall not return to work until:

1. At least 24 hours have passed since a fever of 100.4 or higher has resolved without the use of fever-reducing medications;
2. COVID-19 symptoms have improved; and
3. At least 10 days have passed since COVID-19 symptoms first appeared.

(B) COVID-19 cases who tested positive but never developed COVID-19 symptoms shall not return to work until a minimum of 10 days have passed since the date of specimen collection of their first positive COVID-19 test.

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(C) A negative COVID-19 test shall not be required for an employee to return to work.

(D) If an order to isolate or quarantine an employee is issued by a local or state health official, the employee shall not return to work until the period of isolation or quarantine is completed or the order is lifted. If no period was specified, then the period shall be 10 days from the time the order to isolate was effective, or 14 days from the time the order to quarantine was effective.

(E) If there are no violations of local or state health officer orders for isolation or quarantine, the Division may, upon request, allow employees to return to work on the basis that the removal of an employee would create undue risk to a community's health and safety. In such cases, the employer shall develop, implement, and maintain effective control measures to prevent transmission in the workplace including providing isolation for the employee at the workplace and, if isolation is not possible, the use of respiratory protection in the workplace.

Note: Authority cited: Section 142.3, Labor Code. Reference: Sections 142.3 and 144.6, Labor Code.

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Add new section 3205.1 to read:

§ 3205.1. Multiple COVID-19 Infections and COVID-19 Outbreaks.

(a) Scope.

(1) This section applies to a place of employment covered by section 3205 if it has been identified by a local health department as the location of a COVID-19 outbreak or when there are three or more COVID-19 cases in an exposed workplace within a 14-day period.

(2) This section shall apply until there are no new COVID-19 cases detected in a workplace for a 14-day period.

(b) COVID-19 testing.

(1) The employer shall provide COVID-19 testing to all employees at the exposed workplace except for employees who were not present during the period of an outbreak identified by a local health department or the relevant 14-day period(s) under subsection (a), as applicable. COVID-19 testing shall be provided at no cost to employees during employees' working hours.

(2) COVID-19 testing shall consist of the following:

(A) Immediately upon being covered by this section, all employees in the exposed workplace shall be tested and then tested again one week later. Negative COVID-19 test results of employees with COVID-19 exposure shall not impact the duration of any quarantine period required by, or orders issued by, the local health department.

(B) After the first two COVID-19 tests required by (b)(2)(A), employers shall provide continuous COVID-19 testing of employees who remain at the workplace at least once per week, or more frequently if recommended by the local health department, until this section no longer applies pursuant to subsection (a)(2).

(C) Employers shall provide additional testing when deemed necessary by the Division through the Issuance of Order to Take Special Action, in accordance with title 8 section 332.3.

(c) Exclusion of COVID-19 cases. Employers shall ensure COVID-19 cases and employees who had COVID-19 exposure are excluded from the workplace in accordance with subsections 3205(c)(10) and (c)(11) and local health officer orders if applicable.

(d) Investigation of workplace COVID-19 illness. The employer shall immediately investigate and determine possible workplace related factors that contributed to the COVID-19 outbreak in accordance with subsection 3205(c)(3).

(e) COVID-19 Investigation, review and hazard correction. In addition to the requirements of subsection 3205(c)(2) and 3205(c)(4), the employer shall immediately perform a review of

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potentially relevant COVID-19 policies, procedures, and controls and implement changes as needed to prevent further spread of COVID-19. The investigation and review shall be documented and include:

(1) Investigation of new or unabated COVID-19 hazards including the employer's leave policies and practices and whether employees are discouraged from remaining home when sick; the employer's COVID-19 testing policies; insufficient outdoor air; insufficient air filtration; and lack of physical distancing.

(2) The review shall be updated every thirty days that the outbreak continues, in response to new information or to new or previously unrecognized COVID-19 hazards, or when otherwise necessary.

(3) The employer shall implement changes to reduce the transmission of COVID-19 based on the investigation and review required by subsections (e)(1) and (e)(2). The employer shall consider moving indoor tasks outdoors or having them performed remotely, increasing outdoor air supply when work is done indoors, improving air filtration, increasing physical distancing as much as possible, respiratory protection, and other applicable controls.

(f) Notifications to the local health department.

(1) The employer shall contact the local health department immediately but no longer than 48 hours after the employer knows, or with diligent inquiry would have known, of three or more COVID-19 cases for guidance on preventing the further spread of COVID-19 within the workplace.

(2) The employer shall provide to the local health department the total number of COVID-19 cases and for each COVID-19 case, the name, contact information, occupation, workplace location, business address, the hospitalization and/or fatality status, and North American Industry Classification System code of the workplace of the COVID-19 case, and any other information requested by the local health department. The employer shall continue to give notice to the local health department of any subsequent COVID-19 cases at the workplace.

(3) Effective January 1, 2021, the employer shall provide all information to the local health department required by Labor Code section 6409.6.

Note: Authority cited: Section 142.3, Labor Code. Reference: Sections 142.3 and 144.6, Labor Code.

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Add new section 3205.2 to read:

§ 3205.2. Major COVID-19 Outbreaks.

(a) Scope.

(1) This section applies to any place of employment covered by section 3205 when there are 20 or more COVID-19 cases in an exposed workplace within a 30-day period.

(2) This section shall apply until there are no new COVID-19 cases detected in a workplace for a 14-day period.

(b) COVID-19 testing. Employers shall provide twice a week COVID-19 testing, or more frequently if recommended by the local health department, to all employees present at the exposed workplace during the relevant 30-day period(s) and who remain at the workplace. COVID-19 testing shall be provided at no cost to employees during employees' working hours.

(c) Exclusion of COVID-19 cases. Employers shall ensure COVID-19 cases and employees with COVID-19 exposure are excluded from the workplace in accordance with subsections 3205(c)(10) and (c)(11) and any relevant local health department orders.

(d) Investigation of workplace COVID-19 illnesses. The employer shall comply with the requirements of subsection 3205(c)(3).

(e) COVID-19 hazard correction. In addition to the requirements of subsection 3205(c)(4), the employer shall take the following actions:

(1) In buildings or structures with mechanical ventilation, employers shall filter recirculated air with Minimum Efficiency Reporting Value (MERV) 13 or higher efficiency filters if compatible with the ventilation system. If MERV-13 or higher filters are not compatible with the ventilation system, employers shall use filters with the highest compatible filtering efficiency. Employers shall also evaluate whether portable or mounted High Efficiency Particulate Air (HEPA) filtration units, or other air cleaning systems would reduce the risk of transmission and shall implement their use to the degree feasible.

(2) The employer shall determine the need for a respiratory protection program or changes to an existing respiratory protection program under section 5144 to address COVID-19 hazards.

(3) The employer shall evaluate whether to halt some or all operations at the workplace until COVID-19 hazards have been corrected.

(4) Any other control measures deemed necessary by the Division through the Issuance of Order to Take Special Action, in accordance with title 8 section 332.3.

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(f) Notifications to the local health department. Employers shall comply with the requirements of section 3205.1(f).

Note: Authority cited: Section 142.3, Labor Code. Reference: Sections 142.3 and 144.6, Labor Code.

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Add new section 3205.3 to read:

§ 3205.3. COVID-19 Prevention in Employer-Provided Housing.

(a) Scope. This section applies to employer-provided housing. Employer-provided housing is any place or area of land, any portion of any housing accommodation, or property upon which a housing accommodation is located, consisting of: living quarters, dwelling, boardinghouse, tent, bunkhouse, maintenance-of-way car, mobile home, manufactured home, recreational vehicle, travel trailer, or other housing accommodations. Employer-provided housing includes a "labor camp" as that term is used in title 8 of the California Code of Regulations or other regulations or codes. The employer-provided housing may be maintained in one or more buildings or one or more sites, including hotels and motels, and the premises upon which they are situated, or the area set aside and provided for parking of mobile homes or camping. Employer-provided housing is housing that is arranged for or provided by an employer, other person, or entity to workers, and in some cases to workers and persons in their households, in connection with the worker's employment, whether or not rent or fees are paid or collected.

The following exceptions apply:

(1) This section does not apply to housing provided for the purpose of emergency response, including firefighting, rescue, and evacuation, and support activities directly aiding response such as utilities, communications, and medical operations, if:

(A) The employer is a government entity; or

(B) The housing is provided temporarily by a private employer and is necessary to conduct the emergency response operations.

(2) Subsections (c), (d), (e), (f), and (h) do not apply to occupants who maintained a household together prior to residing in employer-provided housing, such as family members, when no other persons outside the household are present.

(b) Assignment of housing units. Employers shall ensure that shared housing unit assignments are prioritized in the following order:

(1) Residents who usually maintain a household together outside of work, such as family members, shall be housed in the same housing unit without other persons.

(2) Residents who work in the same crew or work together at the same worksite shall be housed in the same housing unit without other persons.

(3) Employees who do not usually maintain a common household, work crew, or worksite shall be housed in the same housing unit only when no other housing alternatives are possible.

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(c) Physical distancing and controls. Employers shall:

(1) Ensure the premises are of sufficient size and layout to permit at least six feet of physical distancing between residents in housing units, common areas, and other areas of the premises.

(2) Ensure beds are spaced at least six feet apart in all directions and positioned to maximize the distance between sleepers' heads. For beds positioned next to each other, i.e. side by side, the beds shall be arranged so that the head of one bed is next to the foot of the next bed. For beds positioned across from each other, i.e. end to end, the beds shall be arranged so that the foot of one bed is closest to the foot of the next bed. Bunk beds shall not be used.

(3) In housing units, maximize the quantity and supply of outdoor air and increase filtration efficiency to the highest level compatible with the existing ventilation system.

(d) Face coverings. Employers shall provide face coverings to all residents and provide information to residents on when they should be used in accordance with state or local health officer orders or guidance.

(e) Cleaning and disinfecting.

(1) Employers shall ensure that housing units, kitchens, bathrooms, and common areas are effectively cleaned and disinfected at least once a day to prevent the spread of COVID-19. Cleaning and disinfecting shall be done in a manner that protects the privacy of residents.

(2) Employers shall ensure that unwashed dishes, drinking glasses, cups, eating utensils, and similar items are not shared.

(f) Screening. The employer shall encourage residents to report COVID-19 symptoms to the employer.

(g) COVID-19 testing. The employer shall establish, implement, and maintain effective policies and procedures for COVID-19 testing of occupants who had a COVID-19 exposure, who have COVID-19 symptoms, or as recommended by the local health department.

(h) Isolation of COVID-19 cases and persons with COVID-19 exposure.

(1) Employers shall effectively isolate COVID-19 exposed residents from all other occupants. Effective isolation shall include providing COVID-19 exposed residents with a private bathroom, sleeping area, and cooking and eating facility.

(2) Employers shall effectively isolate COVID-19 cases from all occupants who are not COVID-19 cases. Effective isolation shall include housing COVID-19 cases only with other COVID-19 cases, and providing COVID-19 case occupants with a sleeping area,

TITLE 8, DIVISION 1, CHAPTER 4

bathroom, and cooking and eating facility that is not shared by non-COVID-19 case occupants.

(3) Personal identifying information regarding COVID-19 cases and persons with COVID-19 symptoms shall be kept confidential in accordance with subsections 3205(c)(3)(C) and 3205(c)(3)(D).

(4) Employers shall end isolation in accordance with subsections 3205(c)(10) and (c)(11) and any applicable local or state health officer orders.

Note: Authority cited: Section 142.3, Labor Code, Section 1708, Health and Safety Code. Reference: Sections 142.3 and 144.6, Labor Code.

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Add new section 3205.4 to read:

§ 3205.4. COVID-19 Prevention in Employer-Provided Transportation to and from Work.

(a) Scope. This section applies to employer-provided motor vehicle transportation to and from work, which is any transportation of an employee, during the course and scope of employment, provided, arranged for, or secured by an employer including ride-share vans or shuttle vehicles, car-pools, and private charter buses, regardless of the travel distance or duration involved. Subsections (b) through (g) apply to employer-provided transportation. The following exceptions apply:

(1) This section does not apply if the driver and all passengers are from the same household outside of work, such as family members.

(2) This section does not apply to employer-provided transportation when necessary for emergency response, including firefighting, rescue, and evacuation, and support activities directly aiding response such as utilities, communications, and medical operations.

(b) Assignment of transportation. Employers shall prioritize shared transportation assignments in the following order:

(1) Employees residing in the same housing unit shall be transported in the same vehicle.

(2) Employees working in the same crew or worksite shall be transported in the same vehicle.

(3) Employees who do not share the same household, work crew or worksite shall be transported in the same vehicle only when no other transportation alternatives are possible.

(c) Physical distancing and face coverings. Employers shall ensure that:

(1) Physical distancing and face covering requirements of subsection 3205(c)(6) and (c)(7) are followed for employees waiting for transportation.

(2) The vehicle operator and any passengers are separated by at least three feet in all directions during the operation of the vehicle, regardless of the vehicle's normal capacity.

(3) The vehicle operator and any passengers are provided and wear a face covering in the vehicle as required by subsection 3205(c)(7).

(d) Screening. Employers shall develop, implement, and maintain effective procedures for screening and excluding drivers and riders with COVID-19 symptoms prior to boarding shared transportation.

(e) Cleaning and disinfecting. Employers shall ensure that:

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(1) All high-contact surfaces (door handles, seatbelt buckles, armrests, etc.) used by passengers are cleaned and disinfected before each trip.

(2) All high-contact surfaces used by drivers, such as the steering wheel, armrests, seatbelt buckles, door handles and shifter, shall be cleaned and disinfected between different drivers.

(3) Employers shall provide sanitizing materials and ensure they are kept in adequate supply.

(f) Ventilation. Employers shall ensure that vehicle windows are kept open, and the ventilation system set to maximize outdoor air and not set to recirculate air. Windows do not have to be kept open if one or more of the following conditions exist:

(1) The vehicle has functioning air conditioning in use and the outside temperature is greater than 90 degrees Fahrenheit.

(2) The vehicle has functioning heating in use and the outside temperature is less than 60 degrees Fahrenheit.

(3) Protection is needed from weather conditions, such as rain or snow.

(4) The vehicle has a cabin air filter in use and the U.S. EPA Air Quality Index for any pollutant is greater than 100.

(g) Hand hygiene. Employers shall provide hand sanitizer in each vehicle and ensure that all drivers and riders sanitize their hands before entering and exiting the vehicle. Hand sanitizers with methyl alcohol are prohibited.

Note: Authority cited: Section 142.3, Labor Code. Reference: Sections 142.3 and 144.6, Labor Code.

TATE OF CAL FO NIA AVIN NEWSOM, *Governor*
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FINDING OF EMERGENCY
GOVERNMENT CODE SECTION 11346.1
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
PROPOSED EMERGENCY REGULATION
TITLE 8, CALIFORNIA CODE OF REGULATIONS
GENERAL INDUSTRY SAFETY ORDERS
CHAPTER 4, SUBCHAPTER 7, NEW SECTIONS
3205; 3205.1; 3205.2; 3205.3; and 3205.4

COVID-19 Prevention

The objective of the proposed emergency standard is to reduce employee exposure to the virus that causes COVID-19 and therefore reduce COVID-19 illness and transmission.

Government Code (GC) section 11346.1 requires a finding of emergency to include a written statement with the information required by paragraphs (2), (3), (4), (5) and (6) of subdivision (a) of section 11346.5 and a description of the specific facts demonstrating the existence of an emergency and showing the need for immediate action.

GC section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law (OAL), the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency regulation to the OAL, the OAL shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in GC section 11349.6(b), unless the emergency situation clearly poses such an immediate serious harm that delaying action to allow public comment would be inconsistent with the public interest.

The Occupational Safety and Health Standards Board (Board) finds that the adoption of this proposed emergency standard is necessary to address an emergency pursuant to GC section 11346.1(b)(1). The Board finds that immediate action must be taken to avoid serious harm to the public peace, health, safety, or general welfare, for the reasons stated below.

FINDING OF EMERGENCY

Basis for the Finding of Emergency

1. On March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency to exist in California in response to the outbreak of respiratory illness due to the novel coronavirus, known as COVID-19[1].

2. COVID-19 is a pandemic disease, found in every county in California, every state in the United States and nearly every country in the world. While a high percentage of individuals affected by COVID-19 will experience mild to moderate flu-like symptoms, some will have more serious symptoms and will require hospitalization, particularly individuals who are elderly or have underlying medical conditions.[2] Serious symptoms of COVID-19 include shortness of breath, difficulty breathing, pneumonia, and organ failure, and can result in death.[3] The virus can damage the lungs, heart and brain and can cause long-term health problems.[4]

3. On March 19, 2020, Governor Newsom issued Executive Order N-33-20, a stay-at-home order to protect Californians and slow the spread of COVID-19. The order prohibited operations at all but essential businesses and workplaces.[5]

4. As of May 4, 2020, Governor Newsom allowed a number of lower-risk business sectors to reopen.[6]

5. On May 6, 2020, Governor Newsom issued Executive Order N-62-20[7], which provides that under certain circumstances it is presumed that workers who contract a COVID-19-related illness between March 19, 2020, and July 5, 2020, have done so at work and are thus eligible

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[1] Gavin Newsom, Governor of California; Proclamation of a State of Emergency; March 4, 2020. https://www.gov.ca.gov/wp-content/uploads/2020/03/3.4.20-Coronavirus-SOE-Proclamation.pdf
[2] CDC. Evidence used to update the list of underlying medical conditions that increase a person's risk of severe illness from COVID-19. Accessed on October 15, 2020. https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/evidence-table.html
[3] Wiersinga WJ, Rhodes A, Cheng AC, Peacock SJ, Prescott HC. Pathophysiology, Transmission, Diagnosis, and Treatment of Coronavirus Disease 2019 (COVID-19): A Review. JAMA. 2020; 324(8):782–793. doi:10.1001/jama.2020.12839. https://jamanetwork.com/journals/jama/fullarticle/2768391
[4] World Health Organization. What we know about Long-term effects of COVID-19. September 9, 2020. https://www.who.int/docs/default-source/coronaviruse/risk-comms-updates/update-36-long-term-symptoms.pdf?sfvrsn=5d3789a6_2
[5] Gavin Newsom, Governor of California; Executive Order N-33-20; March 19, 2020. https://covid19.ca.gov/img/Executive-Order-N-33-20.pdf
[6] Gavin Newsom, Governor of California; Update on California's Reopening; May 4, 2020. https://www.gov.ca.gov/2020/05/04/governor-newsom-provides-update-on-californias-progress-toward-stage-2-reopening/
[7] Gavin Newsom, Governor of California; Executive Order N-62-20; May 6, 2020. https://www.gov.ca.gov/wp-content/uploads/2020/05/5.6.20-EO-N-62-20-text.pdf

for workers' compensation benefits. The Executive Order declares that "employees who report to their places of employment are often exposed to an increased risk of contracting COVID-19, which may require medical treatment, including hospitalization" and that "employees who report to work while sick increase health and safety risks for themselves, their fellow employees, and others with whom they come into contact."

6. There has been an overrepresentation of migrant temporary farmworkers testing positive for COVID-19 in California compared to workers in any other industry.[8] Many of these workers live in compact, dorm-like housing facilities provided by employers.[9] One California health officer noted that "farmworkers face the greatest infection risk not at work, but at home."[10] Indeed, in Ventura County, almost 190 workers living in employer-provided housing tested positive for COVID-19 out of 216 people tested.[11] In recognition of the need to control against the spread of COVID-19 among farmworkers, on July 24, 2020, Governor Newsom unveiled the Housing for the Harvest program, which provides 14 paid days of temporary hotel rooms for California farmworkers who have been exposed to, or tested positive for, COVID-19 but are unable to adequately quarantine at home.[12] In addition, the federal Occupational Safety and Health Administration (OSHA) and the Centers for Disease Control (CDC) have published COVID-19 prevention guidance documents encouraging employers to adopt various workplace control measures for workers residing in communal living arrangements, including employer-furnished housing, and workers traveling to and from work in shared motor vehicles.[13]

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[8] The Californian. COVID-19 rips through California motel rooms of guest workers who pick nation's produce, dated August 26, 2020. Accessed on November 6, 2020. https://www.thecalifornian.com/story/news/2020/08/17/california-motel-guest-farm-workers-coronavirus-case-outbreak/5475182002/

[9] VC Star. Farmworker housing coronavirus outbreak: 188 test positive for COVID-19, dated July 4, 2020. Accessed on November 6, 2020. https://www.vcstar.com/story/news/local/2020/07/03/oxnard-california-farmworker-housing-covid-19-coronavirus-outbreak/5368774002/

[10] The Californian. COVID-19 rips through California motel rooms of guest workers who pick nation's produce, dated August 26, 2020. Accessed on November 6, 2020. https://www.thecalifornian.com/story/news/2020/08/17/california-motel-guest-farm-workers-coronavirus-case-outbreak/5475182002/

[11] VC Star. Farmworker housing coronavirus outbreak: 188 test positive for COVID-19, dated July 4, 2020. Accessed on November 6, 2020. https://www.vcstar.com/story/news/local/2020/07/03/oxnard-california-farmworker-housing-covid-19-coronavirus-outbreak/5368774002/

[12] California Department of Food and Agriculture, et al. Housing for the Harvest – Program Overview, dated July 29, 2020. Accessed on November 6, 2020. https://files.covid19.ca.gov/pdf/Housing_for_the_Harvest-Program_Overview.pdf

[13] Federal OSHA. Additional Considerations for Workers Who Reside in Communal Living Arrangements. Accessed on November 6, 2020. https://www.osha.gov/SLTC/covid-19/workers-in-shared-housing.html; CDC. Agriculture Workers & Employers, Updated November 6, 2020. Accessed on November 6, 2020. https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-agricultural-workers.html; CDC. COVID-19 Guidance for Shared or Congregate Housing, Updated Aug. 22, 2020. Accessed on November 6, 2020. https://www.cdc.gov/coronavirus/2019-ncov/community/shared-congregate-house/guidance-shared-congregate-housing.html

7. As of October 2020, the majority of California workplaces are allowed to engage in on-site work operations despite the continuing spread of COVID-19. Millions of California workers face potential exposure to COVID-19 on the job.

8. Clusters and outbreaks of COVID-19 have occurred in workplaces throughout California, including in food manufacturing, agricultural operations, and warehouses.

9. As of October 14, 2020, there have been 858,401 cases of COVID-19 infection and 16,757 deaths reported in California.[14] Data for the number of cases of COVID-19 infection and number of deaths attributable to workplace exposure to COVID-19 is not currently available; however, the numbers are likely substantial, particularly among essential workers, due to workers' exposure to persons outside of those in one's household, along with the close proximity between persons required in some industries.

10. Employees infected with COVID-19 at work can transmit the infection to persons in their homes and communities, resulting in an increase in infection rates.

11. Emergency rulemaking is required to address the immediate threat to employees from COVID-19. The nature of the threat has been characterized by the occupational health and medical community as both acute and chronic adverse health effects which can manifest as serious illness, permanent incapacitation, or death. Regular rulemaking cannot be completed in time to address these significant and ongoing risks to workers presented by the COVID-19 pandemic.

12. The Division of Occupational Safety and Health's (Division) Aerosol Transmissible Diseases standard, title 8, section 5199, provides important protections to workers in specified work settings from exposure to novel pathogens, including COVID-19, particularly in health care and corrections. However, the scope of section 5199 is limited. Thus, the majority of California workers are not covered by the protections afforded by section 5199.

13. During its September 17, 2020, meeting, the Board considered Petition 583, which requested an emergency rulemaking to address the potential harm posed to workers by COVID-19. The Petition sought adoption of an emergency standard that would apply to employees in any facility, service category, or operation not covered by title 8, sections 5199 or 5199.1. In addition, the Petition sought a permanent regulation to protect employees from infectious diseases, including those caused by novel pathogens.

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[14] CDPH. COVID-19 by the Numbers; accessed October 15, 2020. https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/ncov2019.aspx#COVID-19%20by%20the%20Numbers

14. The Board voted to grant Petition 583 in part, agreeing that "COVID-19 is a hazard to working people" and that "an emergency regulation would enhance worker safety." The Board requested the Division draft an emergency rulemaking proposal to protect all workers not covered by section 5199 from COVID-19 exposure in the workplace, for consideration no later than the November 19, 2020, Board meeting.[15]

15. Between February 1, 2020, and September 27, 2020, the Division received over 6,937 complaints alleging inadequate protections for and potential exposure to COVID-19 in workplaces.

16. Occupational safety and health standards within title 8 of the California Code of Regulations (CCR) protect workers from hazards in general. However, other than those employees who are covered under section 5199, there is currently no specific regulation that protects all workers from exposure to infectious diseases such as COVID-19.

17. Guidance currently exists from a number of different authorities—including the federal CDC, federal OSHA, the California Department of Public Health (CDPH) and the Division—on how employers can best protect workers from COVID-19. However, guidance varies between federal and state agencies and contains some contradictory information. Employers and employees would benefit from a specific set of regulations related to COVID-19 prevention in all workplaces.

18. Adoption of the proposed emergency action is necessary to preserve worker safety and health by making existing general requirements, such as sections 3203, 3362, 3366, 5141, and 5144, specific to COVID-19 and easy to understand.

19. The proposed emergency action is necessary to combat the spread of COVID-19 in California workers. The proposed regulation would significantly reduce the number COVID-19 related illnesses, disabilities and deaths in California's workforce.

20. Adoption of the proposed emergency regulation is necessary to strengthen the Division's enforcement efforts related to the hazard of COVID-19 in workplaces, through regulatory mandates specific to preventing the spread of the virus.

AUTHORITY AND REFERENCE CITATIONS

These regulations are submitted pursuant to the Occupational Safety and Health Standards Board's authority under Labor Code section 142.3.

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[15] Occupational Safety and Health Standards Board; Petition File No. 583; Adopted Decision; September 17, 2020. https://www.dir.ca.gov/oshsb/documents/petition-583-adopteddecision.pdf

California Labor Code section 142.3 establishes that the Board may adopt, amend, or repeal occupational safety and health standards or orders. Section 142.3 permits the Board to prescribe suitable protective equipment and control or technological procedures to be used in connection with occupational hazards and to provide for monitoring or measuring employee exposure for the protection of employees.

Additionally, California Labor Code section 144.6 requires the Board, when dealing with standards for toxic materials and harmful physical agents, to "adopt that standard which most adequately assures, to the extent feasible, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to a hazard regulated by such standard for the period of his working life." Section 144.6 also requires that the Board base standards on research, demonstrations, experiments and other appropriate information, taking into consideration the latest scientific literature, the reasonableness of the standards, and the experience gained under the health and safety laws.

Authority: Labor Code section 142.3.

Reference: Labor Code sections 142.3 and 144.6.

INFORMATIVE DIGEST OF PROPOSED ACTION/ POLICY STATEMENT OVERVIEW

Summary of Existing Regulations and the Effect of the Proposed Regulation

Labor Code (LC) sections 60.5 and 6308 provide that the Division is charged with the administration and enforcement of the provisions of the California Occupational Safety and Health Act, commencing with LC section 6300, as well as other provisions of law affecting the health and safety of employees in the State of California.

Existing law, title 8, section 342, "Reporting Work-Connected Fatalities and Serious Injuries," requires employers to report immediately to the Division any serious injury or illness, or death, of an employee occurring in a place of employment or in connection with any employment.

Existing law, title 8, section 3203, "Injury and Illness Prevention Program," establishes a general framework for the identification, evaluation, and correction of unsafe or unhealthy work conditions and practices; communication with employees; and employee safety and health training.

Existing law, title 8, section 3380, "Personal Protective Devices," contains general requirements for personal protective equipment (PPE). Requirements for specific types of PPE are given in existing law, title 8, sections 3381 (Head Protection), 3382 (Eye and Face Protection), 3383

(Body Protection), 3384 (Hand Protection), and 3385 (Foot Protection). However, none of these sections require PPE to help prevent the transmission of COVID-19.

Existing law, title 8, section 5140, "Definitions," states that a "harmful exposure" is an "exposure to dusts, fumes, mists, vapors, or gases" which are either "(a) In excess of any permissible limit prescribed by section 5155; or (b) Of such a nature by inhalation as to result in, or have a probability to result in, injury, illness, disease, impairment, or loss of function." There is no permissible exposure limit prescribed by section 5155 for SARS-CoV-2, the virus that causes COVID-19; however, inhalation of the virus does have a probability to result in injury, illness, disease, impairment, or loss of function. Exposure to COVID-19 is considered a harmful exposure, as exposure to aerosols (in the breath of infected persons) containing SARS-CoV-2 has the probability to result in illness, disease, impairment, or loss of function.

Existing law, title 8, section 5141, "Control of Harmful Exposure to Employees," lists the hierarchy of controls that employers shall follow to address employee exposure to harmful air contaminants. Employers shall first rely on engineering controls whenever feasible, but if engineering controls are not feasible or do not achieve full compliance, administrative controls shall be implemented "if practicable." When engineering and administrative controls fail to achieve full compliance, then respiratory protective equipment shall be used.

Existing law, title 8, section 5144, "Respiratory Protection," requires respirators be used to protect the health of employees when effective engineering controls to prevent harmful atmospheres are not feasible.

Existing law, title 8, section 5199, "Aerosol Transmissible Diseases," requires specific protections for novel pathogens such as COVID-19; however, it does not protect all workers. Its scope is limited to work in specified health care facilities, services, or operations, as well as in specified non-health care facilities, services, or operations. The majority of workers not covered by section 5199 are at risk for COVID-19 infection.

Existing law, title 8, section 3350, "Labor Camp Permits," requires that every employer operating a labor camp under the provisions of the California Employee Housing Act obtain a valid permit issued by the Department of Housing and Community Development or by a local governmental agency authorized to issue such permits by the Department. The employer shall either post or have available a valid and current permit.

Existing law, title 8, section 3362, "General Requirements" (Sanitation), requires that workplaces are kept in a clean and sanitary condition. It also requires that buildings be cleaned and maintained to prevent harmful exposures (defined in section 5140 – see above).

Existing law, title 8, section 3366, "Washing Facilities," requires that washing facilities be reasonably accessible to all employees. However, the section does not specifically require measures to ensure that employees are able to maintain personal hygiene, such as allowing time for employee handwashing, and the provision of hand sanitizer by the employer.

Federal Regulations and Statutes

While there is no federal regulation governing airborne exposure to infectious disease such as SARS-CoV-2, federal OSHA has the "General Duty Clause" in section 5(a)(1) of the Occupational Safety and Health Act of 1970. The clause states the following:

> Each employer shall furnish to each of his [sic] employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees;

The General Duty Clause is used by federal OSHA to address conditions that are not subject to other federal OSHA regulations. As such, it can be used by federal OSHA to require employers to protect employees from harmful airborne pathogens, such as SARS-CoV-2.

Other federal OSHA regulations, such as those governing respiratory protection (29 Code of Federal Regulations (CFR) section 1910.134), sanitation and washing facilities (29 CFR section 1910.141), and PPE (29 CFR sections 1910.132, 1910.133, and 1910.138), are similar to their counterpart regulations in the CCR, title 8, discussed above. The federal OSHA regulation governing temporary labor camps (29 CFR section 1920.142) is more detailed than its counterpart regulation in title 8, section 3350, discussed above.

No federal law or regulations exist or have been promulgated that specifically address occupational exposure to COVID-19.

Amended Section 3205. COVID-19 Prevention.

This proposed emergency regulation would amend section 3205, which has a current title of "Shall" and "Should." [Repealed], by replacing the current title with a new title of "COVID-19 Prevention." It would be in Subchapter 7. General Industry Safety Orders; Introduction; directly after section 3204. Access to Employee Exposure and Medical Records. The regulation would include the following specific requirements.

New Subsection 3205(a). Scope.

Proposed subsection (a)(1) establishes the application of the proposed regulation to all workplaces, with three exceptions: (A) places of employment with one employee who does not

have contact with other persons; (B) employees working from home; and (C) employees when covered by section 5199.

The subsection is necessary to establish the places of employment for which employers will be required to comply with the proposed regulation and take action to protect employees from exposure to COVID-19.

Proposed subsection (a)(2) clarifies that nothing in this section is intended to limit state or local health department mandates or guidance that are more protective or stringent than this section.

This subsection is necessary because state or local health department mandates or guidance may be more stringent than this section, and it is important that such mandates or guidance are not in any way limited by the provisions of this section.

New Subsection 3205(b). Definitions.

Proposed subsection (b) provides definitions for the terms "COVID-19," "COVID-19 case," "COVID-19 exposure," "COVID-19 hazard," "COVID-19 symptoms," "COVID-19 test," "exposed workplace," "face covering," and "high-risk exposure period," as used in sections 3205 through 3205.4.

The subsection is necessary to clarify the application and meanings of terms used in the proposed regulations.

New Subsection 3205(c). Written COVID-19 Prevention Program.

Proposed subsection (c) requires employers to establish, implement, and maintain an effective, written COVID-19 Prevention Program (Program). The subsection allows the written Program to be integrated into the employer's written Injury and Illness Prevention Program (IIPP), required by section 3203, or kept as a separate document. Subsection (c) establishes the basic elements that an employer is responsible for including in their Program. They are as follows:

New Subsection 3205(c)(1). System for communicating.

Proposed subsection (c)(1) requires employers to take the actions described in subsections (c)(1)(A) through (c)(1)(D). These actions are designed to ensure that employers have methods in place, and use those methods, to exchange information with employees about COVID-19. Subsection (c)(1)(A), asks employees to provide information to their employers about COVID-19 symptoms, possible COVID-19 exposures, and possible COVID-19 hazards at the workplace without the fear of reprisal. Subsection (c)(1)(B) would require employers to provide information to its employees about accommodating employees with medical or other conditions that put them

at increased risk of severe COVID-19 illness. Subsection (c)(1)(C) would require employers to provide information about access to COVID-19 testing. If testing is required under this section, section 3205.1, or section 3205.2, the employer shall inform affected employees of the reason for the testing and the possible outcome of a positive test. Subsection (c)(1)(D) would require employers to communicate information about COVID-19 hazards to employees and to other employers, persons, and entities in or in contact with the employer's workplace, along with the employer's COVID-19 policies and procedures.

These subsections are necessary, as communicating information, from employees to their employers, and from employers to their employees and others, is critical in preventing the spread of COVID-19 in workplaces.

New Subsection 3205(c)(2). Identification and evaluation of COVID-19 hazards.

Proposed subsection (c)(2) requires employers to take the actions described in subsections (c)(2)(A) through (c)(2)(H). These actions are designed to ensure that employers have methods in place, and use those methods, to identify and evaluate COVID-19 hazards.

The subsection is necessary, as identifying and evaluating COVID-19 hazards in the workplace is critical in preventing the spread of COVID-19 in workplaces.

Proposed subsection (c)(2)(A) requires employers to allow employees and authorized employee representatives to participate in the identification and evaluation of COVID-19 hazards.

This subsection is necessary because it is important to include employees and employee representatives in the process of identifying and evaluating COVID-19 hazards, due to their intimate knowledge of specific work practices and workplace conditions.

Proposed subsection (c)(2)(B) requires employers to develop and implement a process for screening employees for and responding to employees with COVID-19 symptoms. It allows the employer to ask employees to evaluate their own symptoms before reporting to work. If the employer conducts the screening at the workplace, the employer must ensure that face coverings are used during screening by both screeners and employees and, if temperatures are measured, that non-contact thermometers are used.

This subsection is necessary, as it is important for employers to have a process to screen employees for potential symptoms of COVID-19, and effectively respond to those symptoms, to prevent or reduce the risk of transmission of COVID-19 in the workplace. Allowing employers to ask employees to evaluate whether or not they have symptoms of COVID-19 before reporting would prevent ill employees from coming to work, thus reducing the potential spread of COVID-19. Requiring the use of face coverings and non-contact thermometers during screening would

minimize possible exposure to COVID-19 to screening employees and employees being screened.

Proposed subsection (c)(2)(C) requires employers to develop policies and procedures to effectively respond to individuals at the workplace who are a COVID-19 case.

This subsection is necessary, as it is important for employers to effectively respond to individuals at the workplace who are COVID-19 cases, to prevent or reduce the risk of transmission of COVID-19.

Proposed subsection (c)(2)(D) requires employers to conduct a workplace-specific identification of all interactions, areas, activities, processes, equipment, and materials that could potentially expose employees to COVID-19 hazards. The proposed subsection requires employers to treat all persons, regardless of symptoms or negative COVID-19 test results, as potentially infectious. Proposed subsection (c)(2)(D)1. requires employers to include in their workplace assessment the identification of places and times when people may congregate or come in contact with one another, regardless of whether employees are performing an assigned work task or not. Proposed subsection (c)(2)(D)2. requires an evaluation of employees' potential workplace exposure to all persons at the workplace or who may enter the workplace. Further, it requires employers to consider how employees and other persons enter, leave, and travel through the workplace, in addition to addressing fixed work locations.

These subsections are necessary, as conducting a thorough evaluation and identifying and evaluating COVID-19 hazards is critical in preventing the spread of COVID-19 in the workplace. It is important to assume that all persons are potentially infectious for COVID-19, as many infectious persons have no symptoms of COVID-19, and some may test negative for the virus.

Proposed subsection (c)(2)(E) requires, for indoor locations, the employer to evaluate how to maximize the quantity of outdoor air and whether it is possible to increase filtration efficiency to the highest level compatible with the existing ventilation system.

This subsection is necessary as increased ventilation in indoor locations and increased filtration of indoor air dilutes the concentration of any infectious COVID-19 virus in the air, thus reducing the potential for employee exposure to the virus.

Proposed subsection (c)(2)(F) requires employers to review applicable orders and guidance from the State of California and the local health department related to COVID-19 hazards and prevention.

This subsection is necessary, as it is important for employers to become familiar with the information in such orders and guidance documents to reduce the risk of transmission in the workplace.

Proposed subsection (c)(2)(G) requires employers to evaluate existing COVID-19 prevention controls at the workplace and the need for different or additional controls.

This subsection is necessary as it is important to evaluate COVID-19 prevention controls to determine if they are effective at minimizing employee exposure to COVID-19 in the workplace.

Proposed subsection (c)(2)(H) requires employers to conduct periodic inspections to identify unhealthy conditions, work practices, and work procedures related to COVID-19, and to ensure compliance with employers' COVID-19 policies and procedures.

This subsection is necessary to evaluate conditions that may change over time, and to identify and correct situations where employers' policies and procedures are not adhered to.

New Subsection 3205(c)(3). Investigating and responding to COVID-19 cases in the workplace.

Proposed subsection (c)(3) requires employers to take the actions described in subsections (c)(3)(A) through (c)(3)(D). These actions are designed to ensure that employers have methods in place, and use those methods, to investigate and respond to COVID-19 cases in the workplace.

The subsection is necessary, as investigating and responding to COVID-19 cases is critical in preventing the spread of COVID-19 in the workplace.

Proposed subsection (c)(3)(A) requires employers to have effective procedures to investigate COVID-19 cases in the workplace. This includes procedures for verifying COVID-19 case status, receiving information regarding COVID-19 test results and onset of COVID-19 symptoms, and identifying and recording COVID-19 cases.

This subsection is necessary, as it is important to have procedures in place to gather information needed to investigate and respond to COVID-19 cases in the workplace.

Proposed subsection (c)(3)(B) requires employers to take specified actions when there has been a COVID-19 case at the place of employment. These actions include: 1. determining the day and time the COVID-19 case was last at work, and, to the extent possible, the date of the positive test(s) and/or diagnosis, and the date the COVID-19 case first had one or more COVID-19 symptoms, if any; 2. determining who may have had a COVID-19 exposure; 3. giving notice of the potential COVID-19 exposure, within one business day, in a way that does not reveal any

personal identifying information of the COVID-19 case, to specified individuals; 4. offering testing at no cost during the employee's working hours to all employees who had potential COVID-19 exposure in the workplace, and providing employees with information on benefits described in subsections (c)(5)(B) and (c)(10(C); and 5. investigating whether any workplace conditions could have contributed to the risk of COVID-19 exposure and what could be done to reduce exposure to COVID-19 hazards.

This subsection is necessary to ensure that employers do a thorough investigation of any COVID-19 cases in the workplace and to ensure that employees, independent contractors and other employers are informed about potential exposure during the high-risk exposure period. Offering COVID-19 testing at no cost to employees following a potential exposure to COVID-19 in the workplace and providing information about benefits available to them will encourage these employees to get tested for COVID-19 and also to not report to work following a COVID-19 exposure. These steps are necessary to prevent the spread of COVID-19 in the workplace when there has been a COVID-19 case present at the place of employment.

Proposed subsection (c)(3)(C) requires employers to keep personal identifying information of COVID-19 cases or persons with COVID-19 symptoms confidential. All COVID-19 testing or related medical services provided by the employer under sections 3205 through 3205.4 shall be provided in a manner that ensures the confidentiality of employees. An exception is given for information on COVID-19 cases provided to the local health department, CDPH, the Division, and the National Institute for Occupational Safety and Health (NIOSH), or as otherwise required by law immediately upon request.

This subsection is necessary to ensure that personal identifying information with regard to COVID-19 is kept confidential, as required by various state and federal regulations.
Proposed subsection (c)(3)(D) requires employers to ensure that all employee medical records required by sections 3205 through 3205.4 are kept confidential and not disclosed or reported without the employee's express written consent to any person within or outside the workplace. Exceptions are given for medical records provided to the local health department, CDPH, the Division, or NIOSH; or if the records do not contain individually identifiable medical information.

This subsection is necessary to ensure that employees' medical records are kept confidential, as required by various state and federal regulations.

New Subsection 3205(c)(4). Correction of COVID-19 hazards.

Proposed subsection (c)(4) requires employers to implement effective policies and/or procedures to correct unsafe or unhealthy conditions, work practices, and procedures related to COVID-19 in a timely manner based on the severity of the hazard.

The subsection is necessary, as correcting unsafe or unhealthy conditions, work practices, and procedures related to COVID-19 in a timely manner is critical in preventing the spread of COVID-19 in the workplace.

New Subsection 3205(c)(5). Training and instruction.

Proposed subsection (c)(5) requires employers to provide training and instruction to employees on the topics described in subsections (c)(5)(A) through (c)(5)(H). Required topics include the employer's COVID-19 policies and procedures to protect employees from COVID-19 hazards (subsection (c)(5)(A)); information on benefits to which an employee may be entitled (subsection (c)(5)(B)); how COVID-19 is spread, and that an infectious person may have no symptoms (subsection (c)(5)(C)); methods of physical distancing of at least six feet and the importance of combining physical distancing with the wearing of face coverings (subsection (c)(5)(D)); that particles containing the virus can travel more than six feet, especially indoors, so physical distancing must be combined with other controls, including face coverings and hand hygiene to be effective (subsection (c)(5)(E)); information about hand washing and using hand sanitizer (subsection (c)(5)(F)); proper use of face coverings (subsection (c)(5)(G)); and COVID-19 symptoms, and the importance of not coming to work and obtaining a COVID-19 test, if the employee has COVID-19 symptoms (subsection (c)(5)(H)).

The subsection is necessary, as providing employees with knowledge about the hazards of exposure to COVID-19, including how it is spread, along with methods used in the workplace to minimize exposure to COVID-19, and the importance of not coming to work and obtaining a COVID-19 test, if the employee has COVID-19 symptoms, is critical in preventing the spread of COVID-19 in the workplace.

New Subsection 3205(c)(6). Physical distancing.

Proposed subsection (c)(6) requires employers to take the actions described in subsections (c)(6)(A) and (c)(6)(B).

These actions are designed to ensure that employees maintain a minimum distance between themselves and others in the workplace.

Proposed subsection (c)(6)(A) requires that all employees in the workplace be separated from other persons by at least six feet, except where an employer can demonstrate that six feet of separation is not possible and except for momentary exposure while persons are in movement. The subsection includes a listing of some methods of physical distancing.

This subsection is necessary to ensure that exposure to COVID-19 is minimized through adequate physical distancing between employees and others in the workplace. In particular, ensuring that employees are separated, when feasible, by at least six feet from other persons is critical in preventing the spread of COVID-19 in the workplace.

Proposed subsection (c)(6)(B) requires that when it is not feasible to maintain a distance of at least six feet, individuals shall be as far apart as possible.

This subsection is necessary to ensure that even when it is not feasible to maintain a distance of at least six feet between individuals, exposure to COVID-19 is minimized by maintaining the greatest physical distance possible between employees and others at the workplace.

New Subsection 3205(c)(7). Face coverings.

Proposed subsection (c)(7) requires employers to take the actions described in subsections (c)(7)(A) through (c)(7)(F). These actions are designed to ensure that employees are provided with and use face coverings in the workplace.

The subsection is necessary, as the use of face coverings is recommended to reduce the transmission of COVID-19[16].

Proposed subsection (c)(7)(A) requires employers to ensure that employees wear clean and undamaged face coverings over the nose and mouth when they are indoors, when they are outdoors and less than six feet away from another person, and where required by orders from CDPH or local health department. The subsection states that face shields are not a replacement for face coverings, but may be worn with face coverings for additional protection. The subsection also provides exceptions to the requirements given in subsection (c)(7)(A). The exceptions to the requirements are given for conditions under which the risk of transmission of COVID-19 is minimal; the wearing of a face covering is incompatible with the employee wearing respiratory protection; the employee has a medical or mental health condition, disability or is hearing impaired or communicating with a hearing-impaired person; or specific tasks cannot feasibly be performed while the employee is wearing a face covering. Under this last exception, the unmasked employee shall be at least six feet away from all other persons, unless unmasked employees are tested at least twice weekly for COVID-19.

This subsection is necessary, as it sets parameters for when face coverings are required, and also takes into account the increased likelihood of transmission of COVID-19 in indoor spaces compared to outdoor spaces. Evidence exists that infectious virus particles can travel more than

[16] CDPH; Face Covering Guidance issued on June 18, 2020, available at: https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/Guidance-for-Face-Coverings_06-18-2020.pdf

six feet through the air[17], and face coverings reduce the amount of particles that are emitted into the air from an infected person.[18]

Proposed subsections (c)(7)(B) addresses situations where an employee is unable to wear a face covering, e.g., due to a medical condition.

This subsection is necessary to ensure that procedures are in place to provide adequate protection from COVID-19 to employees working in an area where another employee is unable to wear a face covering.

Proposed subsections (c)(7)(C) requires that any employee not wearing a face covering or an acceptable alternative shall be at least six feet apart from all other persons unless the unmasked employee is tested at least twice weekly for COVID-19. It also states that COVID-19 testing cannot be used as an alternative to face coverings.

This subsection is necessary to ensure that procedures are in place to provide adequate protection from COVID-19 to employees who are unable to wear a face covering.

Proposed subsection (c)(7)(D) explicitly prohibits employers from preventing any employee from wearing a face covering when not required by this section, unless it would create a safety hazard.

This subsection is necessary to ensure that employees are permitted to wear face coverings when they choose to do so, even when not required by this section.

Proposed subsection (c)(7)(E) requires employers to implement measures to communicate to non-employees the requirements for the use of face coverings on their premises.

This subsection is necessary to ensure that non-employees are made aware of the requirements to wear face coverings when in the particular workplace. The required communication with non-employees will minimize COVID-19 exposure to employees by increasing the likelihood that non-employees will wear face coverings when in the workplace.

Proposed subsection (c)(7)(F) requires that when there may be a person not wearing a face covering, including a member of the public, in the workplace, the employer shall have policies

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[17] CDC; How COVID-19 Spreads, Updated October 28, 2020. Accessed on November 6, 2020. https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html

[18] Lindsley WG, Blachere FM, Law BF, Beezhold DH, Noti JD. Efficacy of face masks, neck gaiters and face shields for reducing the expulsion of simulated cough-generated aerosols. Health Effects Laboratory Division, National Institute for Occupational Safety and Health, CDC, October 7, 2020. https://www.medrxiv.org/content/10.1101/2020.10.05.20207241v1.full.pdf

and procedures to minimize employee exposure to COVID-19 hazards originating from that person.

This subsection is necessary to ensure that procedures are in place to provide adequate protection from COVID-19 to employees working in an area where another person is not wearing a face covering.

New Subsection 3205(c)(8). Other engineering controls, administrative controls, and personal protective equipment.

Proposed subsection (c)(8) requires employers to take the actions described in subsections (c)(8)(A) through (c)(8)(E). These actions are designed to ensure appropriate control measures are implemented to minimize employee exposure to COVID-19 hazards in the workplace. The subsection is necessary, as the implementation of control methods is important in minimizing employee exposure to COVID-19.
Subsection (c)(8)(A) requires employers to install cleanable solid partitions at fixed work locations where it is not possible to maintain the physical distancing requirement at all times that effectively reduce aerosol transmission between the employee and other persons.
The subsection is necessary to reduce employee exposure to potentially infectious material that may contain the virus that causes COVID-19. Potentially infectious material most commonly results from person(s) exhaling, vocalizing, coughing, or sneezing.

Subsection (c)(8)(B) requires employers to maximize the quantity of outside air provided to the extent feasible, for buildings with mechanical or natural ventilation, except in cases when the United States EPA Air Quality Index is greater than 100 for any air pollutant, or if letting in outdoor air would cause a hazard to employees.

This subsection is necessary to reduce employee exposure to COVID-19 in the workplace, as increased ventilation reduces the concentration of potentially infectious material in the indoor air.

Subsection (c)(8)(C) requires employers to implement cleaning and disinfecting procedures in their workplace.

This subsection is necessary to reduce employee exposure to COVID-19, as potentially infectious material may be present on surfaces that have not been cleaned and disinfected. The provisions of this subsection are designed to reduce transmission of COVID-19 that may occur after an employee touches a contaminated surface, then touches their eyes, nose, or mouth.

Subsection (c)(8)(D) requires employers to evaluate its handwashing facilities and policies.

This subsection is necessary to protect employees from COVID-19 hazards by encouraging and allowing time for employee handwashing, and providing employees with hand sanitizer. The provisions of this subsection are designed to reduce transmission of COVID-19 that may occur after an employee touches a contaminated surface, then touches their eyes, nose, or mouth.

Proposed subsection (c)(8)(E) requires employers to take the actions described in subsections (c)(8)(E)1. through (c)(8)(E)4. These actions are designed to ensure that appropriate PPE is made available and used to minimize employee exposure to COVID-19 hazards in the workplace.

Subsection (c)(8)(E)1. requires employers to evaluate the need for PPE to protect employees from exposure to COVID-19, and provide such equipment as needed. Subsection (c)(8)(E)2. requires employers to evaluate the need for respiratory protection in accordance with section 5144 when the physical distancing requirements in subsection (c)(6) are not feasible or are not maintained. Subsection (c)(8)(E)3. requires employers to provide and ensure the use of respirators in accordance with section 5144 when deemed necessary by the Division through Issuance of Order to Take Special Action, in accordance with section 332.3. Subsection (c)(8)(E)4. requires employers to provide and ensure use of eye protection and respiratory protection in accordance with section 5144 when employees are exposed to procedures that may aerosolize potentially infectious material such as saliva or respiratory tract fluids.

These subsections are necessary to minimize employee exposure to COVID-19 by ensuring appropriate PPE will be provided and used, and respirators are provided and used when required by this subsection. As described in this subsection, PPE is designed to protect employees from exposure to potentially infectious material they may come into contact with, either on surfaces or in the air, while respirators are designed to protect employees from potentially infectious material in the air they breathe. When employees are exposed to procedures that may aerosolize potentially infectious material such as saliva or respiratory tract fluids, a respirator worn in accordance with the requirements of section 5144 is needed to provide adequate respiratory protection.

New Subsection 3205(c)(9). Reporting, recordkeeping, and access.

Proposed subsection (c)(9) requires employers to take the actions described in subsections (c)(9)(A) through (c)(9)(E). These actions are designed to ensure that employers report information about COVID-19 cases at the workplace to the local health department (subsection (c)(9)(A)), and serious illnesses from COVID-19 to the Division, as required (subsection (c)(9)(B)). In addition, subsection (c)(9)(C) requires employers to maintain records of the steps taken to implement the written COVID-19 Prevention Program in accordance with section 3203(b), while subsection (c)(9)(D) requires the COVID-19 Prevention Program to be made available at the worksite to employees, authorized employee representatives, and to representatives of the Division immediately upon request. Finally, subsection (c)(9)(E) requires

the employer to keep a record of and track all COVID-19 cases at the workplace, including specified information about the employee and their presence at the worksite. The subsection requires medical information to be kept confidential, and to be made available upon request to employees, their designated representatives, and the local public health department, with identifiable medical information removed.

These subsections are necessary to ensure that important information about COVID-19 cases in the workplace is maintained and reported to the appropriate agency, to be used in the event that further surveillance or investigation is needed. In addition, access to employees and employee representatives to information on COVID-19 cases, as well as to the employer's written COVID-19 Prevention Program is important to ensure that employers are taking the steps needed to minimize employee exposure to COVID-19 in the workplace.

New Subsection 3205(c)(10). Exclusion of COVID-19 cases.

Proposed subsection (c)(10) requires employers to take the actions described in subsections (c)(10)(A) through (c)(10)(D). These actions are designed to ensure that per subsection (c)(10)(A), COVID-19 cases are excluded from the workplace until the return to work requirements of subsection (c)(11) are met, and that per subsection (c)(10)(B), employees with COVID-19 exposure are excluded from the workplace for 14 days after the last known COVID-19 exposure to a COVID-19 case. Subsection (c)(10)(C) requires that for employees excluded from work under subsection (c)(10) and otherwise able and available to work, employers maintain an employee's earnings, seniority, and all other employee rights and benefits, including the employee's right to their former job status, as if the employee had not been removed from their job. Exception 1 to subsection (c)(10)(C) does not apply to any period of time during which the employee is unable to work for reasons other than protecting persons at the workplace from possible COVID-19 transmission. Exception 2 to subsection (c)(10)(C) does not apply where the employer demonstrates that the COVID-19 exposure is not work related. Subsection (c)(10)(D) does not limit any other applicable law, employer policy, or collective bargaining agreement that provides for greater protection. In addition, subsection (c)(10)(E) requires that at the time of exclusion, the employer shall provide the employee the information on benefits described in this section. An exception to subsection (c)(10) allows that employees who have not been excluded or isolated by the local health department need not be excluded by the employer, if they are temporarily reassigned to work where they do not have contact with other persons until the return to work requirements of subsection (c)(11) are met.

This subsection is necessary to limit transmission of COVID-19 in the workplace. Toward this end, it is important that employees who are COVID-19 cases or who had exposure to COVID-19 do not come to work. Maintaining employees' earnings and benefits when they are excluded from the workplace is important in ensuring that employees will notify their employers if they

test positive for COVID-19 or have an exposure to COVID-19, and stay away from the workplace during the high-risk exposure period when they may be infectious.

New Subsection 3205(c)(11). Return to work criteria.

Proposed subsection (c)(11) specifies when employees who are COVID-19 cases, with or without symptoms, may return to work. Specifications are given in subsections (c)(11)(A) through (c)(11)(E).

The subsection is necessary to inform employers and employees of the conditions under which an employee may return to work following exclusion, and to ensure that employees do not return to work until they do not pose a significant risk of exposing others to COVID-19 in the workplace.

Proposed subsection (c)(11)(A) specifies three criteria that must be met before a COVID-19 case with COVID-19 symptoms may return to work.

This subsection is necessary to maintain consistency with criteria established by CDPH.

Proposed subsection (c)(11)(B) specifies criteria that must be met before a COVID-19 case who tested positive but never developed COVID-19 symptoms may return to work.

This subsection is necessary to maintain consistency with criteria established by CDPH.

Proposed subsection (c)(11)(C) clarifies that a negative COVID-19 test shall not be required for an employer to return to work.

This subsection is necessary because polymerase chain reaction (PCR) tests can remain positive long after an individual is no longer infectious, so proof of a negative test must not be required prior to an individual returning to the workplace after a documented COVID infection. Requiring a negative test before returning to work could impermissibly discriminate against employees who have previously tested positive for COVID-19.

Proposed subsection (c)(11)(D) specifies criteria that must be met before an employee who was issued an order to isolate or quarantine for COVID-19 may return to work.

This subsection is necessary to maintain consistency with criteria established by CDPH.

Proposed subsection (c)(11)(E) specifies criteria under which the Division may, upon request, allow employees to return to work on the basis that the removal of an employee would create undue risk to a community's health and safety.

This subsection is necessary to ensure that control measures are in place to prevent COVID-19 transmission in the workplace before allowing any such employees to return to work.

New Section 3205.1. Multiple COVID-19 Infections and COVID-19 Outbreaks.

This proposed emergency regulation, new section 3205.1, would be in Subchapter 7. General Industry Safety Orders; directly after proposed section 3205. COVID-19 Prevention. The regulation would include the following specific requirements.

New Subsection 3205.1(a). Scope.

This proposed subsection (a)(1) establishes the application of the proposed regulation to a workplace covered by section 3205 if the local health department has identified it as a location of a COVID-19 outbreak or when there are three or more COVID-19 cases in an exposed workplace within a 14-day period.

The subsection is necessary to establish the conditions in which employers will be required to comply with the proposed regulation and to take action to reduce the further spread of COVID-19 at the workplace.

Proposed subsection (a)(2) sets forth the requirement to comply with this section until there are no new COVID-19 cases detected in the workplace for a 14-day period.

The subsection is necessary to ensure that all COVID-19 cases associated with a COVID-19 outbreak are identified and reported to the local health department.

New Subsection 3205.1(b). COVID-19 testing.

Proposed subsection (b)(1) requires employers to provide COVID-19 testing to all employees at the exposed workplace. An exception is provided for employees who were not present during the period of an outbreak identified by a local health department or the relevant 14-day period(s) under subsection(a). It further establishes that COVID-19 testing be provided at no cost to employees during employees' working hours.

The subsection is necessary to provide employees who were present during the period of an outbreak identified by a local health department or the relevant 14-day period(s) the opportunity to get tested for COVID-19 without being deterred by cost or feasibility and for the employer to identify additional COVID-19 cases. With testing, employees who test positive and have symptoms can get care earlier. Contacts can be traced and self-isolation or quarantine can be started sooner to help stop the spread of the virus.

Proposed subsection (b)(2) establishes specific timeframes for which all employees covered by this section are tested. In proposed subsection (b)(2)(A), it provides that all employees in the exposed workplace are immediately tested upon being covered by this section, and then again one week later. It further establishes that negative COVID-19 test results of employees with COVID-19 exposure shall not impact the duration of any quarantine period required by orders issued by the local health department.

The subsection is necessary to ensure that employers follow the specific instructions of their local health department on managing the COVID-19 outbreak.

Subsection (b)(2)(B) establishes that after the first two COVID-19 tests required by (b)(2)(A), employers provide continuous COVID-19 testing of employees who remain at the workplace at least once per week, or more frequently if recommended by the local health department, until this section no longer applies pursuant to subsection (a)(2). Further, subsection (b)(2)(C) requires employers to provide additional testing when deemed necessary by the Division through the Issuance of Order to Take Special Action, in accordance with title 8 section 332.3.

The subsection is necessary to ensure that employers provide all additional COVID-19 testing as instructed by the local health department and the Division.

New Subsection 3205.1(c). Exclusion of COVID-19 cases.

This proposed subsection establishes the requirement that employers exclude from the workplace COVID-19 cases and employees who had COVID-19 exposure in accordance with subsections 3205(c)(10) and (c)(11), and in accordance with any applicable local health officer orders.

The subsection is necessary to make sure employees who are COVID-19 cases and employees who had COVID-19 exposure do not remain at work and will therefore help prevent further spread of COVID-19 in the exposed workplace.

New Subsection 3205.1(d). Investigation of workplace COVID-19 illness.

This proposed subsection requires that the employer immediately investigate and determine possible workplace related factors that contributed to the COVID-19 outbreak in accordance with subsection 3205(c)(3).

The subsection is necessary to ensure the employer follows its procedures for verifying COVID-19 case status, receiving information regarding COVID-19 test results and onset of symptoms, and identifying and recording COVID-19 cases.

New Subsection 3205.1(e). COVID-19 Investigation, review and hazard correction.

This proposed subsection requires that following a COVID-19 outbreak, the employer immediately perform a review of potentially relevant COVID-19 policies, procedures, and controls and implement changes as needed to prevent further spread of COVID-19.

The subsection is necessary to ensure that a thorough investigation is conducted and review of COVID-19 hazards are identified and corrected to control and prevent further spread of the disease in the exposed workplace.

Subsection (e)(1) establishes the elements of the investigation of new or unabated COVID-19 hazards to include the employer's leave policies and practices, whether employees are discouraged from remaining home when sick, and the employer's COVID-19 testing policies. The subsection further requires the employer to identify and evaluate specific conditions in the exposed workplace that the employer would need to control to prevent further COVID-19 transmission.

This subsection is necessary to ensure that employers review their leave policies and practices and working environment to ensure they identify conditions that contribute to the transmission of COVID-19.

Subsection (e)(2) establishes the review be updated every thirty days that the outbreak continues, in response to new information or to new or previously unrecognized COVID-19 hazards, or when otherwise necessary.

The subsection is necessary to allow time for the employer's improvements to take effect. It is also necessary that the employer update the review after responding to any new information or to new or previously unrecognized COVID-19 hazards that an employer is likely to identify or be made aware of should an outbreak continue to occur, or when otherwise necessary.

Subsection (e)(3) establishes that the employers implement changes to reduce the transmission of COVID-19 based on the investigation and review required by subsections (e)(1) and (e)(2). The employer shall consider moving indoor tasks outdoors or having them performed remotely, increasing outdoor air supply when work is done indoors, improving air filtration, increasing physical distancing as much as possible, respiratory protection, and other applicable controls.

The subsection is necessary to ensure that the employer implement changes for COVID-19 hazards identified by the investigation and review. The employer is required to consider specific measures that will help to control and prevent further COVID-19 transmission.

New Subsection 3205.1(f). Notifications to the local health department.

Proposed subsection (f)(1) establishes the requirement of the employer to contact the local health department immediately but no longer than 48 hours after the employer knows, or with diligent inquiry would have known, of three or more COVID-19 cases for guidance on preventing the further spread of COVID-19 within the workplace.

The subsection is necessary so that the employer is provided guidance and is made aware about the local health department's requirements for isolation or quarantine, possible testing, and when it is appropriate for COVID-19 cases to return to work.

Proposed subsection (f)(2) further requires the employer to provide to the local health department the total number of COVID-19 cases and for each COVID-19 case, the name, contact information, occupation, workplace location, business address, the hospitalization and/or fatality status, and North American Industry Classification System (NAICS) code of the worksite of the COVID-19 case, and any other information requested by the local health department. It also requires the employer to continue to give notice to the local health department of any subsequent COVID-19 cases at the worksite. Subsection (f)(3) sets forth January 1, 2021, as the effective date the employer shall provide all information to the local health department required by Labor Code section 6409.6.

These subsections are necessary to ensure that employers meet their reporting obligations to the local health department and are intended to be consistent with Labor Code section 6409.6.

New Section 3205.2. Major COVID-19 Outbreaks.

This proposed emergency regulation, new section 3205.2, would be in Subchapter 7. General Industry Safety Orders; Introduction; directly after proposed section 3205.1. Multiple COVID-19 Infections and COVID-19 Outbreaks. The regulation would include the following specific requirements.

New Subsection 3205.2.(a). Scope.

This proposed subsection (a)(1) establishes the application of the proposed regulation to a workplace covered by section 3205 when there are 20 or more COVID-19 cases in an exposed workplace within a 30-day period.

The subsection is necessary to establish the conditions in which employers will be required to comply with the proposed regulation and to take action to reduce the further spread of COVID-19 during a major outbreak at the workplace.

Proposed subsection (a)(2) sets forth the requirement to comply with this section until there are no new COVID-19 cases detected in the workplace for a 14-day period.

The subsection is necessary to ensure that all COVID-19 cases associated with a major COVID-19 outbreak are identified and reported to the local health department.

New Subsection 3205.2(b). COVID-19 testing.

This proposed subsection requires employers to provide twice a week COVID-19 testing, or more frequently if recommended by the local health department, to all employees present at the exposed workplace during the relevant 30-day period(s) and who remain at the workplace. This subsection additionally requires employers to provide COVID-19 testing at no cost to employees during employees' working hours.

The subsection is necessary to provide employees who were present during the relevant 30-day period(s) the opportunity to get tested for COVID-19 without being deterred by cost or feasibility and for the employer to identify additional COVID-19 cases. With testing, employees who test positive and have symptoms can get care earlier. Contacts can be traced and self-isolation or quarantine can be started sooner to help stop the spread of the virus.

New Subsection 3205.2(c). Exclusion of COVID-19 cases.

This proposed subsection establishes the requirement that employers exclude from the workplace employees who are COVID-19 cases and employees with COVID-19 exposure in accordance with subsections 3205(c)(10) and (c)(11) and any relevant local health department orders.

The subsection is necessary to make sure employees who are COVID-19 cases and employees with COVID-19 exposures do not remain at work and, will therefore help to prevent further spread of COVID-19 in the exposed workplace.

New Subsection 3205.2(d). Investigation of workplace COVID-19 illnesses.

This proposed subsection establishes the requirement the employer comply with section 3205(c)(3), which is to immediately investigate and determine possible worksite related factors that contributed to the outbreak.

The subsection is necessary to ensure the employer follow its procedures for verifying COVID-19 case status, receiving information regarding COVID-19 test results and onset of symptoms, and identifying and recording COVID-19 cases.

New Subsection 3205.2(e). COVID-19 hazard correction.

This proposed subsection requires that in addition to the requirements of subsection 3205(c)(4) to investigate and respond to COVID-19 cases in the workplace, the employer take specific actions to correct hazards during a major COVID-19 outbreak.

Proposed subsection (e)(1) sets forth the requirement that in buildings or structures with mechanical ventilation, employers filter recirculated air with Minimum Efficiency Reporting Value (MERV)-13 or higher efficiency filters if compatible with the ventilation system. If MERV-13 or higher filters are not compatible with the ventilation system, employers shall use filters with the highest compatible filtering efficiency. Employers shall also evaluate whether portable or mounted High Efficiency Particulate Air (HEPA) filtration units or other air cleaning systems would reduce the risk of transmission and shall implement their use to the degree feasible.

Proposed subsection (e)(2) sets forth the requirement that the employer determine the need for a respiratory protection program or changes to an existing respiratory protection program under section 5144 to address COVID-19 hazards.

Proposed subsection (e)(3) sets forth the requirement for the employer to evaluate whether to halt some or all operations at the workplace until COVID-19 hazards have been corrected.

Proposed subsection (e)(4) sets forth the requirement that the employer implement any other control measures deemed necessary by the Division through the Issuance of Order to Take Special Action, in accordance with title 8 section 332.3.
These subsections are necessary to establish additional measures employers will be required to comply with in order to reduce the further spread of COVID-19 at the workplace.

New Subsection 3205.2(f). Notifications to the local health department.

This proposed subsection requires employers to comply with the notification requirements of section 3205.1(f), which is to contact the local health department immediately but no longer than 24 hours after the employer knows or with diligent inquiry would have known of three or more COVID-19 cases within the workplace. It establishes that the employer provide to the local health department the total number of COVID-19 cases and for each COVID-19 case, the name, contact information, occupation, workplace location, business address, and the hospitalization and/or fatality status, and NAICS code of the workplace of the COVID-19 case, and any other information requested by the local health department. It further requires the employer to continue to give notice to the local health department of any subsequent COVID-19 cases at the workplace. The subsection sets forth January 1, 2021, as the effective date the employer shall provide all information to the local health department required by Labor Code section 6409.6.

The subsection is necessary so that, during a major COVID-19 outbreak, the employer is provided guidance and is made aware about the local health department's requirements for isolation or quarantine, possible testing, and when it is appropriate for COVID-19 cases to return to work.

New Section 3205.3. COVID-19 Prevention in Employer-Provided Housing.

This proposed emergency regulation, new section 3205.3 would be in Subchapter 7. General Industry Safety Orders; Introduction; directly after section 3205.2. Major COVID-19 Outbreaks. The regulation would include the following specific requirements.

New Subsection 3205.3(a). Scope.

Proposed subsection (a) establishes the application of the proposed regulation to employer-provided housing.

The purpose of the definition is to inform the regulated community of the type of housing covered by the regulation.

The purpose of subsection (a)(1) is to exempt the applicability of the proposed regulation for the purpose of emergency response, where either (A) the employer is a government entity; or (B) the housing is provided temporarily by a private employer and is necessary to conduct the emergency response operations. This exemption recognizes that the imminent risks associated with an emergency response operation supersede the risks associated with not enforcing the proposed housing requirements in emergency-response operations.

The purpose of subsection (a)(2) is to exempt the applicability of subsections (c), (d), (e), (f), and (h) to employer-provided housing where the occupants maintained a household together prior to residing in employer-provided housing, such as family members, when no other persons outside the household are present. This exemption is necessary as individuals who maintain a household together are assumed to spend time in close proximity to one another within their household.

These subsections are necessary to specify the types of employer-provided housing for which employers will be required to comply with the proposed regulation and take action to protect employees from exposure to COVID-19. Shared worker housing presents unique challenges for preventing and controlling the spread of COVID-19. Consistent application of the proposed regulatory requirements can help reduce the COVID-19 exposure risk among workers in shared housing.

New Subsection 3205.3(b). Assignment of housing units.

The purpose of the proposed subsection is to establish a prioritization order for employers to use when assigning employees to shared housing units. The prioritization order is necessary to limit the number of persons coming in contact with employees residing in employer-provided housing, and is consistent with CDC recommendations for preventing and controlling the spread of COVID-19 in shared worker housing.

The purpose of proposed subsection (b)(1) in requiring employers to first prioritize shared-housing units by assigning residents who usually maintain a household together outside of work, such as family members, to the same housing unit without other persons is to limit the number of persons coming in contact with employees residing in employer-provided housing, and is necessary to reduce the spread of COVID-19.

The purpose of proposed subsection (b)(2) in requiring employers to next prioritize shared-housing units by assigning residents who work in the same crew or work together at the same worksite to the same housing unit without other persons is to limit the number of persons coming in contact with employees residing in employer-provided housing, and is necessary to reduce the spread of COVID-19.

The purpose of proposed subsection (b)(3) is to provide employers with an option to assign employees who do not usually maintain a common household, work crew, or worksite to the same housing unit in situations where no other housing alternatives are possible. This subsection is necessary to ensure housing for all employees requiring shared housing.

The above subsections governing housing assignment prioritization are necessary to reduce the spread of COVID-19 transmission in both the workplace and employer-provided housing by minimizing the number of different individuals who come into close contact with each other.[19]

New Subsection 3205.3(c). Physical distancing and controls.

Proposed subsection (c) requires employers to take the actions described in subsections (c)(1), (c)(2) and (c)(3).

These actions are designed to ensure that resident employees maintain a minimum distance between themselves and others in the employer-provided shared housing unit, and maximize the quantity and supply of outdoor air and increase the filtration efficiency to the highest level compatible with the existing ventilation system to minimize resident employee exposure to COVID-19 hazards.

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[19] CDC. Agriculture Workers and Employers, Updated November 6, 2020. Accessed on November 6, 2020. https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-agricultural-workers.html

Proposed subsection (c)(1) requires employers to ensure that the premises of employer-provided shared housing units are of sufficient size and layout to permit at least six feet of physical distancing between residents in housing units, common areas, and other areas of the premises.[20]

This subsection is necessary to ensure that exposure to COVID-19 is minimized through adequate physical distancing between resident employees in employer-provided shared housing units. Evidence exists that infectious virus particles can travel more than six feet through the air.[21]

The purpose of proposed subsection (c)(2) is to require employers to ensure beds in employer-provided shared housing units are spaced at least six feet apart in all directions and positioned to maximize the distance between sleepers' heads and prohibits the use of bunk beds.[22]

This subsection is necessary to ensure that employee exposure to COVID-19 is minimized through adequate physical distancing between residents in the employer-provided shared sleeping quarters. Evidence exists that infectious virus particles can travel more than six feet through the air.[23]

The purpose of proposed subsection (c)(3) is to require employers to maximize the quantity and supply of outdoor air and increase the filtration efficiency to the highest level compatible with the existing ventilation system.

This subsection is necessary to reduce the indoor concentration of the virus, thereby reducing the risk of employee exposure to COVID-19 in each employer-provided housing unit. Evidence exists that increased ventilation, when used along with the other control measures required in this section, such as physical distancing, face coverings, and cleaning, can reduce risk from airborne transmission of COVID-19.[24] Federal OSHA recommends that employers work with building maintenance staff to determine if the building ventilation system can be modified to increase

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[20] CDC. Agriculture Workers and Employers, Updated November 6, 2020. Accessed on November 6, 2020. https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-agricultural-workers.html; CDC. Living in Shared Housing, Updated October 28, 2020. Accessed on November 6, 2020. https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/shared-housing/index.html

[21] CDC. How COVID-19 Spreads, Updated October 28, 2020. Accessed on November 6, 2020. https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html

[22] CDC. Agriculture Workers and Employers, Updated November 6, 2020. Accessed on November 6, 2020. https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-agricultural-workers.html

[23] CDC. How COVID-19 Spreads, Updated October 28, 2020. Accessed on November 6, 2020. https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html

[24] EPA. Ventilation and Coronavirus (COVID-19). Accessed on November 6, 2020. https://www.epa.gov/coronavirus/ventilation-and-coronavirus-covid-19; CDC. COVID-19 Employer Information for Office Buildings, Updated October 29, 2020. Accessed on November 6, 2020. https://www.cdc.gov/coronavirus/2019-ncov/community/office-buildings.html

ventilation rates and/or the percentage of outdoor air (as close to 100% as possible) that circulates in the system.[25]

New Subsection 3205.3(d). Face coverings.

The purpose of this proposed subsection is to require employers to provide face coverings to all residents and provide information to residents on when they should be used in accordance with state or local health officer orders or guidance.

The subsection is necessary, as the use of face coverings has been demonstrated to reduce the transmission of COVID-19.[26]

New Subsection 3205.3(e). Cleaning and disinfecting.

This proposed subsection requires employers to implement cleaning and disinfecting procedures in their employer-provided shared housing units. Transmission of COVID-19 may occur after an employee touches a contaminated surface, then touches their eyes, nose, or mouth.

Proposed subsection (e)(1) requires employers to ensure shared housing units, kitchens, bathrooms, and common areas are effectively cleaned and disinfected at least once a day to prevent the spread of COVID-19.Such cleaning and disinfecting shall be done in a manner that protects the privacy of residents.

Proposed subsection (e)(2) requires employers ensure that unwashed dishes, drinking glasses, cups, eating utensils, and similar items are not shared.

These subsections are necessary to reduce employee exposure to COVID-19, as potentially infectious material may be present on surfaces that have not been cleaned and disinfected.[27]

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[25] Federal OSHA. Additional Considerations for Workers Who Reside in Communal Living Arrangements. Accessed on November 6, 2020. https://www.osha.gov/SLTC/covid-19/workers-in-shared-housing.html; OSHA. Publication: COVID-19 Guidance on Ventilation in the Workplace. Accessed on November 6, 2020. https://www.osha.gov/Publications/OSHA4103.pdf

[26] CDC. CDC Newsroom Release: CDC calls on Americans to wear masks to prevent COVID-19 spread, dated July 14, 2020. Accessed on November 6, 2020. https://www.cdc.gov/media/releases/2020/p0714-americans-to-wear-masks.html; Lindsley WG, Blachere FM, Law BF, Beezhold DH, Noti JD. Efficacy of face masks, neck gaiters and face shields for reducing the expulsion of simulated cough-generated aerosols. Health Effects Laboratory Division, National Institute for Occupational Safety and Health, CDC, October 7, 2020. https://www.medrxiv.org/content/10.1101/2020.10.05.20207241v1.full.pdf

[27] CDC. Agriculture Workers and Employers, Updated November 6, 2020. Accessed on November 6, 2020. https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-agricultural-workers.html; CDC; Considerations for Restaurants and Bars, updated October 29, 2020. Accessed on October 15, 2020 and November 6, 2020. https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/business-employers/bars-restaurants.html

New Subsection 3205.3(f). Screening.

This proposed subsection requires employers to encourage residents to report COVID-19 symptoms.

This subsection is necessary, as it is important for employers to know which residents are experiencing potential symptoms of COVID-19 so the employer may effectively respond to such symptoms to prevent or reduce the risk of transmission of COVID-19 in the workplace and employer-provided shared housing units.

New Subsection 3205.3(g). COVID-19 testing.

This proposed subsection requires employers to establish, implement and maintain effective policies and procedures for COVID-19 testing of occupants who had a COVID-19 exposure, who have COVID-19 symptoms, or as recommended by the local health department.

The subsection is necessary to minimize the transmission of COVID-19 in employer-provided housing because diagnostic testing identifies which residents are infected and in need of isolation to prevent further spread to employees and residents.

New Subsection 3205.3(h). Isolation of COVID-19 cases and persons with COVID-19 exposure.

Proposed subsection (h) requires that employers ensure that COVID-19 cases are isolated from all occupants who are not COVID-19 cases, and that persons with COVID-19 exposure are effectively isolated from all other occupants in the employer-provided shared housing unit.

Proposed subsection (h)(1) requires employers to effectively isolate COVID-19 exposed residents from all other occupants. Subsection (h)(1) defines effective isolation to include providing COVID-19 exposed residents with a private bathroom, sleeping area, and a cooking and eating facility.

Proposed subsection (h)(2) requires employers to effectively isolate COVID-19 cases from all occupants who are not COVID-19 cases. Subsection (h)(2) defines effective isolation to include housing COVID-19 cases only with other COVID-19 cases, and providing COVID-19 case occupants with a sleeping area, bathroom, cooking and eating facility that is not shared by non-COVID-19 case occupants.

These subsections are necessary to limit transmission of COVID-19 in the workplace and employer-provided housing. Toward this end, it is critically important that employees who are

COVID-19 cases or who had exposure to COVID-19 isolate to further prevent the spread to other employees and residents.

Proposed subsection (h)(3) requires employers to keep confidential personal identifying information regarding COVID-19 cases and persons with COVID-19 symptoms in accordance with subsections 3205(c)(3)(C) and 3205(c)(3)(D).

This subsection is necessary to ensure compliance with state and federal privacy laws.

Proposed subsection (h)(4) requires employers to end isolation in accordance with subsections 3205(c)(10) and (c)(11) and any applicable local or state health officer orders.

This subsection is necessary to limit transmission of COVID-19 in the workplace and employer-provided housing. Toward this end, it is critically important that employees who are COVID-19 cases or who had exposure to COVID-19 do not expose other residents.

New Section 3205.4. COVID-19 Prevention in Employer-Provided Transportation to and from Work.

This proposed emergency regulation, new section 3205.4 would be in Subchapter 7. General Industry Safety Orders, Introduction; directly after section 3205.3. COVID-19 Prevention in Employer-Provided Housing.

The regulation would include the following specific requirements.

New Subsection 3205.4(a). Scope.

Proposed subsection (a) establishes the application of the proposed regulation to employer-provided motor vehicle transportation to and from work.

The purpose of this subsection is to inform the regulated community of the type of employer-provided transportation covered by the regulation.

Proposed subsection (a)(1) exempts the applicability of the proposed regulation in employer-provided transportation where the driver and all passengers are from the same household outside of work, such as family members.

This exemption is necessary as individuals who maintain a household together are assumed to spend time in close proximity to one another within their household.

Proposed subsection (a)(2) exempts the applicability of the proposed regulation in employer-provided transportation when necessary for emergency response, including firefighting, rescue, and evacuation, and support activities directly aiding response such as utilities, communications, and medical operations.

This exemption recognizes that the imminent risks associated with an emergency response operation supersede the risks associated with not enforcing the proposed transportation requirements in transporting employees for emergency response.

These subsections are necessary to specify the types of employer-provided transportation for which employers will be required to comply with the proposed regulation.

New Subsection 3205.4(b). Assignment of transportation.

This proposed subsection establishes a prioritization order for employers to use when assigning employees to shared vehicles.

Proposed subsection (b)(1) requires employers to first prioritize shared-transportation by assigning employees residing in the same housing unit to the same shared vehicle.

The prioritization order is necessary to reduce the number of persons coming in contact with employees, and thus, reduce employee exposure to COVID-19. The proposed prioritization order is consistent with CDC recommendations for preventing and controlling the spread of COVID-19 in employer-provided transportation.[28]

Proposed subsection (b)(2) requires employers to next prioritize shared transportation by assigning employees who work in the same crew or worksite to the same shared vehicle.

The prioritization order is necessary to reduce the number of persons coming in contact with employees, and thus, reduce employee exposure to COVID-19. The proposed prioritization order is consistent with CDC recommendations for preventing and controlling the spread of COVID-19 in employer-provided transportation.[29]

Proposed subsection (b)(3) requires employers to assign employees who do not share the same household, work crew, or worksite to the same shared vehicle only when no other transportation alternatives are possible. This last option is necessary to ensure employees receive safe transportation to and from work when no other alternatives are available.

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[28] CDC. Agriculture Workers and Employers, Updated November 6, 2020. Accessed on November 6, 2020. https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-agricultural-workers.html
[29] CDC. Agriculture Workers and Employers, Updated November 6, 2020. Accessed on November 6, 2020. https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-agricultural-workers.html

The above subsections are necessary to reduce the spread of COVID-19 transmission in the workplace by minimizing the number of different individuals who come into close contact with each other while using employer-provided transportation.[30]

New Subsection 3205.4(c). Physical distancing and face coverings.

Proposed subsection (c) requires employers to take the actions described in subsections (c)(1), (c)(2) and (c)(3).

These actions are necessary to ensure that employees use face coverings and maintain a minimum distance between themselves and others in employer-provided shared transportation to minimize employee exposure to COVID-19 hazards.

Proposed subsection (c)(1) requires employers to ensure that physical distancing and face covering requirements of subsection 3205(c)(6) and (c)(7) are followed for employees waiting for transportation.

This subsection is necessary to minimize employee exposure to COVID-19 while waiting for transportation through adequate physical distancing between employees and the use of face coverings. Evidence exists that infectious virus particles can travel more than six feet through the air.[31]

Proposed subsection (c)(2) requires employers ensure the vehicle operator and any passengers are separated by at least three feet during the operation of the vehicle, regardless of the vehicle's normal capacity.

This subsection is necessary to minimize employee exposure to COVID-19 in employer-provided transportation through adequate physical distancing between passengers.

Proposed subsection (c)(3) requires employers ensure the vehicle operator and any passengers are provided and wear face coverings in the vehicle as required by subsection 3205(c)(7).[32]

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[30] CDC. Agriculture Workers and Employers, Updated November 6, 2020. Accessed on November 6, 2020. https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-agricultural-workers.html
[31] CDC. How COVID-19 Spreads, Updated October 28, 2020. Accessed on November 6, 2020. https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html
[32] CDC. Agriculture Workers and Employers, Updated November 6, 2020. Accessed on November 6, 2020. https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-agricultural-workers.html

The subsection is necessary, as the use of face coverings has been demonstrated to reduce the transmission of COVID-19.[33]

New Subsection 3205.4(d). Screening.

This proposed subsection requires employers to develop, implement, and maintain effective procedures for screening and excluding drivers and riders with COVID-19 symptoms prior to boarding shared transportation.

This subsection is necessary, as it is important for employers to screen drivers and riders of employer-provided transportation for potential symptoms of COVID-19, and effectively respond to those symptoms to prevent or reduce the risk of transmission of COVID-19 in the workplace.

New Subsection 3205.4(e). Cleaning and disinfecting.

This proposed subsection requires employers to implement cleaning and disinfecting procedures in employer-provided transportation. Transmission of COVID-19 may occur after an employee touches a contaminated surface, then touches their eyes, nose, or mouth.

Proposed subsection (e)(1) requires employers to ensure that all high-contact surfaces (door handles, seatbelt buckles, armrests, etc.) used by passengers are cleaned and disinfected before each trip.

Proposed subsection (e)(2) requires employers to ensure that all high-contact surfaces used by drivers, such as the steering wheel, armrests, seatbelt buckles, door handles and shifter, are cleaned and disinfected between different drivers.

Proposed subsection (e)(3) requires employers to provide sanitizing materials and ensure that they are kept in adequate supply.

These subsections are necessary to reduce employee exposure to COVID-19, as potentially infectious material may be present on surfaces that have not been cleaned and disinfected.[34]

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[33] CDC. CDC Newsroom Release: CDC calls on Americans to wear masks to prevent COVID-19 spread, dated July 14, 2020. Accessed on November 6, 2020. https://www.cdc.gov/media/releases/2020/p0714-americans-to-wear-masks.html; Lindsley WG, Blachere FM, Law BF, Beezhold DH, Noti JD. Efficacy of face masks, neck gaiters and face shields for reducing the expulsion of simulated cough-generated aerosols. Health Effects Laboratory Division, National Institute for Occupational Safety and Health, CDC, October 7, 2020. https://www.medrxiv.org/content/10.1101/2020.10.05.20207241v1.full.pdf

[34] CDC; Cleaning and Disinfection for Non-emergency Transport Vehicles; Accessed on October 15, 2020. https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/disinfecting-transport-vehicles.html

New Subsection 3205.4(f). Ventilation.

This proposed subsection requires employers to ensure, that when transporting employees, the vehicle windows are kept open, and the ventilation system is set to maximize outdoor air rather than to recirculate air.

Proposed subsection (f)(1) exempts the applicability of the proposed regulation in employer-provided transportation when the vehicle has functioning air conditioning in use and the outside temperature is greater than 90 degrees Fahrenheit.

Proposed subsection (f)(2) exempts the applicability of the proposed regulation in employer-provided transportation when the vehicle has functioning heating in use and the outside temperature is less than 60 degrees Fahrenheit.

Proposed subsection (f)(3) exempts the applicability of the proposed regulation in employer-provided transportation when protection is needed from weather conditions, such as rain or snow.

Proposed subsection (f)(4) exempts the applicability of the proposed regulation in employer-provided transportation when the vehicle has a cabin air filter in use and the United States EPA Air Quality Index for any pollutant is greater than 100.

These subsections are necessary to reduce employee exposure to COVID-19, as increased ventilation has been demonstrated to reduce the concentration of potentially infectious material in the indoor air.[35] The exemptions are necessary to relieve an employer from compliance with subsection (f) when weather and/or air quality hazards pose a greater and immediate risk to employee health than the transmission of COVID-19.[36]

New Subsection 3205.4(g). Hand hygiene.

This proposed subsection requires employers to provide hand sanitizer without methyl alcohol in each vehicle and ensure that all drivers and riders sanitize their hands before entering and exiting the vehicle.

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[35] U.S. EPA. Ventilation and Coronavirus (COVID-19). Accessed on November 6, 2020. https://www.epa.gov/coronavirus/ventilation-and-coronavirus-covid-19; CDC. Protect Yourself When Using Transportation, Updated October 21, 2020. Accessed on November 6, 2020. https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/using-transportation.html

[36] CDC. COVID-19 Considerations for Cleaner Air Shelters and Cleaner Air Spaces to Protect the Public from Wildfire Smoke, Updated May 1, 2020. Accessed on November 6, 2020. https://www.cdc.gov/coronavirus/2019-ncov/php/cleaner-air-shelters.html; CDC. Employer Information for Heat Stress Prevention during the COVID-19 Pandemic, Updated August 26, 2020; Accessed on November 6, 2020. https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/heat-stress-employers.html

This subsection is necessary to protect employees from COVID-19 hazards by providing drivers and riders with hand sanitizer and requiring them to sanitize their hands before entering and exiting shared vehicles. Hand hygiene has been demonstrated to reduce the transmission of COVID-19 and is an important part of the United States response to the international emergence of COVID-19.[37]

Policy Statement and Anticipated Benefits

The Board is proposing these emergency regulations, title 8, new sections 3205 through 3205.4, to preserve worker health and safety and to clarify employers' existing obligations, making compliance easier and more straightforward.

Emergency rulemaking is required in this matter to address the immediate potential threat to employees from exposure to COVID-19. Infection with COVID-19 may result in a serious illness that can include difficulty breathing, pneumonia, and hospitalization. In some cases, the disease can progress, and organ failure and death may result. COVID-19 symptoms can sometimes persist for months. The virus can damage the lungs, heart, and brain, which increases the risk of long-term health problems. Regular rulemaking, which requires a fiscal analysis and approval from the Department of Finance, cannot be completed in time to address the risks to workers presented by the current pandemic.

As COVID-19 continues to infect workers, the proposed regulation will reduce the number of COVID-19 infections in the workplace. This in turn will reduce the financial costs caused by medical care and lost workdays, costs that may be borne by employees, their families, employers, insurers, and public benefits programs.

Thus, the benefits of the proposed regulation are two-fold:

1) Monetary benefits, including lowered costs to employers, insurers, employees, their families and public benefits programs; and

2) Non-monetary benefits, including a reduction in the pain and suffering associated with COVID-19 illnesses and deaths for those affected, directly or indirectly, by COVID-19.

These emergency regulations are also proposed in response to the Board's September 17, 2020, Petition Decision to partially grant Petition 583, to protect employees from exposure to COVID-19.

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[37] CDC. Hand Hygiene Recommendations, Updated May 17, 2020; Accessed on October 15, 2020 and November 6, 2020. https://www.cdc.gov/coronavirus/2019-ncov/hcp/hand-hygiene.html

Current regulations are not sufficiently specific as to what employers are required to do during the COVID-19 pandemic. This results in confusion on behalf of both employers and employees, leaving many employees unprotected.

This confusion also causes the Division to expend staff resources to respond to questions that would be answered by title 8, new sections 3205 through 3205.4.

Controlling the spread of COVID-19 is a challenge. A person who is infected with COVID-19 may have no obvious symptoms, or no symptoms at all, yet still be infectious to others[38]. Therefore, the proposed regulations require, in some cases, employers to implement multiple methods of protection from exposure to COVID-19 at its workplace. These include identifying and controlling COVID-19 hazards in the workplace; investigating and responding to COVID-19 exposures and illnesses; training its employees; ensuring physical distancing and the use of face coverings; implementing engineering and administrative controls; providing and ensuring the use of PPE; and excluding COVID-19 cases from the workplace.

Many public health jurisdictions require that face coverings be worn when it is not possible to maintain a distance of at least six feet from another person. Evidence exists, however, that infectious virus particles can travel more than six feet through the air[39]. Further, there is an increased likelihood of transmission of COVID-19 in indoor spaces compared to outdoor spaces[40]. Therefore, proposed section 3205(c)(7)(A) requires employers to ensure that employees wear face coverings when they are indoors (with several exceptions), or outdoors and less than six feet from other persons.

The emergency regulations, COVID-19 Prevention, title 8, new sections 3205 through 3205.4, will provide clear and specific requirements to employers so that they may better protect employees from the harmful effects of COVID-19.

Following the adoption of these emergency regulations, at the direction of the Board, the Division will convene a representative advisory committee to review the emergency COVID-19 rulemaking(s), for the purpose of establishing if there exist any reasonable and necessary improvements to the emergency regulation required to avoid serious harm, as further guidance on the prevention of workplace transmission and exposure of COVID-19 becomes available.

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[38] Furukawa NW, Brooks JT, Sobel J. Evidence Supporting Transmission of Severe Acute Respiratory Syndrome Coronavirus 2 While Presymptomatic or Asymptomatic. Emerging Infectious Diseases. July, 2020. https://doi.org/10.3201/eid2607.201595

[39] Setti L, Passarini F, De Gennaro G, et al. Airborne Transmission Route of COVID-19: Why 2 Meters/6 Feet of Inter-Personal Distance Could Not Be Enough. Int J Environ Res Public Health. 2020;17(8):2932. April 23, 2020. https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7215485/pdf/ijerph-17-02932.pdf

[40] Hiroshi Nishiura, Hitoshi Oshitani, Tetsuro Kobayashi, Tomoya Saito, Tomimasa Sunagawa, Tamano Matsui, Takaji Wakita. MHLW COVID-19 Response Team, Motoi Suzuki. Closed environments facilitate secondary transmission of coronavirus disease 2019 (COVID-19). doi: https://doi.org/10.1101/2020.02.28.20029272

Evaluation of Inconsistency/Incompatibility with Existing State Regulations

Under California Labor Code 142.3, the Occupational Safety and Health Standards Board is the only agency in the state authorized to adopt occupational safety and health standards. The Board has reviewed existing regulations on this topic and has concluded that the proposed regulations are not inconsistent or incompatible with existing state regulations.

DOCUMENTS INCORPORATED BY REFERENCE

None.

TECHNICAL, THEORETICAL, OR EMPIRICAL STUDIES, REPORTS, OR DOCUMENTS RELIED UPON

The Board has relied upon the following documents as part of this emergency action:

1. Gavin Newsom, Governor of California; Proclamation of a State of Emergency; March 4, 2020. https://www.gov.ca.gov/wp-content/uploads/2020/03/3.4.20-Coronavirus-SOE-Proclamation.pdf
2. Gavin Newsom, Governor of California; Executive Order N-33-20; March 19, 2020. https://covid19.ca.gov/img/Executive-Order-N-33-20.pdf
3. Gavin Newsom, Governor of California; Update on California's Progress Toward Stage 2 Reopening; May 4, 2020. https://www.gov.ca.gov/2020/05/04/governor-newsom-provides-update-on-californias-progress-toward-stage-2-reopening/
4. Gavin Newsom, Governor of California; Executive Order N-62-20; May 6, 2020. https://www.gov.ca.gov/wp-content/uploads/2020/05/5.6.20-EO-N-62-20-text.pdf
5. Occupational Safety and Health Standards Board; Petition File No. 583; Adopted Decision; September 17, 2020. https://www.dir.ca.gov/oshsb/documents/petition-583-adopteddecision.pdf
6. Division of Occupational Safety and Health's Evaluation of Petition 583; July 30, 2020. https://www.dir.ca.gov/oshsb/documents/petition-583-dosheval.pdf
7. California Department of Public Health (CDPH); COVID-19 by the Numbers; accessed October 15, 2020. https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/ncov2019.aspx#COVID-19%20by%20the%20Numbers
8. European Centre for Disease Prevention and Control; Transmission of COVID-19. Accessed on October 14, 2020. https://www.ecdc.europa.eu/en/covid-19/latest-evidence/transmission

9. Wei WE, Li Z, Chiew CJ, Yong SE, Toh MP, VJ. L. Presymptomatic Transmission of SARS-CoV-2 — Singapore, January 23–March 16, 2020. ePub: April 1, 2020. MMWR Morb Mortal Wkly Rep. 2020. http://dx.doi.org/10.15585/mmwr.mm6914e1
10. Kim YI, Kim SG, Kim SM, Kim EH, Park SJ, Yu KM, Chang JH, Kim EJ, Lee S, Casel MAB, Um J, Song MS, Jeong HW, Lai VD, Kim Y, Chin BS, Park JS, Chung KH, Foo SS, Poo H, Mo IP, Lee OJ, Webby RJ, Jung JU, Choi YK. Infection and Rapid Transmission of SARS-CoV-2 in Ferrets. Cell Host Microbe. 2020 May 13;27(5):704-709.e2. doi: 10.1016/j.chom.2020.03.023. Epub April 6, 2020. PMID: 32259477; PMCID: PMC7144857. https://pubmed.ncbi.nlm.nih.gov/32259477/
11. Centers for Disease Control and Prevention (CDC); When to Quarantine Stay home if you might have been exposed to COVID-19. Updated on October 27, 2020. Accessed on October 14, 2020. https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/quarantine.html#:~:text=You%20should%20stay%20home%20for,after%20exposure%20to%20the%20virus
12. Setti L, Passarini F, De Gennaro G, et al. Airborne Transmission Route of COVID-19: Why 2 Meters/6 Feet of Inter-Personal Distance Could Not Be Enough. Int J Environ Res Public Health. 2020;17(8):2932. April 23, 2020. https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7215485/pdf/ijerph-17-02932.pdf
13. Bourouiba L. Turbulent Gas Clouds and Respiratory Pathogen Emissions: Potential Implications for Reducing Transmission of COVID-19. JAMA. 2020;323(18):1837–1838. doi:10.1001/jama.2020.4756. https://jamanetwork.com/journals/jama/fullarticle/2763852
14. Shen Y, Li C, Dong H, et al. Community Outbreak Investigation of SARS-CoV-2 Transmission Among Bus Riders in Eastern China. JAMA Intern Med. Published online September 1, 2020. doi:10.1001/jamainternmed.2020.5225. https://jamanetwork.com/journals/jamainternalmedicine/fullarticle/2770172
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These documents are available for review BY APPOINTMENT Monday through Friday, from 8:00 a.m. to 4:30 p.m., at the Standards Board's office at 2520 Venture Oaks Way, Suite 350, Sacramento, California 95833. Appointments can be scheduled via email at oshsb@dir.ca.gov or by calling (916) 274-5721.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Board has determined that proposed sections 3205 through 3205.4 do not impose a mandate on local agencies or school districts requiring reimbursement by the State pursuant to Part 7 of Division 4 of the Government Code (commencing with section 17500).

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

The majority of the requirements in the proposal are consistent with guidance and orders from the CDPH and are thus already followed by state employers. For all parts of this analysis, the Division has used the average wage for the first quarter of 2020, the most recent data available. According to EDD, this wage is $30.22 per hour.[41]

Subsection 3205(c) [Written COVID-19 Prevention Program]
Under existing section 3203, employers in California are already required to have a written and effective Injury and Illness Prevention Plan that expressly requires, among other things, a system for ensuring that employees comply with safe and healthy work practices; a system for communicating with employees on matters relating to occupational safety and health; procedures for identifying and evaluating workplace hazards including scheduled periodic inspections; a procedure to investigate and respond to occupational injury or occupational illness; methods and/or procedures for correcting unsafe or unhealthy conditions; and training and instruction.

All these requirements already apply to the hazard of COVID-19; indeed, the Division has issued COVID-19-related citations to employers based on section 3203. The Division has also issued guidance and done outreach to warn employers that COVID-19 is a workplace hazard under section 3203.

Proposed section 3205(c) provides information about how to apply section 3203 in the specific context of COVID-19. Much of that subsection makes explicit actions that are already required by existing section 3203, such as creating COVID-19 prevention policies, and/or includes

[41] EDD, Occupational Employment (May 2019) & Wage (2020 1st Quarter) Data, released June 2020, available at https://www.labormarketinfo.edd.ca.gov/data/oes-employment-and-wages.html#OES (State of California 2020 1st Quarter).

requirements which are already mandated by local government entities. Additional quantified and unquantified costs have been identified as follows.

Reviewing and updating written COVID-19 Prevention Program for the elements below: The Division believes that all state agencies already have comprehensive written COVID-19 prevention programs, which are very unlikely to need revision as a result of this regulation. Executive Orders issued by Governor Newsom order all residents to follow the guidance of state and local health officials, which in turn require such plans.
The proposed section 3205 corresponds to public health orders and guidance, thus it should require no alteration of state entity employers' written policies.[42]

Nonetheless, state employers will likely review their plans to ensure compliance with this regulation, but this cost cannot be quantified. The speed of review will vary significantly depending on the size of the state workface covered by a particular program, the nature of the state entity's operations, and what units within the entity (if any) have their own distinct policies and plans. To provide some idea of the number of establishments involved, in the first quarter of 2020 there were 13,607 state entity establishments, according to EDD.[43] However, in all or nearly all cases, changes to the actual policies should not be required.

Subsections 3205(c)(1) [System for communicating] and (c)(2) [Identification and evaluation of COVID-19 hazards]
The proposal requires employers to allow employees and their authorized representatives to participate in the identification and evaluation of COVID-19 hazards. The particular hazard of an infectious virus requires employee participation in order to be addressed effectively. This should not be a significant issue for state employers; they have unionized workplaces and therefore already have methods of allowing employee participation in safety and health matters.

The remaining requirements in these subsections should already be provided by the employer under existing section 3203(a)(3) and (a)(4), including the most time-intensive tasks such as the worksite specific evaluation of COVID-19 hazards and updating written policies and procedures. It is not possible to evaluate COVID-19 hazards, as required by section 3203, without doing so in a manner specific to the employer's operations at the worksite, after reviewing government-provided information about the virus. Similarly, the items in the proposed 3205(c)(1) are necessary in order to have an effective "system for communicating with employees," about COVID-19 as required by existing section 3203(a)(3). A virus, unlike some safety hazards, requires communication about matters beyond the existence of the hazard and how to avoid it—

[42] Executive Order N-25-20 (March 4, 2020) https://www.gov.ca.gov/wp-content/uploads/2020/03/3.12.20-EO-N-25-20-COVID-19.pdf, and Executive Order N-33-20 (March 19, 2020) https://covid19.ca.gov/img/Executive-Order-N-33-20.pdf.
[43] EDD; Quarterly Census of Employment and Wages, California – Statewide, 2020 – First Quarter, accessed 10/13/20 from https://www.labormarketinfo.edd.ca.gov/qcew/cew-select.asp

for instance, communication would not be "effective" if employees at particular risk of severe illnesses were unaware of what they should do, or if workers did not know how to get tested.

State entities are already reviewing public health orders and guidance in compliance with "California's Plan for Reducing COVID-19 and Adjusting Permitted Sector Activities to Keep Californians Healthy and Safe," also titled the "Blueprint for a Safer Economy."[44]

Employers are required to evaluate how to maximize outdoor air and use any existing filtration system for indoor workplaces most efficiently, but they are not required to update any ventilation systems. This will simply mean opening windows and confirming that the filters being used in any existing systems are the correct type and properly maintained/replaced as appropriate. This minimal evaluation is already required by the existing section 3203. As for screening, this regulation allows employers to ask employees to evaluate their own symptoms before reporting to work, which should have minimal cost. To the Board's knowledge, this is already being performed by state agencies.

Subsection 3205(c)(3) [Investigating and responding to COVID-19 illness in the workplace]
The California Department of Public Health (CDPH) data from October 14, 2020 shows that there have been 675,889 confirmed cases among Californians over 18 and under 65.[45] Although people outside this age range certainly work, the CDPH category for people "65+" has not been included because the high proportion of retirees within that group makes it less representative of the working population. DOF population estimates for 2020 show 24,854,968 residents in the selected age group.[46] Dividing cases by population, that gives a confirmed COVID-19 case rate of about 0.02719.

Please note that past infections are not necessarily a reflection of future infections. Among many factors, a vaccine may be developed, broad population testing and contract testing may increase or decrease, compliance with protective measures within the general population may change, and aspects of the virus itself might lead to spikes or declines. This number of past cases also reflects a period of less than twelve months. However, given that the Division cannot predict the course of the virus, this provides a basis for estimating COVID-19 cases among employees in the coming year.

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[44] See Statewide Public Health Officer Order, August 28, 2020, available at https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/8-28-20_Order-Plan-Reducing-COVID19-Adjusting-Permitted-Sectors-Signed.pdf.
[45] CDPH "California COVID-19 By the Numbers," October 15, 2020, numbers as of October 14, 2020, accessed from https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/ncov2019.aspx#COVID-19%20by%20the%20Numbers on October 15, 2020.
[46] DOF, "Total Estimated and Projected Population of California by Age: July 1, 2010 to July 1, 2060 in 1-year Increments," available at http://www.dof.ca.gov/forecasting/demographics/Projections/, accessed Oct. 2020.

According to EDD data, in the first quarter of 2020 (the last quarter available), there were 476,242 employees working in state government in California.[47] The following state employees were likely not covered the proposal:

State Government Employees Not Covered by Proposal

NAICS	Industry	Employees, Q1 2020	Assumed % not covered by proposal	Reasoning	Employees not covered
54	Professional and Technical Services	4,229	50%	Remote or solo work during pandemic	2,115
62	Healthcare and Social Service[48]	65,392	80%	Covered by 5199	52,314
921	Executive, Legislative, & Gen Government	34,590	15%	Remote or solo work during pandemic	5,189
922	Justice, Public Order, and Safety Activities[49]	71,780	70%	Covered by 5199	50,246
923	Administration of Human Resource Program	33,876	20%	Remote or solo work during pandemic	6,775
925	Community and Housing Program Admin	962	10%	Covered by 5199	96
926	Administration of Economic Programs	43,250	20%	Remote or solo work during pandemic	8,650
				TOTAL	**125,385**

Subtracting the total number of state government employees not covered by the proposal, 125,385, from a total of 476,242 state government employees shows that **350,857 state government employees are covered by the proposal.** Applying the estimated COVID-19 rate for persons 18-64 of 0.02719 (as described above), this provides an estimate of 9,540 cases.

The existing section 3203 already requires effective procedures to investigate workplace illnesses. In the case of COVID-19, this necessarily requires employers to determine the infected

[47] EDD projections for 2021, used elsewhere in this analysis, could not be used for this purpose or for state cost estimates, because they did not include sufficient detail about public employment. See footnote 42 for source.
[48] Of these, 56,428 work in hospitals.
[49] Of these, 48,805 work in correctional institutions.

person's exposure to other people at the worksite, alert all potentially exposed persons so that they can take the necessary precautions, and investigate whether any workplace condition contributed to the illness. Without these steps, an investigation will not be adequate because it will not aid the employer in its efforts to arrest the spread of the virus.

With regard to the notice requirements for people exposed to COVID-19, in addition to existing requirements under section 3203 and local government requirements, starting January 1, 2021, AB 685 will require employers to give notice of COVID-19 cases to employees, including employees of subcontractors, those employees' exclusive representatives (i.e. unions), and other employers onsite.[50]

Furthermore, a statewide order of the Public Health Officer requires counties to adhere to "California's Plan for Reducing COVID-19 and Adjusting Permitted Sector Activities to Keep Californians Healthy and Safe," also titled the "Blueprint for a Safer Economy, which includes the CDPH document "Responding to COVID-19 in the Workplace for Employers."[51] To the Division's knowledge all local jurisdictions have requirements consistent with, or more stringent than, the requirements set forth in that document. It requires "contract tracing…of close contacts of confirmed cases," notification to workers who may have been exposed, and maintenance of confidentiality for employees with known or suspected COVID-19 cases.[52]

Proposed subsection (c)(3) primarily describes how to perform this investigation and contact tracing effectively, rather than add new requirements—for example, an effective investigation cannot be performed without determining when/where the COVID-19 case was present and which individuals may have been exposed. However, the Division recognizes that employers may become more systematic in their investigations as a result of the specificity of the proposed subsection, which will slow down their investigations slightly to ensure that all of the activities of the person with COVID-19 have been considered, all potentially exposed persons have been given notice, etc. To account for the specificity of 3205(c)(3), the Division estimates that **each confirmed case will require an additional .5 work hours** under the proposal. This does not mean that each investigation will require only half an hour, rather that the proposed subsection may increase the level of detail during investigations that should already be occurring under existing law.

This subsection also requires employers to offer testing to COVID-19 exposed employees. This should already be covered by public employees' workers' compensation insurance or their health insurance. Nonetheless, the Division requested information about testing costs from the CDPH

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[50] Labor Code 6409.6 (added by AB 685, chaptered 9/17/20, effective 1/1/21). The Division cannot determine the exact extent to which the statute will overlap with the proposed regulation, because the statute refers to CDPH definitions that have not been promulgated by that agency by regulation. However, the Division believes its proposal is currently consistent with definitions published by CDPH. Please note that the statute imposes some requirements not included in the proposed regulation. These include requiring employers to provide notice of COVID-19 cases *in writing*.

[51] Statewide Public Health Officer Order, August 28, 2020, available at https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/8-28-20_Order-Plan-Reducing-COVID19-Adjusting-Permitted-Sectors-Signed.pdf. "Responding to COVID-19 in the Workplace for Employers," released June 16, 2020, revised September 18, 2020, available at https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Workplace-Outbreak-Employer-Guidance.aspx.

[52] The CDPH uses "close contacts" in a manner consistent with "COVID-19 exposure" as defined in this proposal.

Occupational Health Branch, in October 2020. The Division was told that, based on information from the CDPH Testing Task Force, the cost of a PCR testing for SARS-CoV-2 can range from $80 - $250 per person, depending on the test. The cost of antigen testing can range from $5 - $40 per person. The proposed regulation does not specify PCR or antigen testing.

To the extent that a state agency incurs some part of these costs, that cannot be quantified. Even if the above estimate of future infections turned out to be correct, there is no way to estimate the number of individuals who might be exposed, as defined in this proposal, for every given confirmed case. A COVID-19 case will generate few exposures if the infected person is able to practice physical distancing at work. But if the infected person regularly spends 15 minutes or more within six feet of a large number of different people, perhaps because they work in a small space with many other individuals or travel to multiple workstations where physical distancing is impossible, then more potential exposures will result. The Division is unaware of any estimate of how many close contacts of this kind occur to the average state worker or workers in general, since the number will vary by workplace and may even change from day to day.

Subsection 3205(c)(4) [Correction of COVID-19 hazards]
Correction of unsafe or unhealthy conditions is already expressly required by existing section 3203(a)(6).

Subsection 3205(c)(5) [Training and instruction]
Employers are already required to provide training and instruction regarding COVID-19 hazards and prevention under section 3203(a)(7), and the specifics listed in the proposed subsection can be incorporated into employers' existing COVID-19 related training. The Division believes that most employers are already implementing all or most of the training requirements, such as handwashing and face covering information. Because employers will have to have specific benefits information on hand in order to meet the requirements of Labor Code section 6409.6(a)(3) on January 1, 2021, and must provide that information to employees as specified in that section, compiling that information will not incur any additional costs for the purposes of this regulation.

Subsections 3205(c)(6) [Physical distancing] and (c)(7) [Face coverings]
Based on its COVID-19 inspections and related research, the Division believes that all counties already require face coverings and social distancing of at least six feet when it is possible to do so, and that state entities are following these requirements both under local requirements and in accordance with CDPH guidance and the Blueprint for a Safer Economy.

3205(c)(8) [Other engineering controls, administrative controls, and personal protective equipment]
This subsection requires cleanable solid partitions when physical distancing cannot be maintained. Evaluating the need for such partitions is already required under section 3203, and many state employers will have sufficient space for physical distancing and will not need any partitions. Though state agencies are likely to have already installed partitions where necessary, for those that have not, the cost of installation cannot be determined. This is a performance

standard; employers are free to determine the size/shape/material best suited to their business, so the ease of installation will depend on each individual workplace. Even if it were possible to establish an average cost, the Division is not aware of any basis for determining the total number of work areas in state places of employment in which it is impossible to maintain six feet of distance, or the number of employees working under those conditions.

Counties already require the handwashing and cleaning/disinfection protocols required here, including the prohibition on sharing personal items such as gloves, goggles, and other personal protective equipment, and state agencies should be in compliance.

This subsection requires employers to maximize the quantity of outside air unless it creates a hazard or is above a certain pollution level. This essentially mean keeping windows open more often and/or continuing to use existing ventilation systems, so the Division has not estimated additional costs.

For the requirement related to aerosolizing activities, the majority of such activities are covered by the existing section 5199 and therefore exempt from proposed section 3205. This provision mainly applies to dental offices that meet the requirements necessary to be exempt from 5199. Such offices are already required to provide the specified respiratory protection under existing section 5144, but this subsection allows all COVID-19 requirements to be located in the same part of Title 8.

Subsection 3205(c)(9) [Reporting, recordkeeping and access]
Reporting to CDPH and the Division will not take more time than existing requirements that employers take to report to those agencies.

Existing section 3203 already requires employers to maintain illness records and records of steps taken to implement COVID-19 hazard correction. Because this proposed subsection specifies particular information to be collected by the employer, employers will have to ask for and record additional information such as the workers' last day at the site and the date of any positive COVID-19 test. This does not require extensive questions, but since it will require a few more questions and some additional data entry, the Division estimates that will require **an additional .2 hours per COVID-19 case**, as indicated in the table below.

Subsections 3205(c)(10) [Exclusion of COVID-19 cases] and (c)(11) [Return to work criteria]
Exclusion of confirmed cases in accordance with accepted medical and public health practices is necessarily required under existing section 3203 in order to correct a significant occupational hazard, namely transmission of COVID-19 between employees. Although the proposed subsection provides for pay for excluded workers who are otherwise able to work, the cost of this cannot be determined because the Division cannot determine how many excluded state employees are likely to have exhausted all available paid time off related to COVID-19. Nothing

in this provision prevents employers from requiring employees to exhaust existing leave during the exclusion period.

Ensuring that employees are excluded pursuant to this subsection is a performance standard but presumably requires alerting employees to the fact that they cannot immediately return to work, which will sometimes require a phone call, email, or some other kind of communication to the infected person. Employers will also have to provide the excluded employee with the required information regarding benefits (which, as described above, employers must compile for reasons other than the proposed regulation). Although employers can meet these obligations with a quick email, the Division recognizes that, in many cases, employers will spend a few minutes discussing these issues with the employee, especially given the potential seriousness of a COVID-19 illness. The Division has therefore estimated an **average cost of .3 employee hours per COVID-19 case.**

Sections 3205.1 [Multiple COVID-19 Infections and COVID-19 Outbreaks] and 3205.2 [Major COVID-19 Outbreaks]

This section applies to employers covered by proposed section 3205 only when there are three or more infections in a 14-day period within a workplace. CDPH informed the Division that, as of September 30, 2020, the department was aware of nearly 400 COVID-19 outbreaks in settings in California that were not covered by existing section 5199. This is likely an undercount, since CDPH relied on reporting from other entities, including heavily burdened local health departments, and the fact that employers in some counties were not obliged to report outbreaks to their local health department until September 18, 2020.[53]

The Division is aware that the government employers most likely to experience "major COVID-19 outbreaks" as defined in this proposal are hospitals, residential nursing centers (including those for the elderly), other medical facilities, homeless shelters, and correctional facilities. These are circumstances covered by section 5199 and would be exempt from this proposal. Major outbreak costs have thus not been estimated for state or local government entities.

The information provided by CDPH did not distinguish between public and private employers. Thus, for incidents involving three COVID-19 cases in 14 days (i.e. a COVID-19 outbreak) and meeting the requirements of proposed section 3205.1, the Division does not have information about how many state entities have had such an incident. In the absence of evidence, the Division will err on the side of overestimating these incidents by presuming that 10 is a reasonable estimate, each one requiring ten hours of response. Given that only 400 outbreaks not covered by existing section 5199 have been recorded by CDPH for the entire state, 10 is likely an

[53] "Responding to COVID-19 in the Workplace for Employers," released June 16, 2020, revised September 18, 2020, available at https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Workplace-Outbreak-Employer-Guidance.aspx.

overestimate, given that the majority of outbreaks in state workplaces have occurred in situations covered by 5199.

In locations covered by this proposed section, the employer would have to provide additional COVID-19 testing, the cost of which cannot be quantified (see above), and additional review/correction of its COVID-19 policies and prevention methods, which is estimated to require 10 hours per outbreak.

It is possible that a state entity employer could have to repeat this reevaluation, if the outbreak continued for more than 30 days. However, the Division cannot presently quantify this cost, because the agency lacks data about the length of outbreaks. Though CDPH has provided information about the number of outbreaks to which this section would apply, it did not provide information about the number of days each incident continued to qualify as an outbreak.

Sections 3205.3 [COVID-19 Prevention in Employer-Provided Housing] and 3205.4 [COVID-19 Prevention in Employer-Provided Transportation]
No housing or transportation costs have been estimated. The Division is aware that the Department of Forestry and Fire Protection (CalFire) maintains employer-provided housing, but that housing is exempted, along with transportation to and from such locations, since that housing and transportation serves firefighting purposes.

Quantifiable annual costs of proposal (State Government)

Subsection 3205(c)(3): Employer response to COVID-19 cases in the workplace ($30.22 * .5 hours * 9,540 cases)	$144,149
Subsection 3205(c)(9): Recordkeeping for COVID-19 cases ($30.22 * .2 hours * 9,540 cases)	$57,660
Subsection 3205(c)(10): Exclusion of employees with COVID-19 cases ($30.22 * .3 hours * 9,540 cases)	$86,490
Section 3205.1: Multi-infection incidents ($30.22 * 10 hours * 10 cases)	$3,022
Total	**$291,321**

As described in detail above, please note that **these are only the quantifiable costs**.

The primarily savings to state agencies would come from reduced COVID-19 occupational transmission and thus fewer COVID-19 illnesses. The amount of this reduction is unknown and depends on the course of the pandemic. The proportion of any future reduction that could be attributed to the proposal, as opposed to other state or local mandates, cannot be determined in advance.

Savings would result not only from improved health among state employees, but also from an overall reduction in the statewide COVID-19 transmission rate, which would lead to a reduction in the costs associated with publicly-provided medical care and benefits.

The benefit from reduced COVID-19 infections is unquantifiable, but could result in fewer deaths, hospitalizations, and long-term injuries including harm to patients' pulmonary systems, respiratory systems, and neurological function.

A reduction in the spread of COVID-19 will also allow for increased reopening of businesses and public services. This would increase employment and the overall economy.

The Division expects that it would receive fewer queries about COVID-19 if proposed sections 3205 through 3205.4 are enacted. The proposed regulations would also make it easier and faster for Division staff to respond to questions. However, this is unlikely to lead to any fiscal savings. Those staff who have been diverted from their usual duties in response to COVID-19-related issues would simply be returned to their usual enforcement activities.

Costs to Any Local Agency or School District Which Must be Reimbursed in Accordance with Government Code Sections 17500 through 17630:

None.

Other Nondiscretionary Cost or Savings Imposed on Local Agencies:

The above analysis for state agencies' costs and savings applies to local agencies as well. Costs have been estimated in the same manner as above.

Given that local government entities are particularly likely to be aware of—and comply with—the requirements of their own counties, the Division does not believe that changes are likely to be needed in local government entities' current COVID-19 prevention policies. As described above with regard to state employers, the Division is aware that local entities will still review their existing COVID-19 prevention programs to ensure compliance with this regulation, but the time required will vary dramatically between public agencies and cannot be quantified. The speed of review will depend on the size of the agency, the nature of its operations, and what units within the entity (if any) have their own distinct policies and plans. To provide some idea of the number of establishments involved, there were 19,380 local government establishments in the first quarter of 2020, according to EDD.[54]

[54] EDD Quarterly Census of Employment and Wages, California – Statewide, 2020 – First Quarter, accessed 10/13/20 from https://www.labormarketinfo.edd.ca.gov/qcew/cew-select.asp.

According to EDD data, in the first quarter of 2020 (the last quarter available), there were 1,829,639 employees working in local government in California.[55] The following local government employees were likely not covered the proposal:

Local Government Employees Not Covered by Proposal

NAICS	Industry	Employees, Q1 2020	Assumed % not covered by proposal	Reasoning	Employees not covered
488	Support Activities for Transportation	11,787	5%	Remote or solo work during pandemic	589
51	Information	14,495	30%	Remote or solo work during pandemic	4,349
52	Finance and Insurance	3,810	30%	Remote or solo work during pandemic	1,143
54	Professional and Technical Services	1,430	50%	Remote or solo work during pandemic	715
62	Health Care and Social Assistance[56]	114,367	80%	Covered by 5199	91,494
921	Executive, Legislative, & Gen Government	182,635	15%	Remote or solo work during pandemic	27,395
922	Justice, Public Order, and Safety Activities[57]	186,011	70%	Covered by 5199	130,208

[55] EDD projections for 2021, used elsewhere in this analysis, could not be used for this purpose or for state cost estimates, because they did not include sufficient detail about public employment. See footnote 42 for source.
[56] Of these, the majority (95,567) worked in hospitals.
[57] This includes police, corrections, and public health administration, among other things. The exact amount of corrections-related employment is suppressed from public EDD data, but it reasonably assumed that this constitutes a significant portion of this category.

923	Administration of Human Resource Program	98,016	20%	Remote or solo work during pandemic	19,603
925	Community and Housing Program Admin	5,460	10%	Covered by 5199	546
926	Administration of Economic Programs	15,964	20%	Remote or solo work during pandemic	3,193
				TOTAL	**279,235**

Subtracting the total number of local government employees not covered by the proposal, 279,235 from 1,829,639 local government employees in the first quarter of 2020 gives a total of **1,550,404 local government employees covered by the proposal.** Applying the estimated COVID-19 rate for persons 18-64 of 0.02719 (as described above), this provides an **estimate of 42,155 cases.**

Local government employers most likely to experience "major COVID-19 outbreaks" as defined in this proposal are hospitals, residential nursing centers (including those for the elderly), other medical facilities, homeless shelters, and correctional facilities. These are circumstances covered by section 5199 and would be exempt from this proposal. Major outbreak costs have thus not been estimated for local government entities.

As described above, CDPH information on the 400 outbreaks not covered by 5199 does not distinguish between public and private employers. In the absence of data, the Division has estimated 30 such outbreaks would covered by the proposed section 3205.2 for local entities, even though that is likely to be a significant overestimate.

Local government employers have been exempted from the employer-provided housing and transportation requirements while conducting emergency operations. For instance, public employers may create temporary housing sites and provide transportation during wildland firefighting operations. Outside of those circumstances, the Division is not aware of any public provision of housing/transportation which would be covered by this proposal.

Quantifiable annual costs of proposal (Local Government)

Subsection 3205(c)(3): Employer response to COVID-19 cases in the workplace ($30.22 * .5 hours * 42,155 cases)	$636,962
Subsection 3205(c)(9): Recordkeeping for COVID-19 cases ($30.22 * .2 hours * 42,155 cases)	$254,785
Subsection 3205(c)(10): Exclusion of employees with COVID-19 cases ($30.22 * .3 hours * 42,155 cases)	$382,177
Section 3205.1: Multi-infection incidents ($30.22 * 10 hours * 30 cases)	$9,066
Total	**$1,282,990**

As described in detail above, please note that **these are only the quantifiable costs**.

Annual savings for local government employers cannot be determined; please see the section on savings for state entities, above.

Costs or Savings in Federal Funding to the State:

None.

Addendum #1 to the Finding of Emergency.

Further Basis for the Finding of Emergency:

i. During the early stage of the pandemic, among other things the Division was directed to "have primary focus on providing technical assistance and support to have maximum effect to address to risk of COVID-19" and to "focus enforcement efforts where there are allegations of the most serious violations impacting health and safety." (Executive Order N-27-20, March 15, 2020.)

ii. At that point, and throughout the spring, the expected length of the pandemic was unclear. Stay-at-home orders had initially "flattened the curve" relative to other states, such as New York. Among the workplaces most affected by the pandemic, the existing Aerosol Transmissible Disease Standard, title 8 section 5199, protected many employees because they were involved in patient care or other activities covered by that section. For all other employees, the Division relied on existing regulations, including title 8 section 3203, Injury and Illness Prevention Plans.

iii. In May, businesses began to reopen according to the state's phased reopening plan. On May 20, 2020, the Occupational Safety and Health Standards Board (OSHSB) received a petition, filed by Worksafe and the National Lawyers' Guild, Labor & Employment Committee (Petitioners), requesting the Board amend title 8 standards to create new temporary emergency standards. Petitioners requested OSHSB provide specific protections to California employees who may have exposure to COVID-19, but who are not protected by the Aerosol Transmissible Diseases standards (sections 5199 and 5199.1).

iv. The Board directed Staff to prioritize the evaluation of this petition and the efficacy of existing regulations to address the health and safety of workers in the wake of the novel corona virus. The evaluation process included an analysis of current regulations, finding that while protections exist in Cal/OSHA's Aerosol Transmissible Diseases (ATD) standard (title 8, section 5199), they are limited in scope primarily to medical facilities. Employers not included in the scope of the ATD standard have generally applicable requirements, which include the Injury and Illness Prevention Program (IIPP, section 3203), Washing facilities (sections 1527, 3366, 3457, and 8397.4), PPE (section 3380), Respiratory Protection (section 5144), Sanitation (article 9), and Control of Harmful Exposures (section 5141).

v. While existing regulations (such as IIPP, section 3203) require employers to protect workers from harmful exposures, they do not necessarily identify specific measures that must be taken to fight the spread of a novel infectious disease. Instead, the responsibility is placed on employers, given their intimate knowledge of the hazards at issue and the workings of the place of employment, to devise such methods or procedures. Investigations in the field over the summer, along with rising positivity

rates, showed that employers were struggling to address the novel hazards presented by COVID-19.

vi. Given the unprecedented nature of the COVID-19 pandemic, and informed by analysis performed by OSHSB staff and the Division, on September 17, 2020, the Board found a specific emergency regulation in title 8 is necessary to provide clear instructions to employers and employees on what needs to be done to protect workers from COVID-19, eliminating any confusion and enhancing compliance. The Board requested the Division work with Board staff to expeditiously submit a proposal for an emergency regulation to protect all workers not covered by section 5199 from COVID-19 exposure in the workplace, for consideration no later than the November 19, 2020 Board meeting.

vii. Throughout the course of the pandemic, the Division issued guidance for employers regarding safe reopening. This guidance, much of which was issued jointly with other state agencies, included industry-specific information. Nonetheless, cases began to rise precipitously in October and November 2020. Guidance is not sufficient to address the present increase in cases and the risk of occupational spread. Furthermore, the proposed emergency regulations introduce specific requirements, such as employer-provided testing, that are critical to reduce occupational spread during the ongoing rise in infections. The present threat of exponential growth in COVID-19 cases demands immediate action.

Documents Relied Upon:

The dates of the following documents-relied-upon are corrected as follows:

34. CDC; People with Certain Medical Conditions. October 6, 2020. https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html

35. CDC; Evidence used to update the list of underlying medical conditions that increase a person's risk of severe illness from COVID-19. October 6, 2020. https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/evidence-table.html

38. CDC; Considerations for Restaurants and Bars. September 6, 2020. https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/business-employers/bars-restaurants.html

61. CDC; Agriculture Workers and Employers. November 10, 2020. https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-agricultural-workers.html

Local Mandate Determination

There is no local mandate imposed by these proposed regulations.

Non-duplication

Portions of the proposed regulations repeat or rephrase, in whole or part, state statutes and regulations. This duplication is necessary so that employers and employees will be able to review all provisions specific to prevention of COVID-19 in the workplace within the same portion of title 8, making compliance easier. In addition, to the extent that some language within the proposed regulations may repeat portions of AB 685 (Chaptered September 17, 2020), that bill does not take effect until January 1, 2021, after the effective date of these regulations.

Comparison of Emergency Temporary Standards with Cal/OSHA Guidance

Cal/OSHA's COVID-19 Emergency Temporary Standards	Cal/OSHA's General and Industry-Specific Guidance (Pre-Nov. 19, 2020)
Written COVID-19 Prevention Program: The employer "shall establish, implement, and maintain an effective, written COVID-19 Prevention Program." § 3205(c).	"California employers are required to establish and implement an IIPP (title 8 section 3203) to protect employees from workplace hazards, including infectious diseases. Employers are required to determine if COVID-19 infection is a hazard in their workplace. If it is a workplace hazard, then employers must implement infection control measures, including applicable and relevant recommendations from the Centers for Disease Control and Prevention (CDC), Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19), and Coronavirus Disease 2019 (COVID-19): How to Protect Yourself & Others. For most California workplaces, adopting changes to their IIPP is mandatory since COVID-19 is widespread in the community." *Cal/OSHA Interim General Guidelines on Protecting Workers from COVID-19* (May 14, 2020) ("*General Guidelines*"), https://www.dir.ca.gov/dosh/coronavirus/General-Industry.html. The *General Guidelines* then include various infection prevention measures to include in a written IIPP. The employer should "develop an infectious disease preparedness and response plan that can help guide protective actions against COVID-19." Fed/OSHA, *Guidance on Preparing Workplaces for COVID-19* at 7 (Mar. 9, 2020) ("*Fed/OSHA Preparation Guidance*"), https://www.osha.gov/Publications/OSHA3990.pdf "Before reopening, all facilities must . . . create a work site-specific COVID-19 prevention plan." *California's COVID-19 Employer Playbook* at 6 (Sept. 25, 2020) ("*Employer Playbook*"), https://files.covid19.ca.gov/pdf/employer-playbook-for-safe-reopening--en.pdf.

Cal/OSHA's COVID-19 Emergency Temporary Standards	Cal/OSHA's General and Industry-Specific Guidance (Pre-Nov. 19, 2020)
System for Employee Reporting: "The employer shall . . . [a]sk employees to report to the employer, without fear of reprisal, COVID-19 symptoms, possible COVID-19 exposures, and possible COVID-19 hazards at the workplace." § 3205(c)(1)(A).	The IIPP shall "[i]nclude a system for communicating with employees in a form readily understandable by all affected employees on matters relating to occupational safety and health, including provisions designed to encourage employees to inform the employer of hazards at the worksite without fear of reprisal. Substantial compliance with this provision includes meetings, training programs, posting, written communications, a system of anonymous notification by employees about hazards, labor/management safety and health committees, or any other means that ensures communication with employees." § 3203(a)(3). The employer should "[e]nsure workers understand their rights to a safe and healthful work environment, who to contact with questions or concerns about workplace safety and health, and prohibitions against retaliation for raising workplace safety and health concerns" and "[e]nsure workers understand their right to raise workplace safety and health concerns and seek an OSHA inspection under the Occupational Safety and Health Act." Fed/OSHA, *Guidance on Returning to Work* at (June 17, 2020) ("*Fed/OSHA Returning to Work Guidance*"), https://www.osha.gov/Publications/OSHA4045.pdf
System for Accommodating Vulnerable Employees: "The employer shall . . . [d]escribe procedures or policies for accommodating employees with medical or other conditions that put them at increased risk of severe COVID-19 illness." § 3205(c)(1)(B).	The employer's COVID-19 response plan "should consider and address the level(s) of risk associated with various worksites and job tasks workers perform at those sites. Such considerations may include … "[w]orkers' individual risk factors (e.g., older age; presence of chronic medical conditions, including immunocompromising conditions; pregnancy). *Fed/OSHA Preparation Guidance* at 7-8.
System for Communicating Testing Information: "The employer shall . . . [p]rovide information about access to COVID-19 testing." § 3205(c)(1)(C).	"Close contacts of cases should be given instructions on home quarantine and symptom monitoring, information regarding the closest COVID-19 testing sites, referral to their LHD." *Employer Playbook* at 12.

Cal/OSHA's COVID-19 Emergency Temporary Standards	Cal/OSHA's General and Industry-Specific Guidance (Pre-Nov. 19, 2020)
System for Communicating Policies and Procedures: "The employer shall . . . communicate information about COVID-19 hazards and the employer's COVID-19 policies and procedures to employees and to other employers, persons, and entities within or in contact with the employer's workplace." § 3205(c)(1)(D).	The IIPP shall "[i]nclude a system for ensuring that employees comply with safe and healthy work practices. Substantial compliance with this provision includes recognition of employees who follow safe and healthful work practices, training and retraining programs, disciplinary actions, or any other such means that ensures employee compliance with safe and healthful work practices." § 3203(a)(2). The IIPP shall "[p]rovide training and instruction . . . (B) To all new employees; (C) To all employees given new job assignments for which training has not previously been received; (D) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard; (E) Whenever the employer is made aware of a new or previously unrecognized hazard; and, (F) For supervisors to familiarize themselves with the safety and health hazards to which employees under their immediate direction and control may be exposed." § 3203(a)(7). The employer shall provide training in a language that is readily understandable by all employee on "the employer's procedures for preventing [COVID-19's] spread at the workplace." *General Guidelines*.
Employee Participation in Hazard Assessment: "The employer shall allow for employee and authorized employee representative participation in the identification and evaluation of COVID-19 hazards." § 3205(c)(2)(A).	New requirement.
Employee Screening Process: "The employer shall develop and implement a process for screening employees for and responding to employees with COVID-19 symptoms." § 3205(c)(2)(B).	The employer shall "[i]mmediately send employees home or to medical care, as needed, if they have a frequent cough, fever, difficulty breathing, chills, muscle pain, headache, sore throat, or recent loss of taste or smell." *General Guidelines*. "Before reopening, all facilities must . . . [s]et up individual control measures and screenings." *Employer Playbook* at 6. The employer's COVID-19 response plan should include the "identification and isolation of sick employees, including practices for worker self-monitoring or screening, and isolating and excluding from the workplace any employees with signs or symptoms of COVID-19." The employer should "[a]sk employees to evaluate themselves for signs/symptoms of COVID-19 before coming to work, and to stay home if they are not well." *Fed/OSHA Returning to Work Guidance* at 7.

Cal/OSHA's COVID-19 Emergency Temporary Standards	Cal/OSHA's General and Industry-Specific Guidance (Pre-Nov. 19, 2020)
Response to COVID-19 Case in Workplace: "The employer shall develop COVID-19 policies and procedures to respond effectively and immediately to individuals at the workplace who are a COVID-19 case to prevent or reduce the risk of transmission of COVID-19 in the workplace." § 3205(c)(2)(C).	"If an employee is confirmed to have COVID-19 infection," the employer should follow specific procedures to reduce the risk of transmission in the workplace. *General Guidelines*. The employer's COVID-19 response plan should include the "identification and isolation of sick employees, including practices for worker self-monitoring or screening, and isolating and excluding from the workplace any employees with signs or symptoms of COVID-19." The employer should "[e]stablish a protocol for managing people who become ill in the workplace, including details about how and where a sick person will be isolated (in the event they are unable to leave immediately) while awaiting transportation from the workplace, to their home or to a health care facility, and cleaning and disinfecting spaces the ill person has occupied to prevent exposure to other workers, customers, or visitors." *Fed/OSHA Returning to Work Guidance* at 7.
Hazard Assessment: "The employer shall conduct a workplace-specific identification of all interactions, areas, activities, processes, equipment, and materials that could potentially expose employees to COVID-19 hazards." § 3205(c)(2)(D).	The IIPP shall "[i]nclude procedures for identifying and evaluating work place hazards including scheduled periodic inspections to identify unsafe conditions and work practices." "Inspections shall be made to identify and evaluate hazards: . . . [w]henever the employer is made aware of a new or previously unrecognized hazard." § 3205(a)(4)(C). "Before reopening, all facilities must . . . [p]erform a detailed risk assessment." *Employer Playbook* at 6. The employer should conduct a "[h]azard assessment, including practices to determine when, where, how, and to what sources of SARS-CoV-2 workers are likely to be exposed in the course of their job duties." *Fed/OSHA Returning to Work Guidance* at 6.
Assessment of Indoor Ventilation: "For indoor locations, the employer shall evaluate how to maximize the quantity of outdoor air and whether it is possible to increase filtration efficiency to the highest level compatible with the existing ventilation system." § 3205(c)(2)(E).	"Employers should work with a heating, ventilation, and air conditioning (HVAC) professional to consider steps to optimize building ventilation," such as using filters with a MERV rating of 13 or higher and increasing the HVAC system's outdoor air intake. Fed/OSHA, *COVID-19 Guidance on Ventilation in the Workplace* (Nov. 4, 2020) ("*Fed/OSHA Ventilation Guidance*"), https://www.osha.gov/Publications/OSHA4103.pdf.

Cal/OSHA's COVID-19 Emergency Temporary Standards	Cal/OSHA's General and Industry-Specific Guidance (Pre-Nov. 19, 2020)
Monitoring of Orders and Guidance: "The employer shall review applicable orders and guidance from the State of California and the local health department related to COVID-19 hazards and prevention." § 3205(c)(2)(F).	The IIPP shall "[i]nclude procedures for identifying and evaluating work place hazards including scheduled periodic inspections to identify unsafe conditions and work practices." "Inspections shall be made to identify and evaluate hazards: . . . [w]henever the employer is made aware of a new or previously unrecognized hazard." § 3205(a)(4)(C).
Assessment of Existing Controls: "The employer shall evaluate existing COVID-19 prevention controls at the workplace and the need for different or additional controls." § 3205(c)(2)(G).	The IIPP shall "[i]nclude procedures for identifying and evaluating work place hazards including scheduled periodic inspections to identify unsafe conditions and work practices." "Inspections shall be made to identify and evaluate hazards: . . . [w]henever the employer is made aware of a new or previously unrecognized hazard." § 3205(a)(4)(C).
Periodic Inspections: "The employer shall conduct periodic inspections as needed to identify unhealthy conditions, work practices, and work procedures related to COVID-19 and to ensure compliance with employers' COVID-19 policies and procedures." § 3205(c)(2)(H).	The IIPP shall "[i]nclude procedures for identifying and evaluating work place hazards including scheduled periodic inspections to identify unsafe conditions and work practices." "Inspections shall be made to identify and evaluate hazards: . . . [w]henever the employer is made aware of a new or previously unrecognized hazard." § 3205(a)(4)(C).
Investigation of COVID-19 Cases: The employer "shall have an effective procedure to investigate COVID-19 cases in the workplace." § 3205(c)(3)(A). The employer shall "[i]nvestigate whether any workplace conditions could have contributed to the risk of COVID-19 exposure and what could be done to reduce exposure to COVID-19 hazards." § 3205(c)(3)(B)(5).	The IIPP shall include the employer's "procedure to investigate occupational injury or occupational illness." § 3203(a)(5).

Cal/OSHA's COVID-19 Emergency Temporary Standards	Cal/OSHA's General and Industry-Specific Guidance (Pre-Nov. 19, 2020)
Contact Tracing: The employer shall perform contact tracing and determine who may be a close contact. § 3205(c)(3)(B)(1)-(2).	"In consultation with the LHD, [the employer should] interview workers with laboratory-confirmed COVID-19 by phone to determine when their symptoms began, the shifts they worked during their infectious period, and to identify other workers with whom they had close contact during their infectious period . . . . Close contacts should be instructed to quarantine at home for 14 days from their last known contact with the worker with COVID-19 and should be tested for COVID-19. Use employment records to verify shifts worked during the infectious period and other workers who may have worked closely with them during that time period." *Employer Playbook* at 14.
Notice to Close Contacts: The employer shall give notice of potential COVID-19 exposure to employees, their authorized employee representatives, independent contractors, and other employers about close contact. § 3205(c)(3)(B)(3).	"If an employee is confirmed to have COVID-19 infection," the employer should "[i]nform employees of their possible exposure to COVID-19 in the workplace but maintain confidentiality as required by the Americans with Disabilities Act (ADA)." *General Guidelines*. "Employers must notify all workers who were potentially exposed to the individuals with COVID-19" and should "include worker representative groups in communicating strategies." *Employer Playbook* at 12.
Testing for Close Contacts: The employer shall provide testing and information on available benefits to employees who qualify as close contacts. § 3205(c)(3)(B)(4).	No requirement to provide testing. "Close contacts of cases should be given instructions on home quarantine and symptom monitoring, information regarding the closest COVID-19 testing sites, referral to their LHD." *Employer Playbook* at 12. The employer should "ensure that sick leave policies are sufficiently generous and flexible to enable workers who are sick to stay home without penalty and ensure that workers are aware of such policies." *Employer Playbook* at 10.
Keep Personal and Medical Information Confidential: Personal identifying information of COVID-19 cases or persons with COVID-19 symptoms shall be kept confidential." § 3205(c)(3)(C)-(D).	"Employers must make every effort to maintain the confidentiality of workers with suspected or confirmed COVID-19 infection when communicating with other workers. Employers should refer to the guidelines issued by DFEH and EEOC." *Employer Playbook* at 12.

Cal/OSHA's COVID-19 Emergency Temporary Standards	Cal/OSHA's General and Industry-Specific Guidance (Pre-Nov. 19, 2020)
Correction of COVID-19 Hazards: The employer "shall implement effective policies and/or procedures for correcting unsafe or unhealthy conditions, work practices, policies and procedures in a timely manner based on the severity of the hazard." § 3205(c)(4).	The IIPP shall "[i]nclude methods and/or procedures for correcting unsafe or unhealthy conditions, work practices and work procedures in a timely manner based on the severity of the hazard: (A) When observed or discovered; and, (B) When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, remove all exposed personnel from the area except those necessary to correct the existing condition. Employees necessary to correct the hazardous condition shall be provided the necessary safeguards. § 3203(a)(6).
Training on Policies and Procedures: "The employer shall provide effective training and instruction to employees" on "[t]he employer's COVID-19 policies and procedures to protect employees from COVID-19 hazards." § 3205(c)(5)(A).	The IIPP shall "[p]rovide training and instruction . . . (B) To all new employees; (C) To all employees given new job assignments for which training has not previously been received; (D) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard; (E) Whenever the employer is made aware of a new or previously unrecognized hazard; and, (F) For supervisors to familiarize themselves with the safety and health hazards to which employees under their immediate direction and control may be exposed." § 3203(a)(7). The employer shall provide training in a language that is readily understandable by all employee on "the employer's procedures for preventing its spread at the workplace." *General Guidelines*.
Training on COVID-19 Related Benefits: "The employer shall provide effective training and instruction to employees" on "[i]nformation regarding COVID-19-related benefits to which the employee may be entitled under applicable federal, state, or local laws." § 3205(c)(5)(B).	The employer should "ensure that sick leave policies are sufficiently generous and flexible to enable workers who are sick to stay home without penalty and ensure that workers are aware of such policies." *Employer Playbook* at 10. The employer should "Train workers in the appropriate language and literacy level about their risks of exposure to SARS-CoV-2, what the employer is doing to protect them, including site-specific measures, and how they can protect themselves." *Fed/OSHA Returning to Work Guidance* at 9.

Cal/OSHA's COVID-19 Emergency Temporary Standards	Cal/OSHA's General and Industry-Specific Guidance (Pre-Nov. 19, 2020)
Training on COVID-19 Transmission: "The employer shall provide effective training and instruction to employees" on how COVID-19 can spread through the air and may be transmitted by touch. § 3205(c)(5)(C).	The IIPP shall "[p]rovide training and instruction . . . (B) To all new employees; (C) To all employees given new job assignments for which training has not previously been received; (D) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard; (E) Whenever the employer is made aware of a new or previously unrecognized hazard; and, (F) For supervisors to familiarize themselves with the safety and health hazards to which employees under their immediate direction and control may be exposed." § 3203(a)(7). The employer shall provide training in a language that is readily understandable by all employee on the "when to seek medical attention, how to prevent its spread," and "[h]ow an infected person can spread COVID-19 to others even if they are not sick." *General Guidelines*. "Before reopening, all facilities must . . . [t]rain workers on how to limit the spread of COVID-19. This includes how to screen themselves for symptoms and when to stay home." *Employer Playbook* at 6.
Training on Physical Distancing: "The employer shall provide effective training and instruction to employees" on "[m]ethods of physical distancing of at least six feet and the importance of combining physical distancing with the wearing of face coverings" and that "physical distancing must be combined with other controls, including face coverings and hand hygiene, to be effective." § 3205(c)(5)(D)-(E).	The IIPP shall "[p]rovide training and instruction . . . (B) To all new employees; (C) To all employees given new job assignments for which training has not previously been received; (D) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard; (E) Whenever the employer is made aware of a new or previously unrecognized hazard; and, (F) For supervisors to familiarize themselves with the safety and health hazards to which employees under their immediate direction and control may be exposed." § 3203(a)(7). "Before reopening, all facilities must . . . [e]stablish physical distancing guidelines." *Employer Playbook* at 6.

Cal/OSHA's COVID-19 Emergency Temporary Standards	Cal/OSHA's General and Industry-Specific Guidance (Pre-Nov. 19, 2020)
Training on Hand Hygiene: "The employer shall provide effective training and instruction to employees" on "[t]he importance of frequent hand washing with soap and water for at least 20 seconds and using hand sanitizer when employees do not have immediate access to a sink or hand washing facility, and that hand sanitizer does not work if the hands are soiled." § 3205(c)(5)(F).	The IIPP shall "[p]rovide training and instruction . . . (B) To all new employees; (C) To all employees given new job assignments for which training has not previously been received; (D) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard; (E) Whenever the employer is made aware of a new or previously unrecognized hazard; and, (F) For supervisors to familiarize themselves with the safety and health hazards to which employees under their immediate direction and control may be exposed." § 3203(a)(7). The employer shall provide training in a language that is readily understandable by all employee on the "[w]ashing hands with soap and water for at least 20 seconds, after interacting with other persons and after contacting shared surfaces or objects." *General Guidelines*.
Training on Face Covering Use: "The employer shall provide effective training and instruction to employees" on "[p]roper use of face coverings and the fact that face coverings are not respiratory protective equipment." § 3205(c)(5)(G).	The IIPP shall "[p]rovide training and instruction . . . (B) To all new employees; (C) To all employees given new job assignments for which training has not previously been received; (D) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard; (E) Whenever the employer is made aware of a new or previously unrecognized hazard; and, (F) For supervisors to familiarize themselves with the safety and health hazards to which employees under their immediate direction and control may be exposed." § 3203(a)(7). The employer shall provide training in a language that is readily understandable by all employee on the "h]ow to prevent the spread of COVID-19 by using cloth face covers, including: • CDC guidelines that everyone should use cloth face covers when around other persons. • How cloth face covers can help protect persons around the user when combined with physical distancing and frequent hand washing. • Information that cloth face covers are not protective equipment and do not protect the person wearing a cloth face cover from COVID-19. • Instructions on washing and sanitizing hands before and after using face coverings, which should be washed after each shift." *General Guidelines*.

Cal/OSHA's COVID-19 Emergency Temporary Standards	Cal/OSHA's General and Industry-Specific Guidance (Pre-Nov. 19, 2020)
Training on COVID-19 Symptoms: "The employer shall provide effective training and instruction to employees" on "COVID-19 symptoms, and the importance of not coming to work and obtaining a COVID-19 test if the employee has COVID-19 symptoms." § 3205(c)(5)(H).	The IIPP shall "[p]rovide training and instruction . . . (B) To all new employees; (C) To all employees given new job assignments for which training has not previously been received; (D) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard; (E) Whenever the employer is made aware of a new or previously unrecognized hazard; and, (F) For supervisors to familiarize themselves with the safety and health hazards to which employees under their immediate direction and control may be exposed." § 3203(a)(7). The employer shall "[a]ctively encourage sick employees to stay home." *General Guidelines*. The employer shall provide training in a language that is readily understandable by all employee on the "[g]eneral description of COVID-19[] symptoms." *General Guidelines*. "Before reopening, all facilities must . . . [t]rain workers on how to limit the spread of COVID-19. This includes how to screen themselves for symptoms and when to stay home." *Employer Playbook* at 6.
Methods of Physical Distancing: "All employees shall be separated from other persons by at least six feet, except where an employer can demonstrate that six feet of separation is not possible, and except for momentary exposure while persons are in movement." The section then identifies general methods of physical distancing. § 3205(c)(6).	The employer shall "[e]ncourage employees to telework from home when possible" and "[p]ractice physical distancing by cancelling in-person meetings, using video or telephonic meetings, and maintaining a distance of at least 6 feet between persons at the workplace when possible." *General Guidelines*. "Before reopening, all facilities must . . . [e]stablish physical distancing guidelines." *Employer Playbook* at 6. The employer's COVID-19 response plan should include "[s]ocial distancing, including practices for maximizing to the extent feasible and maintaining distance between all people, including workers, customers, and visitors." *Fed/OSHA Returning to Work Guidance* at 9.

Cal/OSHA's COVID-19 Emergency Temporary Standards	Cal/OSHA's General and Industry-Specific Guidance (Pre-Nov. 19, 2020)
Face Coverings: The employer "shall provide face coverings and ensure they are worn by employees over the nose and mouth when indoors, when outdoors and less than six feet away from another person, and where required by orders from the CDPH or local health department." The employer "shall ensure face coverings are clean and undamaged." "Employees exempted from wearing face coverings due to a medical condition, mental health condition, or disability shall wear an effective non-restrictive alternative, such as a face shield with a drape on the bottom, if their condition or disability permits it." "Any employee not wearing a face covering, face shield with a drape or other effective alternative, or respiratory protection, for any reason, shall be at least six feet apart from all other persons unless the unmasked employee is tested at least twice weekly for COVID-19. Employers may not use COVID-19 testing as an alternative to face coverings when face coverings are otherwise required by this section." "No employer shall prevent any employee from wearing a face covering when not required by this section, unless it would create a safety hazard, such as interfering with the safe operation of equipment." "Employers shall implement measures to communicate to non-employees the face coverings requirements on their premises." "The employer shall develop COVID-19 policies and procedures to minimize employee exposure to COVID-19 hazards originating from any person not wearing a face covering, including a member of the public." § 3205(c)(7).	The employer shall "[p]rovide employees with cloth face covers or encourage employees to use their own face covers for use whenever employees may be in workplaces with other persons." *General Guidelines*. "If exposures to the general public cannot be eliminated with engineering controls, require or encourage customers to wear face coverings, which are mandatory in some jurisdictions." *General Guidelines*. "Before reopening, all facilities must . . . [e]stablish universal face covering requirements (with allowed exceptions) in accordance with CDPH guidelines. Additionally, refer to Appendix A: Resources for further guidance for employers and workers in enforcing mask requirements." *Employer Playbook* at 6.

Cal/OSHA's COVID-19 Emergency Temporary Standards	Cal/OSHA's General and Industry-Specific Guidance (Pre-Nov. 19, 2020)
Engineering Controls – Partitions: "At fixed work locations where it is not possible to maintain the physical distancing requirement at all times, the employer shall install cleanable solid partitions that effectively reduce aerosol transmission between the employee and other persons." § 3205(c)(8)(A).	"Protect cashiers and other workers who have frequent interaction with the public with engineering controls such as Plexiglas screens or other physical barriers, or spatial barriers of at least six feet, if feasible." *General Guidelines*. Engineering control for COVID-19 include "[i]nstalling physical barriers, such as clear plastic sneeze guards. *Fed/OSHA Preparation Guidance* at 12. The employer should "[s]elect and implement appropriate engineering controls (e.g., physical barriers/shields to separate workers[])."*Fed/OSHA Returning to Work Guidance* at 8.
Engineering Controls – Ventilation: "For buildings with mechanical or natural ventilation, or both, employers shall maximize the quantity of outside air provided to the extent feasible, except when the United States Environmental Protection Agency (EPA) Air Quality Index is greater than 100 for any pollutant or if opening windows or letting in outdoor air by other means would cause a hazard to employees, for instance from excessive heat or cold." § 3205(c)(8)(B).	"Employers should work with a heating, ventilation, and air conditioning (HVAC) professional to consider steps to optimize building ventilation," such as using filters with a MERV rating of 13 or higher and increasing the HVAC system's outdoor air intake. *Fed/OSHA Ventilation Guidance*.
Cleaning and Disinfecting Procedures: The employer shall identify and regularly clean and disinfect frequently touched surfaces and objects and inform employees and authorized employee representatives of cleaning and disinfection protocols. The employer shall prohibit the sharing of PPE and, to the extent feasible, equipment. The employer will clean and disinfect areas, material, and equipment used by a COVID-19 case during the high-risk exposure period. § 3205(c)(8)(C).	The employer shall "[a]void shared workspaces (desks, offices, and cubicles) and work items (phones, computers, other work tools, and equipment) when possible, but "[i]f they must be shared, clean and disinfect shared workspaces and work items before and after use." *General Guidelines*. The employer shall "[e]stablish procedures to routinely clean and disinfect commonly touched objects and surfaces." *General Guidelines*. In response to a confirmed case in the workplace, the employer shall "[c]onduct deep cleaning of the entire general area where the infected employee worked and may have been, including breakrooms, restrooms and travel areas, with a cleaning agent approved for use by the EPA against coronavirus." *General Guidelines*. "Before reopening, all facilities must . . . [p]ut disinfection protocols in place." *Employer Playbook* at 6. Employers must perform certain cleaning actions after a worker with COVID-19 has been to work. *Employer Playbook* at 19.

Cal/OSHA's COVID-19 Emergency Temporary Standards	Cal/OSHA's General and Industry-Specific Guidance (Pre-Nov. 19, 2020)
Handwashing: "[T]he employer shall evaluate its handwashing facilities, determine the need for additional facilities, encourage and allow time for employee handwashing, and provide employees with an effective hand sanitizer. Employers shall encourage employees to wash their hands for at least 20 seconds each time. Provision or use of hand sanitizers with methyl alcohol is prohibited." § 3205(c)(8)(D).	All employers must provide washing facilities that have an adequate supply of suitable cleansing agents, water, and single-use towels or blowers. §§ 1527, 3366, 3457, 8397.4. The employer shall provide training in a language that is readily understandable by all employee on the "[w]ashing hands with soap and water for at least 20 seconds, after interacting with other persons and after contacting shared surfaces or objects." *General Guidelines*.
Personal Protected Equipment: The employer "shall evaluate the need for personal protective equipment to prevent exposure to COVID-19 hazards, such as gloves, goggles, and face shields, and provide such personal protective equipment as needed." "Employers shall evaluate the need for respiratory protection in accordance with section 5144 when the physical distancing requirements in subsection (c)(6) are not feasible or are not maintained." Employers shall provide and ensure use of respirators in accordance with section 5144 when deemed necessary by Cal/OSHA. § 3205(c)(8)(E).	Employers must conduct a hazard assessment to determine if any PPE is needed to protect employees from hazards that are present or are likely to be present in the workplace, including health hazards. Employers must select and provide employees with properly fitting and sanitary PPE that will effectively protect them against these hazards. Employers must also ensure the appropriate PPE is provided to and used by employees who use cleaners and disinfectants. § 3380. "As required by OSHA standards for PPE, including respiratory protection, and consistent with OSHA and CDC guidance, train workers how to put on, use, and take off PPE; how to clean, maintain, store, and dispose of PPE; and what the limitations of the PPE are." *Fed/OSHA Returning to Work Guidance* at 9.
Reporting to Local Health Department: "The employer shall report information about COVID-19 cases at the workplace to the local health department whenever required by law, and shall provide any related information requested by the local health department." § 3205(c)(9)(A).	In non-healthcare or non-residential congregate setting workplaces, an outbreak is three or more laboratory-confirmed cases of COVID-19 among employees who live in different households within a two-week period. As of July 28, 2020, employers are required to report outbreaks to the LHD in the jurisdiction where the workplace is located and the LHDs of residence of employees with COVID-19." *Employer Playbook* at 9. "Employers must notify the LHD where the workplace is located and where the workers live" when there is an outbreak. *Employer Playbook* at 10-11.

Cal/OSHA's COVID-19 Emergency Temporary Standards	Cal/OSHA's General and Industry-Specific Guidance (Pre-Nov. 19, 2020)
Reporting to Cal/OSHA: "The employer shall report immediately to the Division any COVID-19-related serious illnesses or death, as defined under section 330(h), of an employee occurring in a place of employment or in connection with any employment." § 3205(c)(9)(B).	California employers must report to Cal/OSHA any serious illness, serious injury or death of an employee that occurred at work or in connection with work within eight hours of when they knew or should have known of the illness. § 342. "This includes a COVID-19 illness if it meets the definition of serious illness." https://www.dir.ca.gov/dosh/coronavirus/Reporting-Requirements-COVID-19.html A "serious injury or illness" means any injury or illness occurring in a place of employment or in connection with any employment that requires inpatient hospitalization for other than medical observation or diagnostic testing."§ 330(h).
Recordkeeping of Steps to Implement CPP: "The employer shall maintain records of the steps taken to implement the written COVID-19 Prevention Program in accordance with section 3203(b)." § 3205(c)(9)(C).	The employer must maintain records of the steps taken to implement and maintain the IIPP, which includes records of scheduled and periodic inspections and documentation of safety and health training. § 3203(b).
Access to CPP: "The written COVID-19 Prevention Program shall be made available at the workplace to employees, authorized employee representatives, and to representatives of the Division immediately upon request." § 3205(c)(9)(D).	The employer shall allow employees and their "designated representative" access to examine and receive a copy of the IIPP. § 3203(a)(8).
Contact Tracing Recordkeeping: "The employer shall keep a record of and track all COVID-19 cases with the employee's name, contact information, occupation, location where the employee worked, the date of the last day at the workplace, and the date of a positive COVID-19 test." "The information shall be made available to employees, authorized employee representatives, or as otherwise required by law, with personal identifying information removed. § 3205(c)(9)(E).	Employees or their representatives have the right to request and obtain an employer's Log of Work-Related Injuries and Illnesses (Log 300), without redaction, or to request and obtain information as otherwise allowed by law. § 14300.35.
Exclusion of Confirmed COVID-19 Cases: The employer "shall ensure that COVID-19 cases are excluded from the workplace until the return to work requirements of subsection (c)(11) are met." § 3205(c)(10)(A).	"When employers identify a worker who has tested positive for COVID-19 or a worker who has symptoms, they should make sure the worker does not remain at work." *Employer Playbook* at 21.

Cal/OSHA's COVID-19 Emergency Temporary Standards	Cal/OSHA's General and Industry-Specific Guidance (Pre-Nov. 19, 2020)
Exclusion of Close Contacts: The employer "shall exclude employees with COVID-19 exposure from the workplace for 14 days after the last known COVID-19 exposure to a COVID-19 case." § 3205(c)(10)(B).	"Close contacts of cases should be given instructions on home quarantine and symptom monitoring, information regarding the closest COVID-19 testing sites, referral to their LHD." *Employer Playbook* at 12.
Exclusion Pay and Benefits: For excluded employees whose exclusion is not work-related and who are otherwise able and available to work, "employers shall continue and maintain an employee's earnings, seniority, and all other employee rights and benefits, including the employee's right to their former job status, as if the employee had not been removed from their job." "At the time of exclusion, the employer shall provide the employee the information on benefits." § 3205(c)(10)(C).	No requirement to provide exclusion pay beyond paid sick leave and supplemental paid sick leave benefits or workers' compensation. The employer shall "[p]rovide employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19 if required to by the Families First Coronavirus Response Act." *General Guidelines*. "Employers should support workers time away from work for the protection of others through flexible leave policies." *Employer Playbook* at 21.
Return to Work Criteria: COVID-19 cases cannot return to work until certain criteria are met. "A negative COVID-19 test shall not be required for an employee to return to work." § 3205(c)(11).	"Employers should consult with the LHD and most recent CDC guidance for when a confirmed case may be released from home isolation and return to work." *Employer Playbook* at 15. The Employer Playbook contains return to work criteria matching that of the ETS. *Employer Playbook* at 16.
Outbreak – COVID-19 Testing Required: "The employer shall provide COVID-19 testing to all employees at the exposed workplace except for employees who were not present during the period of an outbreak identified by a local health department or the relevant 14-day period(s) under subsection (a), as applicable. COVID-19 testing shall be provided at no cost to employees during employees' working hours." § 3205.1(b).	No requirement to provide testing to all employees at the exposed workplace during an outbreak.

Cal/OSHA's COVID-19 Emergency Temporary Standards	Cal/OSHA's General and Industry-Specific Guidance (Pre-Nov. 19, 2020)
Outbreak – Exclusion of Confirmed COVID-19 Cases and Close Contacts: The employer "shall ensure COVID-19 cases and employees who had COVID-19 exposure are excluded from the workplace in accordance with subsections 3205(c)(10) and (c)(11) and local health officer orders if applicable." § 3205.1(c).	"When employers identify a worker who has tested positive for COVID-19 or a worker who has symptoms, they should make sure the worker does not remain at work." *Employer Playbook* at 21. "Close contacts of cases should be given instructions on home quarantine and symptom monitoring, information regarding the closest COVID-19 testing sites, referral to their LHD." *Employer Playbook* at 12.
Outbreak – Investigation of Workplace COVID-19 Illnesses: "The employer shall immediately investigate and determine possible workplace related factors that contributed to the COVID-19 outbreak in accordance with subsection 3205(c)(3)." § 3205.1(d).	The IIPP shall include the employer's "procedure to investigate occupational injury or occupational illness." § 3203(a)(5).
Outbreak – Investigation, Review and Hazard Correction: "[T] the employer shall immediately perform a review of potentially relevant COVID-19 policies, procedures, and controls and implement changes as needed to prevent further spread of COVID-19." The investigation and review shall be documented and include the investigation of new or unabated COVID-19 hazard. The review shall be updated every thirty days the outbreak continues when necessary. "The employer shall implement changes to reduce the transmission of COVID-19 based on the investigation and review." § 3205.1(e).	The IIPP shall include the employer's "procedure to investigate occupational injury or occupational illness." § 3203(a)(5). The IIPP shall "[i]nclude methods and/or procedures for correcting unsafe or unhealthy conditions, work practices and work procedures in a timely manner based on the severity of the hazard: (A) When observed or discovered; and, (B) When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, remove all exposed personnel from the area except those necessary to correct the existing condition. Employees necessary to correct the hazardous condition shall be provided the necessary safeguards. § 3203(a)(6).

Cal/OSHA's COVID-19 Emergency Temporary Standards	Cal/OSHA's General and Industry-Specific Guidance (Pre-Nov. 19, 2020)
Outbreak – Reporting to Local Health Department: "The employer shall contact the local health department immediately but no longer than 48 hours after the employer knows, or with diligent inquiry would have known, of three or more COVID-19 cases for guidance on preventing the further spread of COVID-19 within the workplace." "The employer shall provide to the local health department the total number of COVID-19 cases and for each COVID-19 case, the name, contact information, occupation, workplace location, business address, the hospitalization and/or fatality status, and North American Industry Classification System code of the workplace of the COVID-19 case, and any other information requested by the local health department. The employer shall continue to give notice to the local health department of any subsequent COVID-19 cases at the workplace." § 3205.1(f).	"In non-healthcare or non-residential congregate setting workplaces, an outbreak is three or more laboratory-confirmed cases of COVID-19 among employees who live in different households within a two-week period. As of July 28, 2020, employers are required to report outbreaks to the LHD in the jurisdiction where the workplace is located and the LHDs of residence of employees with COVID-19." *Employer Playbook* at 9. "Employers must notify the LHD where the workplace is located and where the workers live" when there is an outbreak. *Employer Playbook* at 10-11.
Major Outbreak – COVID-19 Testing Required: The employer "shall provide twice a week COVID-19 testing, or more frequently if recommended by the local health department, to all employees present at the exposed workplace during the relevant 30-day period(s) and who remain at the workplace. COVID-19 testing shall be provided at no cost to employees during employees' working hours." § 3205.2(b).	No requirement to provide twice a week testing to all employees at the exposed workplace during a major outbreak.
Major Outbreak –Exclusion of Confirmed COVID-19 Cases and Close Contacts: The employer "shall ensure COVID-19 cases and employees with COVID-19 exposure are excluded from the workplace in accordance with subsections 3205(c)(10) and (c)(11) and any relevant local health department orders." § 3205.2(c).	"When employers identify a worker who has tested positive for COVID-19 or a worker who has symptoms, they should make sure the worker does not remain at work." *Employer Playbook* at 21. "Close contacts of cases should be given instructions on home quarantine and symptom monitoring, information regarding the closest COVID-19 testing sites, referral to their LHD." *Employer Playbook* at 12.

Cal/OSHA's COVID-19 Emergency Temporary Standards	Cal/OSHA's General and Industry-Specific Guidance (Pre-Nov. 19, 2020)
Major Outbreak – Investigation of Workplace COVID-19 Illnesses: "The employer shall comply with the requirements of subsection 3205(c)(3)." § 3205.2(d).	The IIPP shall include the employer's "procedure to investigate occupational injury or occupational illness." § 3203(a)(5).
Major Outbreak – COVID-19 Hazard Correction: In addition to the requirements of subsection 3205(c)(4), the employer shall meet certain filtration requirements, determine the need for a respiratory protection program or changes to an existing respiratory protection program under section 5144, and evaluate whether to halt some or all operations at the workplace until COVID-19 hazards have been corrected. § 3205.2(e).	The IIPP shall "[i]nclude methods and/or procedures for correcting unsafe or unhealthy conditions, work practices and work procedures in a timely manner based on the severity of the hazard: (A) When observed or discovered; and, (B) When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, remove all exposed personnel from the area except those necessary to correct the existing condition. Employees necessary to correct the hazardous condition shall be provided the necessary safeguards. § 3203(a)(6).
Major Outbreak – Reporting to Local Health Department: The employer "shall comply with the requirements of section 3205.1(f)." § 3205.2(f).	"In non-healthcare or non-residential congregate setting workplaces, an outbreak is three or more laboratory-confirmed cases of COVID-19 among employees who live in different households within a two-week period. As of July 28, 2020, employers are required to report outbreaks to the LHD in the jurisdiction where the workplace is located and the LHDs of residence of employees with COVID-19." *Employer Playbook* at 9. "Employers must notify the LHD where the workplace is located and where the workers live" when there is an outbreak. *Employer Playbook* at 10-11.
Employer-Provided Housing – Assignment of Housing Units: The employer shall ensure that shared housing unit assignments are prioritized for family members, followed by employees who work in the same crew or at the same worksite. § 3205.3(b).	Fed/OSHA, *Additional Considerations for Workers Who Reside in Communal Living Arrangements* ("*Fed/OSHA Communal Living Guidance*"), https://www.osha.gov/coronavirus/control-prevention/workers-in-shared-housing. The employer should "[c] Consider grouping healthy workers together into cohorts that include the same workers each day. This can increase the effectiveness of altering normal shift schedules by making sure that groups of workers are always assigned to the same shifts with the same coworkers. Effectiveness is optimized if it is aligned with shared living quarters and shared transportation." *Fed/OSHA & CDC Joint Guidance on Agriculture Workers & Employers* (Nov. 10, 2020), https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-agricultural-workers.html.

Cal/OSHA's COVID-19 Emergency Temporary Standards	Cal/OSHA's General and Industry-Specific Guidance (Pre-Nov. 19, 2020)
Employer-Provided Housing – Physical Distancing: The employer shall "[e]nsure the premises are of sufficient size and layout to permit at least six feet of physical distancing between residents in housing units, common areas, and other areas of the premises." The employer shall "[e]nsure beds are spaced at least six feet apart in all directions and positioned to maximize the distance between sleepers' heads," or at least arranged to minimize face to face sleeping. § 3205.3(c).	"Employers who house workers are encouraged to be proactive in making physical distancing possible." Cal/OSHA, COVID-19 Infection Prevention for Agricultural Employers and Employees" (Oct. 27, 2020), https://www.dir.ca.gov/dosh/Coronavirus/COVID-19-Infection-Prevention-in-Agriculture.pdf. "Efforts to eliminate the hazard from shared living arrangements may include: . . . using single unit housing (e.g., trailers/recreational vehicles, hotel or motel rooms) rather than dormitory/bunkhouse style housing." *Fed/OSHA Communal Living Guidance.* "Examples of engineering controls in shared living arrangements that may be useful for protecting workers from COVID-19 include: Configuring common living areas (e.g., kitchens, bathrooms, living rooms) to support social distancing of workers spaced at least six feet apart and to minimize the need for workers to be face-to-face and in close proximity to one another . . . Extending the minimum separation distances between beds and minimizing or avoiding the use of bunk beds so that a minimum of six feet is achieved between each bed, with workers sleeping in opposite directions (head to toe) to keep heads as far away from each other as possible." *Fed/OSHA Communal Living Guidance.* The employer should "[s]upport social distancing during the entire time farmworkers are housed, including while recreating, cooking, and sleeping." *Fed/OSHA & CDC Joint Guidance on Agriculture Workers & Employers.*
Employer-Provided Housing – Face Coverings: The employer "shall provide face coverings to all residents and provide information to residents on when they should be used in accordance with state or local health officer orders or guidance." § 3205.3(d).	"Examples of administrative controls and safe work practices in shared living arrangements that may be useful for protecting workers from COVID-19 include: . . . Encouraging use of cloth face coverings in shared spaces, especially when it is difficult to maintain social distancing." *Fed/OSHA Communal Living Guidance.* Encourage residents to wear cloth face coverings in shared spaces. *Fed/OSHA & CDC Joint Guidance on Agriculture Workers & Employers.*

Cal/OSHA's COVID-19 Emergency Temporary Standards	Cal/OSHA's General and Industry-Specific Guidance (Pre-Nov. 19, 2020)
Employer-Provided Housing – Cleaning and Disinfecting: Employers shall ensure that housing units, kitchens, bathrooms, and common areas are effectively cleaned and disinfected at least once a day to prevent the spread of COVID-19. Cleaning and disinfecting shall be done in a manner that protects the privacy of residents." "Employers shall ensure that unwashed dishes, drinking glasses, cups, eating utensils, and similar items are not shared." § 3205.3(e).	Enhanced sanitation measures include the following: "Provide disposable gloves, soap for hand washing, and household cleaners to help residents and staff implement personal preventive measures. Develop and implement enhanced sanitation and cleaning plans that address frequency of sanitation and cleaning, and identify a responsible person. Do not share dishes, drinking glasses, cups, or eating utensils. Non-disposable food service items used should be handled with gloves and washed with dish soap and hot water or in a dishwasher." *Fed/OSHA & CDC Joint Guidance on Agriculture Workers & Employers*.
Employer-Provided Housing – Screening: "The employer shall encourage residents to report COVID-19 symptoms to the employer." § 3205.3(f).	"Efforts to eliminate the hazard from shared living arrangements may include: . . . screening workers moving into employer-furnished housing for symptoms of COVID-19 before they enter (e.g., using mechanisms for worker self-reporting of symptoms)." *Fed/OSHA Communal Living Guidance.* The employer should "[c]onsider instituting daily health checks (e.g., symptom and/or temperature screening) and daily reporting to supervisors prior to and during the housing period to identify illnesses early." *Fed/OSHA & CDC Joint Guidance on Agriculture Workers & Employers*.
Employer-Provided Housing – COVID-19 Testing: "The employer shall establish, implement, and maintain effective policies and procedures for COVID-19 testing of occupants who had a COVID-19 exposure, who have COVID-19 symptoms, or as recommended by the local health department." § 3205.3(g).	No guidance on testing.

Cal/OSHA's COVID-19 Emergency Temporary Standards	Cal/OSHA's General and Industry-Specific Guidance (Pre-Nov. 19, 2020)
Employer-Provided Housing – Isolation of Confirmed COVID-19 Cases and Close Contacts: Employers shall effectively isolate COVID-19 cases from all occupants who are not COVID-19 cases and effectively isolate close contacts from all other occupants. § 3205.3(h).	"Employers who house workers are encouraged . . . to take affirmative steps to quarantine any housed worker exhibiting symptoms." Cal/OSHA, COVID-19 Infection Prevention for Agricultural Employers and Employees" (Oct. 27, 2020), https://www.dir.ca.gov/dosh/Coronavirus/COVID-19-Infection-Prevention-in-Agriculture.pdf. "Efforts to eliminate the hazard from shared living arrangements may include: assigning workers who have been tested for COVID-19 and do not have the virus to reside in designated employer-furnished housing, separate from those who have not yet been tested (i.e., cohorting workers); screening workers moving into employer-furnished housing for symptoms of COVID-19 before they enter (e.g., using mechanisms for worker self-reporting of symptoms); assigning workers who are ill or exhibiting signs and symptoms of COVID-19 to reside in designated employer-furnished housing away from healthy workers (quarantining workers); and using single unit housing (e.g., trailers/recreational vehicles, hotel or motel rooms) rather than dormitory/bunkhouse style housing." *Fed/OSHA Communal Living Guidance.* The employer should "[e] Establish isolation plans for responding to farmworkers with COVID-19." *Fed/OSHA & CDC Joint Guidance on Agriculture Workers & Employers.*
Employer-Provided Transportation – Assignment of Transportation: : The employer shall prioritize transportation assignments for the same housing unit, followed by employees who work in the same crew or at the same worksite. § 3205.4(b).	"Owners/operators should maximize opportunities to place farmworkers residing together in the same vehicles for transportation and in the same cohorts to limit exposure." *Fed/OSHA & CDC Joint Guidance on Agriculture Workers & Employers.* The employer should "[g]roup (or cohort) workers in the same crews and/or those sharing living quarters together when transporting." *Fed/OSHA & CDC Joint Guidance on Agriculture Workers & Employers.*

Cal/OSHA's COVID-19 Emergency Temporary Standards	Cal/OSHA's General and Industry-Specific Guidance (Pre-Nov. 19, 2020)
Employer-Provided Transportation – Physical Distancing and Face Coverings: The employer shall ensure the following "[p]hysical distancing and face covering requirements of subsection 3205(c)(6) and (c)(7) are followed for employees waiting for transportation;" "[t]he vehicle operator and any passengers are separated by at least three feet in all directions during the operation of the vehicle, regardless of the vehicle's normal capacity;" and "[t]he vehicle operator and any passengers are provided and wear a face covering in the vehicle as required by subsection 3205(c)(7)." § 3205.4(c).	The employer should "[g] Provide as much space between riders as possible" and "[i]ncrease the number of vehicles and the frequency of trips to limit the number of people in a vehicle." *Fed/OSHA & CDC Joint Guidance on Agriculture Workers & Employers*.
Employer-Provided Transportation – Screening: The employer "shall develop, implement, and maintain effective procedures for screening and excluding drivers and riders with COVID-19 symptoms prior to boarding shared transportation." § 3205.4(d).	No specific guidance on screening for transportation.
Employer-Provided Transportation – Cleaning and Disinfecting: The employer shall ensure that all high-contact surfaces are cleaned and disinfected before each trip and between different drivers. The employer "shall provide sanitizing materials and ensure they are kept in adequate supply." § 3205.4(e).	"Transportation vehicles should be cleaned and disinfected in accordance with CDC guidelines for non-emergency transport vehicles before and after each trip, or daily at minimum." *Fed/OSHA & CDC Joint Guidance on Agriculture Workers & Employers*.
Employer-Provided Transportation – Ventilation: The employer "shall ensure that vehicle windows are kept open, and the ventilation system set to maximize outdoor air and not set to recirculate air." Windows do not have to be kept open if certain conditions are met. § 3205.4(f).	No specific guidance on ventilation for transportation.

Cal/OSHA's COVID-19 Emergency Temporary Standards	Cal/OSHA's General and Industry-Specific Guidance (Pre-Nov. 19, 2020)
Employer-Provided Transportation – Hand Hygiene: The employer "shall provide hand sanitizer in each vehicle and ensure that all drivers and riders sanitize their hands before entering and exiting the vehicle. Hand sanitizers with methyl alcohol are prohibited." § 3205.4(g).	The employer should "[m]ake hand hygiene (hand washing/hand sanitizer) available and encourage riders to use hand hygiene before entering the vehicle and when arriving at destination." *Fed/OSHA & CDC Joint Guidance on Agriculture Workers & Employers*.

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
2520 Venture Oaks Way, Suite 350
Sacramento, California 95833
(916) 274-5721

In the Matter of a Petition by: Stephen Knight, Exec. Director Worksafe Frances C. Schreiberg, Labor & Employment Committee of the National Lawyers Guild 1736 Franklin Street, Ste. 500 Oakland, CA 94612 Applicant.	)	PETITION FILE NO. 583

The Occupational Safety and Health Standards Board hereby adopts the attached PROPOSED DECISION.

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

DAVID THOMAS, Chairman

BARBARA BURGEL, Member

DAVE HARRISON, Member

NOLA KENNEDY, Member

CHRIS LASZCZ-DAVIS, Member

LAURA STOCK, Member

By: _____
Christina Shupe, Executive Officer

DATE: September 17, 2020
Attachments

OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD
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PETITION FILE NO. 583
PROPOSED PETITION DECISION OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

INTRODUCTION

The Occupational Safety and Health Standards Board (Board) received a petition on May 20, 2020, filed by Worksafe and National Lawyers' Guild, Labor & Employment Committee (Petitioners), requesting that the Board amend title 8 standards to create two new regulations. The first, a temporary emergency standard that would provide specific protections to California employees who may have exposure to COVID-19, but who are not protected by the Aerosol Transmissible Diseases standards (sections 5199 and 5199.1)[1]. The second proposed standard would be a permanent rulemaking effort to protect workers from infectious diseases including novel pathogens (e.g. COVID-19).

Labor Code section 142.2 permits interested persons to propose new or revised regulations concerning occupational safety and health and requires the Board to consider such proposals and render a decision no later than six months following receipt. This time frame has been extended by 120 days, by California Governor Gavin Newsom's Executive Orders N-63-20, and N-71-20, in recognition of the State of Emergency caused by COVID-19.

Further, as required by Labor Code section 147, any proposed occupational safety or health standard received by the Board from a source other than the Division of Occupational Safety and Health (Division) must be referred to the Division for evaluation. The Division has 60 days after receipt to submit an evaluation regarding the proposal; this timeline, running concurrently with the Board's timeline as described above, has also been extended by 120 days pursuant to Executive Orders N-63-20 and N-71-20.

SUMMARY

The Petition requests the Board adopt new regulatory requirements including, but not restricted to:

- Establishing a framework parallel to the Illness and Injury Prevention Program (IIPP) regulation, section 3203, which requires employers to create a written plan for employee protection;

[1] Unless otherwise noted, all references are to the California Code of Regulations, title 8.

- Creating procedures to identify and evaluate COVID-19 hazards, and to identify jobs categories, tasks, and procedures where employees may be exposed to COVID-19, as well as procedures to control the hazard of exposure;
- Creating procedures to respond to employees who have been diagnosed with COVID-19, who have symptoms of COVID-19, and who have been exposed to COVID-19;
- Establishing a job hazard analysis to identify modes of transmission in the workplace and adopt and implement preventative measures to minimize risk, including social distancing, ventilation systems, hygiene measures, and personal protective equipment (PPE);
- Institute a provision of employee training.

EMERGENCY RULEMAKING

The Government Code section 11346.1 provides for expedited rulemaking, under certain emergency circumstances, allowing for adoption of regulations generally remaining in effect for 180 days. The requisite "emergency" is defined as "a situation that calls for immediate action to avoid serious harm to the public peace, health, safety, or general welfare." (G.C. section 11342.545.) Per G.C. section 11346.1(b)(2), "[a] finding of emergency based only upon expediency, convenience, best interest, general public need, or speculation, shall not be adequate to demonstrate the existence of an emergency. If the situation identified in the finding of emergency existed and was known by the agency adopting the emergency regulation in sufficient time to have been addressed through nonemergency regulations… the finding of emergency shall include facts explaining the failure to address the situation through nonemergency regulations."

At least five days prior to submission of the proposed emergency regulation to the Office of Administrative Law (OAL) for review, notice of the proposed action is to be sent to persons having filed a request for notice of regulatory action with OAL. (G.C. section 11346.1(a)(2).) OAL guidelines specify completion of its pre-adoption review within 10 calendar days of submission. (G. C. section 11349.6(b).).

The submitting agency is not required to provide the 5 day notice if the emergency situation clearly poses such an immediate, serious harm that delaying action to allow public comment would be inconsistent with the public interest. (G.C. section 11346.1(a)(3).)

DIVISION EVALUATION

In its report concerning the Petition, dated July 30, 2020, the Division reviewed the Petitioner's proposed changes to title 8. The review included an assessment of the hazards associated with exposure to COVID-19, information provided in the Petition, applicable title 8 standards, federal OSHA standards, and Cal/OSHA enforcement authority.

The Division staff evaluation recommends the Petition be approved. The Division's report finds that an emergency regulation is warranted by the COVID-19 public health crisis. While section 5199 provides specific protections for infectious diseases such as COVID-19, it does not cover all California workers. The Division's report also finds that while there are general title 8

provisions that constitute a basis for Cal/OSHA to enforce the protection of workers from COVID-19, enforcement efforts would benefit from a specific regulatory mandate related to prevention of the spread of infectious diseases. Moreover, guidance currently exists from a number of authorities—including both federal OSHA and Cal/OSHA—on how employers can best protect workers from COVID-19, making development of an emergency standard feasible.

The Division's evaluation concludes that protections similar to current guidelines could be adopted via an emergency regulation, and the adoption of such standards would create clarity for employers and assist the Division's enforcement efforts. The Division also recommends an advisory committee be convened after the pandemic subsides to determine whether a permanent regulation should be adopted to address the protection of non-5199 workers from infectious diseases, including novel pathogens.

BOARD STAFF EVALUATION

The Board staff evaluation dated August 10, 2020, included a review of the Petition, and relevant federal, California, consensus, and other standards. The evaluation notes that as of September 8, 2020, state government website https://covid19.ca.gov reports there were over 453,000 COVID-19 cases in California, and over 8,000 people had died from the illness. That website, as of September 2, 2020, reports over 737,000 cases of COVID-19, and 13,758 deaths. Moreover, the overall impact of the illness has been disproportionally borne by the state's Latino population.

The Board staff evaluation recognizes that COVID-19 exposure is a significant issue, but the evaluation is not persuaded that further rulemaking is necessary. Many of the regulatory additions requested by the Petitioner were found by the Board staff evaluation to already be required by existing title 8 regulations. The Board staff evaluation suggests that enforcement and consultative outreach, rather than new regulations, would be the most effective use of limited state resources.

DISCUSSION

According to research cited in the Division's evaluation, organ failure and death may result from COVID-19. (Division, p. 5.) Approximately 14% of COVID-19 patients are hospitalized, and individuals with underlying health conditions being most at risk for hospitalization and death. (*Id.*) Both the Division and Board staff evaluations clearly set forth the seriousness of the COVID-19 pandemic, which is responsible for the illnesses, hospitalizations, and deaths of thousands of Californians. The Board staff evaluation, however, questions whether new regulations are necessary.

The Board acknowledges the concerns presented by the Board staff evaluation, regarding promulgation of new regulations and use of State resources. While those concerns are taken seriously, ultimately, the Board is in agreement with the Petitioners' assessment, and Division's assertion as the enforcement agency, that an emergency regulation would enhance worker safety. COVID-19 is a hazard to working people. The Division is well positioned, as the State agency

responsible for enforcement, to advise the Board regarding the enforceability of new safety order requirements under consideration. Accordingly, the Board also accepts the Division's assertion that an emergency regulation would strengthen, rather than complicate, the Division's enforcement efforts.

CONCLUSION AND ORDER

The Board has considered the Petition and the recommendations of the Division and Board staff. For reasons stated in the preceding discussion, the Petition is hereby GRANTED in part as follows:

The Division is requested to work with Board staff to expeditiously submit a proposal for an emergency regulation to protect all workers not covered by section 5199 from COVID-19 exposure in the workplace, for consideration no later than the November 19th, 2020 Board meeting. The proposal should include the proposed Emergency Regulatory Text, Finding of Emergency, and an Economic Impact Statement.

In the event the Board adopts an emergency regulation as a result of said proposal:

The Board requests the Division work with Board staff to convene a representative advisory committee to review any emergency COVID-19 rulemaking(s) adopted by the Board, for the purpose of establishing reasonable and necessary improvements required to avoid serious harm, as further guidance on the prevention of workplace transmission and exposure becomes available. The emergency rulemaking advisory committee should address these issues:

1. The prevailing guidance for worker protections from COVID-19 exposure in the workplace;
2. Notification for affected employers and workers;
3. Current industry best practices and guidelines; and
4. Considerations for the most vulnerable/impacted industries and professions.

The Petitioners should be invited to participate. Representatives for the following stakeholders should also be invited to participate:

1. California Department of Public Health
2. A representative cross-section of County and City Public Health Officers
3. A representative cross-section of Labor and Management representatives

The Division is requested to report back to the Board within 4 months, and again at 8 months, after the initial adoption of an emergency regulation, and within 4 months of any re-adoption.[2] The Board requests that this report include the following items at a minimum:

[2] Pursuant to Governor's Executive Order N-40-20, the timelines for filing, refiling, certification and/or review of regulations and emergency regulations are extended for a period of 60 calendar days. These timelines are further extended for 60 days by Executive Order N-66-20.

1. The dates of any advisory committee meetings and a list of invitees and participants;
2. A brief summary of the discussion, including participant concerns, and any available minutes;
3. Dates of future meetings, if applicable; and
4. Whether the Division is preparing to propose amendments to the emergency rulemaking, and the projected timeframe for providing the proposal to Board staff for notice of proposed emergency rulemaking.

If proposed amendments to an emergency rulemaking are being prepared, it should include the proposed updated Emergency Regulatory Text, updated Finding of Emergency (including evidence of necessity to avoid serious harm), and updated Economic Impact Statement.

Furthermore, the Board requests the Division convene a representative advisory committee after the COVID-19 pandemic subsides, as evidenced by the lifting of the State of Emergency declared by Governor's proclamation on March 4, 2020, to consider the necessity for a permanent regulation to protect workers not covered by section 5199 from airborne infectious diseases, including novel pathogens.

OSHA-003213

From: Chavez, Rosalba@EDD <Rosalba.Chavez@edd.ca.gov>
Sent: Tuesday, December 29, 2020 4:09 PM
Subject: Cal/OSHA Emergency Regulations to Protect Workers from COVID-19

Dear H-2A Employer,

We hope that this email finds you well during this challenging time. The Employment Development Department (EDD), Foreign Labor Certification Unit (FLCU), is responsible for administering the Temporary Agricultural Program (H-2A) program in California. In order to assist H-2A employers during the COVID-19 pandemic, we are sharing recently approved Emergency Temporary Standards on COVID-19 Prevention.

The California Occupational Health and Safety Standards Board adopted the Emergency Temporary Standards effective November 30, 2020. These new standards require employers to establish a written COVID-19 Prevention Program to add to your Injury and Illness Prevention Program, which addresses requirements on how to protect employees in the workplace, employer-provided housing, and transportation.

The EDD would like to emphasize the new housing requirements by including the two sections the

Division of Occupational Safety and Health (Cal/OSHA) has included in its *Model COVID-19 Prevention Program* (CPP) as examples that employers will adopt in their CPP:

Assignment of Housing Units

Ensure that shared housing unit assignments are prioritized in the following order:

- Residents who usually maintain a household together outside of work, such as family members, will be housed in the same housing unit without other persons.
- Residents who work in the same crew or work together at the same worksite will be housed in the same housing unit without other persons.
- Employees who do not usually maintain a common household, work crew, or worksite will be housed in the same housing unit only when no other housing alternatives are possible.

Physical Distancing and Controls

Ensure:

- The premises are of sufficient size and layout to permit at least six feet of physical distancing between residents in housing units, common areas, and other areas of the premises.
- Beds are spaced at least six feet apart in all directions and positioned to maximize the distance between sleepers' heads. For beds positioned next to each other, i.e., side by side, the beds will be arranged so that the head of one bed is next to the foot of the next bed. For beds positioned across from each other, i.e., end to end, the beds will be arranged so that the foot of one bed is closest to the foot of the next bed. Bunk beds will not be used.
- Maximization of the quantity and supply of outdoor air and increase filtration efficiency to the highest level compatible with the existing ventilation system in housing units.

The EDD will be following the new Emergency Temporary Standards with an emphasis on the Housing Inspections to ensure compliance within the H-2A Program.

For more information on the new Emergency Temporary Standards, contact the Cal/OSHA's Consultation Services Branch at 1-800-963-9424.

For questions regarding employer-provided housing, contact Brenda Wherry, EDD Housing Coordinator, at 916-639-0462; Cornelio Gomez, Foreign Labor and Farmworker Services Group Manager, at 916-926-9047; or email WSBHousingH2A@edd.ca.gov.

Thank you,

Rosalba Chavez
Foreign Labor Certification Analyst
Foreign Labor and Farmworker Services Group, MIC #50
Workforce Services Branch
916-639-3083 Cell
916-654-8752 Fax
rosalba.chavez@edd.ca.gov

State of California

Employment Development Department
PO Box 826880, Sacramento, CA 94280
www.edd.ca.gov

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Message

From: (b) 6 OSHA [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (b) 6
Sent: 10/27/2020 8:49:18 PM
To: Baird, Edmund - SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=94d10e2526774b56bbc31cec7f67b776-Baird, Edmu]; (b) 6 (b) 6 Ewell, Richard - SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6abbfe6b0e5b4c6c9ded9f79ccff388e-Ewell, Rich]
Subject: FW: R46288.pdf
Attachments: R46288.pdf

FYI – CRS report on a COVID ETS

From: (b) 6 - OSHA < (b) 6
Sent: Tuesday, October 27, 2020 1:27 PM
To: (b) 6
Subject: FW: R46288.pdf

FYI

From: (b) 6 - OSHA (b) 6
Sent: Tuesday, October 27, 2020 12:57 PM
To: (b) 6
Subject: FW: R46288.pdf

interesting

From: (b) 6
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A nice summary from CRS!

From: (b) 6
Sent: Tuesday, October 27, 2020 9:21 AM
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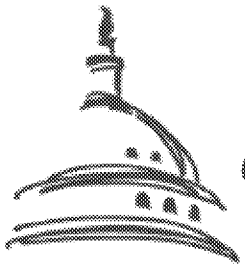
Subject: R46288.pdf



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Occupational Safety and Health Administration (OSHA): Emergency Temporary Standards (ETS) and COVID-19

Updated October 20, 2020

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R46288

CRS REPORT
Prepared for Members and
Committees of Congress

OSHA-003218

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SUMMARY

R46288

October 20, 2020

Scott D. Szymendera
Analyst in Disability Policy

Occupational Safety and Health Administration (OSHA): Emergency Temporary Standards (ETS) and COVID-19

The Occupational Safety and Health Administration (OSHA) does not currently have a specific standard that protects healthcare or other workers from airborne or aerosol transmission of disease or diseases transmitted by airborne droplets. Some in Congress, and some groups representing healthcare, meat and poultry processing, and other workers, are calling on OSHA to promulgate an emergency temporary standard (ETS) to protect workers from exposure to SARS-CoV-2, the virus that causes Coronavirus Disease 2019 (COVID-19). The Occupational Safety and Health Act of 1970 (OSH Act) gives OSHA the ability to promulgate an ETS that would remain in effect for up to six months without going through the normal review and comment process of rulemaking. OSHA, however, has rarely used this authority in the past—not since the courts struck down its ETS on asbestos in 1983.

The California Division of Occupational Safety and Health (Cal/OSHA), which operates California's state occupational safety and health plan, has had an aerosol transmissible disease (ATD) standard since 2009. This standard includes, among other provisions, the requirement that employers provide covered employees with respirators, rather than surgical masks, when these workers interact with ATDs, such as known or suspected COVID-19 cases. In addition, according to the Cal/OSHA ATD standard, certain procedures require the use of powered air purifying respirators (PAPR).

The Virginia state occupational safety and health plan (VOSH) and the Michigan state occupational safety and health plan (MIOSHA) have each promulgated emergency standards to specifically address COVID-19 in workplaces. Unlike the Cal/OSHA ATD standard, these emergency standards are in effect for only six months and apply to all employers.

H.R. 6139, the COVID-19 Health Care Worker Protection Act of 2020, would require OSHA to promulgate an ETS on COVID-19 that incorporates both the Cal/OSHA ATD standard and the Centers for Disease Control and Prevention's (CDC's) 2007 guidelines on occupational exposure to infectious agents in healthcare settings; similar provisions appear in S. 3475. The CDC's 2007 guidelines generally require stricter controls than its interim guidance on COVID-19 exposure. The provisions of H.R. 6139 were incorporated into the version of H.R. 6201, the Families First Coronavirus Response Act, as introduced in the House. The OSHA ETS provisions were not included in the House- and Senate-passed version of legislation that was signed into law as P.L. 116-127.

H.R. 6379, as introduced in the House, also would include a requirement for an OSHA ETS and permanent standard to address COVID-19 exposure; similar provisions appear in S. 3584. H.R. 6559 would include the requirements for an ETS and permanent standard, clarify the requirement that employers must report work-related COVID-19 cases, and expand protections for whistleblowers; similar provisions appear in S. 3677. The provisions of H.R. 6559 were included in H.R. 6800, The Heroes Act, passed by the House on May 15, 2020, and in the House Amendment to the Senate Amendment to H.R. 925, the revised Heroes Act passed by the House on October 1, 2020.

Through October 1, 2020, OSHA has issued COVID-19-related citations to employers at 62 work sites, with total proposed penalties of $913,133. These citations have been issued for violations of the OSH Act's General Duty Clause and other existing OSHA standards, such as those for respiratory protection, that may apply to COVID-19. Senators Elizabeth Warren and Cory A. Booker have raised concerns about the low amount of penalties being assessed for COVID-19-related violations.

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Occupational Safety and Health Administration Standards

Section 6 of the Occupational Safety and Health Act of 1970 (OSH Act) grants the Occupational Safety and Health Administration (OSHA) of the Department of Labor (DOL) the authority to promulgate, modify, or revoke occupational safety and health standards that apply to private sector employers, the United States Postal Service, and the federal government as an employer.[1] In addition, Section 5(a)(1) of the OSH Act, commonly referred to as the General Duty Clause, requires that all employers under OSHA's jurisdiction provide workplaces free of "recognized hazards that are causing or are likely to cause death or serious physical harm" to their employees.[2] OSHA has the authority to enforce employer compliance with its standards and with the General Duty Clause through the issuance of abatement orders, citations, and civil monetary penalties. The OSH Act does not cover state or local government agencies or units. Thus, certain entities that may be affected by Coronavirus Disease 2019 (COVID-19), such as state and local government hospitals, local fire departments and emergency medical services, state prisons and county jails, and public schools, are not covered by the OSH Act or subject to OSHA regulation or enforcement.

State Plans

Section 18 of the OSH Act authorizes states to establish their own occupational safety and health plans and preempt standards established and enforced by OSHA.[3] OSHA must approve state plans if they are "at least as effective" as OSHA's standards and enforcement.[4] If a state adopts a state plan, it also must cover state and local government entities, such as public schools, not covered by OSHA. Currently, 21 states and Puerto Rico have state plans that cover all employers, and 5 states and the U.S. Virgin Islands have state plans that cover only state and local government employers not covered by the OSH Act.[5] In the remaining states, state and local government employers are not covered by OSHA standards or enforcement. State plans may incorporate OSHA standards by reference, or states may adopt their own standards that are at least as effective as OSHA's standards. State plans do not have jurisdiction over federal agencies and generally do not cover maritime workers and private-sector workers at military bases or other federal facilities.

Promulgation of OSHA Standards

OSHA may promulgate occupational safety and health standards on its own initiative or in response to petitions submitted to the agency by various government agencies, the public, or employer and employee groups.[6] OSHA is not required, however, to respond to a petition for a

[1] 29 U.S.C. §655. The provisions of the Occupational Safety and Health Act of 1970 (OSH Act) are extended to the legislative branch as an employer by the Congressional Accountability Act (P.L. 104-1).

[2] 29 U.S.C. §654(a)(1).

[3] 29 U.S.C. §667.

[4] For additional information on Occupational Safety and Health Administration (OSHA) state plans, see CRS Report R43969, *OSHA State Plans: In Brief, with Examples from California and Arizona*.

[5] Information on specific state plans is available from the OSHA website at https://www.osha.gov/stateplans.

[6] Per Section 6(b)(1) of the OSH Act [29 §655(b)(1)], a petition may be submitted by "an interested person, a representative of any organization of employers or employees, a nationally recognized standards-producing

standard or to promulgate a standard in response to a petition. OSHA may also consult with one of the two statutory standing advisory committees—the National Advisory Committee on Occupational Safety and Health (NACOSH) or the Advisory Committee on Construction Safety and Health (ACCSH)—or an ad-hoc advisory committee for assistance in developing a standard.[7]

Notice and Comment

OSHA's rulemaking process for the promulgation of standards is largely governed by the provisions of the Administrative Procedure Act (APA) and Section 6(b) of the OSH Act.[8] Under the APA informal rulemaking process, federal agencies, including OSHA, are required to provide notice of proposed rules through the publication of a Notice of Proposed Rulemaking in the *Federal Register* and provide the public a period of time to provide comments on the proposed rules.

Section 7(b) of the OSH Act mirrors the APA in that it requires notice and comment in the rulemaking process.[9] After publishing a proposed standard, the public must be given a period of at least 30 days to provide comments. In addition, any person may submit written objections to the proposed standard and may request a public hearing on the standard.

Statement of Reasons

Section 6(e) of the OSH Act requires OSHA to publish in the *Federal Register* a statement of the reasons the agency is taking action whenever it promulgates a standard, conducts other rulemaking, or takes certain additional actions, including issuing an order, compromising on a penalty amount, or settling an issued penalty.[10]

Other Relevant Laws and Executive Order 12866

In addition to the APA and OSH Act, other federal laws that generally apply to OSHA rulemaking include the Paperwork Reduction Act,[11] Regulatory Flexibility Act,[12] Congressional Review Act,[13] Information Quality Act,[14] and Small Business Regulatory Enforcement Fairness Act (SBREFA).[15] Also, Executive Order 12866, issued by President Clinton in 1993, requires

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organization, the Secretary of Health and Human Services (HHS), the National Institute for Occupational Safety and Health, or a state or political subdivision."

[7] The National Advisory Committee on Occupational Safety and Health (NACOSH) was established by Section 7(a) of the OSH Act [29 U.S.C. §656(a)]. The Advisory Committee on Construction Safety and Health (ACCSH) was established by Section 107 of the Contract Work Hours and Safety Act (P.L. 87-581). Section 7(b) of the OSH Act provides OSHA the authority to establish additional advisory committees.

[8] The Administrative Procedure Act (APA) is codified at 5 U.S.C. §§500-596. For detailed information on federal agency rulemaking and the APA, see CRS Report RL32240, *The Federal Rulemaking Process: An Overview*.

[9] 29 U.S.C. §655(b).

[10] 29 U.S.C §655(e).

[11] 44 U.S.C. §§3501-3520.

[12] 5 U.S.C. §§601-612.

[13] 5 U.S.C. §§801-808.

[14] 44 U.S.C. §3516 note.

[15] 5 U.S.C. §601 note. For information on these additional laws that apply to OSHA rulemaking, see U.S. Government Accountability Office (GAO), *Workplace Safety and Health: Multiple Challenges Lengthen OSHA's Standard Setting*, GAO-12-330, April 2012, Appendix II, at https://www.gao.gov/products/GAO-12-330 (hereinafter cited as GAO-12-330, *Workplace Safety and Health*).

agencies to submit certain regulatory actions to the Office of Management and Budget (OMB) and Office of Information and Regulatory Affairs (OIRA) for review before promulgation.[16]

OSHA Rulemaking Time Line

OSHA rulemaking for new standards historically has been a relatively time-consuming process. In 2012, at the request of Congress, the Government Accountability Office (GAO) reviewed 59 significant OSHA standards promulgated between 1981 (after the enactments of the Paperwork Reduction Act and Regulatory Flexibility Act) and 2010.[17] For these standards, OSHA's average time between beginning formal consideration of the standard—either through publishing a Request for Information or Advance Notice of Proposed Rulemaking in the *Federal Register* or placing the rulemaking on its semiannual regulatory agenda—and promulgation of the standard was 93 months (7 years, 9 months). Once the Notice of Proposed Rulemaking was published for these 59 standards, the average time until promulgation of the standard was 39 months (3 years, 3 months).

In 2012, OSHA's Directorate of Standards and Guidance published a flowchart of the OSHA rulemaking process on the agency's website.[18] This flowchart includes estimated duration ranges for a variety of rulemaking actions, beginning with pre-rule activities—such as developing the idea for the standard and meeting with stakeholders—and ending with promulgation of the standard. The flowchart also includes an estimated duration range for post-promulgation activities, such as judicial review. The estimated time from the start of preliminary rulemaking to the promulgation of a standard ranges from 52 months (4 years, 4 months) to 138 months (11 years, 6 months). After a Notice of Proposed Rulemaking is published in the *Federal Register,* the estimated length of time until the standard is promulgated ranges from 26 months (2 years, 2 months) to 63 months (5 years, 3 months). **Table 1** provides OSHA's estimated time lines for six major pre-rulemaking and rulemaking activities leading to the promulgation of a standard.

Table 1. OSHA Rulemaking Process: Estimated Durations of Activities

Stage	Activities	Estimated Duration
1	Preliminary rulemaking activities	12-36 months
2	Developing the proposed rule	12-36 months
3	Publishing the Notice of Proposed Rulemaking (NPRM)	2-3 months
4	Developing and analyzing the rulemaking record, including public comments and hearings	6-24 months
5	Developing the final rule, including Office of Information and Regulatory Affairs (OIRA) submission	18-36 months
6	Publishing the final rule (promulgating the new standard)	2-3 months
Total estimated duration		52-138 months
Estimated duration from NPRM to final rule		26-63 months

Source: Congressional Research Service (CRS) with data from Occupational Safety and Health Administration (OSHA), Directorate of Standards and Guidance, *The OSHA Rulemaking Process*, October 15, 2012, at https://www.osha.gov/OSHA_FlowChart.pdf.

[16] Executive Order 12866, "Regulatory Planning and Review," 58 *Federal Register* 51735, October 4, 1993.

[17] GAO-12-330, *Workplace Safety and Health*.

[18] OSHA, Directorate of Standards and Guidance, *The OSHA Rulemaking Process*, October 15, 2012, at https://www.osha.gov/OSHA_FlowChart.pdf.

Judicial Review

Both the APA and the OSH Act provide for judicial review of OSHA standards. Section 7(f) of the OSH Act provides that any person who is "adversely affected" by a standard may file, within 60 days of its promulgation, a petition challenging the standard with the U.S. Court of Appeals for the circuit in which the person lives or maintains his or her principal place of business.[19] A petition for judicial review does not automatically stay the implementation or enforcement of the standard. However, the court may order such a stay. OSHA estimates that post-promulgation activities, including judicial review, can take between 4 and 12 months after the standard is promulgated.[20]

Emergency Temporary Standards

Section 6(c) of the OSH Act provides the authority for OSHA to issue an Emergency Temporary Standard (ETS) without having to go through the normal rulemaking process. OSHA may promulgate an ETS without supplying any notice or opportunity for public comment or public hearings. An ETS is immediately effective upon publication in the *Federal Register*. Upon promulgation of an ETS, OSHA is required to begin the full rulemaking process for a permanent standard with the ETS serving as the proposed standard for this rulemaking. An ETS is valid until superseded by a permanent standard, which OSHA must promulgate within six months of publishing the ETS in the *Federal Register*.[21] An ETS must include a statement of reasons for the action in the same manner as required for a permanent standard. State plans are required to adopt or adhere to an ETS, although the OSH Act is not clear on how quickly a state plan must come into compliance with an ETS.

ETS Requirements

Section 6(c)(1) of the OSH Act requires that both of the following determinations be made in order for OSHA to promulgate an ETS:

- that employees are exposed to grave danger from exposure to substances or agents determined to be toxic or physically harmful or from new hazards, and
- that such emergency standard is necessary to protect employees from such danger.

Grave Danger Determination

The term *grave danger*, used in the first mandatory determination for an ETS, is not defined in statute or regulation. The legislative history demonstrates the intent of Congress that the ETS process "not be utilized to circumvent the regular standard-setting process," but the history is unclear as to how Congress intended the term grave danger to be defined.[22]

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[19] 29 U.S.C. §655(f).

[20] OSHA, Directorate of Standards and Guidance, *The OSHA Rulemaking Process*, October 15, 2012, at https://www.osha.gov/OSHA_FlowChart.pdf.

[21] 29 U.S.C §655(c)(2).

[22] U.S. Congress, Senate Labor and Public Welfare, Subcommittee on Labor, *Legislative History of the Occupational Safety and Health Act of 1970 (S. 2193, P.L. 91-596)*, committee print, prepared by Subcommittee on Labor, 91st Cong., 1 sess., June 1971, 52-531 (Washington: GPO, 1971), p. 1218.

In addition, although the federal courts have ruled on challenges to previous ETS promulgations, the courts have provided no clear guidance as to what constitutes a grave danger. In 1984, the U.S. Court of Appeals for the Fifth Circuit in *Asbestos Info. Ass'n v. OSHA* issued a stay and invalidated OSHA's November 1983 ETS lowering the permissible exposure limit for asbestos in the workplace.[23] In its decision, the court stated that "gravity of danger is a policy decision committed to OSHA, not to the courts."[24] The court, however, ultimately rejected the ETS, in part on the grounds that OSHA did not provide sufficient support for its claim that 80 workers would ultimately die because of exposures to asbestos during the six-month life of the ETS.

Necessity Determination

In addition to addressing a grave danger to employees, an ETS must also be *necessary* to protect employees from that danger. In *Asbestos Info. Ass'n*, the court invalidated the asbestos ETS for the additional reason that OSHA had not demonstrated the necessity of the ETS. The court cited, among other factors, the duplication between the respirator requirements of the ETS and OSHA's existing standards requiring respirator use. The court dismissed OSHA's argument that the ETS was necessary because the agency felt that the existing respiratory standards were "unenforceable absent actual monitoring to show that ambient asbestos particles are so far above the permissible limit that respirators are necessary to bring employees' exposure within the PEL of 2.0 f/cc."[25] The court determined that "fear of a successful judicial challenge to enforcement of OSHA's permanent standard regarding respirator use hardly justifies resort to the most dramatic weapon in OSHA's enforcement arsenal."[26]

Although OSHA has not promulgated an ETS since the 1983 asbestos standard, it has since determined the necessity of an ETS. In 2006, the agency considered a petition from the United Food and Commercial Workers (UFCW) and International Brotherhood of Teamsters (IBT) for an ETS on diacetyl. The UFCW and IBT petitioned OSHA for the ETS after the National Institute for Occupational Safety and Health (NIOSH) and other researchers found that airborne exposure to diacetyl, then commonly used as an artificial butter flavoring in microwave popcorn and a flavoring in other food and beverage products, was linked to the lung disease *bronchiolitis obliterans*, now commonly referred to as "popcorn lung."[27] According to GAO's 2012 report on OSHA's standard-setting processes, OSHA informed GAO that although the agency may have been able to issue an ETS based on the grave danger posed by diacetyl, the actions taken by the food and beverage industries, including reducing or removing diacetyl from products, made it less likely that the necessity requirement could be met.[28]

ETS Duration

Section 6(c)(2) of the OSH Act provides that an ETS is effective until superseded by a permanent standard promulgated pursuant to the normal rulemaking provisions of the OSH Act. Section 6(c)(3) of the OSH Act requires OSHA to promulgate a permanent standard within six months of

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[23] 727 F.2d at 415, 425-427 (5th Cir. 1984).

[24] 727 F.2d at 427 (5th Cir. 1984).

[25] 727 F.2d at 427 (5th Cir. 1984). The ETS mandated a permissible exposure limit (PEL) for asbestos of two asbestos fibers per cubic centimeter of air (2.0 f/cc).

[26] 727 F.2d at 427 (5th Cir. 1984).

[27] See, for example, Centers for Disease Control and Prevention (CDC): National Institute for Occupational Safety and Health (NIOSH), *NIOSH Alert: Preventing Lung Disease in Workers who Use or Make Flavorings*, DHHS (NIOSH) publication no. 2004–110, December 2003, at https://www.cdc.gov/niosh/docs/2004-110/.

[28] GAO-12-330, *Workplace Safety and Health*.

promulgating the ETS. As shown earlier in this report, six months is well outside of historical and currently expected time frames for developing and promulgating a standard under the notice and comment provisions of the APA and OSH Act, as well as under other relevant federal laws and executive orders. This dichotomy between the statutory mandate to promulgate a standard and the time lines that, based on historical precedent, other provisions in the OSH Act might realistically require for such promulgation raises the question of whether or not OSHA could extend an ETS's duration without going through the normal rulemaking process. The statute and legislative history do not clearly address this question.

OSHA has used its ETS authority sparingly in its history and not since the asbestos ETS promulgated in 1983. As shown in **Table A-1** in the Appendix, of the nine times OSHA has issued an ETS, the courts have fully vacated or stayed the ETS in four cases and partially vacated the ETS in one case.[29] Of the five cases that were not challenged or that were fully or partially upheld by the courts, OSHA issued a permanent standard either within the six months required by the statute or within several months of the six-month period and always within one year of the promulgation of the ETS.[30] Each of these cases, however, occurred before 1980, when a combination of additional federal laws and court decisions added additional procedural requirements to the OSHA rulemaking process. OSHA did not attempt to extend the ETS's expiration date in any of these cases.

Although the courts have not ruled directly on an attempt by OSHA to solely extend the life of an ETS, in 1974, the U.S. Court Appeals for the Fifth Circuit held in *Florida Peach Growers Ass'n v. United States Department of Labor* that OSHA was within its authority to amend an ETS without going through the normal rulemaking process.[31] The court stated that "it is inconceivable that Congress, having granted the Secretary the authority to react quickly in fast-breaking emergency situations, intended to limit his ability to react to developments subsequent to his initial response."[32] The court also recognized the difficulty OSHA may have in promulgating a standard within six months due to the notice and comment requirements of the OSH Act, stating that in the case of OSHA seeking to amend an ETS to expand its focus, "adherence to subsection (b) procedures would not be in the best interest of employees, whom the Act is designed to protect. Such lengthy procedures could all too easily consume all of the temporary standard's six months life."[33]

[29] Mark A. Rothstein, "Substantive and Procedural Obstacles to OSHA Rulemaking: Reproductive Hazards as an Example," *Boston College Environmental Affairs Law Review*, vol. 12, no. 4 (August 1985), p. 673.

[30] For example, OSHA promulgated the Acrylonitrile (vinyl cyanide) ETS on January 17, 1978, and the permanent standard on October 3, 1978, with an effective date of November 2, 1978. The preamble to the permanent standard published in the *Federal Register* does not include information on the status of the ETS during the time between its expiration and the promulgation of the permanent standard. OSHA, "Occupational Exposure to Acrylonitrile (Vinyl Cyanide)," 43 *Federal Register* 45762, October 3, 1978.

[31] 489 F.2d. 120 (5th Cir. 1974).

[32] 489 F.2d. at 127 (5th Cir. 1974).

[33] 489 F.2d. at 127 (5th Cir. 1974).

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OSHA Standards Related to COVID-19

Current OSHA Standards

Currently, no OSHA standard directly covers exposure to airborne or aerosol diseases in the workplace. As a result, OSHA is limited in its ability to enforce protections for healthcare and other workers who may be exposed to SARS-CoV-2, the virus that causes COVID-19.[34]

OSHA may enforce the General Duty Clause in the absence of a standard, if it can be determined that an employer has failed to provide a worksite free of "recognized hazards" that are "causing or are likely to cause death or serious physical harm" to workers.[35] In addition, OSHA's standards for the use of personal protective equipment (PPE) may apply in cases in which workers require eye, face, hand, or respiratory protection against COVID-19 exposure.[36]

As of October 1, 2020, OSHA has issued citations related to COVID-19 to employers at 62 work sites resulting in a total of $913,133 in proposed civil penalties.[37] The majority of these citations were issued to healthcare, nursing, and long-term care providers, including two Department of Veterans Affairs facilities—a hospital in Indianapolis, Indiana, and a community living center in Queens, New York.[38] Two employers in the meat processing industry—Smithfield Packaged Foods, Inc. in Sioux Falls, South Dakota and JBS Foods, Inc. in Greeley, Colorado—were also cited.[39] In the two meat processing cases, citations were issued for General Duty Clause violations. Other citations were issued for violations of OSHA's respiratory protection, injury and illness reporting, and recordkeeping standards.

The highest amount of proposed penalties issued to a single employer for COVID-19-related violations was $28,070 to the Harborage nursing home operated by Hackensack Meridian Healthcare in New Jersey for four serious and one other than serious violations of the respiratory protection standard.[40] For two of the serious violations, OSHA issued the maximum allowable penalty of $13,494.[41] For the other two serious violations, OSHA issued citations but no monetary penalties. For the other than serious violation, OSHA issued a penalty of $1,082. The two meat processing employers were each assessed maximum penalties of $13,494 for serious violations of the General Duty Clause.

In a letter to OSHA, Senators Elizabeth Warren and Cory A. Booker raised concerns over the amount of penalties issued to these employers.[42] The Senators asked OSHA why these employers

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[34] OSHA has a standard on blood-borne pathogens (29 C.F.R. §1910.1030) but does not have a standard on pathogens transmitted by airborne droplets.

[35] 29 U.S.C. §654(a)(1).

[36] 29 C.F.R. §§1910.133, 1910.134, and 1910.138.

[37] OSHA, *U.S. Department of Labor's OSHA Announces $913,133 in Coronavirus Violations*, OSHA National News Release, October 9, 2020, https://www.osha.gov/news/newsreleases/national/10092020.

[38] A list of all COVID-19-related citations issued by OSHA through October 1, 2020, is available at https://www.osha.gov/enforcement/covid-19-data/inspections-covid-related-citations.

[39] OSHA has the authority to issue citations to Executive Branch agencies, but does not have the authority to issue civil monetary penalties to these agencies.

[40] Detailed information on the citations issued to this employer is available at https://www.osha.gov/pls/imis/establishment.inspection_detail?id=1476465.015.

[41] OSHA citations are classified as "serious," "other than serious," "willful," or "repeated." The maximum amounts of OSHA penalties are subject to annual inflationary adjustments.

[42] Letter from Senators Elizabeth Warren and Cory A. Booker to Loren Sweatt, Principal Deputy Assistant Secretary of

were each cited for single serious violations of the General Duty Clause rather than multiple violations for each area of the facilities in which social distancing measures were not implemented. They also asked why OSHA did not issue penalties for willful or repeated violations that carry maximum penalties of $134,937 per violation. None of the employers cited for COVID-19-related violations were issued penalties for willful or repeated violations.

OSHA Respiratory Protection Standard

National Institute for Occupational Safety and Health Certification

The OSHA respiratory protection standard requires the use of respirators certified by NIOSH in cases in which engineering controls, such as ventilation or enclosure of hazards, are insufficient to protect workers from breathing contaminated air.[43] Surgical masks, procedure masks, and dust masks are not considered respirators. NIOSH certifies respirators pursuant to federal regulations.[44] For nonpowered respirators, such as filtering face piece respirators commonly used in healthcare and construction, NIOSH classifies respirators based on their efficiency at filtering airborne particles and their ability to protect against oil particles. Under the NIOSH classification system, the letter (N, R, or P) indicates the level of oil protection as follows: N—no oil protection; R—oil resistant; and P—oil proof. The number following the letter indicates the efficiency rating of the respirator as follows: 95—filters 95% of airborne particles; 97—filters 97% of airborne particles; and 100—filters 99.7% of airborne particles. Thus an N95 respirator, the most common type, is one that does not protect against oil particles and filters out 95% of airborne particles. An R or P respirator can be used in place of an N respirator.

A respirator that is past its manufacturer-designated shelf life is no longer considered to be certified by NIOSH. However, in response to potential shortages in respirators, NIOSH has tested and approved certain models of respirators for certified use beyond their manufacturer-designated shelf lives.[45]

Respirators designed for certain medical and surgical uses are subject to both certification by NIOSH (for oil protection and efficiency) and regulation by the Food and Drug Administration (FDA) as medical devices. In general, respirators with exhalation valves cannot be used in surgical and certain medical settings because, although the presence of an exhalation valve does not affect the respirator's protection afforded the user, it may allow unfiltered air from the user into a sterile field. On March 2, 2020, FDA issued an Emergency Use Authorization (EUA) to approve for use in medical settings certain NIOSH-certified respirators not previously regulated by FDA.[46]

Labor, Occupational Safety and Health Administration, September 22, 2020, https://www.warren.senate.gov/imo/media/doc/Letter%20from%20Senators%20Warren,%20Booker%20to%20OSHA%209-22-20.pdf.

[43] 29 C.F.R. §1910.134.

[44] 42 C.F.R. Part 84.

[45] NIOSH, *Release of Stockpiled Filtering Facepiece Respirators Beyond the Manufacturer-Designated Shelf Life: Considerations for the COVID-19 Response*, February 28, 2020, at https://www.cdc.gov/coronavirus/2019-ncov/release-stockpiled-N95.html.

[46] Letter from RADM Denise M. Hinton, chief scientist, Food and Drug Administration (FDA), to Robert R. Redfield, Director, CDC, March 2, 2020, at https://www.fda.gov/media/135763/download. The list of respirators approved under this Emergency Use Authorization (EUA) is in Appendix B to this letter, updated at https://www.fda.gov/media/135921/download.

CDC Interim Guidance on Respiratory Protection

On March 10, 2020, the Centers for Disease Control and Prevention (CDC) updated its interim guidance for the protection of healthcare workers against exposure to COVID-19 to permit healthcare workers caring for known or suspected COVID-19 cases to use "facemasks" when respirators are not available or are in limited supply.[47] This differs from the CDC's 2007 guidelines for control of infectious agents in healthcare settings, which required the use of respirators for treatment of known or suspected cases.[48] CDC states that respirators should be prioritized for use in medical procedures likely to generate respiratory aerosols. Before this interim guidance was released, Representative Bobby Scott, Chairman of the House Committee on Education and Labor, and Representative Alma Adams, Chair of the Subcommittee on Workforce Protections, sent a letter to Secretary of Health and Human Services (HHS) Alex M. Azar II expressing their opposition to this change in the interim standard.[49]

Medical Evaluation and Fit Testing

The OSHA respiratory protection standard requires that the employer provide a medical evaluation to the employee to determine if the employee is physiologically able to use a respirator. This medical evaluation must be completed before any fit testing. For respirators designed to fit tightly against the face, the specific type and model of respirator that an employee is to use must be fit tested in accordance with the procedures provided in Appendix A of the OSHA respiratory protection standard to ensure there is a complete seal around the respirator when worn.[50] Once an employee has been fit tested for a respirator, he or she is required to be fit tested annually or whenever the model of respirator, but not the actual respirator itself, is changed. Each time an individual uses a respirator, he or she is required to perform a check of the seal of the respirator to his or her face in accordance with the procedures provided in Appendix B of the standard.[51] On March 14, 2020, OSHA issued guidance permitting employers to suspend annual fit testing of respirators for employees that have already been fit tested on the same model respirator.

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[47] Although the interim guidance does not specifically define the term *facemask*, it does differentiate between a facemask and a respirator such that any recommendation to use a facemask does not require the use of a respirator. CDC, *Interim Infection Prevention and Control Recommendations for Patients with Suspected or Confirmed Coronavirus Disease 2019 (COVID-19) in Healthcare Settings*, updated March 10, 2020, at https://www.cdc.gov/coronavirus/2019-ncov/infection-control/control-recommendations.html.

[48] CDC, *2007 Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings*, updated July 2019, at https://www.cdc.gov/infectioncontrol/pdf/guidelines/isolation-guidelines-H.pdf.

[49] Letter from Representative Robert C. "Bobby" Scott, chairman, House Committee on Education and Labor, and Representative Alma S. Adams, chair, Subcommittee on Workforce Protections, to The Honorable Alex M. Azar II, Secretary of HHS, March 9, 2020, at https://edlabor.house.gov/imo/media/doc/Azar%20Redfield%20Letter_SIGNED%202020-03-09.pdf.

[50] 29 C.F.R. §1910.134 Appendix A. Powered air purifying respirators (PAPR) that do not require a seal to the user's face do not need to be fit tested.

[51] 29 C.F.R. §1910.134 Appendix B.

Temporary OSHA Enforcement Guidance on the Respiratory Protection Standard

In response to shortages of respirators and other PPE during the national response to the COVID-19 pandemic, OSHA has issued three sets of temporary enforcement guidance to permit the following exceptions to the respiratory protection standard:

1. Employers may suspend annual fit testing of respirators for employees that have already been fit tested on the same model respirator;[52]
2. Employers may permit the use of expired respirators and the extended use or reuse of respirators, provided the respirator maintains its structural integrity and is not damaged, soiled, or contaminated (e.g., with blood, oil, or paint);[53] and
3. Employers may permit the use of respirators not certified by NIOSH, but approved under standards used by the following countries or jurisdictions, in accordance with the protection equivalency tables provided in Appendices A and B of the enforcement guidance document:
   - Australia,
   - Brazil,
   - European Union,
   - Japan,
   - Mexico,
   - People's Republic of China, and
   - Republic of Korea.[54]

California: Cal/OSHA Aerosol Transmissible Disease Standard

Although no OSHA standard specifically covers aerosol or airborne disease transmission, the California Division of Occupational Safety and Health (Cal/OSHA), under its state plan, promulgated its aerosol transmissible disease (ATD) standard in 2009.[55] The ATD standard covers most healthcare workers, laboratory workers, as well as workers in correctional facilities, homeless shelters, and drug treatment programs. Under the ATD standard, SARS-CoV-2, the virus that causes COVID-19, is classified as a disease or pathogen requiring airborne isolation. This classification subjects the virus to stricter control standards than diseases requiring only

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[52] OSHA, *Temporary Enforcement Guidance - Healthcare Respiratory Protection Annual Fit-Testing for N95 Filtering Facepieces During the COVID-19 Outbreak*, March 14, 2020, at https://www.osha.gov/memos/2020-03-14/temporary-enforcement-guidance-healthcare-respiratory-protection-annual-fit.

[53] OSHA, *Enforcement Guidance for Respiratory Protection and the N95 Shortage Due to the Coronavirus Disease 2019 (COVID-19) Pandemic*, April 3, 2020, at https://www.osha.gov/memos/2020-04-03/enforcement-guidance-respiratory-protection-and-n95-shortage-due-coronavirus. Under this guidance, employers are required to address in their written respiratory protection plans when respirators are contaminated and not available for use or reuse.

[54] OSHA, *Enforcement Guidance for Use of Respiratory Protection Equipment Certified under Standards of Other Countries or Jurisdictions During the Coronavirus Disease 2019 (COVID-19) Pandemic*, April 3, 2020, at https://www.osha.gov/memos/2020-04-03/enforcement-guidance-use-respiratory-protection-equipment-certified-under.

[55] Cal. Code Regs. tit. 8, §5199. The California state plan covers all state and local government agencies and all private-sector workers in the state, with the exception of maritime workers; workers on military bases and in national parks, monuments, memorials, and recreation areas; workers on federally recognized Native American reservations and trust lands; and U.S. Postal Service contractors.

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droplet precautions, such as seasonal influenza.[56] The key requirements of the ATD standard include

- written ATD exposure control plan and procedures,
- training of all employees on COVID-19 exposure, use of PPE, and procedures if exposed to COVID-19,
- engineering and work practice controls to control COVID-19 exposure, including the use of airborne isolation rooms,
- provision of medical services to employees, including removal of exposed employees,
- specific requirements for laboratory workers, and
- PPE requirements.

Cal/OSHA Aerosol Transmissible Disease PPE Requirements

The Cal/OSHA ATD standard requires that employers provide employees PPE, including gloves, gowns or coveralls, eye protection, and respirators certified by NIOSH at least at the N95 level whenever workers

- enter or work in an airborne isolation room or area with a case or suspected case;
- are present during procedures or services on a case or suspected case;
- repair, replace, or maintain air systems or equipment that may contain pathogens;
- decontaminate an area that is or was occupied by a case or suspected case;
- are present during aerosol generating procedures on cadavers of cases or suspected cases;
- transport a case or suspected case within a facility or within a vehicle when the patient is not masked; and
- are working with a viable virus in the laboratory.[57]

In addition, a powered air purifying respirator (PAPR) with a high-efficiency particulate air (HEPA) filter must be used whenever a worker performs a *high-hazard procedure* on a known or suspected COVID-19 case.[58] High-hazard procedures are those in which "the potential for being exposed to aerosol transmissible pathogens is increased due to the reasonably anticipated generation of aerosolized pathogens"—they include intubation, airway suction, and caring for patients on positive pressure ventilation.[59] Emergency medical services (EMS) workers may use N100, R100, or P100 respirators in place of PAPRs.

[56] Cal. Code Regs. tit. 8, §5199 Appendix A.

[57] California Division of Occupational Safety and Health (Cal/OSHA), *Interim Guidance for Protecting Health Care Workers from Exposure to Coronavirus Disease (COVID-19)*, March 2020, at https://www.dir.ca.gov/dosh/Coronavirus-info.html.

[58] A PAPR uses a mechanical device to draw in room air and filter it before expelling that air over the user's face. In general, PAPRs do not require a tight seal to the user's face and do not need to be fit tested.

[59] Cal. Code Regs. tit. 8, §5199(b).

Cal/OSHA Interim Guidance on COVID-19

Cal/OSHA has issued interim guidance in response to shortages of respirators in the state due to the COVID-19 pandemic response.[60] Under this interim guidance, if the supply of N95 respirators or PAPRs are insufficient to meet current or anticipated needs, surgical masks may be used for low-hazard patient contacts that would otherwise require the use of respirators, and respirators may be used for high-hazard procedures that would otherwise require the use of PAPRs.

Virginia: VOSH COVID-19 ETS

On July 15, 2020, the Virginia Safety and Health Codes Board adopted an ETS to specifically protect employees from exposure to SARS-CoV-2, the virus that causes COVID-19.[61] This ETS, promulgated under Virginia's state occupational safety and health plan (VOSH) is the first state standard to specifically address COVID-19 in the workplace.[62] As an ETS, the VOSH standard expires within six months of its effective date, upon expiration of the Governor's State of Emergency, when superseded by a permanent standard, or when repealed by the Virginia Safety and Health Codes Board, whichever comes first. The ETS can be extended only through the normal state rulemaking process.

Unlike the Cal/OSHA ATD standard, the VOSH ETS applies to all state and local government agencies and all covered private-sector employees in the state. As part of a state plan, the VOSH ETS applies to state and local government entities, such as public schools, as employers. All covered employers in Virginia must comply with the following ETS requirements:

- exposure assessment and determination, notification of suspected cases and contacts with those cases, and employee access to their own exposure and medical records;
- return to work of employees known or suspected to have COVID-19 based on a duration of time since last symptoms or negative COVID-19 tests;[63]
- maintenance of physical distancing between employees while working and on paid breaks at the worksite, including restricted access to the worksite and common areas and break rooms;
- compliance with applicable existing PPE and respiratory protection standards when physical distancing between employees is not possible; and
- sanitation and disinfection requirements.

For all employers, if engineering, administrative, or work practice controls are not feasible or do not provide sufficient protection from SARS-CoV-2 transmission, then PPE, including respiratory PPE—such as respirators, if necessary—must be provided to employees.

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[60] California Division of Occupational Safety and Health (Cal/OSHA), *Cal/OSHA Interim Guidance on COVID-19 for Health Care Facilities: Severe Respirator Supply Shortages*, March 28, 2020, at https://www.dir.ca.gov/dosh/coronavirus/Cal-OSHA-Guidance-for-respirator-shortages.pdf.

[61] *Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19*, 16 Va. Admin. Code §25-220. This ETS is effective upon publication in a Richmond, VA, newspaper during the week of July 27, 2020.

[62] The Virginia state plan covers all state and local government agencies and all private-sector workers in the state, with the exception of maritime workers, U.S Postal Service contractors, workers at military bases or other federal enclaves in which the federal government has civil jurisdiction, workers at the U.S. Department of Energy's Southeastern Power Administration Kerr-Philpott System, and aircraft cabin crew members.

[63] A COVID-19 test for the purposes of determining if an employee can return to work must be paid for by the employer or offered such that the employee bears no cost for the test.

Hazard and Job Task Classification

The VOSH ETS requires that each employer assess its workplace for hazards and job tasks that potentially expose employees to the SARS-CoV-2 virus. Employers must classify each job task as having a "very high," "high," "medium," or "lower" risk level of exposure, according to the hazards to which employees are potentially exposed. The VOSH ETS provides the following examples of activities for the "very high" and "high" risk levels:

- "very high" risk activities include
  - using aerosol-generating procedures, such as intubation, on patients known or suspected to be infected with SARS-CoV-2;
  - collecting or handling specimens from patients known or suspected to be infected with SARS-CoV-2; and
  - performing an autopsy involving aerosol-generating procedures on the body of a person known or suspected to be infected with the SARS-CoV-2 virus at the time of death; and
- "high risk" activities include
  - health care services, including inpatient care, outpatient care, skilled nursing care, and nonmedical support services such as room cleaning, provided to patients known or suspected to be infected with SARS-CoV-2;
  - first responder and medical transport services to patients known or suspected to be infected with SARS-CoV-2; and
  - mortuary services to persons known or suspected to be infected with the SARS-CoV-2 virus at the time of death.

"Medium" risk activities are those that require employees to have more than minimal contact, within six feet of other employees, customers, or members of the public who are not known or suspected to be infected with SARS-CoV-2.[64] "Lower" risk activities are those that do not require contact with other persons within six feet or that are able to utilize the following types of engineering, administrative, or work practice controls to minimize contact between persons:

- installation of floor to ceiling barriers, such as barriers between cashiers and customers;
- telecommuting;
- staggered work shifts to reduce the number of workers at a site;
- delivering services remotely, including curbside pickup of retail purchases; and
- mandatory physical distancing of persons.

The use of face coverings other than respirators or medical or surgical masks, including cloth face coverings now required by several states, is not an acceptable method of minimizing physical contact between persons. However, the VOSH ETS requires the use of face coverings for brief contacts between persons within six feet of each other.

[64] Examples of "medium" risk work activities are provided in the VOSH ETS at 16 Va. Admin. Code §25-220-30.

Engineering, Administrative, Work Practice, and PPE Requirements for "Very High," "High," and "Medium" Risk Activities

Employers with job tasks or activities in the "very high," "high," or "medium" risk classifications must adhere to specific engineering, administrative, work practice, and PPE requirements. For "very high" and "high" risk activities, engineering controls include the use of airborne infection isolation rooms (AIIR) for known or suspected COVID-19 patients and aerosol-generating procedures and Biosafety Level 3 (BSL-3) precautions for the handling of specimens from known or suspected COVID-19 patients.[65]

Employers with "very high" and "high" risk activities must implement administrative and work practice controls, including the prescreening of all employees to ensure that employees do not have signs or symptoms of COVID-19; enhanced medical screening of employees during COVID-19 outbreaks; and the use of flexible work arrangements, such as telecommuting, when feasible. In addition, all employers with "very high" or "high" risk activities must provide, to the extent feasible, psychological and behavioral support to address employee stress at no cost to the employee.

The standard also provides for engineering, administrative, and work practice controls for "medium" risk activities.[66]

PPE Requirements for "Very High" and "High" Risk Activities

Employers with "very high" and "high" risk activities, who are not already covered by the general OSHA PPE standards, are required to comply with the VOSH ETS requirements for PPE. An employer subject to these requirements must assess the workplace to determine if there are any COVID-19 hazards present or likely to be present that would require the use of PPE by employees. The employer must provide for the participation of employees and employee representatives in this assessment process and verify that this assessment has been conducted through a written certification.

If hazards that require PPE are identified, the employer must select and provide the appropriate PPE to each employee and ensure that PPE fits properly. If respiratory PPE, such as respirators or PAPR are used as PPE, the existing OSHA standards for respiratory PPE, which include medical evaluation of employees and fit testing, must be followed.

Unless contraindicated by the hazard and PPE assessment, when any employee is in contact within six feet of any person known or suspected to be infected with SARS-CoV-2, that employee must be provided with the following types of PPE:

- gloves,
- gown large enough to cover areas needing protection,
- face shield or goggles, and
- respirator.

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[65] The VOSH ETS requires compliance with Biosafety Level 3 precautions provided in HHS, *Biosafety in Microbiological and Biomedical Laboratories. Fifth Edition*, HHS Publication no. (CDC) 21-1112, December 2009, at https://www.cdc.gov/labs/BMBL.html.

[66] Engineering, administrative, and work practice controls for "medium" risk activities are provided in the VOSH ETS at 16 Va. Admin. Code §25-220-60.

While there are no specific PPE requirements for "medium" risk activities, PPE may be required based on an assessment of the hazards of these activities.

Infectious Disease Preparedness and Response Plan and Training

Infectious Disease Preparedness and Response Plan

All employers with "very high" and "high" risk activities, and employers with 11 or more employees and "medium" risk activities, must develop written infectious disease preparedness and response plans. These plans must be developed with input from employees. The deadline for the development of these plans is 60 days from the effective date of the ETS.

The infectious disease preparedness plan must include a consideration of the COVID-19 risks in the workplace, and to the extent possible and in compliance with medical privacy laws, the specific risks faced by employees with certain preexisting medical conditions. The plan must include contingency plans for continued operations during a COVID-19 outbreak and provide for the prompt identification and isolation of employees with known or suspected COVID-19 and a procedure for employees to notify the employer of COVID-19 signs or symptoms. The plan must also address interactions between the employer's worksite and other businesses, such as vendors and contractors to ensure employees of these businesses comply with the VOSH ETS and the employer's infectious disease preparedness and response plan.

Training

All employers with "very high," "high," or "medium" risk activities must provide training to all employees, including those employees whose work does not involve any COVID-19 risks. This training must teach employees to recognize the hazards of the SARS-CoV-2 virus, signs and symptoms of COVID-19, and the procedures to minimize SARS-CoV-2 hazards. If the employer has an infectious disease preparedness and response plan, training must be provided on this plan. Written certification of training must be prepared, and retraining must be provided when necessary.

Employers with only "lower" risk activities are not required to prepare a formal training plan but must provide oral or written communication on the hazards of SARS-CoV-2, the signs and symptoms of COVID-19, and measures to minimize SARS-CoV-2 exposure. VOSH is required to develop an information sheet that employers can use to satisfy this training requirement.

Training must be provided within 30 days of the effective date of the standard, except for training on the infectious disease preparedness and response plan, which must be completed within 60 days.

Whistleblower Protections

The VOSH ETS prohibits any employer from discharging or otherwise discriminating against any employee who does the following:

- exercises his or her rights under the ETS or existing whistleblower protection provisions, including the limited right of an employee to refuse work because of a reasonable fear of injury or death or serious injury;[67]

[67] To exercise this right, the employee must, if possible, have sought unsuccessfully to have the employer remedy the hazard, and there must be insufficient time to attempt to remedy the hazard through normal regulatory enforcement

- provides and wears his or her own PPE, provided the PPE does not create a greater hazard to the employee or create a serious hazard to other employees; or
- raises a reasonable concern about SARS-CoV-2 and COVID-19 infection control to the employer, the employer's agent, other employees, the government, or the public through any type of media including social media.

Michigan: MIOSHA COVID-19 Emergency Rules

On October 14, 2020, the director of the Michigan Department of Labor and Economic Opportunity, which operates Michigan's state occupational safety and health plan (MIOSHA), promulgated emergency rules to address workplace exposure to COVID-19.[68] These rules, which apply to all employers in the state, went into immediate effect and will remain in effect for six months. In addition to rules that apply to all employers, the emergency rules include specific provisions that apply to the following industries:

- construction;
- manufacturing;
- retail, libraries, and museums;
- restaurants and bars;
- healthcare;
- in-home services such as house cleaning and repair;
- personal care services such as hair styling and tattooing;
- public accommodations such as sports and entertainment venues;
- sports and exercise facilities;
- meat and poultry processing; and
- casinos.[69]

Exposure Determination

Rule 3 of the MIOSHA emergency rules requires all employers to evaluate all routine and anticipated job tasks and categorize these job tasks based on potential employee exposure to COVID-19 into one of the following four categories:

1. "Lower exposure risk" tasks are those that do not require contact with known or suspected COVID-19 cases or frequent close (within six feet) contact with the general public.
2. "Medium exposure risk" tasks are those that require frequent or close contact with persons who may be infected with COVID-19 but who are not known or suspected COVID-19 cases. In areas of the state without ongoing community

channels. This right is provided in the OSHA standards at 29 C.F.R. §1977.12(b)(2) and in the VOSH standards at 16 Va. Admin. Code §25-60-110.

[68] Department of Labor and Economic Opportunity, Michigan Occupational Safety and Health Administration (MIOSHA) Emergency Rules: Coronavirus 2019 (COVID-19), available at https://www.michigan.gov//documents/leo/Final_MIOSHA_Rules_705164_7.pdf. The Michigan state plan covers all state and local government agencies and all private-sector workers in the state, with the exception of maritime workers, U.S. Postal Service contractors, workers at businesses owned or operated by tribal members at Indian reservations, and aircraft cabin crew members.

[69] MIOSHA Emergency Rules: Coronavirus 2019 (COVID-19), Rule 11.

transmission of COVID-19, tasks that require frequent contact with persons travelling from areas with widespread COVID-19 transmission are included in this category. In areas with ongoing community transmission, tasks that involve contact with the general public are included in this category.

3. "High exposure risk" tasks are those with high potential for exposure to known or suspected COVID-19 cases. Licensed healthcare providers, medical first responders, nursing home workers, law enforcement and correctional officers, and mortuary workers are examples of types of workers that may perform tasks in this category.
4. "Very high exposure risk" tasks are those that involve the generation of aerosols during medical or mortuary procedures on known or suspected COVID-19 cases and the collection and handling of laboratory specimens from known or suspected COVID-19 cases.

Preparedness and Response Plan

Rule 4 of the MIOSHA emergency rules requires all employers to develop a written COVID-19 preparedness and response plan based on current CDC and OSHA guidance. This plan must detail measures the employer will take to protect employees from COVID-19 exposure and must be readily available to employees and their representatives.

Basic Infection Prevention Measures

Rule 5 of the MIOSHA emergency rules requires all employers to implement the following basic infection prevention measures:

- promote frequent hand-washing and provide hand-washing facilities or hand sanitizer to workers, customers, and visitors;
- require employees who are sick to not report to work or to report to an isolated location;
- prohibit workers from using other workers' desks, phones, and other equipment when possible;
- increase facility cleaning, especially of high-touch surfaces and shared equipment;
- establish procedures, consistent with CDC guidance, for disinfection of the worksite if a worker, customer, or visitor has a known case of COVID-19;
- use Environmental Protection Agency (EPA) approved disinfectants that are expected to effective against SARS-CoV-2;
- follow all manufacturer's guidelines for use of all cleaning and disinfectant products; and
- prohibit in-person work for employees whose work can be done remotely.

Health Surveillance

Rule 6 of the MIOSHA emergency rules requires all employers to implement a health surveillance system for the workplace. This system must include, at a minimum, a COVID-19 screening questionnaire for all employees and contractors entering the workplace. Employees must be directed to immediately report any signs or symptoms of COVID-19 to the employer and known and suspected COVID-19 cases must be isolated from the rest of the workforce. When an

employer learns of an employee, contractor, customer, or visitor to the worksite with a known case of COVID-19, the employer must immediately notify the local health department and, must notify, within 24 hours, any workers, contractors, or suppliers who may have come into contact with the infected person. When determining if an employee with a known or suspected case of COVID-19 may return to the workplace, the employer must follow CDC guidelines and health department quarantine and isolation orders.

Workplace Controls

Rule 7 of the MIOSHA emergency rules requires all employers to implement the following workplace controls:

- designate one or more worksite COVID-19 safety coordinators to implement, monitor, and report on COVID-19 control strategies developed by the employer and to remain on site at all times when employees are present;
- place posters in appropriate languages in the workplace that provide information on staying away from work while sick, cough and sneeze etiquette, and hand hygiene;
- keep all persons at least six feet from each other using signs, floor markings, and barriers appropriate for the worksite, to the extent possible;
- provide all employees with non-medical grade face coverings at no cost to the employees;
- require the use of face coverings when employees cannot maintain six feet of distance from other persons in the workplace, and consider the use of face shields when three feet of distance cannot be maintained;
- require face coverings in shared spaces, such as restrooms and hallways and during in-person meetings.

PPE

Rule 8 of the MIOSHA emergency rules requires that employers provide appropriate PPE, including respiratory protection, to employees based on the exposure risks of the job and current CDC and OSHA guidelines. All PPE must be properly fitted, inspected, maintained, cleaned, stored, and disposed of. In workplaces that provide medical treatment to known or suspected COVID-19 cases, employees with frequent or prolonged close contact with such patients must be provided with and wear, at a minimum, an N95 respirator, goggles or face shield, and gown.

Training Requirements

Rule 10 of the MIOSHA emergency rules requires all employers to provide training and communication, in languages common among the employees, on the following subjects:

- workplace infection-control practices;
- proper use of PPE;
- how to notify the employer of COVID-19 symptoms or diagnosis;
- how to report unsafe working conditions.

This training must be updated if the employer's COVID-19 preparedness and response plan changes or new information on COVID-19 transmission becomes available.

Recordkeeping Requirements

Rule 11 of the MIOSHA emergency rules requires that all employers maintain, for one year, records of employee training, the screening of persons entering the workplace, and any health surveillance notifications required by Rule 6.

OSHA Infectious Disease Standard Rulemaking

In 2010, OSHA published a Request for Information in the *Federal Register* seeking public comments on strategies to control exposure to infectious diseases in healthcare workplaces.[70] After collecting public comments and holding public meetings, OSHA completed the SBREFA process in 2014. Since then, however, no public actions have occurred on this rulemaking; since spring 2017, this rulemaking has been listed as a "long-term action" in DOL's semiannual regulatory agenda.

Congressional Activity to Require an OSHA Emergency Temporary Standard on COVID-19

On March 5, 2020, Representative Bobby Scott, chairman of the House Committee on Education and Labor, and Representative Alma Adams, chair of the Subcommittee on Workforce Protections, sent a letter to Secretary of Labor Eugene Scalia calling on OSHA to promulgate an ETS to address COVID-19 exposure among healthcare workers.[71] This letter followed a January 2020 letter requesting that OSHA reopen its rulemaking on the infectious disease standard and begin to formulate for possible future promulgation an ETS to address COVID-19 exposure.[72] Senator Patty Murray, ranking member of the Senate Committee on Health, Education, Labor, and Pensions and a group of Democratic Senators sent a similar letter to the Secretary of Labor calling for an OSHA ETS.[73]

In addition, in March 2020, David Michaels, who served as the Assistant Secretary of Labor for Occupational Safety and Health during the Obama Administration, wrote an op-ed in *The Atlantic* calling on OSHA to promulgate a COVID-19 ETS.[74] On March 6, 2020, the AFL-CIO and 22 other unions petitioned OSHA for an ETS on infectious diseases that would cover all workers with potential exposures.[75] OSHA formally denied the AFL-CIO petition on May 29, 2020, claiming that an ETS is not necessary to protect employees from infectious diseases generally, or

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[70] OSHA, "Infectious Diseases," 75 *Federal Register* 24835, May 6, 2010.

[71] Letter from Representative Scott, chairman, House Committee on Education and Labor, and Representative Adams, chair, Subcommittee on Worker Protections, to The Honorable Eugene Scalia, Secretary of Labor, March 5, 2020, at https://edlabor.house.gov/imo/media/doc/2020-03-05%20OSHA%20ETS%20Letter.pdf.

[72] Letter from Representative Scott, chairman, House Committee on Education and Labor, and Representative Adams, chair, Subcommittee on Worker Protections, to The Honorable Eugene Scalia, Secretary of Labor, January 30, 2020, at https://edlabor.house.gov/imo/media/doc/2020-01-30%20RCS%20to%20DOL%20Corona%20Letter_SIGNED1.pdf.

[73] Letter from Senator Patty Murray, ranking member, Senate Committee on Health, Education, Labor, and Pensions, Senator Robert Menendez, and Senator Tammy Baldwin, et al. to The Honorable Eugene Scalia, Secretary of Labor, March 9, 2020, at https://www.baldwin.senate.gov/imo/media/doc/20200309%20OSHA%20ETS%20Letter.pdf.

[74] David Michaels, "What Trump Could Do Right Now to Keep Workers Safe From the Coronavirus," *The Atlantic*, March 2, 2020, at https://www.theatlantic.com/ideas/archive/2020/03/use-osha-help-stem-covid-19-pandemic/607312/.

[75] Letter from Richard L. Trumka, president, AFL-CIO, to The Honorable Eugene Scalia, Secretary of Labor, March 6, 2020, at https://aflcio.org/statements/petition-secretary-scalia-osha-emergency-temporary-standard-infectious-disease.

from COVID-19.[76] National Nurses United submitted a similar petition requesting that OSHA promulgate an ETS based largely on the Cal/OSHA ATD standard.[77] On May 4, 2020, the Center for Food Safety and Food Chain Workers Alliance submitted a petition requesting that OSHA promulgate an ETS to protect meat and poultry processing workers from COVID-19 exposure in the workplace.[78] On May 18, 2020, the AFL-CIO petitioned the U.S. Court of Appeals for the D.C. Circuit for a writ of mandamus to compel OSHA to promulgate a COVID-19 ETS.[79] The circuit court denied this petition on June 11, 2020.

H.R. 6139, the COVID-19 Health Care Worker Protection Act of 2020

On March 9, 2020, Representative Bobby Scott introduced H.R. 6139, the COVID-19 Health Care Worker Protection Act of 2020. This bill would require OSHA to promulgate a COVID-19 ETS within one month of enactment. The ETS would be required to cover healthcare workers and any workers in sectors determined by the CDC or OSHA to be at an elevated risk of COVID-19 exposure. The ETS would be required to include an exposure control plan provision and be, at a minimum, based on CDC's 2007 guidance and any updates to this guidance. The ETS would also be required to provide no less protection than any state standard on novel pathogens, thus requiring OSHA to include the elements of the Cal/OSHA ATD standard, the VOSH COVID-19 ETS, and the MIOSHA emergency rules in this ETS. Title II of the bill would provide that hospitals and skilled nursing facilities that receive Medicare funding and that are owned by state or local government units and not subject to state plans would be required to comply with the ETS. Similar provisions are included in S. 3475.

P.L. 116-127, the Families First Coronavirus Response Act

The provisions of H.R. 6139 were included as Division C of H.R. 6201, the Families First Coronavirus Response Act, as introduced in the House. The American Hospital Association (AHA) issued an alert to its members expressing its opposition to the OSHA ETS provisions in the bill.[80] Specifically, the AHA opposed the requirement that the ETS be based on the CDC's 2007 guidance. The AHA stated that unlike severe acute respiratory syndrome (SARS), which was transmitted through the air, COVID-19 transmission is through droplets and surface contacts. Thus, the requirement of the 2007 CDC guidance that N95 respirators, rather than surgical masks, be used for patient contact is not necessary to protect healthcare workers from COVID-19, and the use of surgical masks is consistent with World Health Organization guidance. The AHA also

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[76] Letter from Loren Sweatt, Principal Deputy Assistant Secretary of Labor, to Richard L. Trumka, president, AFL-CIO, May 29, 2020.

[77] Letter from Bonnie Castillo, executive director, National Nurses United, to The Honorable Eugene Scalia, Secretary of Labor, and The Honorable Loren Sweatt, Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health, March 4, 2020, at https://act.nationalnursesunited.org/page/-/files/graphics/NNUPetitionOSHA03042020.pdf.

[78] Center for Food Safety and Food Chain Workers Alliance, *Rulemaking Petition to the United States Department of Labor, Occupational Safety and Health Administration*, May 4, 2020, at https://www.centerforfoodsafety.org/files/2020-05-04-osha-ets-petition_58890.pdf.

[79] In re: American Federation of Labor and Congress of Industrial Organizations, D.C. Cir., No. 19-1158, May 18, 2020. This petition was filed in the U.S. Court of Appeals as Section 6(f) of the OSH Act [29 U.S.C. §655(f)] grants this court exclusive jurisdiction to provide judicial review of OSHA standards.

[80] Emily Kopp, "Hospitals want to kill a policy shielding nurses from COVID-19 because there aren't enough masks," *Roll Call*, March 3, 2020, at https://www.rollcall.com/2020/03/13/hospitals-want-to-kill-a-policy-shielding-nurses-from-covid-19-because-there-arent-enough-masks/. This alert is available to American Hospital Association (AHA) members on the AHA website at https://www.aha.org.

claimed that shortages of available respirators could reduce the capacity of hospitals to treat COVID-19 patients, due to a lack of respirators for staff. The OSHA ETS provisions were not included in the version of the legislation that was passed by the House and the Senate and signed into law as P.L. 116-127.

H.R. 6379, the Take Responsibility for Workers and Families Act

Division D of H.R. 6379, the Take Responsibility for Workers and Families Act, as introduced in the House on March 23, 2020, includes the requirement that OSHA promulgate an ETS on COVID-19 within seven days of enactment and a permanent COVID-19 standard within 24 months of enactment to cover healthcare workers, firefighters and emergency response workers, and workers in other occupations that CDC or OSHA determines to have an elevated risk of COVID-19 exposure. Division D of H.R. 6379 would amend the OSH Act, for the purposes of the ETS only, such that state and local government employers in states without state plans would be covered by the ETS. The provisions of Division D of H.R. 6379 were also included in S. 3584, the COVID-19 Workers First Protection Act of 2020, as introduced in the Senate.

This legislation would specifically provide that the ETS would remain in force until the permanent standard is promulgated and would explicitly exempt the ETS from the Regulatory Flexibility Act, Paperwork Reduction Act, and Executive Order 12866. OSHA would be granted enforcement discretion in cases in which it is not feasible for an employer to fully comply with the ETS (such as a case in which PPE is unavailable) if the employer is exercising due diligence to comply and implementing alternative means to protect employees.

Like the provisions in H.R. 6139 and the version of H.R. 6201 introduced in the House, the ETS and permanent standard under H.R. 6379 would be required to include an exposure control plan and provide no less protection than any state standard on novel pathogens, thus requiring OSHA to include the elements of the Cal/OSHA ATD, the VOSH COVID-19 ETS, and the MIOSHA emergency rules in this ETS and permanent standard. Although the ETS provisions in H.R. 6139 and H.R. 6201 would require that the ETS be based on the 2007 CDC guidance, specific reference to the 2007 guidance is not included in this legislation. Rather, under H.R. 6379, the ETS and permanent standard would have to incorporate, as appropriate, "guidelines issued by the Centers for Disease Control and Prevention, and the National Institute for Occupational Safety and Health, which are designed to prevent the transmission of infectious agents in healthcare settings" and scientific research on novel pathogens.

States with occupational safety and health plans would be required to adopt the ETS, or their own ETS at least as effective as the ETS, within 14 days of the legislation's enactment.

H.R. 6559, the COVID-19 Every Worker Protection Act of 2020

H.R. 6559, the COVID-19 Every Worker Protection Act of 2020, was introduced in the House by Representative Bobby Scott on April 21, 2020. This legislation includes the ETS and permanent standard provisions of Division D of H.R. 6379 and S. 3584 and would require that these standards cover healthcare workers, emergency medical responders, and "other employees at occupational risk" of COVID-19 exposure. This legislation also adds two provisions that would clarify the requirements for employers to record work-related COVID-19 infections and strengthen the protections against retaliation and discrimination offered to whistleblowers. Similar provisions are included in S. 3677 and were incorporated into H.R. 6800, the Heroes Act, as passed by the House.

COVID-19 Recordkeeping

Sections 8(c) and 24(a) of the OSH Act require employers to maintain records of occupational injuries and illnesses in accordance with OSHA regulations.[81] OSHA's reporting and recordkeeping regulations require that employers with 10 or more employees must keep records of work-related injuries and illnesses that result in lost work time for employees or that require medical care beyond first aid.[82] Employers must also report to OSHA, within 8 hours, any workplace fatality, and within 24 hours, any injury or illness that results in in-patient hospitalization, amputation, or loss of an eye. Employers in certain industries determined by OSHA to have lower occupational safety and health hazards are listed in the regulations as being exempt from the recordkeeping requirements but not the requirement to report to OSHA serious injuries, illnesses, and deaths.[83] Offices of physicians, dentists, other health practitioners, and outpatient medical clinics are included in the industries that are exempt from the recordkeeping requirements.

OSHA regulations require the employer to determine if an employee's injury or illness is related to his or her work and thus subject to the recordkeeping requirements.[84] The regulations provide a presumption that an injury or illness that occurs in the workplace is work-related and recordable, unless one of the exemptions provided in the regulations applies.[85] One of the listed exemptions is "The illness is the common cold or flu (Note: contagious diseases such as tuberculosis, brucellosis, hepatitis A, or plague are considered work-related if the employee is infected at work)."[86]

Because of the nature of COVID-19 transmission, which can occur in the community as well as the workplace, it can be difficult to determine the exact source of any person's COVID-19 transmission. Absent any specific guidance, this may make it difficult for employers to determine if an employee's COVID-19 is subject to the recordkeeping requirements.

Initial OSHA Recordkeeping Guidance

On April 10, 2020, OSHA issued enforcement guidance on how cases of COVID-19 should be treated under the recordkeeping requirements.[87] This guidance stated that COVID-19 cases were recordable if they were work-related.

Under this guidance, employers in the following industry groups were to fully comply with the recordkeeping regulations, including the requirement to determine if COVID-19 cases were work-related:

- healthcare;
- emergency response, including firefighting, emergency medical services, and law enforcement; and
- correctional institutions.

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[81] 29 U.S.C. §§657(c) and 673(a).

[82] OSHA's reporting and recordkeeping regulations are at 29 C.F.R. Part 1904.

[83] The list of exempted industries is at 29 C.F.R. Subpart B, Appendix A. States with state occupational safety and health plans may require employers in these exempted industries to comply with the recordkeeping requirements.

[84] 29 C.F.R. §1904.5.

[85] 29 C.F.R. §1905.5(a).

[86] 29 C.F.R. §1904.5(b)(2)(viii).

[87] OSHA, *Enforcement Guidance for Recording Cases of Coronavirus Disease 2019 (COVID-19)*, April 10, 2020, at https://www.osha.gov/memos/2020-04-10/enforcement-guidance-recording-cases-coronavirus-disease-2019-covid-19.

For all other employers, OSHA required employers to determine if COVID-19 cases were work-related and subject to the recordkeeping requirements only if both of the following two conditions were met:

1. There was objective evidence that a COVID-19 case may have been work-related. This could have included, for example, a number of cases developing among workers who worked closely together without an alternative explanation.
2. The evidence of work-relatedness was reasonably available to the employer. For purposes of this guidance, examples of reasonably available evidence included information given to the employer by employees, as well as information that an employer learned regarding its employees' health and safety in the ordinary course of managing its business and employees.

Updated OSHA Recordkeeping Guidance

OSHA issued new guidance, effective May 26, 2020, on recordkeeping of COVID-19 cases.[88] This new guidance rescinds the previous guidance issued by OSHA on April 10, 2020. Under this new guidance, all employers, regardless of type of industry or employment, are subject to the recordkeeping and recording regulations for work-related cases of COVID-19. To determine if an employer has made a reasonable determination that a case of COVID-19 was work-related, OSHA says it will consider the following factors:

- the reasonableness of the employer's investigation of the COVID-19 case and its transmission to the employee;
- the evidence that is available to the employer; and
- the evidence that COVID-19 was contracted at work.

The guidance provides examples of evidence that can be used to demonstrate that a COVID-19 case was or was not work-related such as if an employee had frequent close contact with members of the public in an area with ongoing community transmission of COVID-19.

H.R. 6559

H.R. 6559 would require that the ETS and permanent standard established pursuant to the legislation include the requirement for the recording and reporting of all COVID-19 cases in accordance with OSHA regulations in place at the time of enactment. By referencing the regulations in place, this provision would serve to supersede OSHA's guidance from April 10, 2020, and apply the requirement, currently provided in the guidance effective May 26, 2020, to determine the work-relatedness of COVID-19 cases to all employers covered by the recordkeeping regulations.

Whistleblower Protections

Section 11(c) of the OSH Act prohibits any person from retaliating or discriminating against any employee who exercises certain rights provided by the OSH Act.[89] Commonly referred to as the

[88] OSHA, *Revised Enforcement Guidance for Recording Cases of Coronavirus Disease 2019 (COVID-19)*, May 19, 2020, at https://www.osha.gov/memos/2020-05-19/revised-enforcement-guidance-recording-cases-coronavirus-disease-2019-covid-19.

[89] 29 U.S.C. §660(c). OSHA also enforces whistleblower provisions in 22 other federal statutes. Information on statutes with whistleblower provisions enforced by OSHA is at OSHA, *Whistleblower Statutes Summary Chart*, October 17, 2009, at https://www.whistleblowers.gov/sites/wb/files/2019-12/WB-Statute-Summary-Chart-10.8-Final.pdf.

whistleblower protection provision, this provision protects any employee who takes any of the following actions:

- files a complaint with OSHA related to a violation of the OSH Act;
- causes an OSHA proceeding, such as an investigation, to be instituted;
- testifies or is about to testify in any OSHA proceeding; and
- exercises on his or her own behalf, or on behalf of others, any other rights afforded by the OSH Act.[90]

Other rights afforded by the OSH Act that are covered by the whistleblower protection provision include the right to inform the employer about unsafe work conditions; the right to access material safety data sheets or other information required to be made available by the employer; and the right to report a work-related injury, illness, or death to OSHA.[91] In limited cases, the employee has the right to refuse to work if conditions reasonably present a risk of serious injury or death and there is not sufficient time to eliminate the danger through other means.[92]

H.R. 6559 would require that the ETS and permanent standard promulgated pursuant to the legislation expand the protections for whistleblowers. The following additional activities taken by employees would grant them protection from retaliation and discrimination from employers and agents of employers:

- reporting to the employer; a local, state, or federal agency; or the media; or on a social media platform; the following:
  - a violation of the ETS or permanent standard promulgated pursuant to the legislation;
  - a violation of the infectious disease control plan required by the ETS or permanent standard; or
  - a good-faith concern about an infectious disease hazard in the workplace;
- seeking assistance from the employer or a local, state, or federal agency with such a report; and
- using personally supplied PPE with a higher level of protection than offered by the employer.

H.R. 6800, The Heroes Act

The provisions of H.R. 6559, including the provisions relating to recordkeeping and whistleblower protections, were included as Title III of Division L of H.R. 6800, The Heroes Act. H.R. 6800 was passed by the House on May 15, 2020. In a letter to Speaker of the House Nancy Pelosi, the AHA expressed its opposition to the ETS provisions in The Heroes Act citing the potential for confusion that new regulations could bring and the "ongoing global lack of supplies, equipment and testing capability" faced by hospitals.[93] The AHA also stated that the provision

[90] 29 C.F.R. §1977.3. Public-sector employees, except employees of the United States Postal Service, are not protected by the whistleblower provision, but may be covered by whistleblower provisions in other federal and state statutes.

[91] For additional information on other rights covered by the whistleblower protection provision, see OSHA, January 9, 2019, *Investigator's Desk Aid to the Occupational Safety and Health Act (OSH Act) Whistleblower Protection Provision*, pp. 5-7, at https://www.osha.gov/sites/default/files/11cDeskAid.pdf.

[92] 29 C.F.R. §1977.12(b)(2).

[93] Letter from Thomas P. Nickels, executive vice president, American Hospital Association, to Hon. Nancy Pelosi,

OSHA-003245

that would require the ETS to be based on state standards "suggests that the federal government is surrendering its responsibility to appropriately regulate the nation to a state government agency without consideration of whether that state's decisions are appropriate for implementation anywhere and everywhere."

H.R. 925, The Heroes Act (Revised)

The provisions of H.R. 6559 and H.R. 6800 were included in the House Amendment to the Senate Amendment to H.R. 925, the revised Heroes Act, passed by the House on October 1, 2020.

Speaker, U.S. House of Representatives, May 14, 2020, at https://www.aha.org/system/files/media/file/2020/05/web-AHALettertoHouseonHEROESAct051420final.pdf.

Appendix. OSHA Emergency Temporary Standards

Table A-1. OSHA Emergency Temporary Standards (ETS)

Year	Subject of ETS	*Federal Register* Citation of ETS	Result of Judicial Review	Judicial Review Case Citation
1971	Asbestos	36 *Federal Register* 23207 (December 7, 1971)	Not challenged	—
1973	Organophosphorous pesticides	38 *Federal Register* 10715 (May 1, 1973); amended by 38 *Federal Register* 17214 (June 29, 1973)	Vacated	*Florida Peach Growers Ass'n v. United States Department of Labor,* 489 F.2d 120 (5th Cir. 1974)
1973	Fourteen carcinogens	38 *Federal Register* 10929 (May 3, 1973)	Twelve upheld, two vacated	*Dry Color Mfrs. Ass'n v. Department of Labor,* 486 F.2d 98 (3d Cir. 1973)
1974	Vinyl chloride	39 *Federal Register* 12342 (April 5, 1974)	Not challenged	—
1976	Diving operations	41 *Federal Register* 24271 (June 15, 1976)	Stayed	*Taylor Diving & Salvage Co. v. Department of Labor,* 537 F.2d 819 (5th Cir. 1976)
1977	Benzene	42 *Federal Register* 22515 (May 3, 1977)	Stayed	*Industrial Union Dep't v. Bingham,* 570 F.2d 965 (D.C. Cir. 1977)
1977	1,2 Dibromo-3-chloropropane (DBCP)	42 *Federal Register* 45535 (September 9, 1977)	Not challenged	—
1978	Acrylonitrile (vinyl cyanide)	43 *Federal Register* 2585 (January 17, 1978)	Stay denied	*Vistron v. OSHA,* 6 OSHC 1483 (6th Cir. 1978)
1983	Asbestos	48 *Federal Register* 51086 (November 4, 1983)	Stayed	*Asbestos Info. Ass'n v. OSHA,* 727 F.2d 415 (5th Cir. 1984)

Source: CRS with data from Mark A. Rothstein, "Substantive and Procedural Obstacles to OSHA Rulemaking: Reproductive Hazards as an Example," *Boston College Environmental Affairs Law Review*, vol. 12, no. 4 (August 1985), p. 673.

Author Information

Scott D. Szymendera
Analyst in Disability Policy

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Message

From: Heri, Christine - SOL [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1BD1036BC6914E8BA0FE5A526FD9B77E-HERI, CHRIS]
Sent: 6/2/2020 7:09:03 PM
To: Baird, Edmund - SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=94d10e2526774b56bbc31cec7f67b776-Baird, Edmu]; Bissell, Katherine - SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3c902c86a8e84e059ea811bfb45c75df-Bissell, Ka]
Subject: FW: Smithfield, Milan Missouri Inspection
Attachments: 2020.06.02 FILED Motion To Reconsider.pdf

Just an FYI.

From: Gordon, Charles W - SOL <b(6)@dol.gov>
Sent: Tuesday, June 2, 2020 2:05 PM
To: Heri, Christine - SOL b(6)@DOL.GOV>; Vanwijk, Evert - SOL b(6)@DOL.GOV>
Subject: FW: Smithfield, Milan Missouri Inspection

Chris and Evert,
FYI, I got the email from David Muraskin, below. His organizations are seeking reconsideration of Judge Kay's order in the dismissed case against Smithfield. The motion is attached.

Chuck

Charles W. Gordon, Jr.
Counsel Safety and Health
U.S. Department of Labor
Office of the Solicitor
2300 Main St., Suite 1020
Kansas City, MO 64108
816-285-7260 (office)
b(6) (direct)
816-285-7287 (fax)

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Until further notice, please direct all communications to me via phone or email. Please do not send correspondence by paper mail, courier, or fax to the Kansas City Solicitor's Office.

From: David Muraskin (b) 6 publicjustice.net>
Sent: Tuesday, June 2, 2020 1:26 PM
To: Stille, Kim - OSHA <b(6)@dol.gov>; Gordon, Charles W - SOL <b(6)@dol.gov>
Cc: b(6)
Subject: Smithfield, Milan Missouri Inspection

Hi Kim and Charles,

So that you felt fully informed, I wanted to provide you a copy of the attached, which we just filed in our federal court case against the Plant related to its failure to protect workers from COVID-19. It asks the Court to stay rather than dismiss the action—it had dismissed the case so OSHA could act. I want to make clear, we very much intend and hope to work with you to protect workers in the Plant. Our request that the Court reopen the

case so we can go back to it if need be was just made so that we had all options available to us. Today was the last day we could file such a request under one of the rules.

I also don't believe b(6) has been contacted about arranging interviews, so I just wanted to make sure you have his information. He is copied on this email and his cell phone is b(6)

David

PUBLIC JUSTICE
FOOD PROJECT

David S. Muraskin
Food Project Litigation Director
Pronouns: He/Him
(b) 6
publicjustice.net

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Office: (202) 861-5245
Cell: b(6)
Follow us:
https://food.publicjustice.net/

Help Us Fight for a Just Food System. Support the work of the Public Justice Food Project Today!

IN THE UNITED STATES DISTRICT COURT
FOR WESTERN DISTRICT OF MISSOURI

RURAL COMMUNITY WORKERS ALLIANCE and JANE DOE; *Plaintiffs*, v. SMITHFIELD FOODS, INC. AND SMITHFIELD FRESH MEATS CORP., *Defendants*.	Case No. 5:20-cv-06063-DGK

PLAINTIFFS' MOTION TO RECONSIDER AND SUGGESTIONS IN SUPPORT

When this case was last before the Court, there had not yet been any documented spread of the virus that causes COVID-19 at the Smithfield Plant in Milan, Missouri. Sadly, that is no longer the case. In the weeks since the Court's order, there has been substantial, documented spread at the Plant and into the broader community. Furthermore, while Plaintiffs have filed an OSHA imminent danger complaint, as recommended by this Court, OSHA's recent statements make it unclear whether the agency *can* protect these workers and the broader community. Therefore, Plaintiffs respectfully request this Court reconsider its order of dismissal, Dkt. No. 51, and instead reopen this case and stay it to allow for the possibility of further proceedings. Fed. R. Civ. P. 59(e); *see also* Fed. R. Civ. P. 60(b).

This Court's dismissal rested on its conclusions that: (a) "given the significant measures Smithfield is now taking to protect its essential workers from COVID-19 and the fact that there are no confirmed cases of COVID-19 currently at the Plant, the Court cannot conclude that the spread of COVID-19 at the Plant is inevitable," Dkt. No. 51, at 20; and (b) although "there may be some delay" in relief, in light of the risks the Court believed Plaintiffs faced, it should defer to

OSHA under the primary jurisdiction doctrine to determine what "occupational safety and health standards" should be enforced, *id.* at 16-17.

While Plaintiffs disagree with the Court's decision, their motion to reconsider is narrow. In light of the recent developments described herein, Plaintiffs merely ask this Court to reopen this case and stay it so that Plaintiffs can quickly seek relief should facts develop that demonstrate OSHA's remedial scheme is inadequate. If Plaintiffs have not returned in 90 days, the parties can submit briefing on whether a further stay is warranted in light of the pandemic, conditions at the Plant, and OSHA's actions, or lack thereof. Such a result is both fair and in the interests of judicial efficiency.

Under the primary jurisdiction doctrine, a court should only dismiss a case if the "parties would not be unfairly disadvantaged." *Reiter v. Cooper*, 507 U.S. 258, 268-69 (1993). Otherwise it should stay the action. *Id.* Courts in this district have provided much more substantial stays than the 90 days sought by Plaintiffs here, in cases concerning much less significant risks. *See Asarco, LLC v. NL Indus., Inc.,* No. 11-00138-CV-SW-BP, 2013 WL 12177089, at *6 (W.D. Mo. Mar. 18, 2013) (providing indefinite stay of environmental claims under the primary jurisdiction doctrine); *Sprint Spectrum L.P. v. AT&T Corp.,* 168 F. Supp. 2d 1095, 1102 (W.D. Mo. 2001) (providing 10-month stay in dispute about the use of the wireless communications network).

It is now established that every day of delay in bringing Smithfield's Milan Plant into compliance with workplace health and safety standards exposes workers to deadly infection. At the time of this Court's decision, there was only one positive case of COVID-19 in Sullivan County (where the Plant is located). Dkt. No. 48, at 1. Less than a week later, COVID-19 testing began at the plant. Almost immediately, Smithfield determined that between 20 and 30 workers

needed to be quarantined because of their contacts with infected individuals in the workplace.[1] By the beginning of the next week, neighboring Adair County, where many workers live, documented a "surge in cases," with many of those cases linked to the Smithfield Plant.[2] Just days later, Adair County had the "highest percentage increase" of COVID-19 cases of "any county in the state."[3] Thus, it appears, while Smithfield was contesting Plaintiffs' allegations, the virus was already spreading at its Milan Plant. What Plaintiffs' expert Dr. Melissa Perry stated was inevitable, Dkt. No. 35-2 ¶ 10, has come to fruition.

At the same time, it remains to be seen whether OSHA will be able to protect the Smithfield workers. Although OSHA has increased its enforcement activities since this Court's decision, its interpretation of its enforcement authority remains unclear. OSHA recently revised its policy that it would largely limit inspections during the pandemic to health-related facilities, to state it will now inspect a broader array of workplaces, including meatpacking plants. OSHA,

---

[1] John Garlock, *Large-scale COVID-19 testing underway at Smithfield plant in Milan*, KTVO (May 13, 2020), https://ktvo.com/news/local/covid-19-testing-underway-at-smithfield-plant-in-milan; *see also* KTVO News Desk, *COVID-19 testing at Smithfield in Milan reveals 11 more positive cases* (May 15, 2020), https://ktvo.com/news/local/covid-19-testing-at-smithfield-in-milan-reveals-11-more-positive-cases (stating that neither the health department nor Smithfield would disclose how many of the 36 positive cases were of Plant employees).

[2] AJ Capuano, *COVID-19: Kraft Heinz workers positive for virus, cases in Adair Co. linked to Smithfield*, KTVO (May 18, 2020), https://ktvo.com/news/local/covid-19-kraft-heinz-workers-sent-home-with-covid-19-smithfield-closing (noting that the City Manager at one point indicated so many cases were tied to Smithfield the Manager believed the Plant would need to close, although not providing the number of cases tied to the Plant, and the Plant remained open following that statement); *see also* Austin Miller, *Adair with 22 COVID cases, Sullivan up to 35*, Kirksville Daily (May 15, 2020), https://www.kirksvilledailyexpress.com/news/20200515/adair-with-22-covid-cases-sullivan-up-to-35 (describing "spike" in COVID-19 cases following testing at the Smithfield Plant).

[3] Austin Miller, *Adair County's COVID numbers continue to rise*, Kirksville Daily (May 21, 2020), https://www.kirksvilledailyexpress.com/news/20200521/adair-countys-covid-numbers-continue-to-rise.

Updated Interim Enforcement Response Plan for Coronavirus Disease 2019 (May 19, 2020) ("May 19 Memo").[4] Consistent with this, Plaintiff Rural Community Workers Alliance's imminent danger complaint led to an OSHA inspection of the Milan Plant.[5] But OSHA has been non-committal regarding what standards it can enforce against meatpackers. The May 19 Memo allows that breaches of "CDC guidance" may *not* constitute a "recognized hazard" that OSHA can correct. *Id.* It is also dubious that OSHA could *ever* act to protect the public outside of the workplace, which was the basis for Plaintiffs' public nuisance claim. *Steel Inst. of N.Y. v. City of New York*, 716 F.3d 31, 33 (2d Cir. 2013). If it is determined that OSHA has no authority to act, then even the mandamus action against the agency the Court recommended in its dismissal order, *see* 29 U.S.C. § 662(d), could not be used to obtain the essential and urgent relief they sought in this suit.

For these reasons, this Court should revisit its decision and stay, rather than dismiss, the case. Any unnecessary delay in Smithfield fully protecting its Milan Plant workers places Plaintiffs at an unfair disadvantage. It is beyond dispute that the continued operation of the Plant has contributed to the spread of the virus. At the same time, while Plaintiffs are attempting to work through OSHA as the Court recommended, whether the agency can provide them redress—even if they employ the 29 U.S.C. § 662(d) right of action—is uncertain. Thus, this Court should provide Plaintiffs a mechanism to quickly return and enforce their common-law rights. Dismissing the case would require Plaintiffs to draft a new complaint, that Smithfield would almost certainly seek to dismiss, a motion to which Plaintiffs would have to respond. Staying the

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[4] https://www.osha.gov/memos/2020-05-19/updated-interim-enforcement-response-plan-coronavirus-disease-2019-covid-19.

[5] Plaintiffs understand OSHA plans to take addition steps related to its inspection and no enforcement action has yet been brought against the Plant.

case would allow Plaintiffs to immediately return to this Court by filing a new request for relief, which could build upon the existing record and this Court's familiarity with it. *See Microchip Tech., Inc. v. Motorola, Inc.*, No. CIV.A. 01-264-JJF, 2002 WL 32332753, at *3 (D. Del. May 28, 2002) (explaining "efficienc[y]" is a core consideration in whether to stay an action). Plaintiffs should be provided such an opportunity to update the Court if their OSHA complaint, or a related mandamus petition, proves unavailing, and renew their request to enforce their common-law rights to keep themselves and their community safe.

Thus, Plaintiffs respectfully request that this Court reconsider its prior dismissal order, stay the case for 90-days, and order the parties to submit additional filings at that time.

June 2, 2020

Respectfully Submitted,

By: /s/ David S. Muraskin
David S. Muraskin (*pro hac vice*)
Karla Gilbride (*pro hac vice*)
Stephanie K. Glaberson (*pro hac vice*)
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Email: juno@towardsjustice.org
Attorneys for Plaintiffs

OPA Production
06/14/2021

Message

From: Sweatt, Loren E. - OSHA [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5AD5299DC47D4277A956850442D8669B-SWEATT, LOR]
Sent: 4/14/2020 10:32:44 PM
To: Sweeney, Megan P - OPA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a593a75cefbb4de5b883c3f1df09e44c-Sweeney, Me]
Subject: FW: Smithfield Foods - Major employer in Sioux Falls - April 13, 2020 - Update
Attachments: (b) 7(A)

The initial document is OSHA's inquiry. The response letter (b) 5 and complaint also attached.

From: Lucero, Rita - OSHA <Lucero.Rita@dol.gov>
Sent: Tuesday, April 14, 2020 6:26 PM
To: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Cc: Edens, Mandy - OSHA <Edens.Mandy@dol.gov>
Subject: RE: Smithfield Foods - Major employer in Sioux Falls - April 13, 2020 - Update

As requested

(b) 7(A)

Media Inquiry:
Today we received a media inquiry from the BBC that was referred to Chicago's OPA Scott Allen. Scott spoke to the reporter who was inquiring about Smithfield's OSHA history. The reporter also wanted to know whether we are doing an inspection, but he has not yet answered her. We told him that we would let him know if we were going to open an inspection there.

As of this time, we have had no reports of hospitalizations at Smithfield. (b) 5

(b) 5

(b) 5

If you need anything else tonight, please call my cell.

Rita M. Lucero

Acting Regional Administrator
OSHA, Region VIII
1244 Speer Blvd., Suite 551
Denver, CO 80204
Telephone: 720/264-6565
Email: lucero.rita@dol.gov

From: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Sent: Tuesday, April 14, 2020 4:02 PM
To: Lucero, Rita - OSHA <Lucero.Rita@dol.gov>
Cc: Edens, Mandy - OSHA <Edens.Mandy@dol.gov>
Subject: RE: Smithfield Foods - Major employer in Sioux Falls - April 13, 2020 - Update

Can you send me the inquiry OSHA sent, please?

From: Lucero, Rita - OSHA <Lucero.Rita@dol.gov>
Sent: Monday, April 13, 2020 11:48 AM
To: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Cc: Edens, Mandy - OSHA <Edens.Mandy@dol.gov>
Subject: Smithfield Foods - Major employer in Sioux Falls - April 13, 2020 - Update

Hello – Update on Smithfield

Throughout the weekend the number of Covid-19 cases continued to rise and one recent news article says that 238 of Minnehaha's 438 cases involve "individuals who work at Smithfield Foods". The initial plan was that Smithfield close for three days but, the cases continued to climb throughout the weekend, initially prompting a 14-day shutdown – urged by the Governor Noem and Mayor TenHaken. The plant took an additional step to close the facility until further notice.

Several other news outlets have higher numbers for Smithfield Food employees infected with Covid-19. The US News says nearly 300 employees are infected.

Here is the news release that Smithfield issued:

https://www.smithfieldfoods.com/press-room/company-news/smithfield-foods-to-close-sioux-falls-sd-plant-indefinitely-amid-covid-19

Here is the most recent story in the Argus Leader:

https://www.argusleader.com/story/news/2020/04/12/smithfield-foods-close-sioux-falls-plant-indefinetly-amid-covid-19-outbreak/2978385001/

State-wide we currently have 730 cases.

Here is the link to the US News Story:

https://www.usnews.com/news/national-news/articles/2020-04-13/smithfield-foods-closes-south-dakota-processing-plant-after-employees-test-positive-for-coronavirus

(b) 5

I will send an update on JBS later today.

I will update as I learn additional information.

Rita M. Lucero

Acting Regional Administrator

OSHA, Region VIII
1244 Speer Blvd., Suite 551
Denver, CO 80204
Telephone: 720/264-6565
Email: lucero.rita@dol.gov

Message

From: Sweatt, Loren E. - OSHA [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5AD5299DC47D4277A956850442D8669B-SWEATT, LOR]
Sent: 9/11/2020 10:31:33 PM
To: Sweeney, Megan P - OPA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a593a75cefbb4de5b883c3f1df09e44c-Sweeney, Me]; Pearce, Krisann - OSHA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0a3aff68891c49cbb6b2dec6bbca283c-Pearce, Kri]
Subject: Fwd: (b) 5, 7(A)
Attachments: (b) 7(A)

Begin forwarded message:

From: "Hauter, Nancy - OSHA" <Hauter.Nancy@dol.gov>
Date: September 11, 2020 at 6:23:25 PM EDT
To: "Edens, Mandy - OSHA" <Edens.Mandy@dol.gov>, "Sweatt, Loren E. - OSHA" <Sweatt.Loren.E@dol.gov>, "Kapust, Patrick - OSHA" <Kapust.Patrick@dol.gov>
Cc: "Zentner, Todd - OSHA" <Zentner.Todd@dol.gov>, "Rainwater, John - SOL" <Rainwater.John@DOL.GOV>, "Williams2, Timothy - SOL" <Williams2.Timothy@dol.gov>, "Baird, Edmund - SOL" <Baird.Edmund@dol.gov>
Subject: (b) 7(A)

All -

(b) 7(A)

Nancy

Message

From: Todd Neeley [todd.neeley@dtn.com]
Sent: 9/10/2020 7:17:39 PM
To: Sweeney, Megan P - OPA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a593a75cefbb4de5b883c3f1df09e44c-Sweeney, Me]
Subject: Reporter, DTN Re: Smithfield Foods COVID-19 citation
Attachments: OSHA citations Smithfield UFCW Local 304A.pdf

Importance: High

Megan,
My name is Todd Neeley and I'm a reporter with DTN in Omaha, Nebraska. We have been covering the outbreak of COVID-19 in meatpacking plants this year. This week Smithfield Foods' plant in Sioux Falls, South Dakota, received an OSHA citation for allegedly not taking steps to protect workers at the plant in March. It was a full month before OSHA released COVID-19 guidelines for meatpackers. We are curious, why was the plant cited for activities a full month before OSHA sent out guidelines? I've enclosed a copy of the complaint. We would appreciate a response by 10 a.m. central on Friday. Thanks for your consideration.

Sincerely,

Todd Neeley
Staff Reporter, DTN/The Progressive Farmer

DTN
Office Phone: +402-255-8237
Mobile Phone: + 402-309-3720
Twitter: @toddneeleyDTN

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U.S. Department of Labor
Occupational Safety and Health Administration
4404 South Technology Drive
Sioux Falls, SD 57106

Citation and Notification of Penalty

To:
Smithfield Packaged Meats Corporation
1400 North Weber Avenue
Sioux Falls, SD 57103

Inspection Number: 1472736
Inspection Date(s): 04/20/2020 - 09/02/2020
Issuance Date: 09/08/2020

Inspection Site:
1400 North Weber Avenue
Sioux Falls, SD 57103

The violation described in this Citation and Notification of Penalty is alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty listed herein is based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation cited herein has been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period by calling 605-361-9566. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation and/or penalty.

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation and/or proposed penalty within 15 working days after receipt, the citation and the proposed penalty will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "**OSHA**" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of $25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide ***abatement certification*** to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that ***abatement documentation*** is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an

employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.

U.S. Department of Labor
Occupational Safety and Health Administration

NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation issued on 09/08/2020. The conference will be held by telephone or at the OSHA office located at 4404 South Technology Drive, Sioux Falls, SD 57106 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1472736

Company Name: Smithfield Packaged Meats Corporation
Inspection Site: 1400 North Weber Avenue, Sioux Falls, SD 57103
Issuance Date: 09/08/2020

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 4404 South Technology Drive, Sioux Falls, SD 57106**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____
_____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____
_____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____
_____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____
_____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____
_____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____
_____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

_____ _____
Signature Date

_____ _____
Typed or Printed Name Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than $10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review

Citation and Notification of Penalty

Company Name: Smithfield Packaged Meats Corporation
Inspection Site: 1400 North Weber Avenue, Sioux Falls, SD 57103

Citation 1 Item 1 Type of Violation: **Serious**

OSH ACT of 1970 Section 5(a)(1): The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were working in close proximity to each other and were exposed to SARS-CoV-2, the virus that causes Coronavirus Disease 2019 (COVID-19):

(a) Smithfield Packaged Meats Corporation at 1400 North Weber Avenue in Sioux Falls, SD 57103: On or about and at times prior to March 23, 2020, the employer did not develop or implement timely and effective measures to mitigate exposures to the hazard of SARS-CoV-2. Between March 22, 2020, and June 16, 2020, approximately 1,294 employees had tested positive for SARS-CoV-2. Of those employees, approximately 43 were hospitalized and four employees died of complications related to the virus.

Among other methods, recognized and feasible means of abatement for this hazard include:

1. The implementation of proactive social distancing measures to ensure that employee work activities, on and off the production line, allow for at least a six-foot distance between workers and at times, and if a six-foot distance is unattainable, the use of barriers between work stations, in lunchrooms, in break areas, and other common areas such as classrooms and conference rooms. Examples of these measures include:

    a. Providing visual cues such as floor markings and/or signs to remind employees to remain six feet apart from each other. Areas where this would be most effective include areas such as time clocks, locker rooms, the symptom screening area, office areas, breakrooms, the cafeteria, equipment and supply areas and some production areas.
    b. Staggering shifts to minimize the number of employees entering or exiting the facility and accessing common areas simultaneously.
    c. Staggering break and meal times to minimize the number of employees in common areas at the same time.
    d. Expanding or providing additional space for employee use of breakrooms and cafeterias to ensure that employees have adequate room to practice social distancing.

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

Citation and Notification of Penalty

Company Name: Smithfield Packaged Meats Corporation
Inspection Site: 1400 North Weber Avenue, Sioux Falls, SD 57103

e. Modifying line speed to enable employees to stand farther apart.
f. Modifying workstation orientation and/or arrangement so that employees do not work directly across from each other where feasible.
g. Installing hardened plastic or other dividers between workstations where employees are not able to practice social distancing where feasible.
h. Installing barriers in common areas where employees are not able to practice social distancing and in areas where employees with fixed workstations may interact with multiple employees on a routine basis (reception areas, security building, Human Resources customer service counter, areas were equipment/supplies are provided to employees, etc.).

2. Require employee use of protective measures including faceshields and/or face coverings where employees are not able to practice social distancing onsite.

3. The employer should work with state, local, tribal and/or territorial health officials to facilitate the identification of other exposed and potentially exposed employees at the facility.

4. Screening employees to determine if they are experiencing symptoms associated with being infected with SARS-CoV-2 prior to employees entering the facility. Screening should include:

   a. Implementing federal, state, and local health officials' guidance regarding evaluation of employee symptoms.
   b. Ensuring employees understand the screening questions.
   c. Ensuring written materials used during the screening process are available in languages that employees understand.

Abatement Note: Although each method is recognized to reduce employee exposure to this hazard, combined implementation of multiple methods is recognized to be most effective.

Abatement Note: Abatement documentation and certification are required for this item (See enclosed "Certification of Corrective Action Worksheet").

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

Citation and Notification of Penalty

Company Name: Smithfield Packaged Meats Corporation
Inspection Site: 1400 North Weber Avenue, Sioux Falls, SD 57103

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 09/29/2020
Proposed Penalty: $13494.00

Sheila Stanley

Sheila Stanley
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
4404 South Technology Drive
Sioux Falls, SD 57106

INVOICE / DEBT COLLECTION NOTICE

Company Name:	**Smithfield Packaged Meats Corporation**
Inspection Site:	**1400 North Weber Avenue, Sioux Falls, SD 57103**
Issuance Date:	**09/08/2020**

Summary of Penalties for Inspection Number	**1472736**
Citation 1, Serious	**$13494.00**
TOTAL PROPOSED PENALTIES	**$13494.00**

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "**OSHA**" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of $25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is two percent (2%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.

Sheila Stanley

Sheila Stanley
Area Director

9/8/2020
Date

Message

From: Sweeney, Megan P - OPA [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A593A75CEFBB4DE5B883C3F1DF09E44C-SWEENEY, ME]
Sent: 4/14/2020 11:00:39 PM
To: Bob Bozzuto (Bozzuto.Robert.F@dol.gov) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2c941a61afda41d6bc1f36cb41a185d6-Bozzuto, Ro]
Subject: FW: Smithfield Foods - Major employer in Sioux Falls - April 13, 2020 - Update
Attachments: (b) 7(A)

FYI

From: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Sent: Tuesday, April 14, 2020 6:33 PM
To: Sweeney, Megan P - OPA <Sweeney.Megan.P@DOL.gov>
Subject: FW: Smithfield Foods - Major employer in Sioux Falls - April 13, 2020 - Update

The initial document is OSHA's inquiry. The response letter (b) 5 and complaint also attached.

From: Lucero, Rita - OSHA <Lucero.Rita@dol.gov>
Sent: Tuesday, April 14, 2020 6:26 PM
To: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Cc: Edens, Mandy - OSHA <Edens.Mandy@dol.gov>
Subject: RE: Smithfield Foods - Major employer in Sioux Falls - April 13, 2020 - Update

As requested

(b) 7(A)

Media Inquiry:
Today we received a media inquiry from the BBC that was referred to Chicago's OPA Scott Allen. Scott spoke to the reporter who was inquiring about Smithfield's OSHA history. The reporter also wanted to know whether we are doing an inspection, but he has not yet answered her. We told him that we would let him know if we were going to open an inspection there.

As of this time, we have had no reports of hospitalizations at Smithfield. (b) 5
(b) 5

(b) 5

If you need anything else tonight, please call my cell.

Rita M. Lucero

Acting Regional Administrator
OSHA, Region VIII
1244 Speer Blvd., Suite 551
Denver, CO 80204
Telephone: 720/264-6565
Email: lucero.rita@dol.gov

From: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Sent: Tuesday, April 14, 2020 4:02 PM
To: Lucero, Rita - OSHA <Lucero.Rita@dol.gov>
Cc: Edens, Mandy - OSHA <Edens.Mandy@dol.gov>
Subject: RE: Smithfield Foods - Major employer in Sioux Falls - April 13, 2020 - Update

Can you send me the inquiry OSHA sent, please?

From: Lucero, Rita - OSHA <Lucero.Rita@dol.gov>
Sent: Monday, April 13, 2020 11:48 AM
To: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Cc: Edens, Mandy - OSHA <Edens.Mandy@dol.gov>
Subject: Smithfield Foods - Major employer in Sioux Falls - April 13, 2020 - Update

Hello – Update on Smithfield

Throughout the weekend the number of Covid-19 cases continued to rise and one recent news article says that 238 of Minnehaha's 438 cases involve "individuals who work at Smithfield Foods". The initial plan was that Smithfield close for three days but, the cases continued to climb throughout the weekend, initially prompting a 14-day shutdown – urged by the Governor Noem and Mayor TenHaken. The plant took an additional step to close the facility until further notice.

Several other news outlets have higher numbers for Smithfield Food employees infected with Covid-19. The US News says nearly 300 employees are infected.

Here is the news release that Smithfield issued:

https://www.smithfieldfoods.com/press-room/company-news/smithfield-foods-to-close-sioux-falls-sd-plant-indefinitely-amid-covid-19

Here is the most recent story in the Argus Leader:

https://www.argusleader.com/story/news/2020/04/12/smithfield-foods-close-sioux-falls-plant-indefinetly-amid-covid-19-outbreak/2978385001/

State-wide we currently have 730 cases.

Here is the link to the US News Story:

https://www.usnews.com/news/national-news/articles/2020-04-13/smithfield-foods-closes-south-dakota-processing-plant-after-employees-test-positive-for-coronavirus

(b) 5

I will send an update on JBS later today.

I will update as I learn additional information.

Rita M. Lucero

Acting Regional Administrator
OSHA, Region VIII
1244 Speer Blvd., Suite 551
Denver, CO 80204
Telephone: 720/264-6565
Email: lucero.rita@dol.gov

Message

From: Nicholson, Mattie L - OPA [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E57E90A07DD74C1880260DA706D772D8-NICHOLSON,]
Sent: 12/18/2020 8:44:05 PM
To: Bozzuto, Robert F - OPA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2c941a61afda41d6bc1f36cb41a185d6-Bozzuto, Ro]
CC: Sweeney, Megan P - OPA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a593a75cefbb4de5b883c3f1df09e44c-Sweeney, Me]; Sidney, Sabin R - OPA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=57ff1f749e784a7fb5598a532d675791-Sidney, Sab]
Subject: Press Inquiry 17
Attachments: Post Hearing brief exhibit A.pdf; Post Hearing brief (004).pdf

Bob – For your approval

OUTLET: USA Today
REPORTER: Kyle Bagenstose

QUESTIONS

1. Our statistics (#s 1, 2, and 3 from **Findings)** suggest a significant gap between the number of meatpacking plants where workers have died from COVID-19 and the number of plants where inspections have been conducted. Can the agency explain those discrepancies?

2. Interviewees have criticized the agency's use of "remote inspections" for COVID-19 matters at meatpacking plants. They say that video conferencing, fax, and email are inadequate to ensure safe conditions. Any comment?

3. Interviewees have noted that under existing OSHA guidance, healthcare facilities have been deemed priority for in-person OSHA inspections. Interviewees have offered that this is inadequate for meatpacking plants, given that they are subject to the Defense Production Act via executive order and are known to be superspreader facilities in line with nursing homes and prisons. Any comment? Early on, the most exposure would be those treating COVID patients. As we moved forward, we

4. Interviewees have criticized OSHA's in-person inspections of meatpacking plants, including giving advance notice to employers, being too brief, and relying too much on employers' guidance through the plants. Any comment?

5. In at least two plants, OSHA inspectors gave companies advance notice of their on-site inspections. In both instances, workers and their advocates say that prompted changes that didn't last beyond the OSHA inspection. In a July hearing in federal court, a Pennsylvania inspector testified that she gave Maid-Rite Specialty Foods advance notice of an inspection for her own protection from the coronavirus. What has OSHA advised inspectors about alerting employers to inspections in advance during the pandemic?

6. Our calculations show that the agency has issued COVID-19 related violations to only three employers, totaling about $54,000: a JBS plant in Greeley, Colorado; Smithfield Foods in Sioux Falls, South Dakota; and Quality Sausage in Dallas, Texas. Is this accurate, and if so, why have so few workplaces been cited when so many workers have fallen ill or died?

7. What is the status of the inspection of the Noah's Ark facility in Hastings, NE? (Please see our description in the **Facilities** portion.) Can the agency comment on the allegations that the plant continues to be an unsafe work place?

8. Through interviews and document reviews, we have come to understand that guidances released by OSHA in April stipulate that employers are able to determine whether or not an employee's COVID-19 diagnosis is workplace related, and thus reportable to OSHA. The guidances create a "more likely than not" test for employers to make that determination. Is this accurate?

9. Interviewees have been critical of this approach, saying it places too much control in the hands of companies, bucks usual OSHA policy to have employers report illnesses and injuries and let area offices decide on workplace connectedness, and has ultimately led to an underreporting of legitimate workplace-connected COVID-19 cases. Any comment?

10. Through interviews and document reviews, it is our understanding that some unions have observed discrepancies between the number of employees sick with or dead from COVID-19 and the incidents recorded in employers' 300 logs. Any comment? I think we'd need specific instances to comment.

11. It is our understanding that in a FAQ guidance released by OSHA in September, the agency informed employers they only had to report COVID-19 hospitalizations if they occurred within 24 hours of a workplace exposure. Deaths would only be reportable if they occurred within 30 days of a known exposure. Given that COVID-19's incubation period typically begins several days after exposure, and that some individuals suffer a prolonged COVID-19 illness that can last months before death, this would appear to allow for a significant undercounting of employee hospitalizations and deaths. Is our reading of the FAQ accurate, and if so, any comment?

12. Our understanding is that in September, U.S. senators signed a letter to DOL Secretary Eugene Scalia (The "Sherrod Brown" letter) inquiring about the inspections of meat plants. The senators have apparently received no response. Is this accurate and any comment?

13. Interviewees have been critical about OSHA's release of meatpacking safety guidelines in the spring, saying they are largely voluntarily and include language such as "when possible" and "if feasible." They opined that OSHA should have crafted mandatory emergency standards instead to ensure bare minimum safety conditions were met. Any comment?

14. Interviewees were critical of OSHA's reliance on the general duty clause to ensure worker protections, saying citations are difficult to defend in court and allow for unsafe conditions to continue while being litigated. Any comment?

15. Please comment on the allegations described at Seaboard Foods in Guymon, OK, as described in the **Facilities** section.

16. Please review the description of the Smithfield facility in Crete, NE in the **Facilities** section. In addition to any comment, how many employee COVID-19 deaths have been reported to OSHA by the facility? How many are being investigated? What are the status of those investigations?

17. Overall, interviews say the above allegations all culminate in an abdication of OSHA's responsibility to protect meatpacking workers from COVID-19. What is the agency's response?

FINDINGS

(b) 5

FACILITIES

(b) 5

PROPOSED RESPONSE:

(b) 5

(b) 5

(b) 5

(b) 5

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR WESTERN DISTRICT OF MISSOURI

RURAL COMMUNITY WORKERS ALLIANCE and JANE DOE, *Plaintiffs*, v. SMITHFIELD FOODS, INC. and SMITHFIELD FRESH MEATS CORP., *Defendants*.	Case No. 5:20-cv-06063-DGK

PLAINTIFFS' SUGGESTIONS IN OPPOSITION TO SMITHFIELD'S EMERGENCY MOTION TO DISMISS

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I. INTRODUCTION

Plaintiffs seek a straightforward and uncontroversial remedy: an order from this Court that pursuant to Missouri's "stay at home" order, Defendants Smithfield Foods, Inc. and Smithfield Fresh Meats Corp. (together, "Smithfield") must operate their Milan, Missouri plant (the "Plant") consistent with Centers for Disease Control ("CDC") guidance, including guidance issued by the CDC this weekend regarding the operation of slaughterhouses and meatpacking plants during the COVID-19 pandemic, Dkt. No. 29-5 (collectively, "CDC guidance"). Consistent with the purpose of that guidance, and with the support of a range of public health experts, Plaintiffs argue that Smithfield's failure to comply with this guidance poses an urgent and ongoing threat to Plant workers, their community, and to the nation, including the food supply, which would be threatened further if the Plant experienced an outbreak like those that have emerged at other Smithfield plants.

Smithfield's Motion to Dismiss ("Smithfield Br."), Dkt. No. 29, does not argue that Plaintiffs have not pled the elements of their state law claims for public nuisance and breach of the duty to provide a reasonably safe workplace. Smithfield also does not argue they are somehow free to ignore Missouri's "stay at home" order or the CDC guidance that it incorporates. Instead, Smithfield asks this Court to step back and wait to adjudicate this case and protect public health and safety because it is possible that the federal Occupational Safety and Health Administration ("OSHA") or the Missouri Department of Health and Senior Services ("MDHSS") may, at some future point, decide to step in.

No law or doctrine prohibits this Court from addressing the urgent risks posed by Smithfield's operation of the Plant in a manner inconsistent with CDC guidance. Missouri courts have long allowed private plaintiffs to go to court to seek abatement of public nuisances that may cause harm to the public health, *Scheurich v. Sw. Missouri Light Co.*, 84 S.W. 1003, 1007 (Mo.

Ct. App. 1905), and to seek injunctions for breaches of the duty to provide a reasonably safe workplace, *Smith v. W. Elec. Co.*, 643 S.W.2d 10, 13 (Mo. Ct. App. 1982). This case is consistent with those bedrock principles of Missouri tort law. The doctrines of primary jurisdiction and *Burford* abstention do nothing to change that tradition.

There is also nothing to wait for. OSHA and MDHSS have already acted by pointing to the CDC guidelines as the standards that employers should follow to prevent further spread of COVID-19. Those standards have recently become even more specific and undeniable pursuant to recommendations issued by CDC and OSHA to protect workers at poultry and meat processing facilities from the disease. *See* Dkt. No. 29-5.[1] Plaintiffs allege that Smithfield's failure to follow those guidelines violates Missouri common law and requires injunctive relief. The Court need not defer to agencies who have said all they need to say on this matter to resolve Plaintiffs' claims. This is all the more true because neither OSHA nor the MDHSS is engaged in enforcement of the CDC guidance within the Milan plant and OSHA and Missouri's public statements establish they will not enforce these essential rules.

This litigation and the Court's Order of April 26, which required Smithfield to comply with CDC guidance pending a hearing on Plaintiffs' motion for a preliminary injunction, *see* Dkt. No. 20, have already resulted in concrete improvements at the Milan Plant. New social distancing protocols and mask-wearing requirements, announced for the first time on April 27, are already making workers and the surrounding community safer than they were before. Supplemental Declaration of Jane Doe ("Second Doe Decl.") ¶¶ 6-8. These changes also put the

[1] Importantly, this new guidance calls for many of the same reforms recommended in Dr. Robert Harrison's declaration in support of Plaintiffs' Motion for Preliminary Injunction. Dkt. No. 3-4.

lie to Smithfield's prior representations to the Court that they were already in compliance when Plaintiffs filed suit. Smithfield Br. 3.

There remains much more that Smithfield must do to comply with the CDC guidance and ensure the Plant can remain open without the disastrous spread of COVID-19 that has forced other plants to close. Dismissing this action now in hopes of enforcement by OSHA and/or MDHSS, when both have indicated enforcement action is *not* forthcoming, undermines basic rights and threatens the safety of the Nation. Neither law nor logic suggests such a result.

II. FACTUAL BACKGROUND

Smithfield's argument that the Court need not order the requested relief because, so far, there are no *confirmed* cases of COVID-19 among workers at the Plant and relatively low numbers of cases in surrounding counties compared to other parts of the state misses the point. Smithfield Br. 3-4. Most importantly, "confirmed cases" is a peculiar standard on which to rely, because workers have already shown symptoms, Dkt. No. 3-5 ¶ 4 ("First Doe Decl.") (identifying at least 8 workers with symptoms), and Smithfield continues to refuse to offer the workers testing, Second Doe Decl. ¶ 13. A public health and slaughterhouse expert explains to the Court that without the relief requested here, spread of the disease in the Plant is "inevitable." *E.g.*, Declaration of Dr. Melissa Perry ("Perry Decl.") ¶¶ 9-10, 32.

Without Court intervention, Milan will likely join a long line of slaughterhouses around the country to become the source of a virus cluster. This morning, Smithfield's packing facility in Clinton, North Carolina reported two new positive cases.[2] Just this past Monday, Crete, Nebraska officials stated Smithfield's plant there would be closed because of an outbreak

[2] Chris Berendt, *Virus cases at Smithfield rise to seven*, THE SAMPSON INDEPENDENT (Apr. 29, 2020), https://www.clintonnc.com/news/48498/virus-casesat-smithfieldrise-to-seven.

(although it now appears Smithfield may be keeping that plant open despite the health and safety concerns).[3] Last week, a report examining meat and poultry plants determined that 150 such plants are located in counties that have an infection rate higher than 75% of the United States.[4] Plaintiffs filed this suit seeking solely injunctive relief to bring the Plant into compliance with existing public health guidance so that it could remain in operation, and so that the residents of the surrounding counties would not join the list of other rural areas that have turned into COVID-19 hot spots because they are home to meat processing facilities.

Plaintiffs' efforts to enforce Missouri law appear to be working already. In response to the suit, this Court Ordered Smithfield on April 26 to "comply with all guidance from CDC and other public authorities." Dkt. No. 20, at 3. Then, on April 27, a new sign appeared in the plant stating that masks must be worn at all times. Second Declaration of Axel Fuentes ("Fuentes Decl.") ¶¶ 4-5 & Ex. A. That same day, another new sign provided an updated protocol for clock-in and -out procedures to permit greater social distancing. *Id* ¶ 6*;* Second Doe Decl. ¶ 7.

However, Smithfield's Milan workers remain without some basic protections. They continue to stand shoulder-to-shoulder on the line. Second Doe Decl. ¶ 5. Hallways, restrooms, and break areas remain crowded, with workers "regularly closer than 6-feet apart." *Id.* ¶ 9. Smithfield has failed to provide handwashing breaks or allow workers to step off the line to blow

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[3] Jennifer Shike, *Smithfield Foods Slows Production at Pork Plant in Crete, Nebraska,* AGWEB (Apr. 27, 2020), https://www.agweb.com/article/smithfield-foods-shutters-pork-plant-crete-nebraska.

[4] Kyle Bagenstose, Sky Chadde & Matt Wynn, *Coronavirus at meatpacking plants worse than first thought, USA TODAY investigation finds: Coronavirus closed Smithfield and JBS meatpacking plants. Many more are at risk. Operators may have to choose between worker health or meat in stores*, USA TODAY (Apr. 22, 2020), https://www.usatoday.com/in-depth/news/investigations/2020/04/22/meat-packing-plants-covid-may-force-choice-worker-health-food/2995232001/.

their noses. *Id.* ¶ 10. Smithfield's actual enforcement of its stated mask policy appears non-existent. *Id.* ¶¶ 3-4. Smithfield provides no paid sick leave and encourages workers to come in sick. *Id.* ¶¶ 12, 15. And Smithfield has not provided for testing or any system of contact tracing. *Id.* ¶ 13. These facts remain contrary to what Dr. Robert Harrison, Dr. Melissa Perry, and the CDC explain is necessary to keep the Plant from becoming an incubator for disease. *See* Declaration of Dr. Robert Harrison ("Harrison Decl.), Dkt. No. 3-4. In fact, Dr. Perry explains that immediately correcting these conditions is both practical and essential. Perry Decl. ¶¶ 8-32.

III. ARGUMENT

A. The Court Should Not Exercise Its Discretion to Apply the Primary Jurisdiction Doctrine Where the Relevant Federal Guidance Has Already Been Issued and the Only Question Is Its Enforcement, Which OSHA Has Disclaimed.

Primary jurisdiction "is to be 'invoked sparingly, as it often results in added expense and delay.'" *Alpharma, Inc. v. Pennfield Oil Co.*, 411 F.3d 934, 938 (8th Cir. 2005) (quoting *Red Lake Bank of Chippewa Indians v. Barlow*, 846 F.2d 474, 477 (8th Cir. 1988)). The district court should dismiss a case and refer a matter to a federal agency pursuant to the primary jurisdiction doctrine only where "the parties would not be unfairly disadvantaged." *Reiter v. Cooper*, 507 U.S. 258, 268-69 (1993). This is not such a case.

Here, Jane Doe and her coworkers, including many Rural Community Workers Alliance ("RCWA") members, as well as the communities where they live, have already benefitted from the changes instituted at the Plant in response to this Court's Order. Plaintiffs would be unfairly disadvantaged if the Court withdrew its supervisory presence, which ensures that Smithfield will continue complying with applicable OSHA and CDC guidance. This is particularly the case where Smithfield relies entirely on an "informal" letter they have received from OSHA, that cannot and—based on OSHA's statements—will not result in federal enforcement. Declaration

of Dr. David Michaels ("Michaels Decl.") ¶¶ 13-14; Declaration of Ann Rosenthal ("Rosenthal Decl.") ¶¶ 12-14.

1. Plaintiffs' Claims Do Not Involve OSHA Expertise.

The Eighth Circuit explains that a core objective of this prudential doctrine is to take advantage of "agency expertise," *Alpharma*, 411 F.3d at 938, but here, Plaintiffs ask the Court to consider claims that call for judicial, not administrative, resolution. Plaintiffs' public nuisance claims seek a remedy against business operations that cause a harm to the public generally. OSHA's jurisdiction focuses on the workplace. It has no authority to promulgate standards to protect the general public. *Steel Inst. of N.Y. v. City of New York*, 716 F.3d 31, 33 (2d Cir. 2013) ("the Act does not protect the general public, but applies only to employers and employees in workplaces"); *accord* Michaels Decl. ¶ 8; Rosenthal Decl. ¶ 5. And although Missouri's cause of action for violation of the right to a safe workplace certainly relates to occupational safety, that claim has long formed the basis for injunctive relief in court, even subsequent to the creation of OSHA in 1970. *See, e.g.*, *Smith v. W. Elec. Co.*, 643 S.W.2d 10, 12-13 (Mo. App. 1982).[5] Plaintiffs bring claims under state common law doctrines that OSHA's regulatory scheme does not displace, and there is no reason for this Court to defer to the primary jurisdiction of OSHA before resolving those claims. *See* 29 U.S.C. § 653(b)(4); *United Steelworkers of America v. Marshall*, 647 F.2d 1189, 1235-36 (D.C. Cir. 1980) (OSHA leaves "state schemes wholly intact as a legal matter"). In fact, primary jurisdiction is not applicable where plaintiffs do not seek to

[5] The Missouri court expressly rejected an argument that it should defer and allow OSHA to address the problem because it could not identify an "OSHA standard which would appear to cover tobacco smoke." *Smith*, 643 S.W.2d at 14. Similarly, OSHA "has not adopted a specific standard that protects employees from the risks of infectious disease like COVID-19." Michaels Decl. ¶ 10.

enforce a federal statute or regulation but bring "an independent state law cause of action for negligence and strict liability." *Ryan v. Chemlawn Corp.*, 935 F.2d 129, 132 (7th Cir. 1991).

Allowing Plaintiffs claims to proceed will also further national "consistency"—the other rationale for primary jurisdiction—because any relevant OSHA activity has already occurred, and the Court already has the benefit of the agency's "expertise." *See Alpharma*, 411 F.3d at 938. In particular, OSHA, in conjunction with the CDC, has published detailed guidelines on how to mitigate the spread of COVID-19 in meat processing facilities. Dkt. No. 29-5 (guidance). Plaintiffs simply request that the Court require Smithfield to comply with those guidelines, as Drs. Harrison and Perry recommend. Eighth Circuit precedent instructs that courts should not defer to agencies under the primary jurisdiction doctrine when the court is asked to analyze what an agency has already done, not substitute its judgment as to what an agency might or should do in the future. *Alpharma*, 411 F.3d at 939 ("The question of whether Pennfield's BMD has been approved as safe and effective is much different from the question of whether Pennfield's BMD should be approved as safe and effective, and it is only the latter that requires the FDA's scientific expertise."); *see also Illinois Pub. Interest Research Grp. v. PMC, Inc. Through PMC Specialties Grp.*, 835 F. Supp. 1070, 1076 (N.D. Ill. 1993) (declining to defer to agency's primary jurisdiction where the court was not being asked to set standards but merely "to enforce existing standards"); *Segedie v. Hain Celestial Grp., Inc.*, No. 14-5029, 2015 WL 2168374, at *13 (S.D.N.Y. May 7, 2015) (declining to defer to agency's primary jurisdiction where the "claims seek to hold Defendant to existing regulations, not proposed regulations").

2. There Are No Relevant OSHA Proceedings.

Further, there is no administrative activity to which the Court could defer—as is necessary for the primary jurisdiction doctrine to apply. *See, e.g., Natural Res. Def. Council v.*

Metro. Water Reclamation Dist. of Greater Chi., No. 11-02937, 2016 WL 1298124, at *4 (N.D. Ill. Mar. 31, 2016) (holding primary jurisdiction doctrine does not apply because defendant did "not identify with precision any relevant proceedings to which this Court should defer for the resolution of the question presented."). Smithfield argues that an April 22 letter from OSHA's regional administrator suggests that "OSHA is already in the process of exercising its jurisdiction at the Plant." Smithfield Br. 1. But that letter responds to a specific workplace injury that occurred on April 15 and says nothing about COVID-19. Dkt. No. 29-2. The sole reference to the virus appears in a generic COVID-19 questionnaire following a more specific questionnaire addressing the April 15 incident. *Id.*

Moreover, the April 22 letter represents an inquiry, not an inspection, and does not suggest an inspection is imminent. It is conceivable that under OSHA's regulatory regime this written exchange of information, called an investigation, could lead OSHA to request an in-person inspection. Michaels Decl. ¶¶ 15-16. However, the interim guidance OSHA has issued for its administrators during the pandemic makes this unlikely; OSHA has expressly stated its policy is *not* to inspect meat packing plants. Michaels Decl. ¶¶ 13-14; Rosenthal Decl. ¶ 13; *see also* Dkt. No. 29-4 (guidance).[6] An inspection is ***a prerequisite*** to any OSHA action that could require a workplace to abate unsafe conditions. 29 U.S.C. § 658(a); *see also* Michaels Decl. ¶ 15; Rosenthal Decl. ¶ 14. Furthermore, if such an inspection did occur, it could in turn lead to a

[6] Indeed, Dr. Michaels, the longest serving head of OSHA in its history, and a current scholar on its practices states that throughout the crisis "OSHA has failed to enforce any of its limited requirements that could conceivably protect meatpacking workers from illness." Michaels Decl. ¶ 8; *see also id.* ¶¶ 10, 12 (explaining OSHA's only potentially applicable standards leave their implementation to the discretion of the employer and that OSHA has not taken any steps to make them mandatory in response to COVID-19). *See also* Rosenthal Decl. ¶¶ 10-12 (stating substantially the same).

citation issued anytime in the next six months, which would then be reviewable by the independent Occupational Safety and Health Review Commission before it could be enforced. 29 U.S.C. § 658(c), 659(c); *see also* Michaels Decl. ¶¶ 16-17; Rosenthal Decl. ¶¶ 15-17.

Dr. Michaels and Anne Rosenthal, both of whom served long stints within high levels of OSHA, are of the opinion that written investigation letters like the one sent to Smithfield on April 22 rarely, if ever, lead to citations, enforcement actions, or penalties, particularly in light of OSHA's stated non-enforcement policy against meat packing plants. Michaels Decl. ¶¶ 13-16. Rosenthal Decl. ¶¶ 11-3. Michaels and Rosenthal also opine that even if the letter did lead to an inspection and to any kind of enforcement on a reasonable timeline, none of the specific OSHA standards spelled out on page 13 of Smithfield's motion would be sufficiently strong to allow OSHA to enforce the CDC guidelines, even the guidelines that OSHA has helped to promulgate. Michaels Decl. ¶¶ 10-12; Rosenthal Decl. ¶¶ 8-9.

Smithfield argues that the Department of Labor could seek an emergency injunction to enforce OSHA standards even absent an inspection, but that argument is belied by statute and Supreme Court and Eighth Circuit law. 29 U.S.C. § 662(c) (noting that the Secretary of Labor will request an injunction only in response to a recommendation from an in-person inspector); *Whirlpool Corp. v. Marshall*, 445 U.S. 1, 8-9 (1980) (explaining that OSHA's emergency injunction process begins with an inspection); *N.L.R.B. v. Tamara Foods, Inc.*, 692 F.2d 1171, 1181 (8th Cir. 1982) (same). Furthermore, Smithfield points to no case where this power was actually used. Plaintiffs could locate only two in the entire country, neither of which was decided in the past 25 years. *Reich v. Dayton Tire, a Div. of Bridgestone/Firestone, Inc.*, 853 F. Supp. 376, 378-79 (W.D. Okla. 1994) (Secretary issued request for injunction following multiple inspections over an eleven-month period); *Marshall v. Daniel Const. Co., Inc.*, 563 F.2d 707,

710-15 (5th Cir. 1977) (noting that employee's right under OSH Act is limited to requesting an inspection, and inspector's right is limited to recommending that the Secretary seek an emergency injunction from the court in the event that dangerous conditions are found).[7]

Finally, Smithfield attempts to frighten this Court with claims that the injunctive relief Plaintiffs are seeking is "truly unprecedented" because it gives Plaintiffs' experts too much control over crafting a remedy. Smithfield Br. 14. Although some courts have declined to issue preliminary injunctive relief responding to emergency conditions caused by COVID-19, many other courts have granted such relief, even when it required detailed changes to facility operations recommended by plaintiffs and their experts. *See, e.g.*, *Fraihat v. U.S. Immigration & Customs Enf't*, No. 19-1546, 2020 WL 1932570, at *21-*29 (C.D. Cal. Apr. 20, 2020) (granting preliminary injunction mandating that ICE revisit custody determinations, including considering release for all persons in ICE detention whose age or health conditions place them at increased risk due to the COVID-19 pandemic); *Esshaki v. Whitmer*, No. 20-10831-, 2020 WL 1910154, at

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[7] Last night, the President issued an Executive Order stating that the United States Department of Agriculture ("USDA") would be protecting worker health and safety at meat packing plants. *See* "Executive Order on Delegating Authority Under the DPA with Respect to Food Supply Chain Resources During the National Emergency Caused by the Outbreak of COVID-19," The White House (April 28, 2020), https://www.whitehouse.gov/presidential-actions/executive-order-delegating-authority-dpa-respect-food-supply-chain-resources-national-emergency-caused-outbreak-covid-19/. This order does not impact these proceedings. Importantly, twice in the last six months USDA expressly disclaimed that its Food Safety and Inspection Service, which is its division that works in the plants, has *any* role to play in worker safety and thus any expertise on how to protect workers. USDA Brief, *UFCW v. USDA*, No. 19-2660, Dkt. No. 16, at 29 (D. Minn.) ("[N]or are issues of workplace safety reasonably related to FSIS's food safety mission" (citing *Dawkins ex rel. Estate of Dawkins v. United States*, 226 F. Supp. 2d 750, 757 (M.D.N.C. 2002)); USDA Reply, *UFCW v. USDA*, No. 19-2660, Dkt. No. 24, at 15 (D. Minn.) ("[W]orker safety falls outside FSIS's regulatory authority" and therefore USDA defers to OSHA). Moreover, the Executive Order references OSHA guidance—not USDA promulgating any new standard—confirming that the Court already has before it whatever expertise the government can provide.

*1 (E.D. Mich. Apr. 20, 2020) (granting preliminary injunction reducing Michigan signature requirement for inclusion on ballot by 50% in light of COVID-19 pandemic); *Cameron v. Bouchard*, No. 20-10949, 2020 WL 1929876, at *2 (E.D. Mich. Apr. 17, 2020), modified on reconsideration, No. 20-10949, 2020 WL 1952836 (E.D. Mich. Apr. 23, 2020) (granting TRO requiring jail to implement certain minimum measures to protect against spread of COVID-19, including ensuring access to no-cost soap and hand sanitizer, ensuring staff wash hands and wear PPE, conduct testing, and provide for "adequate spacing of six feet or more between people incarcerated, to the maximum extent possible, so that social distancing can be accomplished").

Here, where Plaintiffs' experts' recommendations track closely if not completely CDC guidance, including recent guidance specific to the meat processing industry, Court action will not be radical. Plaintiffs merely request the Court extend the Order it already issued and allow an inspection by Plaintiffs' designated expert to determine whether the guidelines are being followed and if additional measures may be necessary given the particular feature of the Plant. In light of the certain crisis that will result if Smithfield continues to delay protecting its workers, it is Smithfield's request the Court decline to act that is extraordinary. *See generally* Perry Decl.

B. The Court Should Not Exercise Its Discretion to Defer to State and County Health Departments That Expressly Embrace the Same CDC Guidance Plaintiffs Seek to Enforce.

With its primary jurisdiction argument, Smithfield suggests that the workplace safety issues at stake in this case are so uniquely committed to the expertise of federal OSHA that this Court should dismiss the matter and defer to OSHA. With its *Burford* abstention argument, Smithfield makes the entirely contradictory suggestion that the matters at stake here are so bound up with the *state* public health regulatory scheme that the federal courts should defer to the State of Missouri, its agencies, and its courts in this matter. Smithfield's self-defeating *Burford* argument provides no basis to dismiss Plaintiffs' claims.

With respect to *Burford* abstention, the Supreme Court has instructed that "federal courts have a strict duty to exercise the jurisdiction conferred upon them by Congress" and may decline to do so only "under exceptional circumstances." *Quackenbush v. Allstate Ins. Co.*, 517 U.S. 706, 716 (1996) (citations and internal quotations omitted). The Eighth Circuit has likewise stated "*Burford* abstention applies when a state has established a complex regulatory scheme supervised by state courts and serving important state interests, and when resolution of the case demands specialized knowledge and the application of complicated state laws." *Bilden v. United Equitable Ins. Co.*, 921 F.2d 822, 825 (8th Cir. 1990). *Burford* applies only where the state has developed a centralized "system of thorough judicial review" specific to the complex regulatory scheme at issue. *Burford v. Sun Oil Co.*, 319 U.S. 315, 325 (1943); *see also United States v. Morros*, 268 F.3d 695, 705 (9th Cir. 2001) (applying *Burford* abstention only when a state has consolidated all disputes regarding the regulatory scheme at issue into a single, designated court). This balancing of interests "only rarely favors abstention." *Quackenbush*, 517 U.S. at 728. Where, as here, federal court jurisdiction is conferred by diversity of citizenship, even if there were "difficult or uncertain" questions of state law (and there are not) the Supreme Court has made clear that *Burford* supplies no basis to relinquish the jurisdiction Congress has conferred. *Meredith v. City of Winter Haven*, 320 U.S. 228, 234 (1943).

In lieu of actually meeting the doctrine, Smithfield suggests vaguely that "this matter should be handled by state and county public health agencies." Smithfield Br. 17. But the fact that state and local health agencies have the authority, in theory, to enforce public health rules does not amount to a centralized "system for thorough judicial review" of disputes relating to the common law rights that Plaintiffs assert here. Instead, to enforce their rights, Plaintiffs must rely on their time-honored ability to petition a court, including a federal court where federal

jurisdiction otherwise lies. *See, e.g.*, *Jackson v. City of Blue Springs*, 904 S.W.2d 324, 329 (Mo. App. 1995); *K.C. 1986 Ltd. P'ship v. Reade Mfg.*, 33 F. Supp. 2d 1143, 1156 (W.D. Mo. 1998). The alternative to federal courts exercising their jurisdiction over cases like these is that these cases will go to state court where they are just as likely to be heard by courts without public health expertise in these matters and just as likely to yield inconsistent outcomes. *Compare Burford*, 319 U.S. at 326 ("To prevent the confusion of multiple review of the same general issues, the [Texas] legislature provided for concentration of all direct review of the Commission's orders in the State district courts of Travis County.").

Furthermore, although state courts may have jurisdiction to hear Plaintiffs' claims, *Burford* abstention is only appropriate "[w]here timely and adequate state-court review is available." *New Orleans Pub. Serv., Inc. v. Council of City of New Orleans*, 491 U.S. 350, 361 (1989); *Univ. of Maryland at Baltimore v. Peat Marwick Main & Co.*, 923 F.2d 265, 271 (3d Cir. 1991). In this case, remanding this issue to state court would require delay that Plaintiffs and the public generally cannot afford.

The Court's exercise of its jurisdiction here likewise "would [not] disrupt a state administrative process." *Heartland Hosp. v. Stangler*, 792 F. Supp. 670, 672 (W.D. Mo. 1992) (quoting *Cty of Allegheny v. Frank Mashuda Co.*, 360 U.S. 185, 189 (1959)). It may be true that public health agencies in Missouri have expertise regarding public health matters and have a responsibility for exercising public enforcement. But the "exceptional circumstances" warranting abstention apply only where the party seeking abstention can point to a specific state administrative process that will be disrupted by the federal proceedings. *Caranchini v. Kozeny &*

McCubbin, LLC, No. 11-0464, 2011 WL 5921364, at *5 (W.D. Mo. Nov. 28, 2011) (Kays, J.). Smithfield identifies no such process here.[8]

Assuming there was a special forum to which the Court could defer (and there is not), there is also no reason to defer as nothing in Missouri's law of public nuisance or its right to a safe workplace tort is "particularly complicated," and the Court's exercise of its jurisdiction here would not frustrate Missouri's interest in managing public health issues. *Doe v. McCulloch*, 835 F.3d 785, 788 (8th Cir. 2016) (declining to apply *Burford* abstention to question of Missouri state law). Aside from general principles of Missouri tort law, the only state law at issue here is the "stay at home" order issued by the Governor in March. That already-promulgated order provides a relatively straightforward mandate. It includes multiple references to "CDC guidance," Dkt. No. 29-1 ("stay at home" order), and makes the same recommendations regarding social distancing, even for essential businesses that must remain open, that the CDC and OSHA have emphasized in their guidance documents, including guidance documents specific to the meat processing industry, *see* Dkt. No. 29-4. An established state regime that actually relies on federal guidance, which is what Plaintiffs seek to enforce, is not a basis for *Burford* abstention.

Smithfield seeks to manufacture a complex question by pointing to language in the "stay at home" order that designates meatpacking Plants as essential operations that should stay open

[8] It bears mentioning that Missouri's attorney general saw no need to oforgo litigation or even to litigate in state court because of the "active[] involve[ment]" of state and local public health agencies, *See* Smithfield Br. 17. He filed a lawsuit in federal district court against the People's Republic of China, asserting Missouri common law claims of public nuisance. *Missouri v. The People's Republic of China*, No. 20-99, Compl., Dkt. No. 1 (E.D. Mo.). The chief law enforcement officer of the state properly concluded that the federal interests in "in affording foreign litigants a neutral forum for the adjudication of state law claims against them" outweigh any state law interests regarding coherent application of its public nuisance doctrine. *See Cleveland Hous. Renewal Project v. Deutsche Bank Tr. Co.*, 621 F.3d 554, 568 (6th Cir. 2010).

and suggesting Plaintiffs' request that Smithfield provide for social distancing would prevent Smithfield from operating. Smithfield Br. 17. Not so. Plaintiffs do not seek to close the Plant. Smithfield and its workers can continue operations while complying with social distancing requirements. In fact, that may be the *only* way that Smithfield can operate the Plant safely. Dr. Perry, an occupational health and safety professor and past president of the American College of Epidemiology, states that in her professional opinion, workers on meat production lines must stand at least six feet apart in order to perform their jobs safely during the current pandemic. If they do not, disease *will* spread in the Plant and into the surrounding community. Perry Decl. ¶¶ 9-13 ("Without social distancing, it is my expert opinion that the spread of COVID-19 in slaughterhouses and meat packing plants is inevitable."). Requiring social distancing in this case, therefore, would not be "disruptive of state efforts to establish a coherent policy with respect to a matter of substantial public concern," *Wolfson v. Mutual Benefit Life Ins.*, 51 F.3d 141, 144 (8th Cir. 1995). Smithfield fails "to prove that the exercise of federal jurisdiction would in any way frustrate the state's interests on the facts of this case" as is necessary for *Burford* abstention. *Melahn v. Pennock Ins., Inc.*, 965 F.2d 1497, 1507 (8th Cir. 1992).

IV. CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court deny Smithfield's motion to dismiss.

April 29, 2020

Respectfully Submitted,

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Message

From: Phillips, Heather - SOL [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4161EC31A0DE4A9090EEDD71C9A8CDAF-PHILLIPS, H]
Sent: 4/28/2020 12:17:00 AM
To: Baird, Edmund - SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=94d10e2526774b56bbc31cec7f67b776-Baird, Edmu]
CC: Goodman, Lauren - SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=856c4a2344b64587aae129d600be9554-Goodman, La]; (b) 6 - SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb72d92f42bb4352a1a464eea1b17c4a-(b) 6
Subject: Fw: Tweet by David Muraskin on Twitter

See below

From: (b) 6 - SOL <(b) 6 @DOL.gov>
Sent: Monday, April 27, 2020 4:37 PM
To: Phillips, Heather - SOL <(b) 6 @dol.gov>
Cc: (b) 6 SOL <(b) 6 @dol.gov>
Subject: RE: Tweet by David Muraskin on Twitter

Heather,

(b) 5

Sincerely,

(b) 6
Trial Attorney
PH: (b) 6

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To: (b) 6 - SOL <(b) 6 @DOL.gov>
Subject: FW: Tweet by David Muraskin on Twitter

(b) 6

(b) 5

(b) 6
Attorney
Division of Occupational Safety and Health
Office of the Solicitor
U.S. Department of Labor
200 Constitution Avenue, NW, (b) 6
Washington, DC 20210
(202) 693-(b) 6

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Cc: Goodman, Lauren - SOL <(b) 6 @dol.gov>; Pannocchia, Orlando - SOL (b) 6 @dol.gov>
Subject: RE: Tweet by David Muraskin on Twitter

The docket number was on the pleadings linked to at the below site, so I went and pulled it myself (attached). (b) 5

(b) 5

From: Baird, Edmund - SOL
Sent: Monday, April 27, 2020 12:51 PM

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Cc: Goodman, Lauren - SOL <(b) 6 @dol.gov>; Pannocchia, Orlando - SOL <(b) 6 @dol.gov>
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More info here:

https://food.publicjustice.net/case/rcwa-jane-doe-v-smithfield/

From: Baird, Edmund - SOL
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To: Heather Phillips (b) 6 @dol.gov) <(b) 6 @dol.gov>; (b) 6 SOL (b) 6 @dol.gov) <(b) 6 @dol.gov>
Cc: Lauren - SOL Goodman (Goodman.Lauren@dol.gov) <(b) 6 @dol.gov>; Pannocchia, Orlando - SOL <(b) 6 @dol.gov>
Subject: FW: Tweet by David Muraskin on Twitter

Heather, (b) 6 would one of you have someone find the below case on Pacer and get the opinion?

Thanks,

Ed

From: OScannlain, Kate S - SOL <OScannlain.Kate.S@dol.gov>
Sent: Monday, April 27, 2020 12:29 PM
To: Sweatt, Loren E. - OSHA <(b) 6 @dol.gov>; Baird, Edmund - SOL <(b) 6 @dol.gov>; Heri, Christine - SOL <(b) 6 @DOL.GOV>
Cc: Bissell, Katherine - SOL <Bissell.Katherine@dol.gov>
Subject: FW: Tweet by David Muraskin on Twitter

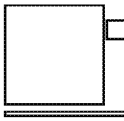
See below.

Ed, can you please have someone pull the order off of pacer?

Looks like it's 5:20-cv-06063 DGK

Kate S. O'Scannlain | Solicitor of Labor
200 Constitution Avenue, NW, Rm S2002, Washington, DC 20210
D 202-693-5260 | **E** oscannlain.kate.s@dol.gov

From: kate oscannlain <(b) 6 @gmail.com>
Sent: Monday, April 27, 2020 12:21 PM
To: OScannlain, Kate S - SOL <OScannlain.Kate.S@dol.gov>
Subject: Tweet by David Muraskin on Twitter



David Muraskin
@DavidMuraskin

BREAKING: Court orders @SmithfieldFoods' Milan, Missouri plant to comply with OSHA and CDC guidance. Hearing on company's failure to protect workers set for April 30.

Follows weekend briefing in which #Smithfield asked to argue case should be delayed or dismissed. pic.twitter.com/JWIabAOwUL

4/26/20, 7:39 PM

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To: (b) 6 - SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=20109658f3d641ac8db90dcb38939e8e-(b) 6
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Subject: RE: [New Notification] (b) 5
Attachments: (b) 5

(b) 5

Please let me know if you have any questions. Thank you.
Allison

From: (b) 6 dol.gov <(b) 6 dol.gov> **On Behalf Of** (b) 6
Sent: Thursday, June 25, 2020 2:19 PM
To: Baird, Edmund - SOL <(b) 6 @dol.gov>; Goodman, Lauren - SOL <(b) 6 @dol.gov>; Pannocchia, Orlando - SOL <(b) 6 @dol.gov>; Kramer, Allison - SOL <(b) 6 @dol.gov>; (b) 6 - SOL <(b) 6 @dol.gov>
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New Notification

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Subject: FW: QFRs from OSHA PDAS Loren Sweatts May 28 2020 hearing before Subcommittee on COVID-19 - osh 6-22-20 (002)
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(b) 5

From: (b) 6 - OSHA <(b) 6 @dol.gov>
Sent: Monday, June 22, 2020 3:09 PM
To: Kramer, Allison - SOL <(b) 6 @dol.gov>
Subject: QFRs from OSHA PDAS Loren Sweatts May 28 2020 hearing before Subcommittee on COVID-19 - osh 6-22-20 (002)

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Sent: 7/24/2020 2:42:02 PM
To: (b) 6 - SOL ((b) 6 @dol.gov) (b) 6 @dol.gov]
Subject: Meatpacking Executive order
Attachments: Notes regarding the Defense Production Act (b) 5 RE: Notes regarding the Defense Production Act (b) 5

(b) 6 –Here's a link to the order. (b) 5 (b) 5 attached is some research that (b) 6 did on this, (b) 5 (b) 5

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

Ed Baird
(b) 6

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Sent: 10/28/2020 1:42:28 PM
To: Moar, Ian - SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3a931cce0bae45d8aa16bafcf7185837-Moar, Ian -]; (b) 6 - SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=759aaabeee3442e9af591a4211cfb958-(b) 6 - SOL (b) 6 @dol.gov) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=27fc87b133214e578db63c4765acd6e5-(b) 6 - SOL (b) 6 @dol.gov) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=311ae93723f64bfd836c768e17279f5a-(b) 6
CC: Ewell, Richard - SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6abbfe6b0e5b4c6c9ded9f79ccff388e-Ewell, Rich]
Subject: FW: R46288.pdf
Attachments: R46288.pdf

(b) 5

From: (b) 6 - OSHA <(b) 6 @dol.gov>
Sent: Tuesday, October 27, 2020 4:49 PM
To: Baird, Edmund - SOL <(b) 6 @dol.gov>; Goodman, Lauren - SOL <(b) 6 @dol.gov>; Ewell, Richard - SOL <(b) 6 @dol.gov>
Subject: FW: R46288.pdf

FYI – CRS report on a COVID ETS

From: Jillings, Lee Anne - OSHA (b) 6 @dol.gov>
Sent: Tuesday, October 27, 2020 1:27 PM
To: (b) 6 - OSHA <(b) 6 @dol.gov>; (b) 6 - OSHA <(b) 6 @dol.gov>
Subject: FW: R46288.pdf

FYI

From: (b) 6 - OSHA <(b) 6 @dol.gov>
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To: zzOSHA-(b) 6 <zzOSHA-(b) 6 @dol.gov>
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interesting

From: (b) 6 (CDC/NIOSH/RHD/OD) (b) 6 @cdc.gov>
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A nice summary from CRS!

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Occupational Safety and Health Administration (OSHA): Emergency Temporary Standards (ETS) and COVID-19

Updated October 20, 2020

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Prepared for Members and
Committees of Congress

OSHA-003280

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SUMMARY

R46288

October 20, 2020

Scott D. Szymendera
Analyst in Disability Policy

Occupational Safety and Health Administration (OSHA): Emergency Temporary Standards (ETS) and COVID-19

The Occupational Safety and Health Administration (OSHA) does not currently have a specific standard that protects healthcare or other workers from airborne or aerosol transmission of disease or diseases transmitted by airborne droplets. Some in Congress, and some groups representing healthcare, meat and poultry processing, and other workers, are calling on OSHA to promulgate an emergency temporary standard (ETS) to protect workers from exposure to SARS-CoV-2, the virus that causes Coronavirus Disease 2019 (COVID-19). The Occupational Safety and Health Act of 1970 (OSH Act) gives OSHA the ability to promulgate an ETS that would remain in effect for up to six months without going through the normal review and comment process of rulemaking. OSHA, however, has rarely used this authority in the past—not since the courts struck down its ETS on asbestos in 1983.

The California Division of Occupational Safety and Health (Cal/OSHA), which operates California's state occupational safety and health plan, has had an aerosol transmissible disease (ATD) standard since 2009. This standard includes, among other provisions, the requirement that employers provide covered employees with respirators, rather than surgical masks, when these workers interact with ATDs, such as known or suspected COVID-19 cases. In addition, according to the Cal/OSHA ATD standard, certain procedures require the use of powered air purifying respirators (PAPR).

The Virginia state occupational safety and health plan (VOSH) and the Michigan state occupational safety and health plan (MIOSHA) have each promulgated emergency standards to specifically address COVID-19 in workplaces. Unlike the Cal/OSHA ATD standard, these emergency standards are in effect for only six months and apply to all employers.

H.R. 6139, the COVID-19 Health Care Worker Protection Act of 2020, would require OSHA to promulgate an ETS on COVID-19 that incorporates both the Cal/OSHA ATD standard and the Centers for Disease Control and Prevention's (CDC's) 2007 guidelines on occupational exposure to infectious agents in healthcare settings; similar provisions appear in S. 3475. The CDC's 2007 guidelines generally require stricter controls than its interim guidance on COVID-19 exposure. The provisions of H.R. 6139 were incorporated into the version of H.R. 6201, the Families First Coronavirus Response Act, as introduced in the House. The OSHA ETS provisions were not included in the House- and Senate-passed version of legislation that was signed into law as P.L. 116-127.

H.R. 6379, as introduced in the House, also would include a requirement for an OSHA ETS and permanent standard to address COVID-19 exposure; similar provisions appear in S. 3584. H.R. 6559 would include the requirements for an ETS and permanent standard, clarify the requirement that employers must report work-related COVID-19 cases, and expand protections for whistleblowers; similar provisions appear in S. 3677. The provisions of H.R. 6559 were included in H.R. 6800, The Heroes Act, passed by the House on May 15, 2020, and in the House Amendment to the Senate Amendment to H.R. 925, the revised Heroes Act passed by the House on October 1, 2020.

Through October 1, 2020, OSHA has issued COVID-19-related citations to employers at 62 work sites, with total proposed penalties of $913,133. These citations have been issued for violations of the OSH Act's General Duty Clause and other existing OSHA standards, such as those for respiratory protection, that may apply to COVID-19. Senators Elizabeth Warren and Cory A. Booker have raised concerns about the low amount of penalties being assessed for COVID-19-related violations.

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Occupational Safety and Health Administration Standards

Section 6 of the Occupational Safety and Health Act of 1970 (OSH Act) grants the Occupational Safety and Health Administration (OSHA) of the Department of Labor (DOL) the authority to promulgate, modify, or revoke occupational safety and health standards that apply to private sector employers, the United States Postal Service, and the federal government as an employer.[1] In addition, Section 5(a)(1) of the OSH Act, commonly referred to as the General Duty Clause, requires that all employers under OSHA's jurisdiction provide workplaces free of "recognized hazards that are causing or are likely to cause death or serious physical harm" to their employees.[2] OSHA has the authority to enforce employer compliance with its standards and with the General Duty Clause through the issuance of abatement orders, citations, and civil monetary penalties. The OSH Act does not cover state or local government agencies or units. Thus, certain entities that may be affected by Coronavirus Disease 2019 (COVID-19), such as state and local government hospitals, local fire departments and emergency medical services, state prisons and county jails, and public schools, are not covered by the OSH Act or subject to OSHA regulation or enforcement.

State Plans

Section 18 of the OSH Act authorizes states to establish their own occupational safety and health plans and preempt standards established and enforced by OSHA.[3] OSHA must approve state plans if they are "at least as effective" as OSHA's standards and enforcement.[4] If a state adopts a state plan, it also must cover state and local government entities, such as public schools, not covered by OSHA. Currently, 21 states and Puerto Rico have state plans that cover all employers, and 5 states and the U.S. Virgin Islands have state plans that cover only state and local government employers not covered by the OSH Act.[5] In the remaining states, state and local government employers are not covered by OSHA standards or enforcement. State plans may incorporate OSHA standards by reference, or states may adopt their own standards that are at least as effective as OSHA's standards. State plans do not have jurisdiction over federal agencies and generally do not cover maritime workers and private-sector workers at military bases or other federal facilities.

Promulgation of OSHA Standards

OSHA may promulgate occupational safety and health standards on its own initiative or in response to petitions submitted to the agency by various government agencies, the public, or employer and employee groups.[6] OSHA is not required, however, to respond to a petition for a

[1] 29 U.S.C. §655. The provisions of the Occupational Safety and Health Act of 1970 (OSH Act) are extended to the legislative branch as an employer by the Congressional Accountability Act (P.L. 104-1).

[2] 29 U.S.C. §654(a)(1).

[3] 29 U.S.C. §667.

[4] For additional information on Occupational Safety and Health Administration (OSHA) state plans, see CRS Report R43969, *OSHA State Plans: In Brief, with Examples from California and Arizona*.

[5] Information on specific state plans is available from the OSHA website at https://www.osha.gov/stateplans.

[6] Per Section 6(b)(1) of the OSH Act [29 §655(b)(1)], a petition may be submitted by "an interested person, a representative of any organization of employers or employees, a nationally recognized standards-producing

standard or to promulgate a standard in response to a petition. OSHA may also consult with one of the two statutory standing advisory committees—the National Advisory Committee on Occupational Safety and Health (NACOSH) or the Advisory Committee on Construction Safety and Health (ACCSH)—or an ad-hoc advisory committee for assistance in developing a standard.[7]

Notice and Comment

OSHA's rulemaking process for the promulgation of standards is largely governed by the provisions of the Administrative Procedure Act (APA) and Section 6(b) of the OSH Act.[8] Under the APA informal rulemaking process, federal agencies, including OSHA, are required to provide notice of proposed rules through the publication of a Notice of Proposed Rulemaking in the *Federal Register* and provide the public a period of time to provide comments on the proposed rules.

Section 7(b) of the OSH Act mirrors the APA in that it requires notice and comment in the rulemaking process.[9] After publishing a proposed standard, the public must be given a period of at least 30 days to provide comments. In addition, any person may submit written objections to the proposed standard and may request a public hearing on the standard.

Statement of Reasons

Section 6(e) of the OSH Act requires OSHA to publish in the *Federal Register* a statement of the reasons the agency is taking action whenever it promulgates a standard, conducts other rulemaking, or takes certain additional actions, including issuing an order, compromising on a penalty amount, or settling an issued penalty.[10]

Other Relevant Laws and Executive Order 12866

In addition to the APA and OSH Act, other federal laws that generally apply to OSHA rulemaking include the Paperwork Reduction Act,[11] Regulatory Flexibility Act,[12] Congressional Review Act,[13] Information Quality Act,[14] and Small Business Regulatory Enforcement Fairness Act (SBREFA).[15] Also, Executive Order 12866, issued by President Clinton in 1993, requires

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organization, the Secretary of Health and Human Services (HHS), the National Institute for Occupational Safety and Health, or a state or political subdivision."

[7] The National Advisory Committee on Occupational Safety and Health (NACOSH) was established by Section 7(a) of the OSH Act [29 U.S.C. §656(a)]. The Advisory Committee on Construction Safety and Health (ACCSH) was established by Section 107 of the Contract Work Hours and Safety Act (P.L. 87-581). Section 7(b) of the OSH Act provides OSHA the authority to establish additional advisory committees.

[8] The Administrative Procedure Act (APA) is codified at 5 U.S.C. §§500-596. For detailed information on federal agency rulemaking and the APA, see CRS Report RL32240, *The Federal Rulemaking Process: An Overview*.

[9] 29 U.S.C. §655(b).

[10] 29 U.S.C §655(e).

[11] 44 U.S.C. §§3501-3520.

[12] 5 U.S.C. §§601-612.

[13] 5 U.S.C. §§801-808.

[14] 44 U.S.C. §3516 note.

[15] 5 U.S.C. §601 note. For information on these additional laws that apply to OSHA rulemaking, see U.S. Government Accountability Office (GAO), *Workplace Safety and Health: Multiple Challenges Lengthen OSHA's Standard Setting*, GAO-12-330, April 2012, Appendix II, at https://www.gao.gov/products/GAO-12-330 (hereinafter cited as GAO-12-330, *Workplace Safety and Health*).

agencies to submit certain regulatory actions to the Office of Management and Budget (OMB) and Office of Information and Regulatory Affairs (OIRA) for review before promulgation.[16]

OSHA Rulemaking Time Line

OSHA rulemaking for new standards historically has been a relatively time-consuming process. In 2012, at the request of Congress, the Government Accountability Office (GAO) reviewed 59 significant OSHA standards promulgated between 1981 (after the enactments of the Paperwork Reduction Act and Regulatory Flexibility Act) and 2010.[17] For these standards, OSHA's average time between beginning formal consideration of the standard—either through publishing a Request for Information or Advance Notice of Proposed Rulemaking in the *Federal Register* or placing the rulemaking on its semiannual regulatory agenda—and promulgation of the standard was 93 months (7 years, 9 months). Once the Notice of Proposed Rulemaking was published for these 59 standards, the average time until promulgation of the standard was 39 months (3 years, 3 months).

In 2012, OSHA's Directorate of Standards and Guidance published a flowchart of the OSHA rulemaking process on the agency's website.[18] This flowchart includes estimated duration ranges for a variety of rulemaking actions, beginning with pre-rule activities—such as developing the idea for the standard and meeting with stakeholders—and ending with promulgation of the standard. The flowchart also includes an estimated duration range for post-promulgation activities, such as judicial review. The estimated time from the start of preliminary rulemaking to the promulgation of a standard ranges from 52 months (4 years, 4 months) to 138 months (11 years, 6 months). After a Notice of Proposed Rulemaking is published in the *Federal Register,* the estimated length of time until the standard is promulgated ranges from 26 months (2 years, 2 months) to 63 months (5 years, 3 months). **Table 1** provides OSHA's estimated time lines for six major pre-rulemaking and rulemaking activities leading to the promulgation of a standard.

Table 1. OSHA Rulemaking Process: Estimated Durations of Activities

Stage	Activities	Estimated Duration
1	Preliminary rulemaking activities	12-36 months
2	Developing the proposed rule	12-36 months
3	Publishing the Notice of Proposed Rulemaking (NPRM)	2-3 months
4	Developing and analyzing the rulemaking record, including public comments and hearings	6-24 months
5	Developing the final rule, including Office of Information and Regulatory Affairs (OIRA) submission	18-36 months
6	Publishing the final rule (promulgating the new standard)	2-3 months
Total estimated duration		52-138 months
Estimated duration from NPRM to final rule		26-63 months

Source: Congressional Research Service (CRS) with data from Occupational Safety and Health Administration (OSHA), Directorate of Standards and Guidance, *The OSHA Rulemaking Process*, October 15, 2012, at https://www.osha.gov/OSHA_FlowChart.pdf.

[16] Executive Order 12866, "Regulatory Planning and Review," 58 *Federal Register* 51735, October 4, 1993.

[17] GAO-12-330, *Workplace Safety and Health*.

[18] OSHA, Directorate of Standards and Guidance, *The OSHA Rulemaking Process*, October 15, 2012, at https://www.osha.gov/OSHA_FlowChart.pdf.

Judicial Review

Both the APA and the OSH Act provide for judicial review of OSHA standards. Section 7(f) of the OSH Act provides that any person who is "adversely affected" by a standard may file, within 60 days of its promulgation, a petition challenging the standard with the U.S. Court of Appeals for the circuit in which the person lives or maintains his or her principal place of business.[19] A petition for judicial review does not automatically stay the implementation or enforcement of the standard. However, the court may order such a stay. OSHA estimates that post-promulgation activities, including judicial review, can take between 4 and 12 months after the standard is promulgated.[20]

Emergency Temporary Standards

Section 6(c) of the OSH Act provides the authority for OSHA to issue an Emergency Temporary Standard (ETS) without having to go through the normal rulemaking process. OSHA may promulgate an ETS without supplying any notice or opportunity for public comment or public hearings. An ETS is immediately effective upon publication in the *Federal Register*. Upon promulgation of an ETS, OSHA is required to begin the full rulemaking process for a permanent standard with the ETS serving as the proposed standard for this rulemaking. An ETS is valid until superseded by a permanent standard, which OSHA must promulgate within six months of publishing the ETS in the *Federal Register*.[21] An ETS must include a statement of reasons for the action in the same manner as required for a permanent standard. State plans are required to adopt or adhere to an ETS, although the OSH Act is not clear on how quickly a state plan must come into compliance with an ETS.

ETS Requirements

Section 6(c)(1) of the OSH Act requires that both of the following determinations be made in order for OSHA to promulgate an ETS:

- that employees are exposed to grave danger from exposure to substances or agents determined to be toxic or physically harmful or from new hazards, and
- that such emergency standard is necessary to protect employees from such danger.

Grave Danger Determination

The term *grave danger*, used in the first mandatory determination for an ETS, is not defined in statute or regulation. The legislative history demonstrates the intent of Congress that the ETS process "not be utilized to circumvent the regular standard-setting process," but the history is unclear as to how Congress intended the term grave danger to be defined.[22]

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[19] 29 U.S.C. §655(f).

[20] OSHA, Directorate of Standards and Guidance, *The OSHA Rulemaking Process*, October 15, 2012, at https://www.osha.gov/OSHA_FlowChart.pdf.

[21] 29 U.S.C §655(c)(2).

[22] U.S. Congress, Senate Labor and Public Welfare, Subcommittee on Labor, *Legislative History of the Occupational Safety and Health Act of 1970 (S. 2193, P.L. 91-596)*, committee print, prepared by Subcommittee on Labor, 91st Cong., 1 sess., June 1971, 52-531 (Washington: GPO, 1971), p. 1218.

In addition, although the federal courts have ruled on challenges to previous ETS promulgations, the courts have provided no clear guidance as to what constitutes a grave danger. In 1984, the U.S. Court of Appeals for the Fifth Circuit in *Asbestos Info. Ass'n v. OSHA* issued a stay and invalidated OSHA's November 1983 ETS lowering the permissible exposure limit for asbestos in the workplace.[23] In its decision, the court stated that "gravity of danger is a policy decision committed to OSHA, not to the courts."[24] The court, however, ultimately rejected the ETS, in part on the grounds that OSHA did not provide sufficient support for its claim that 80 workers would ultimately die because of exposures to asbestos during the six-month life of the ETS.

Necessity Determination

In addition to addressing a grave danger to employees, an ETS must also be *necessary* to protect employees from that danger. In *Asbestos Info. Ass'n*, the court invalidated the asbestos ETS for the additional reason that OSHA had not demonstrated the necessity of the ETS. The court cited, among other factors, the duplication between the respirator requirements of the ETS and OSHA's existing standards requiring respirator use. The court dismissed OSHA's argument that the ETS was necessary because the agency felt that the existing respiratory standards were "unenforceable absent actual monitoring to show that ambient asbestos particles are so far above the permissible limit that respirators are necessary to bring employees' exposure within the PEL of 2.0 f/cc."[25] The court determined that "fear of a successful judicial challenge to enforcement of OSHA's permanent standard regarding respirator use hardly justifies resort to the most dramatic weapon in OSHA's enforcement arsenal."[26]

Although OSHA has not promulgated an ETS since the 1983 asbestos standard, it has since determined the necessity of an ETS. In 2006, the agency considered a petition from the United Food and Commercial Workers (UFCW) and International Brotherhood of Teamsters (IBT) for an ETS on diacetyl. The UFCW and IBT petitioned OSHA for the ETS after the National Institute for Occupational Safety and Health (NIOSH) and other researchers found that airborne exposure to diacetyl, then commonly used as an artificial butter flavoring in microwave popcorn and a flavoring in other food and beverage products, was linked to the lung disease *bronchiolitis obliterans*, now commonly referred to as "popcorn lung."[27] According to GAO's 2012 report on OSHA's standard-setting processes, OSHA informed GAO that although the agency may have been able to issue an ETS based on the grave danger posed by diacetyl, the actions taken by the food and beverage industries, including reducing or removing diacetyl from products, made it less likely that the necessity requirement could be met.[28]

ETS Duration

Section 6(c)(2) of the OSH Act provides that an ETS is effective until superseded by a permanent standard promulgated pursuant to the normal rulemaking provisions of the OSH Act. Section 6(c)(3) of the OSH Act requires OSHA to promulgate a permanent standard within six months of

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[23] 727 F.2d at 415, 425-427 (5th Cir. 1984).

[24] 727 F.2d at 427 (5th Cir. 1984).

[25] 727 F.2d at 427 (5th Cir. 1984). The ETS mandated a permissible exposure limit (PEL) for asbestos of two asbestos fibers per cubic centimeter of air (2.0 f/cc).

[26] 727 F.2d at 427 (5th Cir. 1984).

[27] See, for example, Centers for Disease Control and Prevention (CDC): National Institute for Occupational Safety and Health (NIOSH), *NIOSH Alert: Preventing Lung Disease in Workers who Use or Make Flavorings*, DHHS (NIOSH) publication no. 2004–110, December 2003, at https://www.cdc.gov/niosh/docs/2004-110/.

[28] GAO-12-330, *Workplace Safety and Health*.

promulgating the ETS. As shown earlier in this report, six months is well outside of historical and currently expected time frames for developing and promulgating a standard under the notice and comment provisions of the APA and OSH Act, as well as under other relevant federal laws and executive orders. This dichotomy between the statutory mandate to promulgate a standard and the time lines that, based on historical precedent, other provisions in the OSH Act might realistically require for such promulgation raises the question of whether or not OSHA could extend an ETS's duration without going through the normal rulemaking process. The statute and legislative history do not clearly address this question.

OSHA has used its ETS authority sparingly in its history and not since the asbestos ETS promulgated in 1983. As shown in **Table A-1** in the Appendix, of the nine times OSHA has issued an ETS, the courts have fully vacated or stayed the ETS in four cases and partially vacated the ETS in one case.[29] Of the five cases that were not challenged or that were fully or partially upheld by the courts, OSHA issued a permanent standard either within the six months required by the statute or within several months of the six-month period and always within one year of the promulgation of the ETS.[30] Each of these cases, however, occurred before 1980, when a combination of additional federal laws and court decisions added additional procedural requirements to the OSHA rulemaking process. OSHA did not attempt to extend the ETS's expiration date in any of these cases.

Although the courts have not ruled directly on an attempt by OSHA to solely extend the life of an ETS, in 1974, the U.S. Court Appeals for the Fifth Circuit held in *Florida Peach Growers Ass'n v. United States Department of Labor* that OSHA was within its authority to amend an ETS without going through the normal rulemaking process.[31] The court stated that "it is inconceivable that Congress, having granted the Secretary the authority to react quickly in fast-breaking emergency situations, intended to limit his ability to react to developments subsequent to his initial response."[32] The court also recognized the difficulty OSHA may have in promulgating a standard within six months due to the notice and comment requirements of the OSH Act, stating that in the case of OSHA seeking to amend an ETS to expand its focus, "adherence to subsection (b) procedures would not be in the best interest of employees, whom the Act is designed to protect. Such lengthy procedures could all too easily consume all of the temporary standard's six months life."[33]

[29] Mark A. Rothstein, "Substantive and Procedural Obstacles to OSHA Rulemaking: Reproductive Hazards as an Example," *Boston College Environmental Affairs Law Review*, vol. 12, no. 4 (August 1985), p. 673.

[30] For example, OSHA promulgated the Acrylonitrile (vinyl cyanide) ETS on January 17, 1978, and the permanent standard on October 3, 1978, with an effective date of November 2, 1978. The preamble to the permanent standard published in the *Federal Register* does not include information on the status of the ETS during the time between its expiration and the promulgation of the permanent standard. OSHA, "Occupational Exposure to Acrylonitrile (Vinyl Cyanide)," 43 *Federal Register* 45762, October 3, 1978.

[31] 489 F.2d. 120 (5th Cir. 1974).

[32] 489 F.2d. at 127 (5th Cir. 1974).

[33] 489 F.2d. at 127 (5th Cir. 1974).

OSHA Standards Related to COVID-19

Current OSHA Standards

Currently, no OSHA standard directly covers exposure to airborne or aerosol diseases in the workplace. As a result, OSHA is limited in its ability to enforce protections for healthcare and other workers who may be exposed to SARS-CoV-2, the virus that causes COVID-19.[34]

OSHA may enforce the General Duty Clause in the absence of a standard, if it can be determined that an employer has failed to provide a worksite free of "recognized hazards" that are "causing or are likely to cause death or serious physical harm" to workers.[35] In addition, OSHA's standards for the use of personal protective equipment (PPE) may apply in cases in which workers require eye, face, hand, or respiratory protection against COVID-19 exposure.[36]

As of October 1, 2020, OSHA has issued citations related to COVID-19 to employers at 62 work sites resulting in a total of $913,133 in proposed civil penalties.[37] The majority of these citations were issued to healthcare, nursing, and long-term care providers, including two Department of Veterans Affairs facilities—a hospital in Indianapolis, Indiana, and a community living center in Queens, New York.[38] Two employers in the meat processing industry—Smithfield Packaged Foods, Inc. in Sioux Falls, South Dakota and JBS Foods, Inc. in Greeley, Colorado—were also cited.[39] In the two meat processing cases, citations were issued for General Duty Clause violations. Other citations were issued for violations of OSHA's respiratory protection, injury and illness reporting, and recordkeeping standards.

The highest amount of proposed penalties issued to a single employer for COVID-19-related violations was $28,070 to the Harborage nursing home operated by Hackensack Meridian Healthcare in New Jersey for four serious and one other than serious violations of the respiratory protection standard.[40] For two of the serious violations, OSHA issued the maximum allowable penalty of $13,494.[41] For the other two serious violations, OSHA issued citations but no monetary penalties. For the other than serious violation, OSHA issued a penalty of $1,082. The two meat processing employers were each assessed maximum penalties of $13,494 for serious violations of the General Duty Clause.

In a letter to OSHA, Senators Elizabeth Warren and Cory A. Booker raised concerns over the amount of penalties issued to these employers.[42] The Senators asked OSHA why these employers

[34] OSHA has a standard on blood-borne pathogens (29 C.F.R. §1910.1030) but does not have a standard on pathogens transmitted by airborne droplets.

[35] 29 U.S.C. §654(a)(1).

[36] 29 C.F.R. §§1910.133, 1910.134, and 1910.138.

[37] OSHA, *U.S. Department of Labor's OSHA Announces $913,133 in Coronavirus Violations*, OSHA National News Release, October 9, 2020, https://www.osha.gov/news/newsreleases/national/10092020.

[38] A list of all COVID-19-related citations issued by OSHA through October 1, 2020, is available at https://www.osha.gov/enforcement/covid-19-data/inspections-covid-related-citations.

[39] OSHA has the authority to issue citations to Executive Branch agencies, but does not have the authority to issue civil monetary penalties to these agencies.

[40] Detailed information on the citations issued to this employer is available at https://www.osha.gov/pls/imis/establishment.inspection_detail?id=1476465.015.

[41] OSHA citations are classified as "serious," "other than serious," "willful," or "repeated." The maximum amounts of OSHA penalties are subject to annual inflationary adjustments.

[42] Letter from Senators Elizabeth Warren and Cory A. Booker to Loren Sweatt, Principal Deputy Assistant Secretary of

were each cited for single serious violations of the General Duty Clause rather than multiple violations for each area of the facilities in which social distancing measures were not implemented. They also asked why OSHA did not issue penalties for willful or repeated violations that carry maximum penalties of $134,937 per violation. None of the employers cited for COVID-19-related violations were issued penalties for willful or repeated violations.

OSHA Respiratory Protection Standard

National Institute for Occupational Safety and Health Certification

The OSHA respiratory protection standard requires the use of respirators certified by NIOSH in cases in which engineering controls, such as ventilation or enclosure of hazards, are insufficient to protect workers from breathing contaminated air.[43] Surgical masks, procedure masks, and dust masks are not considered respirators. NIOSH certifies respirators pursuant to federal regulations.[44] For nonpowered respirators, such as filtering face piece respirators commonly used in healthcare and construction, NIOSH classifies respirators based on their efficiency at filtering airborne particles and their ability to protect against oil particles. Under the NIOSH classification system, the letter (N, R, or P) indicates the level of oil protection as follows: N—no oil protection; R—oil resistant; and P—oil proof. The number following the letter indicates the efficiency rating of the respirator as follows: 95—filters 95% of airborne particles; 97—filters 97% of airborne particles; and 100—filters 99.7% of airborne particles. Thus an N95 respirator, the most common type, is one that does not protect against oil particles and filters out 95% of airborne particles. An R or P respirator can be used in place of an N respirator.

A respirator that is past its manufacturer-designated shelf life is no longer considered to be certified by NIOSH. However, in response to potential shortages in respirators, NIOSH has tested and approved certain models of respirators for certified use beyond their manufacturer-designated shelf lives.[45]

Respirators designed for certain medical and surgical uses are subject to both certification by NIOSH (for oil protection and efficiency) and regulation by the Food and Drug Administration (FDA) as medical devices. In general, respirators with exhalation valves cannot be used in surgical and certain medical settings because, although the presence of an exhalation valve does not affect the respirator's protection afforded the user, it may allow unfiltered air from the user into a sterile field. On March 2, 2020, FDA issued an Emergency Use Authorization (EUA) to approve for use in medical settings certain NIOSH-certified respirators not previously regulated by FDA.[46]

Labor, Occupational Safety and Health Administration, September 22, 2020, https://www.warren.senate.gov/imo/media/doc/Letter%20from%20Senators%20Warren,%20Booker%20to%20OSHA%209-22-20.pdf.

[43] 29 C.F.R. §1910.134.

[44] 42 C.F.R. Part 84.

[45] NIOSH, *Release of Stockpiled Filtering Facepiece Respirators Beyond the Manufacturer-Designated Shelf Life: Considerations for the COVID-19 Response*, February 28, 2020, at https://www.cdc.gov/coronavirus/2019-ncov/release-stockpiled-N95.html.

[46] Letter from RADM Denise M. Hinton, chief scientist, Food and Drug Administration (FDA), to Robert R. Redfield, Director, CDC, March 2, 2020, at https://www.fda.gov/media/135763/download. The list of respirators approved under this Emergency Use Authorization (EUA) is in Appendix B to this letter, updated at https://www.fda.gov/media/135921/download.

CDC Interim Guidance on Respiratory Protection

On March 10, 2020, the Centers for Disease Control and Prevention (CDC) updated its interim guidance for the protection of healthcare workers against exposure to COVID-19 to permit healthcare workers caring for known or suspected COVID-19 cases to use "facemasks" when respirators are not available or are in limited supply.[47] This differs from the CDC's 2007 guidelines for control of infectious agents in healthcare settings, which required the use of respirators for treatment of known or suspected cases.[48] CDC states that respirators should be prioritized for use in medical procedures likely to generate respiratory aerosols. Before this interim guidance was released, Representative Bobby Scott, Chairman of the House Committee on Education and Labor, and Representative Alma Adams, Chair of the Subcommittee on Workforce Protections, sent a letter to Secretary of Health and Human Services (HHS) Alex M. Azar II expressing their opposition to this change in the interim standard.[49]

Medical Evaluation and Fit Testing

The OSHA respiratory protection standard requires that the employer provide a medical evaluation to the employee to determine if the employee is physiologically able to use a respirator. This medical evaluation must be completed before any fit testing. For respirators designed to fit tightly against the face, the specific type and model of respirator that an employee is to use must be fit tested in accordance with the procedures provided in Appendix A of the OSHA respiratory protection standard to ensure there is a complete seal around the respirator when worn.[50] Once an employee has been fit tested for a respirator, he or she is required to be fit tested annually or whenever the model of respirator, but not the actual respirator itself, is changed. Each time an individual uses a respirator, he or she is required to perform a check of the seal of the respirator to his or her face in accordance with the procedures provided in Appendix B of the standard.[51] On March 14, 2020, OSHA issued guidance permitting employers to suspend annual fit testing of respirators for employees that have already been fit tested on the same model respirator.

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[47] Although the interim guidance does not specifically define the term *facemask*, it does differentiate between a facemask and a respirator such that any recommendation to use a facemask does not require the use of a respirator. CDC, *Interim Infection Prevention and Control Recommendations for Patients with Suspected or Confirmed Coronavirus Disease 2019 (COVID-19) in Healthcare Settings*, updated March 10, 2020, at https://www.cdc.gov/coronavirus/2019-ncov/infection-control/control-recommendations.html.

[48] CDC, *2007 Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings*, updated July 2019, at https://www.cdc.gov/infectioncontrol/pdf/guidelines/isolation-guidelines-H.pdf.

[49] Letter from Representative Robert C. "Bobby" Scott, chairman, House Committee on Education and Labor, and Representative Alma S. Adams, chair, Subcommittee on Workforce Protections, to The Honorable Alex M. Azar II, Secretary of HHS, March 9, 2020, at https://edlabor.house.gov/imo/media/doc/Azar%20Redfield%20Letter_SIGNED%202020-03-09.pdf.

[50] 29 C.F.R. §1910.134 Appendix A. Powered air purifying respirators (PAPR) that do not require a seal to the user's face do not need to be fit tested.

[51] 29 C.F.R. §1910.134 Appendix B.

Temporary OSHA Enforcement Guidance on the Respiratory Protection Standard

In response to shortages of respirators and other PPE during the national response to the COVID-19 pandemic, OSHA has issued three sets of temporary enforcement guidance to permit the following exceptions to the respiratory protection standard:

1. Employers may suspend annual fit testing of respirators for employees that have already been fit tested on the same model respirator;[52]
2. Employers may permit the use of expired respirators and the extended use or reuse of respirators, provided the respirator maintains its structural integrity and is not damaged, soiled, or contaminated (e.g., with blood, oil, or paint);[53] and
3. Employers may permit the use of respirators not certified by NIOSH, but approved under standards used by the following countries or jurisdictions, in accordance with the protection equivalency tables provided in Appendices A and B of the enforcement guidance document:
   - Australia,
   - Brazil,
   - European Union,
   - Japan,
   - Mexico,
   - People's Republic of China, and
   - Republic of Korea.[54]

California: Cal/OSHA Aerosol Transmissible Disease Standard

Although no OSHA standard specifically covers aerosol or airborne disease transmission, the California Division of Occupational Safety and Health (Cal/OSHA), under its state plan, promulgated its aerosol transmissible disease (ATD) standard in 2009.[55] The ATD standard covers most healthcare workers, laboratory workers, as well as workers in correctional facilities, homeless shelters, and drug treatment programs. Under the ATD standard, SARS-CoV-2, the virus that causes COVID-19, is classified as a disease or pathogen requiring airborne isolation. This classification subjects the virus to stricter control standards than diseases requiring only

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[52] OSHA, *Temporary Enforcement Guidance - Healthcare Respiratory Protection Annual Fit-Testing for N95 Filtering Facepieces During the COVID-19 Outbreak*, March 14, 2020, at https://www.osha.gov/memos/2020-03-14/temporary-enforcement-guidance-healthcare-respiratory-protection-annual-fit.

[53] OSHA, *Enforcement Guidance for Respiratory Protection and the N95 Shortage Due to the Coronavirus Disease 2019 (COVID-19) Pandemic*, April 3, 2020, at https://www.osha.gov/memos/2020-04-03/enforcement-guidance-respiratory-protection-and-n95-shortage-due-coronavirus. Under this guidance, employers are required to address in their written respiratory protection plans when respirators are contaminated and not available for use or reuse.

[54] OSHA, *Enforcement Guidance for Use of Respiratory Protection Equipment Certified under Standards of Other Countries or Jurisdictions During the Coronavirus Disease 2019 (COVID-19) Pandemic*, April 3, 2020, at https://www.osha.gov/memos/2020-04-03/enforcement-guidance-use-respiratory-protection-equipment-certified-under.

[55] Cal. Code Regs. tit. 8, §5199. The California state plan covers all state and local government agencies and all private-sector workers in the state, with the exception of maritime workers; workers on military bases and in national parks, monuments, memorials, and recreation areas; workers on federally recognized Native American reservations and trust lands; and U.S. Postal Service contractors.

droplet precautions, such as seasonal influenza.[56] The key requirements of the ATD standard include

- written ATD exposure control plan and procedures,
- training of all employees on COVID-19 exposure, use of PPE, and procedures if exposed to COVID-19,
- engineering and work practice controls to control COVID-19 exposure, including the use of airborne isolation rooms,
- provision of medical services to employees, including removal of exposed employees,
- specific requirements for laboratory workers, and
- PPE requirements.

Cal/OSHA Aerosol Transmissible Disease PPE Requirements

The Cal/OSHA ATD standard requires that employers provide employees PPE, including gloves, gowns or coveralls, eye protection, and respirators certified by NIOSH at least at the N95 level whenever workers

- enter or work in an airborne isolation room or area with a case or suspected case;
- are present during procedures or services on a case or suspected case;
- repair, replace, or maintain air systems or equipment that may contain pathogens;
- decontaminate an area that is or was occupied by a case or suspected case;
- are present during aerosol generating procedures on cadavers of cases or suspected cases;
- transport a case or suspected case within a facility or within a vehicle when the patient is not masked; and
- are working with a viable virus in the laboratory.[57]

In addition, a powered air purifying respirator (PAPR) with a high-efficiency particulate air (HEPA) filter must be used whenever a worker performs a *high-hazard procedure* on a known or suspected COVID-19 case.[58] High-hazard procedures are those in which "the potential for being exposed to aerosol transmissible pathogens is increased due to the reasonably anticipated generation of aerosolized pathogens"—they include intubation, airway suction, and caring for patients on positive pressure ventilation.[59] Emergency medical services (EMS) workers may use N100, R100, or P100 respirators in place of PAPRs.

[56] Cal. Code Regs. tit. 8, §5199 Appendix A.

[57] California Division of Occupational Safety and Health (Cal/OSHA), *Interim Guidance for Protecting Health Care Workers from Exposure to Coronavirus Disease (COVID-19)*, March 2020, at https://www.dir.ca.gov/dosh/Coronavirus-info.html.

[58] A PAPR uses a mechanical device to draw in room air and filter it before expelling that air over the user's face. In general, PAPRs do not require a tight seal to the user's face and do not need to be fit tested.

[59] Cal. Code Regs. tit. 8, §5199(b).

Cal/OSHA Interim Guidance on COVID-19

Cal/OSHA has issued interim guidance in response to shortages of respirators in the state due to the COVID-19 pandemic response.[60] Under this interim guidance, if the supply of N95 respirators or PAPRs are insufficient to meet current or anticipated needs, surgical masks may be used for low-hazard patient contacts that would otherwise require the use of respirators, and respirators may be used for high-hazard procedures that would otherwise require the use of PAPRs.

Virginia: VOSH COVID-19 ETS

On July 15, 2020, the Virginia Safety and Health Codes Board adopted an ETS to specifically protect employees from exposure to SARS-CoV-2, the virus that causes COVID-19.[61] This ETS, promulgated under Virginia's state occupational safety and health plan (VOSH) is the first state standard to specifically address COVID-19 in the workplace.[62] As an ETS, the VOSH standard expires within six months of its effective date, upon expiration of the Governor's State of Emergency, when superseded by a permanent standard, or when repealed by the Virginia Safety and Health Codes Board, whichever comes first. The ETS can be extended only through the normal state rulemaking process.

Unlike the Cal/OSHA ATD standard, the VOSH ETS applies to all state and local government agencies and all covered private-sector employees in the state. As part of a state plan, the VOSH ETS applies to state and local government entities, such as public schools, as employers. All covered employers in Virginia must comply with the following ETS requirements:

- exposure assessment and determination, notification of suspected cases and contacts with those cases, and employee access to their own exposure and medical records;
- return to work of employees known or suspected to have COVID-19 based on a duration of time since last symptoms or negative COVID-19 tests;[63]
- maintenance of physical distancing between employees while working and on paid breaks at the worksite, including restricted access to the worksite and common areas and break rooms;
- compliance with applicable existing PPE and respiratory protection standards when physical distancing between employees is not possible; and
- sanitation and disinfection requirements.

For all employers, if engineering, administrative, or work practice controls are not feasible or do not provide sufficient protection from SARS-CoV-2 transmission, then PPE, including respiratory PPE—such as respirators, if necessary—must be provided to employees.

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[60] California Division of Occupational Safety and Health (Cal/OSHA), *Cal/OSHA Interim Guidance on COVID-19 for Health Care Facilities: Severe Respirator Supply Shortages*, March 28, 2020, at https://www.dir.ca.gov/dosh/coronavirus/Cal-OSHA-Guidance-for-respirator-shortages.pdf.

[61] *Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19*, 16 Va. Admin. Code §25-220. This ETS is effective upon publication in a Richmond, VA, newspaper during the week of July 27, 2020.

[62] The Virginia state plan covers all state and local government agencies and all private-sector workers in the state, with the exception of maritime workers, U.S Postal Service contractors, workers at military bases or other federal enclaves in which the federal government has civil jurisdiction, workers at the U.S. Department of Energy's Southeastern Power Administration Kerr-Philpott System, and aircraft cabin crew members.

[63] A COVID-19 test for the purposes of determining if an employee can return to work must be paid for by the employer or offered such that the employee bears no cost for the test.

Hazard and Job Task Classification

The VOSH ETS requires that each employer assess its workplace for hazards and job tasks that potentially expose employees to the SARS-CoV-2 virus. Employers must classify each job task as having a "very high," "high," "medium," or "lower" risk level of exposure, according to the hazards to which employees are potentially exposed. The VOSH ETS provides the following examples of activities for the "very high" and "high" risk levels:

- "very high" risk activities include
  - using aerosol-generating procedures, such as intubation, on patients known or suspected to be infected with SARS-CoV-2;
  - collecting or handling specimens from patients known or suspected to be infected with SARS-CoV-2; and
  - performing an autopsy involving aerosol-generating procedures on the body of a person known or suspected to be infected with the SARS-CoV-2 virus at the time of death; and
- "high risk" activities include
  - health care services, including inpatient care, outpatient care, skilled nursing care, and nonmedical support services such as room cleaning, provided to patients known or suspected to be infected with SARS-CoV-2;
  - first responder and medical transport services to patients known or suspected to be infected with SARS-CoV-2; and
  - mortuary services to persons known or suspected to be infected with the SARS-CoV-2 virus at the time of death.

"Medium" risk activities are those that require employees to have more than minimal contact, within six feet of other employees, customers, or members of the public who are not known or suspected to be infected with SARS-CoV-2.[64] "Lower" risk activities are those that do not require contact with other persons within six feet or that are able to utilize the following types of engineering, administrative, or work practice controls to minimize contact between persons:

- installation of floor to ceiling barriers, such as barriers between cashiers and customers;
- telecommuting;
- staggered work shifts to reduce the number of workers at a site;
- delivering services remotely, including curbside pickup of retail purchases; and
- mandatory physical distancing of persons.

The use of face coverings other than respirators or medical or surgical masks, including cloth face coverings now required by several states, is not an acceptable method of minimizing physical contact between persons. However, the VOSH ETS requires the use of face coverings for brief contacts between persons within six feet of each other.

[64] Examples of "medium" risk work activities are provided in the VOSH ETS at 16 Va. Admin. Code §25-220-30.

Engineering, Administrative, Work Practice, and PPE Requirements for "Very High," "High," and "Medium" Risk Activities

Employers with job tasks or activities in the "very high," "high," or "medium" risk classifications must adhere to specific engineering, administrative, work practice, and PPE requirements. For "very high" and "high" risk activities, engineering controls include the use of airborne infection isolation rooms (AIIR) for known or suspected COVID-19 patients and aerosol-generating procedures and Biosafety Level 3 (BSL-3) precautions for the handling of specimens from known or suspected COVID-19 patients.[65]

Employers with "very high" and "high" risk activities must implement administrative and work practice controls, including the prescreening of all employees to ensure that employees do not have signs or symptoms of COVID-19; enhanced medical screening of employees during COVID-19 outbreaks; and the use of flexible work arrangements, such as telecommuting, when feasible. In addition, all employers with "very high" or "high" risk activities must provide, to the extent feasible, psychological and behavioral support to address employee stress at no cost to the employee.

The standard also provides for engineering, administrative, and work practice controls for "medium" risk activities.[66]

PPE Requirements for "Very High" and "High" Risk Activities

Employers with "very high" and "high" risk activities, who are not already covered by the general OSHA PPE standards, are required to comply with the VOSH ETS requirements for PPE. An employer subject to these requirements must assess the workplace to determine if there are any COVID-19 hazards present or likely to be present that would require the use of PPE by employees. The employer must provide for the participation of employees and employee representatives in this assessment process and verify that this assessment has been conducted through a written certification.

If hazards that require PPE are identified, the employer must select and provide the appropriate PPE to each employee and ensure that PPE fits properly. If respiratory PPE, such as respirators or PAPR are used as PPE, the existing OSHA standards for respiratory PPE, which include medical evaluation of employees and fit testing, must be followed.

Unless contraindicated by the hazard and PPE assessment, when any employee is in contact within six feet of any person known or suspected to be infected with SARS-CoV-2, that employee must be provided with the following types of PPE:

- gloves,
- gown large enough to cover areas needing protection,
- face shield or goggles, and
- respirator.

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[65] The VOSH ETS requires compliance with Biosafety Level 3 precautions provided in HHS, *Biosafety in Microbiological and Biomedical Laboratories. Fifth Edition*, HHS Publication no. (CDC) 21-1112, December 2009, at https://www.cdc.gov/labs/BMBL.html.

[66] Engineering, administrative, and work practice controls for "medium" risk activities are provided in the VOSH ETS at 16 Va. Admin. Code §25-220-60.

While there are no specific PPE requirements for "medium" risk activities, PPE may be required based on an assessment of the hazards of these activities.

Infectious Disease Preparedness and Response Plan and Training

Infectious Disease Preparedness and Response Plan

All employers with "very high" and "high" risk activities, and employers with 11 or more employees and "medium" risk activities, must develop written infectious disease preparedness and response plans. These plans must be developed with input from employees. The deadline for the development of these plans is 60 days from the effective date of the ETS.

The infectious disease preparedness plan must include a consideration of the COVID-19 risks in the workplace, and to the extent possible and in compliance with medical privacy laws, the specific risks faced by employees with certain preexisting medical conditions. The plan must include contingency plans for continued operations during a COVID-19 outbreak and provide for the prompt identification and isolation of employees with known or suspected COVID-19 and a procedure for employees to notify the employer of COVID-19 signs or symptoms. The plan must also address interactions between the employer's worksite and other businesses, such as vendors and contractors to ensure employees of these businesses comply with the VOSH ETS and the employer's infectious disease preparedness and response plan.

Training

All employers with "very high," "high," or "medium" risk activities must provide training to all employees, including those employees whose work does not involve any COVID-19 risks. This training must teach employees to recognize the hazards of the SARS-CoV-2 virus, signs and symptoms of COVID-19, and the procedures to minimize SARS-CoV-2 hazards. If the employer has an infectious disease preparedness and response plan, training must be provided on this plan. Written certification of training must be prepared, and retraining must be provided when necessary.

Employers with only "lower" risk activities are not required to prepare a formal training plan but must provide oral or written communication on the hazards of SARS-CoV-2, the signs and symptoms of COVID-19, and measures to minimize SARS-CoV-2 exposure. VOSH is required to develop an information sheet that employers can use to satisfy this training requirement.

Training must be provided within 30 days of the effective date of the standard, except for training on the infectious disease preparedness and response plan, which must be completed within 60 days.

Whistleblower Protections

The VOSH ETS prohibits any employer from discharging or otherwise discriminating against any employee who does the following:

- exercises his or her rights under the ETS or existing whistleblower protection provisions, including the limited right of an employee to refuse work because of a reasonable fear of injury or death or serious injury;[67]

[67] To exercise this right, the employee must, if possible, have sought unsuccessfully to have the employer remedy the hazard, and there must be insufficient time to attempt to remedy the hazard through normal regulatory enforcement

- provides and wears his or her own PPE, provided the PPE does not create a greater hazard to the employee or create a serious hazard to other employees; or
- raises a reasonable concern about SARS-CoV-2 and COVID-19 infection control to the employer, the employer's agent, other employees, the government, or the public through any type of media including social media.

Michigan: MIOSHA COVID-19 Emergency Rules

On October 14, 2020, the director of the Michigan Department of Labor and Economic Opportunity, which operates Michigan's state occupational safety and health plan (MIOSHA), promulgated emergency rules to address workplace exposure to COVID-19.[68] These rules, which apply to all employers in the state, went into immediate effect and will remain in effect for six months. In addition to rules that apply to all employers, the emergency rules include specific provisions that apply to the following industries:

- construction;
- manufacturing;
- retail, libraries, and museums;
- restaurants and bars;
- healthcare;
- in-home services such as house cleaning and repair;
- personal care services such as hair styling and tattooing;
- public accommodations such as sports and entertainment venues;
- sports and exercise facilities;
- meat and poultry processing; and
- casinos.[69]

Exposure Determination

Rule 3 of the MIOSHA emergency rules requires all employers to evaluate all routine and anticipated job tasks and categorize these job tasks based on potential employee exposure to COVID-19 into one of the following four categories:

1. "Lower exposure risk" tasks are those that do not require contact with known or suspected COVID-19 cases or frequent close (within six feet) contact with the general public.
2. "Medium exposure risk" tasks are those that require frequent or close contact with persons who may be infected with COVID-19 but who are not known or suspected COVID-19 cases. In areas of the state without ongoing community

channels. This right is provided in the OSHA standards at 29 C.F.R. §1977.12(b)(2) and in the VOSH standards at 16 Va. Admin. Code §25-60-110.

[68] Department of Labor and Economic Opportunity, Michigan Occupational Safety and Health Administration (MIOSHA) Emergency Rules: Coronavirus 2019 (COVID-19), available at https://www.michigan.gov//documents/leo/Final_MIOSHA_Rules_705164_7.pdf. The Michigan state plan covers all state and local government agencies and all private-sector workers in the state, with the exception of maritime workers, U.S. Postal Service contractors, workers at businesses owned or operated by tribal members at Indian reservations, and aircraft cabin crew members.

[69] MIOSHA Emergency Rules: Coronavirus 2019 (COVID-19), Rule 11.

transmission of COVID-19, tasks that require frequent contact with persons travelling from areas with widespread COVID-19 transmission are included in this category. In areas with ongoing community transmission, tasks that involve contact with the general public are included in this category.

3. "High exposure risk" tasks are those with high potential for exposure to known or suspected COVID-19 cases. Licensed healthcare providers, medical first responders, nursing home workers, law enforcement and correctional officers, and mortuary workers are examples of types of workers that may perform tasks in this category.
4. "Very high exposure risk" tasks are those that involve the generation of aerosols during medical or mortuary procedures on known or suspected COVID-19 cases and the collection and handling of laboratory specimens from known or suspected COVID-19 cases.

Preparedness and Response Plan

Rule 4 of the MIOSHA emergency rules requires all employers to develop a written COVID-19 preparedness and response plan based on current CDC and OSHA guidance. This plan must detail measures the employer will take to protect employees from COVID-19 exposure and must be readily available to employees and their representatives.

Basic Infection Prevention Measures

Rule 5 of the MIOSHA emergency rules requires all employers to implement the following basic infection prevention measures:

- promote frequent hand-washing and provide hand-washing facilities or hand sanitizer to workers, customers, and visitors;
- require employees who are sick to not report to work or to report to an isolated location;
- prohibit workers from using other workers' desks, phones, and other equipment when possible;
- increase facility cleaning, especially of high-touch surfaces and shared equipment;
- establish procedures, consistent with CDC guidance, for disinfection of the worksite if a worker, customer, or visitor has a known case of COVID-19;
- use Environmental Protection Agency (EPA) approved disinfectants that are expected to effective against SARS-CoV-2;
- follow all manufacturer's guidelines for use of all cleaning and disinfectant products; and
- prohibit in-person work for employees whose work can be done remotely.

Health Surveillance

Rule 6 of the MIOSHA emergency rules requires all employers to implement a health surveillance system for the workplace. This system must include, at a minimum, a COVID-19 screening questionnaire for all employees and contractors entering the workplace. Employees must be directed to immediately report any signs or symptoms of COVID-19 to the employer and known and suspected COVID-19 cases must be isolated from the rest of the workforce. When an

employer learns of an employee, contractor, customer, or visitor to the worksite with a known case of COVID-19, the employer must immediately notify the local health department and, must notify, within 24 hours, any workers, contractors, or suppliers who may have come into contact with the infected person. When determining if an employee with a known or suspected case of COVID-19 may return to the workplace, the employer must follow CDC guidelines and health department quarantine and isolation orders.

Workplace Controls

Rule 7 of the MIOSHA emergency rules requires all employers to implement the following workplace controls:

- designate one or more worksite COVID-19 safety coordinators to implement, monitor, and report on COVID-19 control strategies developed by the employer and to remain on site at all times when employees are present;
- place posters in appropriate languages in the workplace that provide information on staying away from work while sick, cough and sneeze etiquette, and hand hygiene;
- keep all persons at least six feet from each other using signs, floor markings, and barriers appropriate for the worksite, to the extent possible;
- provide all employees with non-medical grade face coverings at no cost to the employees;
- require the use of face coverings when employees cannot maintain six feet of distance from other persons in the workplace, and consider the use of face shields when three feet of distance cannot be maintained;
- require face coverings in shared spaces, such as restrooms and hallways and during in-person meetings.

PPE

Rule 8 of the MIOSHA emergency rules requires that employers provide appropriate PPE, including respiratory protection, to employees based on the exposure risks of the job and current CDC and OSHA guidelines. All PPE must be properly fitted, inspected, maintained, cleaned, stored, and disposed of. In workplaces that provide medical treatment to known or suspected COVID-19 cases, employees with frequent or prolonged close contact with such patients must be provided with and wear, at a minimum, an N95 respirator, goggles or face shield, and gown.

Training Requirements

Rule 10 of the MIOSHA emergency rules requires all employers to provide training and communication, in languages common among the employees, on the following subjects:

- workplace infection-control practices;
- proper use of PPE;
- how to notify the employer of COVID-19 symptoms or diagnosis;
- how to report unsafe working conditions.

This training must be updated if the employer's COVID-19 preparedness and response plan changes or new information on COVID-19 transmission becomes available.

Recordkeeping Requirements

Rule 11 of the MIOSHA emergency rules requires that all employers maintain, for one year, records of employee training, the screening of persons entering the workplace, and any health surveillance notifications required by Rule 6.

OSHA Infectious Disease Standard Rulemaking

In 2010, OSHA published a Request for Information in the *Federal Register* seeking public comments on strategies to control exposure to infectious diseases in healthcare workplaces.[70] After collecting public comments and holding public meetings, OSHA completed the SBREFA process in 2014. Since then, however, no public actions have occurred on this rulemaking; since spring 2017, this rulemaking has been listed as a "long-term action" in DOL's semiannual regulatory agenda.

Congressional Activity to Require an OSHA Emergency Temporary Standard on COVID-19

On March 5, 2020, Representative Bobby Scott, chairman of the House Committee on Education and Labor, and Representative Alma Adams, chair of the Subcommittee on Workforce Protections, sent a letter to Secretary of Labor Eugene Scalia calling on OSHA to promulgate an ETS to address COVID-19 exposure among healthcare workers.[71] This letter followed a January 2020 letter requesting that OSHA reopen its rulemaking on the infectious disease standard and begin to formulate for possible future promulgation an ETS to address COVID-19 exposure.[72] Senator Patty Murray, ranking member of the Senate Committee on Health, Education, Labor, and Pensions and a group of Democratic Senators sent a similar letter to the Secretary of Labor calling for an OSHA ETS.[73]

In addition, in March 2020, David Michaels, who served as the Assistant Secretary of Labor for Occupational Safety and Health during the Obama Administration, wrote an op-ed in *The Atlantic* calling on OSHA to promulgate a COVID-19 ETS.[74] On March 6, 2020, the AFL-CIO and 22 other unions petitioned OSHA for an ETS on infectious diseases that would cover all workers with potential exposures.[75] OSHA formally denied the AFL-CIO petition on May 29, 2020, claiming that an ETS is not necessary to protect employees from infectious diseases generally, or

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[70] OSHA, "Infectious Diseases," 75 *Federal Register* 24835, May 6, 2010.

[71] Letter from Representative Scott, chairman, House Committee on Education and Labor, and Representative Adams, chair, Subcommittee on Worker Protections, to The Honorable Eugene Scalia, Secretary of Labor, March 5, 2020, at https://edlabor.house.gov/imo/media/doc/2020-03-05%20OSHA%20ETS%20Letter.pdf.

[72] Letter from Representative Scott, chairman, House Committee on Education and Labor, and Representative Adams, chair, Subcommittee on Worker Protections, to The Honorable Eugene Scalia, Secretary of Labor, January 30, 2020, at https://edlabor.house.gov/imo/media/doc/2020-01-30%20RCS%20to%20DOL%20Corona%20Letter_SIGNED1.pdf.

[73] Letter from Senator Patty Murray, ranking member, Senate Committee on Health, Education, Labor, and Pensions, Senator Robert Menendez, and Senator Tammy Baldwin, et al. to The Honorable Eugene Scalia, Secretary of Labor, March 9, 2020, at https://www.baldwin.senate.gov/imo/media/doc/20200309%20OSHA%20ETS%20Letter.pdf.

[74] David Michaels, "What Trump Could Do Right Now to Keep Workers Safe From the Coronavirus," *The Atlantic*, March 2, 2020, at https://www.theatlantic.com/ideas/archive/2020/03/use-osha-help-stem-covid-19-pandemic/607312/.

[75] Letter from Richard L. Trumka, president, AFL-CIO, to The Honorable Eugene Scalia, Secretary of Labor, March 6, 2020, at https://aflcio.org/statements/petition-secretary-scalia-osha-emergency-temporary-standard-infectious-disease.

from COVID-19.[76] National Nurses United submitted a similar petition requesting that OSHA promulgate an ETS based largely on the Cal/OSHA ATD standard.[77] On May 4, 2020, the Center for Food Safety and Food Chain Workers Alliance submitted a petition requesting that OSHA promulgate an ETS to protect meat and poultry processing workers from COVID-19 exposure in the workplace.[78] On May 18, 2020, the AFL-CIO petitioned the U.S. Court of Appeals for the D.C. Circuit for a writ of mandamus to compel OSHA to promulgate a COVID-19 ETS.[79] The circuit court denied this petition on June 11, 2020.

H.R. 6139, the COVID-19 Health Care Worker Protection Act of 2020

On March 9, 2020, Representative Bobby Scott introduced H.R. 6139, the COVID-19 Health Care Worker Protection Act of 2020. This bill would require OSHA to promulgate a COVID-19 ETS within one month of enactment. The ETS would be required to cover healthcare workers and any workers in sectors determined by the CDC or OSHA to be at an elevated risk of COVID-19 exposure. The ETS would be required to include an exposure control plan provision and be, at a minimum, based on CDC's 2007 guidance and any updates to this guidance. The ETS would also be required to provide no less protection than any state standard on novel pathogens, thus requiring OSHA to include the elements of the Cal/OSHA ATD standard, the VOSH COVID-19 ETS, and the MIOSHA emergency rules in this ETS. Title II of the bill would provide that hospitals and skilled nursing facilities that receive Medicare funding and that are owned by state or local government units and not subject to state plans would be required to comply with the ETS. Similar provisions are included in S. 3475.

P.L. 116-127, the Families First Coronavirus Response Act

The provisions of H.R. 6139 were included as Division C of H.R. 6201, the Families First Coronavirus Response Act, as introduced in the House. The American Hospital Association (AHA) issued an alert to its members expressing its opposition to the OSHA ETS provisions in the bill.[80] Specifically, the AHA opposed the requirement that the ETS be based on the CDC's 2007 guidance. The AHA stated that unlike severe acute respiratory syndrome (SARS), which was transmitted through the air, COVID-19 transmission is through droplets and surface contacts. Thus, the requirement of the 2007 CDC guidance that N95 respirators, rather than surgical masks, be used for patient contact is not necessary to protect healthcare workers from COVID-19, and the use of surgical masks is consistent with World Health Organization guidance. The AHA also

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[76] Letter from Loren Sweatt, Principal Deputy Assistant Secretary of Labor, to Richard L. Trumka, president, AFL-CIO, May 29, 2020.

[77] Letter from Bonnie Castillo, executive director, National Nurses United, to The Honorable Eugene Scalia, Secretary of Labor, and The Honorable Loren Sweatt, Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health, March 4, 2020, at https://act.nationalnursesunited.org/page/-/files/graphics/NNUPetitionOSHA03042020.pdf.

[78] Center for Food Safety and Food Chain Workers Alliance, *Rulemaking Petition to the United States Department of Labor, Occupational Safety and Health Administration*, May 4, 2020, at https://www.centerforfoodsafety.org/files/2020-05-04-osha-ets-petition_58890.pdf.

[79] In re: American Federation of Labor and Congress of Industrial Organizations, D.C. Cir., No. 19-1158, May 18, 2020. This petition was filed in the U.S. Court of Appeals as Section 6(f) of the OSH Act [29 U.S.C. §655(f)] grants this court exclusive jurisdiction to provide judicial review of OSHA standards.

[80] Emily Kopp, "Hospitals want to kill a policy shielding nurses from COVID-19 because there aren't enough masks," *Roll Call*, March 3, 2020, at https://www.rollcall.com/2020/03/13/hospitals-want-to-kill-a-policy-shielding-nurses-from-covid-19-because-there-arent-enough-masks/. This alert is available to American Hospital Association (AHA) members on the AHA website at https://www.aha.org.

claimed that shortages of available respirators could reduce the capacity of hospitals to treat COVID-19 patients, due to a lack of respirators for staff. The OSHA ETS provisions were not included in the version of the legislation that was passed by the House and the Senate and signed into law as P.L. 116-127.

H.R. 6379, the Take Responsibility for Workers and Families Act

Division D of H.R. 6379, the Take Responsibility for Workers and Families Act, as introduced in the House on March 23, 2020, includes the requirement that OSHA promulgate an ETS on COVID-19 within seven days of enactment and a permanent COVID-19 standard within 24 months of enactment to cover healthcare workers, firefighters and emergency response workers, and workers in other occupations that CDC or OSHA determines to have an elevated risk of COVID-19 exposure. Division D of H.R. 6379 would amend the OSH Act, for the purposes of the ETS only, such that state and local government employers in states without state plans would be covered by the ETS. The provisions of Division D of H.R. 6379 were also included in S. 3584, the COVID-19 Workers First Protection Act of 2020, as introduced in the Senate.

This legislation would specifically provide that the ETS would remain in force until the permanent standard is promulgated and would explicitly exempt the ETS from the Regulatory Flexibility Act, Paperwork Reduction Act, and Executive Order 12866. OSHA would be granted enforcement discretion in cases in which it is not feasible for an employer to fully comply with the ETS (such as a case in which PPE is unavailable) if the employer is exercising due diligence to comply and implementing alternative means to protect employees.

Like the provisions in H.R. 6139 and the version of H.R. 6201 introduced in the House, the ETS and permanent standard under H.R. 6379 would be required to include an exposure control plan and provide no less protection than any state standard on novel pathogens, thus requiring OSHA to include the elements of the Cal/OSHA ATD, the VOSH COVID-19 ETS, and the MIOSHA emergency rules in this ETS and permanent standard. Although the ETS provisions in H.R. 6139 and H.R. 6201 would require that the ETS be based on the 2007 CDC guidance, specific reference to the 2007 guidance is not included in this legislation. Rather, under H.R. 6379, the ETS and permanent standard would have to incorporate, as appropriate, "guidelines issued by the Centers for Disease Control and Prevention, and the National Institute for Occupational Safety and Health, which are designed to prevent the transmission of infectious agents in healthcare settings" and scientific research on novel pathogens.

States with occupational safety and health plans would be required to adopt the ETS, or their own ETS at least as effective as the ETS, within 14 days of the legislation's enactment.

H.R. 6559, the COVID-19 Every Worker Protection Act of 2020

H.R. 6559, the COVID-19 Every Worker Protection Act of 2020, was introduced in the House by Representative Bobby Scott on April 21, 2020. This legislation includes the ETS and permanent standard provisions of Division D of H.R. 6379 and S. 3584 and would require that these standards cover healthcare workers, emergency medical responders, and "other employees at occupational risk" of COVID-19 exposure. This legislation also adds two provisions that would clarify the requirements for employers to record work-related COVID-19 infections and strengthen the protections against retaliation and discrimination offered to whistleblowers. Similar provisions are included in S. 3677 and were incorporated into H.R. 6800, the Heroes Act, as passed by the House.

COVID-19 Recordkeeping

Sections 8(c) and 24(a) of the OSH Act require employers to maintain records of occupational injuries and illnesses in accordance with OSHA regulations.[81] OSHA's reporting and recordkeeping regulations require that employers with 10 or more employees must keep records of work-related injuries and illnesses that result in lost work time for employees or that require medical care beyond first aid.[82] Employers must also report to OSHA, within 8 hours, any workplace fatality, and within 24 hours, any injury or illness that results in in-patient hospitalization, amputation, or loss of an eye. Employers in certain industries determined by OSHA to have lower occupational safety and health hazards are listed in the regulations as being exempt from the recordkeeping requirements but not the requirement to report to OSHA serious injuries, illnesses, and deaths.[83] Offices of physicians, dentists, other health practitioners, and outpatient medical clinics are included in the industries that are exempt from the recordkeeping requirements.

OSHA regulations require the employer to determine if an employee's injury or illness is related to his or her work and thus subject to the recordkeeping requirements.[84] The regulations provide a presumption that an injury or illness that occurs in the workplace is work-related and recordable, unless one of the exemptions provided in the regulations applies.[85] One of the listed exemptions is "The illness is the common cold or flu (Note: contagious diseases such as tuberculosis, brucellosis, hepatitis A, or plague are considered work-related if the employee is infected at work)."[86]

Because of the nature of COVID-19 transmission, which can occur in the community as well as the workplace, it can be difficult to determine the exact source of any person's COVID-19 transmission. Absent any specific guidance, this may make it difficult for employers to determine if an employee's COVID-19 is subject to the recordkeeping requirements.

Initial OSHA Recordkeeping Guidance

On April 10, 2020, OSHA issued enforcement guidance on how cases of COVID-19 should be treated under the recordkeeping requirements.[87] This guidance stated that COVID-19 cases were recordable if they were work-related.

Under this guidance, employers in the following industry groups were to fully comply with the recordkeeping regulations, including the requirement to determine if COVID-19 cases were work-related:

- healthcare;
- emergency response, including firefighting, emergency medical services, and law enforcement; and
- correctional institutions.

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[81] 29 U.S.C. §§657(c) and 673(a).

[82] OSHA's reporting and recordkeeping regulations are at 29 C.F.R. Part 1904.

[83] The list of exempted industries is at 29 C.F.R. Subpart B, Appendix A. States with state occupational safety and health plans may require employers in these exempted industries to comply with the recordkeeping requirements.

[84] 29 C.F.R. §1904.5.

[85] 29 C.F.R. §1905.5(a).

[86] 29 C.F.R. §1904.5(b)(2)(viii).

[87] OSHA, *Enforcement Guidance for Recording Cases of Coronavirus Disease 2019 (COVID-19)*, April 10, 2020, at https://www.osha.gov/memos/2020-04-10/enforcement-guidance-recording-cases-coronavirus-disease-2019-covid-19.

For all other employers, OSHA required employers to determine if COVID-19 cases were work-related and subject to the recordkeeping requirements only if both of the following two conditions were met:

1. There was objective evidence that a COVID-19 case may have been work-related. This could have included, for example, a number of cases developing among workers who worked closely together without an alternative explanation.
2. The evidence of work-relatedness was reasonably available to the employer. For purposes of this guidance, examples of reasonably available evidence included information given to the employer by employees, as well as information that an employer learned regarding its employees' health and safety in the ordinary course of managing its business and employees.

Updated OSHA Recordkeeping Guidance

OSHA issued new guidance, effective May 26, 2020, on recordkeeping of COVID-19 cases.[88] This new guidance rescinds the previous guidance issued by OSHA on April 10, 2020. Under this new guidance, all employers, regardless of type of industry or employment, are subject to the recordkeeping and recording regulations for work-related cases of COVID-19. To determine if an employer has made a reasonable determination that a case of COVID-19 was work-related, OSHA says it will consider the following factors:

- the reasonableness of the employer's investigation of the COVID-19 case and its transmission to the employee;
- the evidence that is available to the employer; and
- the evidence that COVID-19 was contracted at work.

The guidance provides examples of evidence that can be used to demonstrate that a COVID-19 case was or was not work-related such as if an employee had frequent close contact with members of the public in an area with ongoing community transmission of COVID-19.

H.R. 6559

H.R. 6559 would require that the ETS and permanent standard established pursuant to the legislation include the requirement for the recording and reporting of all COVID-19 cases in accordance with OSHA regulations in place at the time of enactment. By referencing the regulations in place, this provision would serve to supersede OSHA's guidance from April 10, 2020, and apply the requirement, currently provided in the guidance effective May 26, 2020, to determine the work-relatedness of COVID-19 cases to all employers covered by the recordkeeping regulations.

Whistleblower Protections

Section 11(c) of the OSH Act prohibits any person from retaliating or discriminating against any employee who exercises certain rights provided by the OSH Act.[89] Commonly referred to as the

[88] OSHA, *Revised Enforcement Guidance for Recording Cases of Coronavirus Disease 2019 (COVID-19)*, May 19, 2020, at https://www.osha.gov/memos/2020-05-19/revised-enforcement-guidance-recording-cases-coronavirus-disease-2019-covid-19.

[89] 29 U.S.C. §660(c). OSHA also enforces whistleblower provisions in 22 other federal statutes. Information on statutes with whistleblower provisions enforced by OSHA is at OSHA, *Whistleblower Statutes Summary Chart*, October 17, 2009, at https://www.whistleblowers.gov/sites/wb/files/2019-12/WB-Statute-Summary-Chart-10.8-Final.pdf.

whistleblower protection provision, this provision protects any employee who takes any of the following actions:

- files a complaint with OSHA related to a violation of the OSH Act;
- causes an OSHA proceeding, such as an investigation, to be instituted;
- testifies or is about to testify in any OSHA proceeding; and
- exercises on his or her own behalf, or on behalf of others, any other rights afforded by the OSH Act.[90]

Other rights afforded by the OSH Act that are covered by the whistleblower protection provision include the right to inform the employer about unsafe work conditions; the right to access material safety data sheets or other information required to be made available by the employer; and the right to report a work-related injury, illness, or death to OSHA.[91] In limited cases, the employee has the right to refuse to work if conditions reasonably present a risk of serious injury or death and there is not sufficient time to eliminate the danger through other means.[92]

H.R. 6559 would require that the ETS and permanent standard promulgated pursuant to the legislation expand the protections for whistleblowers. The following additional activities taken by employees would grant them protection from retaliation and discrimination from employers and agents of employers:

- reporting to the employer; a local, state, or federal agency; or the media; or on a social media platform; the following:
  - a violation of the ETS or permanent standard promulgated pursuant to the legislation;
  - a violation of the infectious disease control plan required by the ETS or permanent standard; or
  - a good-faith concern about an infectious disease hazard in the workplace;
- seeking assistance from the employer or a local, state, or federal agency with such a report; and
- using personally supplied PPE with a higher level of protection than offered by the employer.

H.R. 6800, The Heroes Act

The provisions of H.R. 6559, including the provisions relating to recordkeeping and whistleblower protections, were included as Title III of Division L of H.R. 6800, The Heroes Act. H.R. 6800 was passed by the House on May 15, 2020. In a letter to Speaker of the House Nancy Pelosi, the AHA expressed its opposition to the ETS provisions in The Heroes Act citing the potential for confusion that new regulations could bring and the "ongoing global lack of supplies, equipment and testing capability" faced by hospitals.[93] The AHA also stated that the provision

[90] 29 C.F.R. §1977.3. Public-sector employees, except employees of the United States Postal Service, are not protected by the whistleblower provision, but may be covered by whistleblower provisions in other federal and state statutes.

[91] For additional information on other rights covered by the whistleblower protection provision, see OSHA, January 9, 2019, *Investigator's Desk Aid to the Occupational Safety and Health Act (OSH Act) Whistleblower Protection Provision*, pp. 5-7, at https://www.osha.gov/sites/default/files/11cDeskAid.pdf.

[92] 29 C.F.R. §1977.12(b)(2).

[93] Letter from Thomas P. Nickels, executive vice president, American Hospital Association, to Hon. Nancy Pelosi,

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that would require the ETS to be based on state standards "suggests that the federal government is surrendering its responsibility to appropriately regulate the nation to a state government agency without consideration of whether that state's decisions are appropriate for implementation anywhere and everywhere."

H.R. 925, The Heroes Act (Revised)

The provisions of H.R. 6559 and H.R. 6800 were included in the House Amendment to the Senate Amendment to H.R. 925, the revised Heroes Act, passed by the House on October 1, 2020.

Speaker, U.S. House of Representatives, May 14, 2020, at https://www.aha.org/system/files/media/file/2020/05/web-AHALettertoHouseonHEROESAct051420final.pdf.

Appendix. OSHA Emergency Temporary Standards

Table A-1. OSHA Emergency Temporary Standards (ETS)

Year	Subject of ETS	*Federal Register* Citation of ETS	Result of Judicial Review	Judicial Review Case Citation
1971	Asbestos	36 *Federal Register* 23207 (December 7, 1971)	Not challenged	—
1973	Organophosphorous pesticides	38 *Federal Register* 10715 (May 1, 1973); amended by 38 *Federal Register* 17214 (June 29, 1973)	Vacated	*Florida Peach Growers Ass'n v. United States Department of Labor,* 489 F.2d 120 (5th Cir. 1974)
1973	Fourteen carcinogens	38 *Federal Register* 10929 (May 3, 1973)	Twelve upheld, two vacated	*Dry Color Mfrs. Ass'n v. Department of Labor,* 486 F.2d 98 (3d Cir. 1973)
1974	Vinyl chloride	39 *Federal Register* 12342 (April 5, 1974)	Not challenged	—
1976	Diving operations	41 *Federal Register* 24271 (June 15, 1976)	Stayed	*Taylor Diving & Salvage Co. v. Department of Labor,* 537 F.2d 819 (5th Cir. 1976)
1977	Benzene	42 *Federal Register* 22515 (May 3, 1977)	Stayed	*Industrial Union Dep't v. Bingham,* 570 F.2d 965 (D.C. Cir. 1977)
1977	1,2 Dibromo-3-chloropropane (DBCP)	42 *Federal Register* 45535 (September 9, 1977)	Not challenged	—
1978	Acrylonitrile (vinyl cyanide)	43 *Federal Register* 2585 (January 17, 1978)	Stay denied	*Vistron v. OSHA,* 6 OSHC 1483 (6th Cir. 1978)
1983	Asbestos	48 *Federal Register* 51086 (November 4, 1983)	Stayed	*Asbestos Info. Ass'n v. OSHA,* 727 F.2d 415 (5th Cir. 1984)

Source: CRS with data from Mark A. Rothstein, "Substantive and Procedural Obstacles to OSHA Rulemaking: Reproductive Hazards as an Example," *Boston College Environmental Affairs Law Review*, vol. 12, no. 4 (August 1985), p. 673.

Author Information

Scott D. Szymendera
Analyst in Disability Policy

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Subject: FW: Case re: (b) 5
Attachments: (b) 5

Pete--

(b) 5

(b) 5 What do you think?

From: Goodman, Lauren - SOL <(b) 6 @dol.gov>
Sent: Thursday, July 2, 2020 10:59 AM
To: Baird, Edmund - SOL <(b) 6 @dol.gov>
Subject: FW: Case re: (b) 5

Ed –

(b) 5

Lauren Goodman
Deputy Associate Solicitor for Occupational Safety and Health
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(202) 693-(b) 6
Pronouns: she, her, hers

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U.S. Department of Justice
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(b) 6

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CC: Stanley - SOL Keen (Keen.Stanley@DOL.GOV) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7b6ad4da435e4564a9bbf4ba8c2c834c-Keen, Stanl]; Lauren - SOL Goodman (Goodman.Lauren@dol.gov) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=856c4a2344b64587aae129d600be9554-Goodman, La]; Heather Phillips (Phillips.Heather@dol.gov) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4161ec31a0de4a9090eedd71c9a8cdaf-Phillips, H]; (b) 6 - SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9a092baad3764ac0acbc944540063b05-(b) 6]
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Attachments: 2020.04.23-Smithfield-Complaint.pdf; 2020.04.23-Smithfield-TRO-Motion.pdf; 20.4.25 Plaintiff's Suggestion in Opp to Smithfield Ltr.pdf; 20.4.27 Motion to Dismiss Brief.pdf; 20.4.27 Order Setting Prelim Injunction Hrg.pdf; (b) 5 (b) 5

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Ed Baird
(b) 6 cell)

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From: (b) 6 - SOL <(b) 6 @DOL.gov>
Sent: Tuesday, April 28, 2020 11:03 AM
To: Phillips, Heather - SOL <(b) 6 @dol.gov>
Cc: (b) 6 - SOL <(b) 6 @dol.gov>
Subject: RE: Tweet by David Muraskin on Twitter

Heather,

(b) 5

If you have any questions or need anything further, please let me know.

Sincerely,

(b) 6
Trial Attorney
PH: (b) 6

ATTENTION: In light of the current restrictions put in place by federal, state, and local county governments in response to COVID-19, the Office of the Solicitor in Dallas requests that all communication and document delivery be handled electronically via e-mail. Until further notice, please send any documents and correspondence electronically rather than using U.S. Mail or overnight delivery services. If a document is too large to send electronically, please contact me so we can make other arrangements. Thank you.

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Hi (b) 6 see Ed's request below. (b) 5

Thanks,

Heather

From: Baird, Edmund - SOL <(b) 6 @dol.gov>
Sent: Tuesday, April 28, 2020 8:29 AM
To: Phillips, Heather - SOL <(b) 6 @dol.gov>
Cc: Goodman, Lauren - SOL <(b) 6 @dol.gov>; (b) 6 - SOL <(b) 6 @dol.gov>
Subject: RE: Tweet by David Muraskin on Twitter

Thank you! (b) 5

(b) 5

Ed

From: Phillips, Heather - SOL <(b) 6 @dol.gov>
Sent: Monday, April 27, 2020 8:17 PM
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See below

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Cc: (b) 6 - SOL <(b) 6 @dol.gov>
Subject: RE: Tweet by David Muraskin on Twitter

Heather,

(b) 5

Sincerely,

(b) 6
Trial Attorney
PH: (b) 6

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Sent: Monday, April 27, 2020 12:51 PM
To: (b) 6 - SOL <(b) 6 @DOL.gov>
Subject: FW: Tweet by David Muraskin on Twitter

(b) 6

I have a quick assignment for you. (b) 5

(b) 5

Ed and Heather would like something by COB today if possible. Give me a call if you have any questions.

(b) 6
Attorney
Division of Occupational Safety and Health
Office of the Solicitor
U.S. Department of Labor
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Cc: Goodman, Lauren - SOL <(b) 6 @dol.gov>; Pannocchia, Orlando - SOL <(b) 6 @dol.gov>
Subject: RE: Tweet by David Muraskin on Twitter

The docket number was on the pleadings linked to at the below site, so I went and pulled it myself (attached). (b) 5
(b) 5

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To: Phillips, Heather - SOL <(b) 6 @dol.gov>; (b) 6 - SOL <(b) 6 @dol.gov>
Cc: Goodman, Lauren - SOL <(b) 6 @dol.gov>; Pannocchia, Orlando - SOL <(b) 6 @dol.gov>
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More info here:

https://food.publicjustice.net/case/rcwa-jane-doe-v-smithfield/

From: Baird, Edmund - SOL
Sent: Monday, April 27, 2020 12:44 PM
To: Heather Phillips (b) 6 @dol.gov) (b) 6 @dol.gov>; (b) 6 - SOL (b) 6 @dol.gov) <(b) 6 @dol.gov>
Cc: Lauren - SOL Goodman (b) 6 @dol.gov) (b) 6 @dol.gov>; Pannocchia, Orlando - SOL <(b) 6 @dol.gov>
Subject: FW: Tweet by David Muraskin on Twitter

Heather, (b) 6 --would one of you have someone find the below case on Pacer and get the opinion?

Thanks,

Ed

From: OScannlain, Kate S - SOL <OScannlain.Kate.S@dol.gov>
Sent: Monday, April 27, 2020 12:29 PM
To: Sweatt, Loren E. - OSHA <(b) 6 @dol.gov>; Baird, Edmund - SOL <(b) 6 @dol.gov>; Heri, Christine - SOL <(b) 6 @DOL.GOV>
Cc: Bissell, Katherine - SOL <Bissell.Katherine@dol.gov>
Subject: FW: Tweet by David Muraskin on Twitter

See below.

Ed, can you please have someone pull the order off of pacer?

Looks like it's 5:20-cv-06063 DGK

Kate S. O'Scannlain | Solicitor of Labor
200 Constitution Avenue, NW, Rm S2002, Washington, DC 20210
D 202-693-5260 | **E** oscannlain.kate.s@dol.gov

From: kate oscannlain <(b) 6 @gmail.com>
Sent: Monday, April 27, 2020 12:21 PM
To: OScannlain, Kate S - SOL <OScannlain.Kate.S@dol.gov>
Subject: Tweet by David Muraskin on Twitter

David Muraskin
@DavidMuraskin

BREAKING: Court orders @SmithfieldFoods' Milan, Missouri plant to comply with OSHA and CDC guidance. Hearing on company's failure to protect workers set for April 30.
Follows weekend briefing in which #Smithfield asked to argue case should be delayed or dismissed.
pic.twitter.com/JWIabAOwUL
4/26/20, 7:39 PM

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IN THE UNITED STATES DISTRICT COURT
FOR WESTERN DISTRICT OF MISSOURI

RURAL COMMUNITY WORKERS ALLIANCE and JANE DOE; *Plaintiffs*, v. SMITHFIELD FOODS, INC. AND SMITHFIELD FRESH MEATS CORP., *Defendants*.	Case No. 5:20-cv-06063-DGK

PLAINTIFFS' SUGGESTIONS IN OPPOSITION TO LETTER INCLUDING REQUEST FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFFS' EMERGENCY MOTION FOR A PRELIMINARY INJUNCTION

The Court should deny Defendants' request for an extension of time to respond to Plaintiffs' Emergency Motion for a Preliminary Injunction ("Motion"), Dkt. No. 3.[1] Defendants seek to delay this Court's consideration of the Motion based on a forthcoming, but baseless, argument that the Occupational Safety and Health Administration ("OSHA") has "primary jurisdiction." But, even if OSHA were to act, and it has said it will not, that action would not impact Plaintiffs' state-law tort claims in this matter. Any delay risks further spread of the COVID-19 virus, both among workers at the Milan, Missouri plant and in the wider community.

Workers at Defendants' Milan, Missouri plant (the "Plant") have symptoms of COVID-19, and without prompt Court intervention, the virus will surely spread.[2] This is not idle

[1] Defendants have not formally moved for an extension of time to respond to Plaintiffs' Motion. But in their letter to the Court of April 24, 2020, Defendants appear to request that "the Court permit Smithfield to file its response [to Plaintiffs' Motion] on May 4, 2020." Dkt. No. 15, at 1.

[2] Defendants' claim that they "are not aware of any confirmed diagnoses of COVID-19," Dkt. No. 15, at 1, is dangerously misleading. As Plaintiffs explain, Defendants have "not implemented

speculation. Smithfield plants around the country are closing every day because of COVID-19.[3] In this case, Plaintiffs do not request that the Court order the Plant closed. All they are asking is that if Defendants continue operating the Plant, they comply with basic requirements included in federal and state public health orders and guidance to prevent further spread in Milan and the surrounding region. Every day that the Plant continues to operate without making these changes substantially increases the likelihood of illness and even death, and yet further disruption of the nation's food supply chain.

Defendants' suggestion that the Court allow them to delay opposing Plaintiffs' Motion so they can raise a prudential primary jurisdiction claim runs counter to the doctrine. Primary jurisdiction "is to be invoked sparingly, as it often results in added expense and delay," which is particularly unacceptable here. *Alpharma, Inc. v. Pennfield Oil Co.*, 411 F.3d 934, 938 (8th Cir. 2005).

Moreover, a defendant moving to dismiss based on an agency's primary jurisdiction must "identif[y] a[] relevant proceeding[] to which" the court should defer, and there is not one here. *Curran v. Bayer Healthcare LLC*, No. 17 C 7930, 2019 WL 398685, at *3 (N.D. Ill. Jan. 31, 2019). Defendants contend that OSHA "is currently investigating and enforcing work place

---

any policies that allow [them] to contact trace or test workers who have symptoms." Complaint, Dkt. No. 1 ¶ 105.

[3] Chicago Digital Team, *Kane County Health Department Closes St. Charles' Smithfield Foods Due to COVID-19 Concerns*, ABC7 (Apr. 25, 2020), https://abc7chicago.com/amp/smithfield-foods-st-charles-closing-coronavirus-illinois/6129026/; *Smithfield to close Illinois pork facility after workers test positive for virus*, Reuters (Apr. 24, 2020), https://in.reuters.com/article/us-health-coronavirus-smithfield/smithfield-to-close-illinois-pork-facility-after-workers-test-positive-for-virus-idINKCN22636X?il=0; *see also* Greg Barnes, *Two more processing plants identified as having coronavirus outbreaks*, North Carolina Health News (Apr. 24, 2020), https://www.northcarolinahealthnews.org/2020/04/24/two-more-meat-processing-plants-identified-as-having-coronavirus-outbreaks/.

OSHA-003428

safety issues concerning COVID-19 throughout the country." Dkt. No. 15, at 1. But, in fact, OSHA is hardly performing any onsite inspections. Of particular import, it has classified meat packing jobs as "[m]edium exposure risk" for COVID-19—medical, postmortem, and laboratory workplaces were the only ones identified as "[h]igh and very high exposure risk jobs"—and directed its inspectors to "not normally" perform "on-site inspection[s]" for such medium risk jobs. OSHA, *Interim Enforcement Response Plan for Coronavirus Disease 2019 (COVID-19)* (Apr. 13, 2020).[4] OSHA may only issue a citation to "abate[]" a violation after an inspection. 29 U.S.C. § 658(a).[5]

Furthermore, even if Plaintiffs' claims were not emergent, the wait for OSHA to act would likely be years. If an investigation were to be scheduled, OSHA has six months to issue a citation from the date of inspection, 29 U.S.C. § 658(c). Should OSHA issue a citation, Defendants would have fifteen days to respond, and, if they objected to the citation, no action would be required of them until a final decision by the independent Occupational Safety and Health Review Commission, *id.* § 659(c). That commission regularly takes years to issue decisions. *See, e.g., Sec. of Labor v. Science App. Int'l Corp.*, OSHRC Dkt. No. 14-1668 (Apr. 16, 2020) (decision on wrongful death citation, almost exactly six years after the fact).

The nature of Plaintiffs' state law claims also makes the primary jurisdiction doctrine inapplicable. *See State ex rel. Schmitt v. Henson*, No. ED 107970, 2020 WL 1862001, at *4 (Mo.

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[4] https://www.osha.gov/memos/2020-04-13/interim-enforcement-response-plan-coronavirus-disease-2019-covid-19#attach2.

[5] Thus, that by April 28 Defendants "intend[] to cooperate fully with" a written request from OSHA that Defendants identify the conditions at the Milan Plant does not suggest any agency action is forthcoming. Dkt. No. 15, at 1. Further, that Defendants can respond to OSHA by April 28 disproves their claim they need additional time to investigate Plaintiffs' contentions. There is no reason Defendants cannot provide the Court the information they are already collecting.

Ct. App. Apr. 14, 2020) (describing Missouri public nuisance law); *Smith v. W. Elec. Co.*, 643 S.W.2d 10, 12-13 (Mo. Ct. App. 1982) (identifying Missouri's right to a safe workplace). Courts have observed that where, as here, plaintiffs "allege[] state common law causes of action and remedies that are not dependent on any provisions [of a statute enforced by a federal agency]," primary jurisdiction is inapplicable. *Ryan v. Chemlawn Corp.*, 935 F.2d 129, 132 (7th Cir. 1991). OSHA is actually prohibited from "secur[ing] the safety of the general public," which is precisely what Plaintiffs seek to protect through their public nuisance claim. *Steel Inst. v. City of New York*, 716 F.3d 31, 41 (2d Cir. 2013). The Occupational Health and Safety Act also includes a savings clause that permits private parties to pursue tort claims in court independent of OSHA. 29 U.S.C. § 653(b)(4); *Schweiss v. Chrysler Motors Corp.*, 922 F.2d 473, 474 (8th Cir. 1990). Deferring resolution of Plaintiffs' tort claims is not what the governing statute or doctrine of "primary jurisdiction" intended.

Finally, the Eighth Circuit has explained the purpose of deferring to an agency under the primary jurisdiction doctrine is to ensure "consistency" in regulation or to take advantage of "agency expertise," *Alpharma*, 411 F.3d at 938, but neither consideration would be advanced by delay here. OSHA has deferred to a different federal agency, the Centers for Disease Control ("CDC"), suggesting that CDC guidelines should inform employers in developing workplace safety policies to protect against COVID-19. *Interim Enforcement Response Plan for Coronavirus Disease 2019*, *supra* ("The most current CDC guidance should be consulted in assessing potential workplace hazards and to evaluate the adequacy of an employer's protective measures for workers."). Defendants' refusal to adhere to the CDC guidelines is the foundation of Plaintiffs' claims, Complaint ¶¶ 62-107, because Missouri's "stay-at-home order" incorporates the CDC guidelines and establishes the standard of care Defendants are violating in

this case, *id.* ¶¶ 57-61. Providing Plaintiffs' requested relief would further, not hamper, consistency. For these reasons too, OSHA's expertise also does not appear to bear meaningfully on what is needed to protect the Plant's workers and Milan. Indeed, it was the *CDC*, not OSHA, that issued guidance relating to reopening Defendants' South Dakota plant following the tragic spread of COVID-19 in that workplace and the community beyond.[6]

This Court should not grant Defendants' request to delay by a week their response to Plaintiffs' Motion. Defendants' claim of primary jurisdiction is frivolous and founded in the erroneous suggestion that OSHA can or will address the concerns raised in Plaintiffs' Complaint. Delay will only place public safety at risk.

Respectfully Submitted,

By: /s/ David S. Muraskin
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Karla Gilbride (*pro hac vice*)
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---

[6] Konstantin Toropin & Theresa Waldrop, *CDC issues recommendations for closed South Dakota Smithfield plant following coronavirus outbreak*, CNN (Apr. 23, 2020), https://www.cnn.com/2020/04/23/us/cdc-report-smithfield-plant-south-dakota/index.html.

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Attorneys for Plaintiffs

* *motion to appear pro hac vice pending*

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI

RURAL COMMUNITY WORKERS ALLIANCE and JANE DOE, Plaintiffs, vs. SMITHFIELD FOODS, INC. and SMITHFIELD FRESH MEATS CORP., Defendants.	Case No. 5:20-cv-06063-DGK

DEFENDANTS' SUPPORTING SUGGESTIONS IN SUPPORT OF EMERGENCY MOTION TO DISMISS, OR IN THE ALTERNATIVE TO STAY, BASED ON PRIMARY JURISDICTION AND/OR *BURFORD* ABSTENTION

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I. PRELIMINARY STATEMENT

Plaintiffs Rural Community Workers Alliance ("RCWA") and Jane Doe ("Plaintiffs") initiated this action on April 23, 2020 seeking extraordinary relief in the form of a mandatory injunction. In support, they have offered allegations that grossly misrepresent the substantial safety measures that Smithfield has implemented at its Milan, Missouri Plant (the "Plant"). It is not surprising that not a single Smithfield employee was willing to apply their name to this baseless lawsuit. Plaintiffs' request that this Court develop, monitor, and administer Smithfield's occupational health and safety program at the Plant is unprecedented and improper.

In any event, the Court never needs to reach the merits of the Complaint or consider Plaintiffs' overreaching request for injunctive relief. Rather, pursuant to the primary jurisdiction doctrine, the Court can—and should—dismiss or stay this suit in favor of the Occupational Health and Safety Administration's ("OSHA") regulatory authority over workplace safety issues and the Missouri Department of Health and Senior Services' ("MDHSS") jurisdiction over public health in Missouri. Even if the Court does not dismiss or stay the suit because OSHA has primary jurisdiction, there is an independent basis for dismissal under *Burford* abstention.

Indeed, OSHA is already in the process of exercising its jurisdiction at the Plant. On the day before Plaintiffs filed their Complaint in this case, OSHA sent Smithfield a "Rapid Response Investigation" requesting information regarding its COVID-19 work practices and infection at the Plant, giving Smithfield only seven days to respond. Smithfield is preparing its response for submission on April 29, and intends to cooperate fully with OSHA. The Court should defer to OSHA and its expertise to investigate and enforce any purported safety violations at the Plant. Indeed, on Sunday, April 26, 2020, OSHA and the Centers for Disease Control ("CDC") joined together and issued specific COVID-19 guidance for meat processing plants.

In addition to OSHA's oversight, the MDHSS has the authority to implement all appropriate and necessary measures to protect the public from the spread of COVID-19. And another layer of public health oversight—county public health administrators—provides further protection. Indeed, where food processing plants in Missouri have seen *actual* employee infections—as opposed to speculation about *future* infections—county public health administrators have worked closely with plants to protect employees and the public.

Public policy strongly supports the Court deferring to OSHA and MDHSS on these issues. Smithfield is an essential business critical to the nation's food supply. There are many other essential businesses operating throughout the country that are critical to the country's survival. Subjecting these entities to private lawsuits for injunctive relief, in which safety standards are determined piecemeal by plaintiffs and the courts, will result in inconsistent rulings and uncertainty for both employers and employees.

The workplace safety and public health concerns created by the novel coronavirus are both outside the conventional experience of judges and squarely within the technical and policy expertise of OSHA and MDHSS. The agencies are already responding to these concerns in real time, adapting as new facts emerge. That is not a role that a district court can or should take on. Plaintiffs are wrong to ask the Court to interpose itself between these agencies and essential businesses like Smithfield's Milan Plant. Considerations of institutional competency and prudence militate strongly in favor of a dismissal or stay on primary jurisdiction, or a dismissal based on *Burford* abstention, and the Court should grant Smithfield's Motion.

II. FACTS

A. Smithfield and the Plant

The named defendants in this action are Smithfield Foods, Inc. and its wholly owned subsidiary, Smithfield Fresh Meats Corp. (collectively, "Smithfield"). The Plant at issue is a meat

processing facility, which is an essential business that has lawfully continued to operate under the Governor of Missouri's stay at home order.[1] The Plant and its operations constitute "critical infrastructure" pursuant to the guidelines issued by the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency, which were adopted in Missouri's stay at home order.[2]

The Plant has voluntarily implemented substantial workplace safety measures in response to COVID-19, including providing personal protective equipment such as masks and face shields to all workers and persons who enter the building, social distancing both in common areas,, installing partitions between line workers, conducting temperature scans, providing multiple hand-sanitizer stations, implementing additional sanitation of workspaces and other areas, and encouraging workers to stay home when sick with pay and without penalty. These measures will be further detailed in Smithfield's response to Plaintiffs' Motion for Preliminary Injunction/Temporary Restraining Order to be filed on April 29, 2020.

As of the date of this filing, there have been no confirmed diagnoses of COVID-19 at the Plant.[3] Moreover, to Smithfield's knowledge, there have been no positive cases reported in Sullivan County (which surrounds the city of Milan). A majority of counties adjacent to Sullivan

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[1] Mo. Exec. Order (April 3, 2020), https://governor.mo.gov/priorities/stay-home-order, *see* **Exhibit 1**.

[2] *See id.* Item 2 (incorporating CISA's definition of "critical infrastructure); U.S. CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY, ADVISORY MEMORANDUM ON IDENTIFICATION OF ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS DURING COVID-19 RESPONSE (April 17, 2020), https://www.cisa.gov/sites/default/files/publications/Version_3.0_CISA_Guidance_on_Essential_Critical_Infrastructure_Workers_4.pdf, p. 8 (defining "critical infrastructure" employees to include "food manufacturer employees," such as those working in "livestock [and] poultry … slaughter facilities").
[The order references Version 2.0 of the guidance, which appears to be no longer publicly available, as it was removed from the CISA website after Version 3.0 was published. A description of the update on CISA's website indicates the definitions regarding food processing plants remain unchanged. *See* https://www.cisa.gov/publication/guidance-essential-critical-infrastructure-workforce.]

[3] *See* MISSOURI DEPT. OF HEALTH & SENIOR SERVICES, COVID-19 OUTBREAK GUIDE, https://health.mo.gov/living/healthcondiseases/communicable/novel-coronavirus/results.php (last accessed April 27, 2020).

County also have zero positive cases to date, and the case counts are relatively low in the few adjacent counties that have reported positive cases.[4]

B. Plaintiffs' Allegations and Request for Relief

Plaintiffs assert claims about Smithfield's safety practices as they relate to potential COVID-19 exposure and seek declaratory and injunctive relief. *See* Compl. However, Plaintiffs do not allege that there have been any positive diagnoses associated with the Plant, and as noted above, Smithfield is aware of none.

To be clear, this is not a suit for personal injury or wrongful death. RCWA does not allege that any of its members have contracted COVID-19 at the Plant or otherwise. Likewise, Jane Doe does not allege that she has tested positive for COVID-19. Indeed, Plaintiffs stipulate that they are not seeking money damages. Compl. at ¶ 16.

Plaintiffs seek a declaration that "Smithfield's failure to implement appropriate worker protections during the COVID-19 crisis constitutes a public nuisance under Missouri law and a violation of the right to a safe work place under Missouri law." Compl. at ¶ 123. However, the primary relief sought by Plaintiffs is a Court Order, in the form of an injunction, requiring Smithfield to adopt a list of work practices, many of which are vague and ill-defined, such as "providing sufficient personal protective equipment" and "creating and implementing a social distancing plan for the Plant" and "creating and implementing a protocol to clean surfaces." Complaint at ¶ 123. Plaintiffs also request that the Court require Smithfield to allow Plaintiffs' experts to inspect the plant to identify additional precautions that Smithfield should take. *Id.* at ¶ 123(viii). Smithfield will demonstrate in its response to Plaintiffs' Motion for Preliminary

[4] Compare the number of positive cases in neighboring counties (Adair - 12, Livingston - 2, Linn - 5, and Macon - 2) with other significant outbreak locations in the state (St. Louis County - 2,897, Kansas City - 500, Greene County - 83). *Id.*

Injunction that it has already implemented all of the safety measures for which Plaintiffs' seek injunctive relief.

C. OSHA's Request for Information

On the day before this case was filed, Smithfield received a request for information from OSHA regarding its COVID-19 safety practices at the Plant. *See* **Exhibit 2**. OSHA has directed Smithfield to respond to the request for information by Wednesday, April 29, 2020. *Id.* Smithfield intends to cooperate fully with OSHA in this matter.

D. OSHA's Role

The Occupational Safety and Health Act, 29 U.S.C. §§ 651, *et. seq.* (the "Act"), was enacted "to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources." 29 U.S.C. § 651(b). The Act authorizes "the Secretary of Labor to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce." *Id.* at § 651(b)(3).

OSHA is the federal agency charged with administering the Act. OSHA provides a procedure for an employee who is concerned about workplace safety to file a confidential complaint requesting that OSHA initiate an investigation into the employer's work practices.[5]

The Act provides for "an effective enforcement program." *Id.* at § 651(b)(10). The Act authorizes OSHA to inspect or investigate any place of employment in order to carry out the purposes of the Act. *Id.* at § 657. OSHA may issue a citation to an employer for any violation of the Act, including the General Duty Clause, which requires an employer to furnish "a place of employment which [is] free from recognized hazards that are causing or are likely to cause death

[5] *See* https://www.osha.gov/workers/file_complaint.html

or serious harm." *Id.* at § 658. Any such citation "shall fix a reasonable time for the abatement of the violation." *Id.* The Act provides for additional enforcement mechanisms if an employer does not correct a violation for which a citation has been issued. *Id.* at § 659. The Act further provides for penalties for violations and/or failure to abate. *Id.* at § 666.

The Act specifically includes procedures to address an imminent danger. *Id.* at § 662. The Act permits the Secretary of Labor to petition the court

> to restrain any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by [the Act].

Id. The Act authorizes an employee to file a writ of mandamus to compel the Secretary to seek such an order if the employee believes that the Secretary "arbitrarily or capriciously fails to seek relief." *Id.*[6] In such a case, OSHA is directly involved, and the court is not acting without the agency's participation.

OSHA has published "Guidance on Preparing Workplaces for COVID-19," which makes clear that the agency will use the General Duty Clause to enforce any unsafe conditions relating to COVID-19. **Exhibit 3** at 4. OSHA's General Duty Clause provides that "employers are required to provide their employees with a workplace free of recognized hazards likely to cause death or serious physical harm." *Id.* OSHA has also issued Interim Enforcement Guidance for Coronavirus Disease 2018 (issued April 13, 2020), which identifies applicable standards that may apply to COVID-19.[7] *See* **Exhibit 4.** On Sunday, April 26, 2020, the CDC and OSHA jointly issued Interim Guidance ***specific*** to the meat processing industry. *See* **Exhibit 5**.

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[6] Plaintiffs' Opposition, which purports to provide a timeline of OSHA action, ignores these emergency procedures. Opposition at 3.

[7] These include the following:

29 CFR § 1904, Recording and Reporting Occupational Injuries and Illness;

E. Plaintiffs' Criticisms of OSHA

In Plaintiffs' Opposition to Letter Request for Extension of Time to Respond to Plaintiffs' Emergency Motion for a Preliminary Injunction (Doc. 19), Plaintiffs make several unfounded criticisms of OSHA and its response to COVID-19, to which Smithfield briefly responds below.

- Plaintiffs contend that "OSHA is hardly performing any onsite inspections," Opposition at 2-3. However, Plaintiffs do not provide any support for this statement. Whether true or not, OSHA continues to pursue its mission and is conducting aggressive investigations using electronic means and demands for information, as is evidenced by its request to Smithfield regarding the Milan Plant.
- Plaintiffs suggest that OSHA is not investigating meat processing plants. Opposition at 3. This is a red herring. Whatever OSHA's general policy is with respect to meat processing plants, it has inserted itself into safety issues at Smithfield's Milan Plant. Moreover, just yesterday, OSHA and CDC issued joint guidance regarding COVID-19 safety issues directed at meat processing facilities.
- Plaintiffs contend that OSHA may only issue a citation to "abate[]" a violation after an inspection. 29 U.S.C. § 658(a). Opposition at 3. This is patently incorrect. OSHA may seek an immediate injunction under its emergency powers, as discussed above.

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29 CFR § 1910.132, General Requirements [Personal Protective Equipment]
29 CFR § 1910.133, Eye and Face Protection
29 CFR § 1910.134, Respiratory Protection
29 CFR § 1910.141, Sanitation
29 CFR § 1910.145, Specifications for Accident Prevention Signs and Tags
29 CFR § 1910.1020, Access to Employee Exposure and Medical Records
29 CFR § 1910.1030, Bloodborne Pathogens

- Plaintiffs contend that "even if their claims were not emergent, the wait for OSHA to act would likely be years." Opposition at 3. Again, this is incorrect. Plaintiffs cite to statutes of limitations (6 months for OSHA to issue a citation) and employer response times (15 days), which are outer limits. Moreover, Plaintiffs assume an appeals process—a process that is available in the courts is well.

F. State and Local Public Health Authority Over COVID-19

While OSHA is responsible for *workplace* safety, Missouri state and local government has a corresponding responsibility for *public* safety. Missouri, like other states around the country, has implemented statewide policies to address the threat of COVID-19 exposure and transmission.

Governor Parson, through the Missouri Department of Health and Senior Services ("MDHSS"), issued a "stay-at-home" order on April 3, 2020.[8] The order includes general COVID-19 safety requirements and guidelines pertaining to individuals, as well as the operations of both essential and non-essential businesses.[9] The Governor assigned responsibility for implementing and enforcing specific COVID-19 safety measures to "all local and state health authorities." Mo. Rev. Stat. Ann. § 192.290.[10]

MDHSS continues to fulfill this responsibility, as it has issued dozens of guidance statements[11] containing specific COVID-19 safety measures, including several statements pertaining specifically to workplace safety.[12] Additionally, MDHSS and local health agencies

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[8] Mo. Exec. Order (April 3, 2020), https://governor.mo.gov/priorities/stay-home-order, *see* **Exhibit 1**.
[9] *See id.*, Items 1-3.
[10] *See id.*, p. 2.
[11] *See* MDHSS, HEALTH ALERTS, ADVISORIES & UPDATES, https://health.mo.gov/emergencies/ert/alertsadvisories/index.php (last accessed April 26, 2020)
[12] *See, e.g.,* MDHSS, INTERIM GUIDANCE FOR IMPLEMENTING SAFETY PRACTICES FOR CRITICAL INFRASTRUCTURE WORKERS, https://health.mo.gov/emergencies/ert/ alertsadvisories/pdf/update 4920.pdf (last accessed April 26, 2020); MDHSS, COVID-19 AND RETURN TO WORK MESSAGING - EXPANDED GUIDANCE FOR CRITICAL INFRASTRUCTURE PERSONNEL INVOLVED IN THE PROVISION OF DIRECT CLIENT CARE, https://health.mo.gov/emergencies/ert/alertsadvisories/pdf/guidance41720.pdf (last accessed April 26, 2020).

have worked closely with a number of private businesses to monitor and develop their COVID-19 safety measures.[13] MDHSS has also worked closely with federal agencies in responding to the virus,[14] and the Center for Disease Control has made itself available to assist state and local agencies in their response to health emergencies such as COVID-19.[15]

Missouri's COVID-19 response led by state and local agencies is consistent with—and in fact required by—Missouri law. All "public health functions and programs" in Missouri must be supervised and managed by the MDHSS. Mo. Rev. Stat. Ann. § 192.005. Further, Missouri regulations specifically provide that the Director of MDHSS must use "the legal means necessary to control … any disease or condition listed in 19 Mo. CSR 20-20.020 which is a threat to the public health." 19 Mo. C.S.R. 20-20.040. Listed diseases and conditions include "[o]utbreaks (including nosocomial) or epidemics of any illness, disease, or condition that may be of public health concern." 19 Mo. C.S.R. 20-20.020. That provision undoubtedly covers COVID-19.

Under MDHSS regulations, upon report of an infectious disease under Section 20-20.020, both the Director and "local health authorit[ies]" have a duty to take appropriate measures to lessen the effect of the disease:

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[13] *See, e.g.*, JEFFERSON COUNTY HEALTH DEPARTMENT BLOG, "Jefferson County Health Department Reports COVID-19 Outbreak At Festus Manor Care Center," (April 17, 2020) http://www.jeffcohealth.org/blog/2020/4/17/jefferson-county-health-department-reports-covid-19-outbreak-at-festus-manor-care-center (noting that a nursing facility is "working closely with Jefferson County Health Department to contain the virus"); "Coronavirus Latest," KMOV4 News, (April 8, 2020) https://www.kmov.com/coronavirus-covid-latest-info-in-st-louis/article_f35c5f16-7038-11ea-9c06-f30dcb4bc9eb.html (noting that a hospital "is continuous contact with St. Charles Health Department so that they can notify individuals who may have been exposed during this time and determine a proper course of action").

[14] *See, e.g.*, Office of the Governor Press Release, "Governor Parson Gives Updates On Missouri National Guard, Department of Economic Development Efforts to Assist with COVID-19 Response," https://governor.mo.gov/press-releases/archive/governor-parson-gives-updates-missouri-national-guard-department-economic (Mar. 31, 2020); Office of the Governor Press Release; MDHSS Press Release, "DHSS Director Williams meets at White House to discuss federal, state and local health officials' strategic alignment on COVID-19," https://health.mo.gov/news/newsitem/uuid/ffc9eb47-c189-4cc7-8a24-6130a710dbb3/dhss-director-williams-meets-at-white-house-to-discuss-federal-state-and-local-health-officials-strategic-alignment-on-covid-19 (Feb. 27, 2020).

[15] U.S. CENTERS FOR DISEASE CONTROL AND PREVENTION, "CDC Support to Health Officials," https://www.cdc.gov/publichealthgateway/healthdepartmentresources/health-official-support.html (last accessed April 26, 2020) (noting states' 10th Amendment police powers to respond to health emergencies, and offering various means of assistance aimed to helping states to implement those powers).

(A) Inspect any premises that they have reasonable grounds to believe are in a condition conducive to the spread of the disease; . . .

(E) Establish and maintain quarantine, isolation or other measures as required;...

(G) Establish appropriate control measures which may include isolation, quarantine, disinfection, immunization, closure of establishment, notification to the public of the risk or potential risk of the disease and such information required to avoid or appropriately respond to the exposure, the creation and enforcement of adequate orders to prevent the spread of the disease and other measures considered by the department and/or local health authority as appropriate disease control measures based upon the disease, the patient's circumstances, the type of facility available, and any other available information related to the patient and the disease or infection.

19 Mo. C.S.R. 20-20.040.

III. ARGUMENT

A. The Court Should Dismiss or Stay This Action In Favor of OSHA's Primary Jurisdiction Over Workplace Safety.

1. Legal Standard for Invoking Primary Jurisdiction Doctrine

The doctrine of primary jurisdiction applies to claims "properly cognizable in court that contain some issue within the special competence of an administrative agency." *Reiter v. Cooper*, 507 U.S. 258, 268 (1993). It is a "common-law doctrine that is utilized to coordinate judicial and administrative decision making." *Access Telecommunications v. Southwestern Bell Tel. Co.*, 137 F.3d 605, 608 (8th Cir. 1998) (citations omitted). The doctrine "is concerned with promoting proper relationships between the courts and administrative agencies charged with particular regulatory duties." *United States v. Western Pac. R.R. Co,* 352 U.S. 59, 63 (1956).

There is no set formula for when the doctrine applies, but "[i]n every case the question is whether the reasons for the existence of the doctrine are present and whether the purposes it serves will be aided by its application in the particular litigation." *Chlorine Inst., Inc. v. Soo Line R.R.*, 792 F.3d 903, 909 (8th Cir. 2015) (quoting *United States v. Western Pac. R.R. Co.*, 352 U.S. 59, 64 (1956)); *Asarco, LLC v. NL Indus.*, No. 11-00123-CV-SW-BP, 2013 U.S. Dist. LEXIS 43013,

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*9 (W.D. Mo. Mar. 18, 2013). The two primary reasons for applying the primary jurisdiction doctrine are: (1) "to obtain the benefit of the agency's expertise and experience"; and (2) "to promote uniformity and consistency within the particular field of regulation." *Sprint Spectrum L.P. v. AT&T Corp.*, 168 F.Supp.2d 1095, 1097-98 (W.D. Mo. 2001) (citations omitted).

The doctrine of primary jurisdiction may be applied even where claims arise under state law. For example, in *Sprint Sprectrum L.P.*, the plaintiff asserted state law claims for implied contract and quantum meruit. 168 F.Supp.2d at 1099. Nevertheless, the court stayed the case in favor of an FCC proceeding because the outcome turned on the "reasonableness" of Sprint's rates, "a fact that must be proven and one which the FCC is in a better position than the Court to evaluate." *Id.* at 1099-1100; *see also Nader v. Allegheny Airlines*, 426 U.S. 290, 296-97 (1976) (observing that the D.C. Court of Appeals determined that the viability of plaintiff's common-law fraudulent misrepresentation claim would be affected by agency determination).[16]

Moreover, as the cases cited herein demonstrate, there need not be an existing agency proceeding for the court to invoke the doctrine of primary jurisdiction.[17] However, the fact that a collateral agency action is already underway weighs in favor of the court deferring to the agency process. *See Asarco*, 2013 U.S. Dist. 43013 at *14-19.

In applying the primary jurisdiction doctrine, the court has discretion whether to dismiss or stay the lawsuit pending the agency determination. *Chlorine Institute*, 792 F.3d at 913 (citing *Reiter*, 507 U.S. at 268-69). Generally, dismissal is appropriate where resolution of the deferred

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[16] Plaintiffs' Opposition brief incorrectly argues that the primary jurisdiction doctrine cannot be applied to state law claims. Opposition at 3-4.

[17] Plaintiffs' Opposition suggests that primary jurisdiction may only be applied where there is an *existing* agency proceeding. Opposition at 2. However, the case cited, *Curran v. Bayer Healthcare*, does not stand for this proposition. It merely indicates that defendant in that case failed to identify any such proceeding. Moreover, the case on which *Curran* relies focused on whether such a proceeding is available—not whether it has already been initiated. Here, Plaintiffs have available relief through OSHA's complaint process and emergency powers.

issue will likely dispose of the entire case. *See id.* However, the Court may choose to stay the matter while the agency action proceeds. *See id.*

2. The Primary Jurisdiction Doctrine Applies Here.

This is a quintessential case for application of the primary jurisdiction doctrine. The issues presented by Plaintiffs' Complaint relate to workplace safety. Plaintiffs seek only declaratory and injunctive relief. Specifically, they seek a Court order requiring Smithfield to adopt a list of work practices identified by Plaintiffs to protect against the spread of COVID-19. But there is a federal agency, OSHA, with special expertise in this area. Moreover, OSHA is actively involved in investigating and enforcing COVID-19 safe work practices throughout the country. Indeed, OSHA has already contacted Smithfield using a "Rapid Response Investigation" to obtain information regarding its COVID-19 safety practices at the Plant, and Smithfield is cooperating with OSHA. The Court should defer to OSHA as to whether Smithfield's existing safety practices are sufficient to protect employee health, or whether additional measures should be implemented.[18]

Plaintiffs' request for injunctive relief implicates several specific OSHA regulations. The table below highlights some of the specific OSHA standards at issue:

[18] Plaintiffs' reference the OSHA savings clause in their Opposition. Opposition at 4. However, the savings clause relates to preemption—not primary jurisdiction. Smithfield will address the issue of OSHA preemption in its Opposition to Plaintiffs' Motion for Preliminary Injunction/Temporary Restraining Order.

Relief Requested in Complaint	OSHA Standard
Order Smithfield to provide "sufficient personal protective equipment" Compl. ¶ 123(c)(i).	General Personal Protective Equipment (PPE), 29 CFR 1910.132 1910.132(d) *Hazard assessment and equipment selection.* 1910.132(d)(1) The employer shall assess the workplace to determine if hazards necessitate the use of personal protective equipment (PPE). If such hazards are present, or likely to be present, the employer shall: 1910.132(d)(1)(i) Select and require the use of PPE that will protect the affected employee;
Order Smithfield to "create[] and implement[] a social distancing plan" Compl. ¶ 123(c)(ii).	Bloodborne Pathogens, 29 CFR 1910.1030 (which OSHA has stated provides guidance for purposes of COVID-19 safety) 1910.1030(d)(2) *Engineering and Work Practice Controls.* 1910.1030(d)(2)(i) Engineering and work practice controls shall be used to eliminate or minimize employee exposure.
Order Smithfield to " create[] and implement[] a protocol to clean surfaces" Compl. ¶ 123(c)(v).	Sanitation, 29 CFR 1910.141: 1910.141(a)(3)(i) All places of employment shall be kept clean to the extent that the nature of the work allows.
Order Smithfield to "provide[] tissues"[19] Compl. ¶ 123(c)(iv).	Medical Services and First Aid, 29 CFR 1910.151 1910.151(b) Adequate first aid supplies shall be readily available.

OSHA is in the best position to assess Smithfield's COVID-19 work practices—not the Court in the first instance. Moreover, deferring to OSHA will promote uniformity, which is critical in these unprecedented times. Essential businesses that continue to operate to provide the public

[19] For obvious reasons, the United States Department of Agriculture would not allow production line workers to have tissues while working on the line.

and the government critical products and services should not be subject to piecemeal and inconsistent safety requirements imposed by private plaintiffs and courts.

The relief requested by Plaintiffs is truly unprecedented. Plaintiffs are asking this Court to develop, monitor, and administer Smithfield's occupational health and safety program at the Plant. Plaintiffs have appointed themselves and their "experts" the role of inspecting the Plant and making determinations about what safety procedures must be implemented. The Court is then expected to take their recommendations and fashion a ***mandatory*** injunction that will require Smithfield to implement a specific safety program, which the Court presumably will police over the course of the pandemic.

Smithfield is not aware of a single case where a court commandeered an employer's occupational safety and health program in such a manner, and Plaintiffs have cited none. Indeed, courts have refused such invitations—even in the face of the COVID-19 pandemic. For example, in *Alaska State Employees Association, Local 52 v. SOA*, 3AN-20-056652CI, the Union representing the state employees of Alaska filed suit against the state for alleged violation of the duty to provide a safe place to work and seeking injunctive relief to require the state to implement work practices to protect the employees from COVID-19. The court denied the injunction and declined to insert itself in the state's determination of how to best protect its employees and continue to provide essential services. *See* Order Regarding ASEA's Motion for a Temporary Restraining Order and Preliminary Injunction, attached as **Exhibit 6**. Courts have denied similar requests for injunctive relief that would require the court to oversee safety protocols at prisons. *Baxley v. Jividen*, 2020 WL 1802935 (W.D. Va. April 8, 2020).[20] The Court should likewise

[20] In *Valentine v. Collier*, __ F.3d __, 2020 WL 1934431 (5th Cir. Apr. 22, 2020), the district court granted injunctive relief related to the state prison system's response to COVID-19, but the Court of Appeals stayed the injunction pending appeal. The Court noted that the prison system's "ability to continue to adjust [their] policies [would be]

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decline Plaintiffs' invitation here, and defer workplace safety issues to OSHA and its expertise, working in conjunction with the Plant.

B. This Court Should Abstain from Injecting Itself into Areas of Public Health Which Are Uniquely State Issues.

1. Legal standard for *Burford* abstention.

Federal courts "'should exercise their discretionary power with proper regard for the rightful independence of state governments in carrying out their domestic policy.'" *Burford v. Sun Oil Co.*, 319 U.S. 315, 334-35 (1943) (Douglas, J., concurring) (quoting *Commonwealth of Pennsylvania v. Williams*, 294 U.S. 176, 185 (1935)); *see Johnson v. Collins Entertainment Co., Inc.*, 199 F.3d 710, 720 (4th Cir. 1999) (holding that federal court abstention is required when states are protecting their residents' health, safety, and welfare, and "different states can arrive at different answers based on their different experiences").

A federal court may abstain from jurisdiction under the *Burford* abstention doctrine when (1) "there have been presented difficult questions of state law bearing on policy problems of substantial public import whose importance transcends the result in the case at bar"; and (2) "exercise of federal review of the question in a case and in similar cases would be disruptive of state efforts to establish a coherent policy with respect to a matter of substantial public concern." *Wolfson v. Mutual Benefit Life Ins. Co.*, 51 F.3d 141, 144 (8th Cir. 1995); *Melahn v. Pennock Insurance Inc.*, 965 F.2d 1497, 1506 (8th Cir. 1992) ("*Burford* abstention applies when a state has established a complex regulatory scheme supervised by state courts and serving important state interests, and when resolution of the case demands specialized knowledge and the application of

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significantly hampered by the preliminary injunction, which locks in place a set of policies for a crisis that defies fixed approaches." *Id.* (citing *Jacobson v. Mass.*, 197 U.S. 11, 28-29 (1905); *In re Abbott*, 954 F.3d 772, 791 (5th Cir. 2020)).

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complicated state laws") (quoting *Bilden v. United Equitable Ins. Co.*, 921 F.2d 822, 825-26 (8th Cir. 1990)).

The application of the *Burford* doctrine does not require that a state authority have already intervened with respect to the specific matter. *See generally Johnson*. Rather, it is enough that a plaintiff may seek redress in a state court, where questions of local policy related to regulation and enforcement should be decided. *See id.* at 716 (noting that "[t]he state courts are intimately involved in [the regulatory] scheme through the adjudication of private actions and the review of administrative decisions"); *see also Heartland Hosp. v. Strangler*, 792 F.Supp. 670, 672 (W.D. Mo. 1992) ("*Burford* abstention is necessary when federal review would likely be 'disruptive of state efforts to establish a coherent policy with respect to a matter of substantial public concern'" (quoting *Colorado River Water Conservation Dist. v. U.S.*, 424 U.S. 800, 814 (1976))).

Abstention is especially appropriate when the issue to be decided "lies at the heart of the state's police power" because "[f]ormulations of that power underscore the state's paramount interest in the health, welfare, safety, and morals of its citizens." *See Johnson*, 199 F.3d at 720. Otherwise, "the federal courts might adjudicate all kinds of disputes involving the most sensitive questions of state law and policy that arrive at their door . . . . This would in time endanger the independence of state policy at the core of state police power and cause friction between the federal and state systems." *Id.*

2. The Court should abstain in favor of Missouri's Public Health Agencies.

The Court should exercise its discretion to abstain in this case pursuant to the *Burford* abstention doctrine. Plaintiffs are seeking to serve as private attorneys general to enforce the state of Missouri's public health law. A federal court should not insert itself into the state's public policy regarding the protection of its citizens from COVID-19 exposure and transmission, particularly when there is a substantial risk that the federal court would decide the case differently

than the state. *See Lac D'Amiante du Quebec, Ltee v. Am. Home Assur. Co.*, 864 F.2d 1033, 1046 (3d Cir. 1988) (abstaining because "the risk is not insubstantial" that state agencies "would adopt a different interpretation than did the district court"). Rather, this matter should be handled by state and local public health agencies.

There is no question that the State of Missouri is already actively involved in protecting the public from COVID-19 exposure and transmission. The Governor has issued a "stay-at-home" order for this express purpose, but made the decision to permit businesses such as the Plant, which are essential to the State and nation's food supply, to continue to operate. The order specifically provided that essential businesses need not require six feet between individuals if the workers' "job duties require contact with other people closer than six feet." The injunction Plaintiffs seek requiring Plant employees to remain more than six feet apart would directly contradict the Governor's order. That is improper: "The purpose of *Burford* abstention is to discourage such federal court second-guessing of state regulatory matters." *Sierra Club v. City of San Antonio*, 112 F.3d 789, 796 (5th Cir. 1997) (vacating preliminary injunction because the district court should have abstained under *Burford*).

Moreover, the Governor assigned responsibility for implementing and enforcing specific COVID-19 safety measures to Missouri's local and state health authorities. MDHSS has embraced this responsibility, and both MDHSS and local health agencies have worked closely with a number of private businesses to monitor and develop their COVID-19 safety response. MDHSS has also worked closely with federal agencies in responding to the virus, and has the ability to invite the Centers for Disease Control to assist with state and local response as needed.

Missouri law specifically vests authority over public health matters with MDHSS, and *requires* MDHSS to use "the legal means necessary to control" a disease such as COVID-19,

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"which is a threat to the public health." 19 Mo. C.S.R. 20-20.040. Under state law, public health authorities have the duty and authority to inspect premises suspected of spreading disease, establish and maintain quarantines, and implement appropriate control measures to prevent the spread of disease. *Id.* Public health agencies throughout Missouri have acted on these duties and responsibilities, and there is no reason to believe they would not also do so if alerted to any threat to public health associated with the Plant.

It is entirely improper for this Court to assume responsibility for Missouri's public health law. Plaintiffs have not asserted a federal law claim, and the federal court has no overriding interest in this matter. If there are truly public health concerns related to the Plant (and Smithfield vehemently disputes that), then addressing those issues is a matter of state policy that can be addressed by MDHSS and the local public health authorities. This is not the proper forum to adjudicate Missouri's public health policy.

Plaintiffs cite to examples of Smithfield and other meat processing plants being shut down in other jurisdictions. However, in none of these examples was a state or federal court involved. Rather, in some instances state and local public health agencies made the decision to order the plant to close pending further investigation, and in others, the plants voluntarily closed in response to requests from state government or for other reasons (e.g., Smithfield's Cudahy, Wisconsin facility that Plaintiffs cite closed because of supply chain issues – not a COVID-19 outbreak in the plant). These examples do not support the federal court's involvement in this matter. To the contrary, they militate against it. The Court should therefore dismiss this action pursuant to the *Burford* abstention doctrine.

IV. CONCLUSION

A stay or dismissal is proper here. The principle of comity underlying primary jurisdiction and *Burford* abstention takes on heightened importance – and militates even more heavily in favor

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of invoking the doctrines – where the possibility exists that the relief in the private action might conflict with the agency action. *Davies v. Nat'l Coop. Refinery Ass'n*, 963 F. Supp. 990, 997 (D. Kan. 1998) (abstaining from exercising RCRA jurisdiction in favor of the agency "charged by state law with responsibility for … protecting human health and the environment" to avoid "prospect of conflicting directives from this court as to how the contamination should be remedied").[21]

It is not hard to imagine the chaos that would flow if courts take over the occupational health and safety programs of essential businesses around the country and appoint themselves keepers of the public health. An employee who claims an unsafe workplace already can file an OSHA complaint or seek the assistance of public health officials. If this additional avenue of court oversight of safety were opened businesses, already strapped to survive during the pandemic, would be faced with increased financial costs of litigation. A company that operates in multiple jurisdictions, such as Smithfield, would have no expectation of uniformity and could even be in a position to have inconsistent legal obligations as between OSHA and a decision from the court.

None of this is necessary. OSHA has broad powers to investigate and enforce workplace safety, and MDHSS has the necessary police power to regulate plant operation and ensure public health. This Court need not—and should not—wade into this area, and put itself in the position of policing workplace safety and directing state public health policy at the behest of a private plaintiff. The Court should grant Smithfield's Motion, and dismiss or stay this action in favor of the authority and expertise of OSHA and MDHSS.

SMITHFIELD FOODS, INC. and
SMITHFIELD FRESH MEATS CORP.

[21] The *Davies* court based its decision to abstain on both primary jurisdiction and the *Burford* abstention doctrine.

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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of April, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send electronic notification of the same to the following counsel of record:

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I hereby certify that I will send copies of the foregoing via electronic mail to Plaintiffs' counsel who have pending motions to appear *pro hac vice*:

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/s/ Jean Paul Bradshaw II
An Attorney for Defendants

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI ST. JOSEPH DIVISION

RURAL COMMUNITY WORKERS ALLIANCE and JANE DOE,	)	
Plaintiffs,	)	
v.	)	No. 5:20-CV-06063-DGK
SMITHFIELD FOODS, INC. and SMITHFIELD FRESH MEATS CORP.,	)	
Defendants.	)	

ORDER SETTING PRELIMINARY INJUNCTION HEARING

This lawsuit arises from Plaintiffs' allegations that Defendants Smithfield Foods, Inc. and Smithfield Fresh Meats Corporation (collectively, "Smithfield") have failed to adequately protect workers at a Milan, Missouri, meat-processing plant during the coronavirus ("COVID-19") pandemic. Plaintiffs filed a motion for a temporary restraining order and/or preliminary injunction requesting this Court order Smithfield to implement several precautions to protect its workers from COVID-19. Defendants' response is due April 29, 2020, at 12:00 p.m. To expeditiously rule on Plaintiffs' motion, the Court orders a hearing be set the next day, April 30, 2020, at 10:00 a.m. via videoconferencing.

The Judicial Conference of the United States has found that emergency conditions due to the virus have affected—and will continue to affect—the functioning of federal courts generally. For example, Congress passed, and the President signed, legislation authorizing the use of video conferencing for various criminal proceedings during the COVID-19 emergency. In this district, Chief Judge Beth Phillips found in her General Order dated March 30, 2020, that, based on guidance from the Centers for Disease Control and Prevention ("CDC"), in-person hearings

cannot be conducted without seriously jeopardizing public health and safety. Other courts have also held videoconferencing to be the preferred method for civil proceedings during these unprecedented times. *See, e.g.*, *In re RFC & ResCap Liquidating Tr. Action*, No. 0:13-CV-3451-SRN, 2020 WL 1280931, at *4 (D. Minn. Mar. 13, 2020) (ordering the last two days of a trial be conducted via videoconferencing due to coronavirus pandemic). Accordingly, in order to reduce the amount of exposure to individuals at the courthouse, the Court will conduct the hearing on Plaintiff's motion via the videoconferencing app Zoom.

All individuals who plan to attend will be required to download Zoom in order to participate. The application works best when connected to WiFi without a VPN connection. Prior to the hearing, the Court's Courtroom Deputy, Ms. Tracy Strodtman, will send an invitation via email to the parties to join the hearing. Thus, counsel for the parties shall email Ms. Strodtman at tracy_strodtman@mow.uscourts.gov with a list of email addresses for individuals who wish to participate in the hearing on or before 5:00 p.m. on April 29, 2020.

When signing into the application, individuals shall use a naming convention identifying first which party they are associated with (P for Plaintiffs; D for Defendants), followed by their full name (*e.g.*, P-Jane Doe, D-James Smith). Make sure devices are sufficiently charged or plugged into a power source. While the application is in use, individuals should exit out of all other applications; if other applications are necessary, the use of a separate device or computer is required. Attendees should keep microphones muted if they are not speaking, and the use of headphones with a microphone is strongly encouraged. If using an Apple device, individuals should turn on the "Do Not Disturb" setting.

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The Court further asks that each party identify lead counsel and ensure that only one person is speaking at a time. This is important, as the court reporter will be transcribing during the hearing.

Finally, given the serious nature of this matter and in the interest of judicial economy, all parties are directed to meet and confer, share witness lists, and disclose with specificity all evidence they intend to produce at the hearing within twenty-four hours of the hearing time.

IT IS SO ORDERED.

Date: April 27, 2020

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI

RURAL COMMUNITY WORKERS ALLIANCE and JANE DOE; *Plaintiffs*, v. SMITHFIELD FOODS, INC. AND SMITHFIELD FRESH MEATS CORP., *Defendants*.	CIVIL ACTION NO:

COMPLAINT

INTRODUCTORY STATEMENT

1. Supplying the nation with food during the COVID-19 crisis is an essential task.

2. Equally essential is the need for businesses engaged in the production and sale of food—including large corporate meat and poultry processors like Defendants Smithfield Foods, Inc. and Smithfield Fresh Meats Corp. (collectively "Smithfield")—to ensure the safety and protection of their critical workforce, the communities within which they operate, and the public generally

3. In the last month, America has seen how an employer's failure to protect its workforce can result in disaster. Thousands of workers employed in the food supply chain around the country have fallen ill with COVID-19. They have gone on to infect family members and community members and their illnesses have strained our healthcare infrastructure. Many workers and their family members have died as a consequence of infections that have spread at workplaces in our Nation's food supply chain.

4. Workers employed by Smithfield are all too familiar with this phenomenon.

5. Smithfield is one of the largest and most profitable meat producers in the United States.

6. Yet, several plants owned and operated by Smithfield around the country have become major COVID-19 hot spots.

7. Earlier this month, hundreds of employees of Smithfield's plant in South Dakota contracted COVID-19, and Smithfield was forced to close that plant after it became the country's leading hot spot. At least two of those employees has died.

8. Also recently, workers at a Smithfield plant in Cudahy, Wisconsin raised concerns after that plant experienced more than two dozen confirmed cases.

9. Notwithstanding the horrific situation facing many of its employees around the country and abundantly clear guidance from the Centers for Disease Control (CDC) and state public health officials, Smithfield continues to operate its plant in Milan, Missouri in a manner that contributes to the spread of disease.

10. In direct contravention of CDC guidelines, at its Milan, MO plant Smithfield (1) provides insufficient personal protective equipment; (2) forces workers to work shoulder to shoulder and schedules their worktime and breaks in a manner that forces workers to be crowded into cramped hallways and restrooms, (3) refuses to provide workers sufficient opportunities or time to wash their hands, (4) discourages workers from taking sick leave when they are ill and even establishes bonus payments that encourage workers to come into work sick, and (5) has failed to implement a plan for testing and contact-tracing workers who may have been exposed to the virus that causes COVID-19.

11. Smithfield is so unwilling to acknowledge its responsibilities to its workers and the communities where it operates that it recently blamed "certain cultures" for the spread of the disease in its South Dakota plant, rather than its failure to provide personal protective equipment,

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failure to allow for hand washing and social distancing, and the policies its maintains in plants around the country to incentivize sick workers to continue coming to work.[1]

12. Smithfield may perceive that these policies allow the company to continue producing and packaging as much pork as possible for as cheaply as possible.

13. In fact, however, the costs of Smithfield's conduct are extraordinary, but they are borne by Smithfield's workers, their family members, and the broader community.

14. Put simply, workers, their family members, and many others who live in Milan and in the broader community may die—all because Smithfield refused to change its practices in the face of this pandemic.

15. Fortunately, workers and other community members at risk are not helpless in protecting themselves from this harm. Centuries-old common law principles, including the doctrine of public nuisance, allow private parties to enforce the right of the public generally to abate conduct that contributes to the spread of pestilence and disease.

16. This suit does not seek money damages. All Plaintiffs seek is an injunction to force Smithfield to change its practices such that if it continues to operate, it must comply with, at a bare minimum, CDC guidance, the orders of state public health officials, and additional protective measures that public and occupational health experts deem necessary based on the particular structure and operation of the Milan plant.

17. Because Smithfield will not act, the law allows Plaintiffs to seek redress to ensure the safe operation of the facility and to protect their community.

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[1] Albert Samaha, *Smithfield Foods Is Blaming 'Living Circumstances In Certain Cultures' For One of America's Largest COVID-19 Clusters*, BuzzFeed News (Apr. 20, 2020), https://www.buzzfeednews.com/article/albertsamaha/smithfield-foods-coronavirus-outbreak

THE PARTIES

Defendant Smithfield

18. Defendant Smithfield Foods, Inc. is a Virginia corporation with its headquarters in Smithfield, Virginia.

19. Defendant Smithfield Fresh Meats Corp. is a Virginia corporation with its principal place of business in Smithfield, Virginia.

20. Smithfield owns and operates a meat processing plant in Milan, Missouri (the "Plant").

21. Smithfield is one of the largest meat processors in the United States. It has over 50,000 employees nationwide. As of late 2018, its annual revenues exceeded $15 billion.

Plaintiff Jane Doe

22. Plaintiff Jane Doe is participating in this action under a pseudonym because her years of experience working for Smithfield suggest to her that Smithfield is likely to retaliate against her for speaking out against the company.

23. Doe resides in Milan, Missouri and has worked at Smithfield in Milan for more than 5 years.

24. For most of that time, she has worked on the "cut floor" where she works side-by-side with several other workers to cut and process pig meat for up to eleven hours every day.

25. Doe's work at the plant has always been grueling, repetitive, and in many cases, dangerous, but since the emergence of the COVID-19 pandemic, she has become more fearful and concerned than ever by the workplace conditions to which she is subjected while working at the Milan Plant.

26. Doe is aware of at least eight co-workers who have had to stay home after displaying COVID-19 symptoms.

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27. Doe is scared of the potential consequences she faces for filing this lawsuit; she and her family depend on Smithfield, and she does not want to lose her job or hurt her standing with the company.

28. Doe is participating in this case, notwithstanding those fears, because she considers Smithfield's failure to follow the health and safety standards that she has heard so much about through the media—including setting up rules to allow for social distancing, hand washing, and to encourage workers to take sick leave—to present a dire threat to her health, the health of her coworkers, her family, including her children, and to her entire community.

Plaintiff RCWA

29. Plaintiff Rural Community Workers Alliance ("RCWA") is a Missouri non-profit corporation with its principal place of business in Green City, Missouri.

30. RCWA is a membership organization whose members consist exclusively of workers in Northern Missouri, including numerous members who work at the Plant. Seven members of RCWA's current leadership council work at the Plant and between 60 and 70 workers who attend its meetings work at the Plant. Hundreds of the Plant's workers have used RCWA's services over the years.

31. RCWA's members nominate representatives to serve on the organization's Health Action Council, which in turn sets the direction and activities of the organization.

32. RCWA's members continue to perform their essential job functions at the Plant, but they are fearful for their own health and safety and the health and safety of their families and community due to the risk of contracting COVID-19 created by Smithfield's working environment.

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33. RCWA has expended significant resources and time responding on behalf of its members to Smithfield's failure to implement adequate policies related to the COVID-19 crisis.

34. Prior to COVID-19, RCWA was especially focused on (i) advocating for greater protections from repetitive stress injuries that are rampant at the Smithfield plant, (ii) advocating for increased opportunities for bathroom breaks, as employees have had to wear diapers on the line; and (iii) organizing gatherings and cultural events for the workers. RCWA's work included educating workers on their rights, helping them obtain legal and medical support to aid treatment for the musculoskeletal problems and kidney disorders that are common at the Smithfield plant—including transporting the workers to those appointments—and developing contacts to help workers with those concerns.

35. Since COVID-19, at the direction of its worker members, RCWA has diverted its resources to focus almost entirely on the immediate threat to health and safety due to COVID-19, particularly the lack of personal protective equipment, paid sick leave, and overcrowding. These were not issues that RCWA focused on in the past.

36. Because COVID-19 exposure at the Plant also places families and the community at risk, RCWA has also been working on ways to protect people once workers leave the plant. This has included research and hosting virtual meetings about these issues, such as instructing workers about how to decontaminate at home. These were not concerns that RCWA addressed previously.

37. Because Smithfield is placing its community at risk, it is also placing RCWA at risk.

38. RCWA is a small organization with a single staff person, Axel Fuentes. Because he lives in Kirksville, near Milan, Mr. Fuentes fears for the health and safety of his family due to Smithfield's failure to adequately respond to the COVID-19 crisis. Many Plant workers live in

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Kirksville, and it has one of the few grocery stores in the area, which is frequented by people from the Plant. Mr. Fuentes and his family make reasonable efforts to protect themselves from the disease, but need to interact with the world, including walking outside and buying groceries. Mr. Fuentes also fears for the health and safety of himself and his family because his job with RCWA brings him into close contact with workers from the Plant, whom Smithfield is failing to protect. It is part of Mr. Fuentes' job to continue to support RCWA's worker members, including workers at the Plant. For example, Mr. Fuentes gathered signatures from workers on a letter that was sent to Smithfield on April 2 documenting unsafe conditions at the plant, and obtaining these signatures required Mr. Fuentes to come into close contact with plant workers. Providing this type of support to workers is core to Mr. Fuentes' functions as Executive Director of RCWA. Mr. Fuentes could not fully carry out his duties without being in contact with workers in these ways, including RCWA members who work at the Plant.

39. Mr. Fuentes and his family are at heightened risk for contracting COVID-19 due to the points of transmission Smithfield has created at the Plant. Mr. Fuentes' inability to work would undermine RCWA's ability to operate, which would place its members and the community at risk.

JURISDICTION AND VENUE

40. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331(federal question) and 28 U.S.C. § 1332 (diversity).

41. Plaintiffs' claims arise under the laws of the United States because the question of whether Smithfield's conduct violates state law involves interpreting federal rules and guidance, including guidance from the Centers for Disease Control and the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency.

42. The Court has diversity jurisdiction because both Plaintiffs are residents of Missouri and both Defendants are residents of Virginia with their principal place of business in Virginia.

43. Furthermore, the cost to Smithfield of implementing the injunctive relief requested below, including the costs necessitated by providing proper personal protective equipment, implementing proper social distancing, providing COVID-19-related sick leave, providing additional break time, altering the configuration or speed of the line or staggering shifts, and developing and implementing a testing and contact-tracing protocol, is in excess of $75,000.00.

44. Venue is proper pursuant to 28 U.S.C. § 1391 in the Western District of Missouri because the acts and omissions that are the subject of this action all occurred in the Western District of Missouri.

STATEMENT OF FACTS

A. The COVID-19 Pandemic

45. COVID-19 is an infectious respiratory disease caused by a novel coronavirus.

46. COVID-19 can result in serious, long-term health complications and has resulted in more than 40,000 reported deaths in the United States to date. Among these serious health complications, COVID-19 can cause inflammation in the lungs, clogging the air sacs in the lungs, limiting the body's oxygen supply and blood clots, organ failure, intestinal damage, heart inflammation, problems with the liver, neurological malfunction, and acute kidney disease.

47. Some populations are especially vulnerable to the consequences of COVID-19, including individuals 65 years and older, people living in a nursing home or long-term care facility, and others of all ages with underlying medical conditions, such as people with lung disease, asthma, heart conditions, severe obesity, diabetes, kidney disease, or liver disease and people who are immunocompromised.

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48. Some conditions that can cause compromised immunity include cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and other immune weakening medications.

49. The novel coronavirus that causes COVID-19 is also highly contagious.

50. COVID-19 appears to spread easily and sustainably across the world through "community spread."

51. Community spread means that people have been infected with the virus in an area, including some who are not sure how or where they became infected.

52. The virus spreads mainly person to person, primarily through respiratory droplets produced when an infected person coughs or sneezes.

53. Spread is more likely when people are in close contact with one another (within about 6 feet for longer than 10 minutes).

54. The virus can be spread even by people who are "asymptomatic," meaning they carry the active virus in their body but never develop any symptoms; "pre-symptomatic," meaning they have been infected and are incubating the virus but don't yet show symptoms; or very mildly symptomatic, feeling unwell but continuing to come in close contact with others.

55. Recent research from the CDC suggests that a single person with COVID-19 is likely to infect five or six other individuals absent aggressive social distancing practices.

56. The best way to prevent illness is to avoid being exposed to this virus.

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B. Missouri's Response to the COVID-19 Crisis

57. On March 13, 2020, Governor Parson declared a state of emergency in the State of Missouri in response to the COVID-19 crisis.[2]

58. On April 3, 2020, the Missouri Department of Health and Senior Services issued a stay-at-home order, which limited operations for, or closed, all non-essential businesses in Missouri.[3]

59. The stay-at-home order defined essential businesses consistent with federal guidance from the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency.[4]

60. The federal guidance defines the following category of businesses as essential businesses:

> Food manufacturer employees and their supplier employees—to include those employed in food ingredient production and processing facilities; ***livestock, poultry, seafood slaughter facilities***; pet and animal feed processing facilities; human food facilities producing by-products for animal food; beverage production facilities; and the production of food packaging.[5]

61. According to the federal guidance, the labeling of essential businesses is based on "key principles," including:

> 1. Response efforts to the COVID-19 pandemic are locally executed, state managed, and federally supported.

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[2] *See* Mo. Exec. Order No. 20-20 (Mar. 13, 2020), https://www.sos.mo.gov/CMSImages/Library/Reference/Orders/2020/20-02.pdf.

[3] *See* https://governor.mo.gov/priorities/stay-home-order.

[4] *See* https://www.cisa.gov/sites/default/files/publications/CISA_Guidance_on_the_Essential_Critical_Infrastructure_Workforce_Version_2.0_Updated.pdf.

[5] *Id.* at 6 (emphasis added).

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> 2. ***Everyone should follow guidance from the CDC***, as well as State and local government officials, regarding strategies to limit disease spread.
>
> 3. Workers should be encouraged to work remotely when possible and focus on core business activities. In-person, non-mandatory activities should be delayed until the resumption of normal operations.
>
> 4. ***When continuous remote work is not possible, businesses should enlist strategies to reduce the likelihood of spreading the disease. This includes, but is not necessarily limited to, separating staff by off-setting shift hours or days and/or social distancing. These steps can preserve the workforce and allow operations to continue.***
>
> 5. All organizations should implement their business continuity and pandemic plans or put plans in place if they do not exist. Delaying implementation is not advised and puts at risk the viability of the business and the health and safety of the employees.[6]

C. <u>The Centers for Disease Control Response to the COVID-19 Pandemic</u>

62. In response to the COVID-19 crisis, the CDC published guidance for employers and employees, including *Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19).*[7]

63. The purpose of the guidance is "help prevent workplace exposures to COVID-19, in non-healthcare settings" and to "provide[] planning considerations for community spread of COVID-19." *Id.*

64. The following is a summary of some of these guidelines:

> 1. Employees who have symptoms should stay home and employers should develop flexible leave policies to allow

---

[6] *Id.* at 3-4 (emphasis added).

[7] *See* https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html.

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employees to stay home, particular by creating non-punitive leave sick leave policies;

2. Employers should not require a positive COVID-19 test or a healthcare provider's note for employees to take sick leave;

3. Sick employees should not return to work except in consultation with independent health care providers and state and local health departments;

4. Employers should reduce face-to-face contact between employees;

5. Employers should take steps to reduce transmission at the workplace by reassigning work tasks to maintain social distance of six-feet, staggering shifts, or allowing telework;

6. Employers should establish policies to minimize spread through a workplace by using contact-tracing and testing to identify workers who have likely been exposed to the disease and quarantining infected workers;

7. Employees should be encouraged to wash their hands and employers should facilitate this by providing hand washing stations;

8. Employers should provide tissues;

9. Employers should increase ventilation rates; and

10. Employers should develop plans to clean high touch areas with an EPA-approved cleaning agent.[8]

65. In addition, the CDC recommends that all Americans wear cloth face coverings in public settings where other social distancing measures are difficult to maintain.[9]

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[8] *Id.*

[9] *See* https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover.html

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D. Smithfield Has Failed to Respond to the COVID-19 Crisis by Satisfying Even these Minimum Public Health Standards

66. After the issuance of the Missouri stay at home order, the Milan Plant remained open as an "essential business."

67. On April 2, 2020, seventy workers at the Plant sent a letter in which they explained they were being put at risk: they had no masks, the plant had no social distancing plan, workers were punished for trying to cover their mouths when they coughed or sneezed and provided no tissues, and Smithfield was punishing workers who took sick leave.

68. Much of this remains true today.

69. It was not until April 16, 2020 that ***any*** of the workers at the Milan plant reported receiving masks. Even then, those masks were only distributed to workers who divide the carcasses (the "cut floor"). Workers who strip the animal down to a carcass (on the "kill floor") did not receive masks until April 17, 2020.

70. As of April 20, 2020, most of the workers in the Plant were receiving only one simple surgical mask from Smithfield every week. Smithfield has explained to some workers they can only receive a new mask if the first one broke.

71. Smithfield still allows members of the Plant cleaning crew to enter, move around the workstations, and use the cafeteria and locker rooms without masks.

72. Meat moves through the Plant from the point of slaughter on a conveyer belt along which workers are stationed. Each worker is assigned a particular task to dismember the animal. The animal then is transferred to another area of the plant where workers similarly stand side-by-side to break down the animal into pieces for shipment. Finally, the animal is transferred to a packing area.

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73. To process as much meat as possible, as quickly and cheaply as possible, Smithfield packs many workers together in cramped spaces along processing lines.

74. Workers on the kill and cut floors have long described their fear of being cut by their neighbors' knives because they work so closely together.

75. Even workers in packaging describe so little space to move that they regularly bump into one another.

76. On both the kill and cut floors workers continue to work shoulder-to-shoulder, even while the rest of society exists under strict social distancing.

77. In fact, in an effort to continue processing as much meat as possible as cheaply as possible, Smithfield forces many workers to work so closely together that they are literally touching.

78. Smithfield has made no effort to alter any of these conditions. Although Smithfield has posted signs saying to avoid close contact with people who are sick, on the lines and in the packing areas workers are currently, regularly forced to stand significantly less than six feet apart.

79. Smithfield has installed "Plexiglas dividers" between some workers on the lines, but Smithfield failed to consider workers' varying heights, so the Plexiglas does not cover all workers' faces.

80. Many workers continue to work immediately next to their neighbors without any Plexiglass dividers, leading them to come into physical contact with one another on the line.

81. If Smithfield slowed the line, workers, including RCWA members, could be spaced farther apart and have time to take effective preventive measures, like wiping spittle from their mouths and covering their mouths when they cough or sneeze.

82. However, since the closure of other Smithfield plants due to pandemic flare ups, Smithfield has only increased the line speed at the Milan Plant, placing more pressure on its workers at the Milan Plant and subjecting them to greater risk of disease.

83. Smithfield also implements punitive measures to ensure its preferred line speed is maintained, including that missing even one piece of meat to clean one's face could result in punitive employment action.

84. On the lines, workers, including RCWA members, are still not provided tissues or other materials to wipe away fluids that might come out during coughing or sneezing.

85. Although Smithfield has erected some hand cleaning stations, it has not provided workers, including Jane Doe and RCWA members, with any additional break time to wash their hands or to use hand sanitizer.

86. At times, Smithfield has sent people onto the line with sanitizer for the workers, but they will only spray workers' gloves, not their hands, allowing the worker to return to work as quickly as possible.

87. This means that workers can go several hours performing grueling, monotonous work, shoulder to shoulder and sometimes even touching their coworkers, often without time to even cover their mouths when they sneeze or cough, and without any time to wash or sanitize their hands.

88. Things are not much better off the line. While entering and leaving work and during breaks and lunch, workers, including Jane Doe and RCWA members, are forced to crowd into cramped hallways, including when they clock in and clock out for work.

89. Furthermore, Smithfield has started taking workers' temperatures before they enter but it allows a close line to form while workers wait to be checked.

OSHA-003475

90. Smithfield has not made efforts to stagger rest or meal breaks, meaning that while off the line, workers are cramped closely into hallways, bathrooms, and the cafeteria.

91. Although Smithfield did expand the cafeteria and has hung signs recommending distancing there is still not enough space within the cafeteria for workers to sit six feet apart.

92. Moreover, while Smithfield has installed Plexiglas down the center of the cafeteria tables, it has not provided protection for workers sitting side-by-side.

93. Smithfield also continues to discourage workers from taking sick leave and encourages them to come into work sick.

94. When the first reports of COVID-19 symptoms began to emerge at the Plant, some workers were scared and called in sick.

95. Immediately after that, Smithfield began incentivizing workers not to take leave from work. Most importantly, early in the pandemic Smithfield offered a $500 bonus to all of its workers, but with an important catch: the bonus would not be available to any worker who misses a shift for any reason between April 1 and May 1.

96. Smithfield even offered workers a free lunch at which Smithfield promoted the bonus.

97. The image below is of a poster that remains posted inside the Plant:

OSHA-003476



98. Translated into English, the poster reads:

Heroes come in many forms. #ThankaFoodWorker

At Smithfield, we accept responsibility in everything we do. And we reward those who accept responsibility. As a show of our gratitude, you will receive a Responsibility Bonus of $500, paid the 15th of May 2020. To the members of our team who are crucial in our nation's response to COVID-19, thank you!

> ***Note: To qualify for the Responsibility Bonus, you must work all scheduled hours and not receive a single attendance point between 4/1/20 and 5/1/20***

99. Jane Doe and RCWA's members cannot afford to lose their jobs, and $500 represents a significant amount of money for them.

100. Milan does not offer many employment opportunities other than the Plant, and Smithfield is the largest employer in the area.

101. Many of the workers have families, including children they need to support, and many are currently living paycheck-to-paycheck. The $500 bonus is a substantial incentive for workers to continue working at the Plant even when they are experiencing symptoms.

102. It is also unclear whether Smithfield will take negative actions, such as awarding a negative attendance "point," against employees who voluntarily quarantine.

103. Typically, Smithfield does not provide sick leave and assigns a "point" for any shift missed. If a worker receives 9 points in a year, Smithfield can take disciplinary action, including terminating workers.

104. At least some workers report that Smithfield has said it will continue to assign points if a worker displaying COVID-19 symptoms stays home, as recommended by the CDC, unless Smithfield or a doctor order the worker to stay home.

105. Finally, Smithfield has not implemented any policies that allow it to contact trace or test workers who have symptoms of the disease or have come into contact with the disease.

106. Workers at the Plant work long and hard days and often have very little information about the lives of their hundreds of coworkers.

107. But Smithfield knows precisely who is reporting symptoms and who has tested positive for the disease. Neither Jane Doe nor RCWA are aware, however, of any efforts by Smithfield to perform contact tracing to identify other workers who may have come into contact with the disease, including workers who have worked immediately side-by-side with infected workers.

COUNT I: PUBLIC NUISANCE AND DECLARATORY JUDGMENT PURSUANT TO 28 U.S.C. § 2201

(BY JANE DOE AND RCWA AGAINST ALL DEFENDANTS)

108. Smithfield's failure to comply with minimum basic health and safety standards in its workplace, including the CDC guidelines and other minimum public health standards necessary to stop the spread of COVID-19, is causing, or is reasonably certain to cause, community spread of the disease.

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109. This community spread is not or will not be limited to the Plant. Infected workers will go home to interact with their families and with other members of the public as they undertake their day-to-day activities, like grocery shopping.

110. Thus, increased community spread at the Plant will cause increased community spread in the cities of Milan and Kirksville, Sullivan and Adair Counties, the State of Missouri, and the United States.

111. This community spread will result in disease and possibly death. It will also stress healthcare resources and cause financial harm.

112. As a result, Smithfield's current operations constitute a public nuisance because they unreasonably interfere with the common public right to public health.

113. The public nuisance causes special harm to Jane Doe, RCWA members, and RCWA because they are directly exposed to the dangerous working conditions at the Plant.

114. Indeed, multiple members of the Plant workforce are currently self-quarantined because of COVID-19 symptoms.

115. This public nuisance causes special harm to Jane Doe because of the risks she will be exposed to at work or in the community, requiring her to quarantine, losing income, and putting anyone she may come into close contact with at risk.

116. This public nuisance causes special harm to RCWA and puts RCWA at risk of even greater special harm because of the resources it must spend to help its members cope with the nuisance.

117. Plaintiffs therefore request a declaration that the Plant constitutes a public nuisance and injunctive relief to abate the nuisance.

COUNT II: BREACH OF DUTY TO PROVIDE A SAFE WORKPLACE AND DECLARATORY JUDGMENT PURSUANT TO 28 U.S.C. § 2201

(BY JANE DOE AND RCWA AGAINST ALL DEFENDANTS)

118. Smithfield owes its employees, including Jane Doe and its RCWA member employees, the following duties:

1. The duty to provide a safe place to work.
2. The duty to provide safe appliances, tools, and equipment for work.
3. The duty to give warning of dangers of which the employee might reasonably be expected to remain in ignorance.
4. The duty to provide a sufficient number of suitable fellow servants.
5. The duty to promulgate and enforce rules for the conduct of employees which would make the work safe.

119. By failing to properly implement worker protections during the COVID-19 crisis, Smithfield breached these duties.

120. Jane Doe and RCWA members have already been harmed as a result of this breach, including emotional harm and in some cases pecuniary harm and physical harm associated with the COVID-19 infection.

121. Jane Doe and RCWA members are also likely to experience future harm if Smithfield does not immediately satisfy its duties to provide a reasonably safe workplace as a matter of Missouri law.

122. Jane Doe and RCWA request a declaration that these workplace safety duties are being breached and injunctive relief to ameliorate the breach.

OSHA-003480

PLAINTIFFS DO NOT DEMAND A JURY TRIAL

PRAYER FOR RELIEF

123. Plaintiffs respectfully request an Order from this Court:

a. Entering judgment for Plaintiffs and against all Defendants;

b. Declaring that Smithfield's failure to implement appropriate worker protections during the COVID-19 crisis constitutes a public nuisance under Missouri law and a violation of the right to a safe work place under Missouri law.

c. Entering preliminary and final injunctive relief to protect the workers and community from transmission, including but not limited to:

i. Providing sufficient personal protective equipment, including clean masks, to all individuals who enter the Plant;

ii. Creating and implementing a social distancing plan for the Plant that will allow the workers to stay 6 feet apart to the extent possible, including on the line;

iii. Providing breaks so workers can wash their hands and providing handwashing stations for them to use;

iv. Providing tissues;

v. Creating and implementing a protocol to clean surfaces;

vi. Altering leave policies to allow workers showing COVID-19 symptoms to stay home without any form of punishment to their wages or future prospects and to clearly and conspicuously inform all workers of that plan;

vii. Developing and implementing a plan to test workers showing symptoms and perform contact tracing for those they have been near who could have been exposed; and

viii. Providing a specific date for inspection of the Plant by Plaintiffs' workplace health and safety experts so they can determine what additional steps may be required.

Respectfully Submitted,

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OSHA-003482

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI

RURAL COMMUNITY WORKERS ALLIANCE and JANE DOE; *Plaintiffs*, v. SMITHFIELD FOODS, INC. AND SMITHFIELD FRESH MEATS CORP., *Defendants*.	CIVIL ACTION NO: 20-cv06063-DKG

PLAINTIFFS' EMERGENCY MOTION FOR A PRELIMINARY INJUNCTION OR, IN THE ALTERNATIVE, A TEMPORARY RESTRAINING ORDER AND AN EMERGENCY HEARING ON THE SAME

For the reasons stated in the attached Suggestions, Plaintiffs request an emergency preliminary injunction or, if Defendants refuse to appear, that the Court construe this motion as a request for a temporary restraining order and grant the requested relief. Moreover, Plaintiffs request that the Court schedule a hearing on this matter two days after Plaintiffs confirm service of the Complaint and these filings on Defendants, or at the Court's earliest opportunity.

Pursuant to this Court's April 20, 2020 Superseding General Order on Operations Under the Exigent Circumstances Created by the Outbreak of Coronavirus Disease (COVID-19) ¶ 4, while this Court has continued non-emergent hearings, it will continue to schedule emergency matters. This is such a matter. Without the actions requested here, Defendants' Milan, Missouri slaughterhouse will incubate COVID-19, spreading it among its workers and the community. Thus, Plaintiffs request an Order from this Court directing that Defendants:

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(1) Provide clean masks to all workers, contractors or inspectors who enter their Milan, Missouri slaughterhouse, and require that masks be worn at all times in public areas except when eating;

(2) Ensure social distancing throughout the slaughterhouse, including on the lines;

(3) Ensure that all workers at the slaughterhouse have the opportunity to wash their hands as needed without penalty;

(4) Provide tissues to workers throughout the slaughterhouse;

(5) Ensure high-touch surfaces in the slaughterhouse are disinfected with a suitable cleaning agent throughout the day;

(6) Change all relevant policies to meaningfully encourage workers who are diagnosed with, have symptoms of, or who believe they have been exposed to COVID-19 to take sick leave whether or not they have been seen by a healthcare provider including by eliminating the "perfect attendance" bonus, and eliminating accrual of "points" for COVID-related absences;

(7) Ensure that measures are in place for workers to obtain testing when necessary;

(8) Develop and implement a plan for contact tracing, in coordination with public health officials; and

(9) Set a date certain for Plaintiffs' experts to inspect the slaughterhouse to determine what other steps, beyond these, must be implemented.

For the reasons stated below, Plaintiffs satisfy all the requirements for the requested relief.

April 23, 2020 Respectfully submitted,

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OSHA-003485

IN THE UNITED STATES DISTRICT COURT
FOR WESTERN DISTRICT OF MISSOURI

RURAL COMMUNITY WORKERS ALLIANCE and JANE DOE; *Plaintiffs*, v. SMITHFIELD FOODS, INC. AND SMITHFIELD FRESH MEATS CORP., *Defendants*.	CIVIL ACTION NO: 20-cv-06063- DKG

PLAINTIFFS' EMERGENCY MOTION FOR A PRELIMINARY INJUNCTION OR, IN THE ALTERNATIVE, A TEMPORARY RESTRAINING ORDER AND AN EMERGENCY HEARING ON THE SAME

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I. INTRODUCTION

Weeks ago, workers at the Milan, Missouri slaughterhouse (the "Plant") operated by Defendants Smithfield Foods, Inc. and Smithfield Fresh Meats Corp. (collectively "Smithfield") placed the company on notice that it had taken inadequate steps to protect them and their communities from COVID-19 and implored Smithfield to act to prevent further spread of the virus. Even as evidence mounts that Smithfield's plants around the country are incubators for spread of the disease—to the detriment of their workers, the families of their workers, and the communities in which the plants operate—Smithfield still has not acted in Milan.

Plaintiffs here seek preliminary injunctive relief because they do not want to wait until what has happened at Smithfield facilities around the country happens in Milan. While Smithfield may benefit from speeding production lines and packing workers into tight spaces until there is an outbreak in Milan, its workers and the public will suffer tremendously. All of that waiting will mean infection, illness, and in some cases death. Plaintiffs are not asking this Court to shut down Smithfield. Food production is essential. All Plaintiffs ask is that Smithfield take necessary steps to guard against the spread of the disease. Currently, in contravention of unambiguous public health guidance and orders from the Centers for Disease Control and the State of Missouri, Smithfield allows people to enter and remain inside the Plant without masks. It has no social distancing plan in place: In addition to standing shoulder to shoulder on the production line, workers are crowded into hallways to clock in and out as fast as possible. Smithfield does not provide workers with additional breaks to wash their hands. In fact, Smithfield punishes workers if they stay home sick with symptoms. Smithfield is currently offering a $500 bonus to any worker who manages to not miss a shift. Smithfield offers no way for workers who fear they are ill to get tested or a system to perform contact tracing. Smithfield's callous disregard for the health and

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safety of its employees, their families, and their communities will accelerate the spread of the virus in the Plant and then to others. Smithfield's conduct is a textbook example of a public nuisance and a violation of Missouri's right to a safe work environment.

Plaintiffs Jane Doe and the Rural Community Workers Alliance ("RCWA"), a membership organization that includes numerous workers at the Plant, ask this Court to protect their health and safety. Specifically, Plaintiffs respectfully request that this Court promptly order Smithfield to come into compliance with the Center for Disease Control's recommendations, which mirror the recommendations of occupational health specialist Dr. Robert Harrison, by instituting the following safety measures immediately:

(i) Provide clean masks to all workers, inspectors, or contractors who enter the Plant, and require that they be worn at all times except when eating;

(ii) Ensure social distancing throughout the Plant, including on the lines;

(iii) Ensure that all workers at the Plant have the opportunity to wash their hands as needed without penalty;

(iv) Provide tissues;

(v) Ensure high-touch surfaces are disinfected with a suitable cleaning agent throughout the day;

(vi) Change all relevant policies to meaningfully encourage workers who are diagnosed with, have symptoms of, or who believe they have been exposed to COVID-19 to take sick leave whether or not they have seen a healthcare provider, including by eliminating the "perfect attendance" bonus and eliminating accrual of "points" for COVID-related absences;

(vii) Ensure that measures are in place for workers to obtain testing when necessary; and

(viii) Develop and implement a plan for contact tracing, in coordination with public health officials.

It is likely that additional relief will be required to fully protect Plant workers and the larger community, and therefore Plaintiffs also request this Court set a date for Plaintiffs' experts to inspect the Plant to determine additional steps that should be taken. In the meantime, these bare minimum protections, all of which align with the CDC's guidance, must be put in place immediately. Without Court intervention, Smithfield will continue to ignore the threat to public health and place people and communities at risk.

II. FACTS

A. The COVID-19 Pandemic Is a Global Health Crisis.

Since February and continuing through the present, the COVID-19 pandemic has swept the United States as it swept the rest of the world. As of the writing of this motion, more than 2.5 million people worldwide have been diagnosed with COVID-19, and more than 170,000 people have died as a result.[1] In the United States, as of April 21, 2020, over 800,000 people had been diagnosed with COVID-19, and approximately 45,000 have died.[2] In Missouri, as of April 22, 2020, there are 6,137 cases and 208 deaths from the virus.[3] In recent days, more than two thousand Americans have died from the disease each day, making it the leading cause of death in the country.[4] COVID-19 is highly infectious and continues to spread rapidly. By the time this motion is read, these numbers will likely be woefully out of date.

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[1] World Health Organization, Coronavirus Dashboard, available at https://covid19.who.int (last visited Apr. 22, 2020); Johns Hopkins Univ. & Med. Coronavirus Resource Center, COVID-19 Dashboard by the Ctr. for Sys. Sci. and Eng'g (CSSE) at Johns Hopkins Univ., World Map, available at https://coronavirus.jhu.edu/map.html (last visited April 22, 2020).

[2] Centers for Disease Control & Prevention, Cases of Coronavirus Disease (COVID-19) in the U.S., available at https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html (last visited April 22, 2020); Johns Hopkins Univ. & Med. Coronavirus Resource Center, COVID-19 Dashboard by the Ctr. for Sys. Sci. and Eng'g (CSSE) at Johns Hopkins Univ., U.S. Map, available at https://coronavirus.jhu.edu/us-map (last visited April 18, 2020).

[3] Missouri Dep't of Health & Senior Services, COVID-19 Outbreak, available at https://health.mo.gov/living/healthcondiseases/communicable/novel-coronavirus/results.php (last visited Apr. 22, 2020).

[4] *See* Adam K. Raymond, *The Rapid Increase of U.S. Coronavirus Deaths in One Chilling Graphic*, NY MAG.

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The virus spreads quickly, efficiently, and often silently. When a person becomes infected with COVID-19, they do not become sick right away. More worrisome still, "epidemiologists have made the dismaying discovery that people start shedding the virus — potentially making others sick — in advance of symptoms."[5]

As the virus spreads, it kills. Worldwide, the "case-fatality rate"—the proportion of people infected with COVID-19 who die from it—has varied widely from country to country.[6] The United States' case fatality rate has been estimated at between 4 and 5 percent.[7] Although older individuals and individuals with preexisting conditions appear to be more likely to experience severe infections and therefore are more likely to die as a result,[8] people of all ages and health conditions have fallen ill, and there have been reports of deaths in every age group, including infants and children.[9]

The rapid spread and deadly nature of COVID-19 has forced drastic changes in nearly every aspect of daily life. Approximately 95 percent of Americans are now under some version of

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(Apr. 17, 2020), https://nymag.com/intelligencer/2020/04/the-rapid-increase-of-u-s-coronavirus-deaths-in-one-graphic.html.

[5] Joel Achenbach, *Three months into the pandemic, here's how likely the coronavirus is to infect people*, WASHINGTON POST (Mar. 28, 2020), https://www.washingtonpost.com/health/three-months-into-the-pandemic-here-is-what-we-know-about-the-coronavirus/2020/03/28/6646f502-6eab-11ea-b148-e4ce3fbd85b5_story.html.

[6] Amy Harmon, *Why We Don't Know the True Death Rate for Covid-19*, N.Y. TIMES (Apr. 18, 2020) (citing observed rates varying from 2 percent (South Korea) to 13 percent (Italy)), https://www.nytimes.com/2020/04/17/us/coronavirus-death-rate.html.

[7] *Id.* (citing U.S. rate of 4.3 percent); Chris Mooney et al., *As U.S. Coronavirus Fatality Rate Rises To 5 Percent, Experts Are Still Trying To Understand How Deadly This Virus Is*, WASHINGTON POST (Apr. 17, 2020), https://www.washingtonpost.com/health/as-officials-plan-to-reopen-the-economy-a-key-unknown-remains-how-deadly-is-the-coronavirus/2020/04/17/0bd2f938-7e49-11ea-a3ee-13e1ae0a3571_story.html.

[8] Centers for Disease Control & Prevention, *People Who Are at Higher Risk for Severe Illness* https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html.

[9] Chris Mooney, et al., *Hundreds Of Young Americans Have Now Been Killed By The Coronavirus, Data Shows*, WASHINGTON POST, (Apr. 8, 2020), https://www.washingtonpost.com/health/2020/04/08/young-people-coronavirus-deaths; Audrey McNamara, *6-Week-Old Baby's Death Linked To Coronavirus, Believed To Be One Of The Youngest Fatalities*, CBS NEWS (Apr. 2, 2020), https://www.cbsnews.com/news/six-week-old-baby-dies-coronavirus-believed-to-be-youngest-fatality; Allison Quinn, *'We Should Grieve': Infant Becomes Youngest COVID-19 Death in Illinois*, THE DAILY BEAST (Mar. 28, 2020), https://www.thedailybeast.com/infant-becomes-youngest-coronavirus-death-in-illinois.

a stay-at-home order.[10] The Missouri Department of Health and Senior Services has placed the state under its own stay-at-home order, which directs Missourians to "avoid leaving their homes or places of residence."[11] When they must leave their homes to work or engage in other necessary activities, Missourians "should at all times practice social distancing."[12] "In accordance with the guidelines from the President and the CDC," the order states that "every person and business in the State of Missouri shall abide by social distancing requirements, including maintaining six feet (6') of space between individuals" except where an individual's "job duties require contact with other people closer than six feet (6')."[13]

For its part, the CDC has issued guidelines for businesses to keep their workers safe during the pandemic.[14] Those guidelines "strongly encourage[]" businesses to "coordinate with state and local health officials so timely and accurate information can guide appropriate responses."[15] CDC directs employers to reduce the spread of illness among their employees by "[a]ctively encourage[ing] sick employees to stay home"—regardless of whether those employees have a confirmed positive COVID-19 test.[16] The guidelines instruct employers to "[i]dentify where and how workers might be exposed to COVID-19 at work" and to follow OSHA guidance on how to protect workers from potential exposure at work.[17] They encourage employers to "[i]mplement

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[10] Holly Secon & Aylin Woodward, *Map of US States That Have Issued Stay-At-Home Orders*, BUSINESS INSIDER (Apr. 7, 2020), https://www.businessinsider.com/us-map-stay-at-home-orders-lockdowns-2020-3.
[11] Missouri Dep't of Health & Senior Services, Stay At Home Order (Apr. 3, 2020), https://governor.mo.gov/priorities/stay-home-order.
[12] *Id.*
[13] *Id.*
[14] CDC, Interim Guidance for Businesses & Employers to Plan & Respond to Coronavirus Disease 2019 (COVID-19) (last updated Apr. 9, 2020), https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html; Interim Guidance for Implementing Safety Practices for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19 (last updated Apr. 20, 2020), https://www.cdc.gov/coronavirus/2019-ncov/community/critical-workers/implementing-safety-practices.html.
[15] Interim Guidance for Businesses & Employers to Plan & Respond to Coronavirus Disease 2019 (COVID-19), *supra* note 14.
[16] *Id.*
[17] *Id.*

flexible sick leave and supportive policies and practices," and to implement social distancing "if recommended by state and local health authorities." CDC provides social distancing "[s]trategies that business could use," including implementing flexible work hours (e.g., staggered shifts), increasing physical space between employees at the worksite, and ensuring limited face-to-face contact.[18] And CDC directs employers to maintain healthy work environments by implementing measures such as improving ventilation in the worksite, supporting "respiratory etiquette and hand hygiene for employees, customers, and worksite visitors," providing tissues, and routinely cleaning and disinfecting all frequently touched surfaces.[19] For workers who may have been exposed to COVID-19, CDC guidelines also encourage pre-screening employees (measuring the employee's temperature and assessing symptoms prior to them starting work) and regular monitoring (through which employees self-monitor under the supervision of their employer's occupational health program). The CDC also advises everyone to wear face coverings to protect themselves and others.[20]These strategies are an essential minimum standard, particularly to stop the spread of the virus in meat packing plants. Dr. Robert Harrison, a physician and clinical professor of medicine who serves as the Chief of the Occupational Health Surveillance and Evaluation Program at the California Department of Public Health, emphasizes the importance, in slaughterhouses and other meat processing plants, of (1) encouraging workers with symptoms to stay home, including by eliminating policies that discourage sick leave; (2) developing a social distancing plan that is implemented throughout the Plant, including at workspaces and in hallways and break areas; (3)

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[18] *Id.*
[19] *Id.*
[20] CDC, Recommendation Regarding the Use of Cloth Face Coverings, Especially in Areas of Significant Community-Based Transmission (last updated Apr. 3, 2020), https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover.html; *see also* Interim Guidance for Implementing Safety Practices for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19, *supra* note 14 (special recommendations for employees recommending face masks at all times in the workplace for 14 days after any potential exposures).

providing face coverings to all workers within the Plant; (4) developing a plan to decontaminate surfaces; (5) providing additional breaks and facilities for handwashing; and (6) developing a plan to test workers and perform contact tracing to identify those who have been in contact with workers who test positive.[21] Dr. Harrison explains that additional site-specific requirements may be necessary, but the above steps, all of which align with the CDC guidelines, are "essential."[22]

B. Slaughterhouses Are COVID-19 "Hot Spots."

Without such intervention, slaughterhouses present ideal conditions for the spread of a respiratory virus like COVID-19. Plant workers and United States Department of Agriculture (USDA) inspectors work "shoulder-to-shoulder on slaughter lines and in processing facilities where carcasses are butchered."[23] During breaks and shift changes, Plant workers and USDA inspectors leaving their stations are packed together into small hallways.[24] Workers' lockers are not separated from one another, but instead are "literally stacked next to one another."[25] And the work of a slaughterhouse is "extremely strenuous," causing workers to "expel[] spittle and other bodily fluids, such as sweat" while they labor.[26]

In recent weeks, slaughterhouses have emerged as some of the country's greatest vectors for the COVID-19 disease. On April 21, 2020, the Chief Medical Officer for the State of Nebraska stated, "If there's one thing that might keep me up at night, it's the meat processing plants and manufacturing plants."[27] The Smithfield slaughterhouse in South Dakota became the country's leading COVID-19 "hot spot" because the workers there were required to stand shoulder-to-

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[21] Declaration of Dr. Robert Harrison ("Harrison Decl.").
[22] *Id.* ¶ 22.
[23] Decl. of Anthony Corbo ("Corbo Decl.") ¶ 6; Declaration of Thomas Fritzsche ("Fritzsche Decl.") ¶¶ 6-8.
[24] Corbo Decl. ¶ 6.
[25] *Id.*
[26] Corbo Decl. ¶ 7; Fritzsche Decl. ¶ 10.
[27] Erin Duffy, *Meatpacking Plants Are Nebraska's Newest Battleground in war against coronavirus*, OMAHA WORLD-HERALD (Apr. 21, 2020), https://www.omaha.com/news/state_and_regional/meatpacking-plants-are-nebraskas-newest-battleground-in-war-against-coronavirus/article_cb30e2ab-099a-5458-b0ec-01c0d05fc9e9.html.

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shoulder and not given Personal Protective Equipment.[28] Workers at Smithfield's Cudahy, Wisconsin plant raised concerns about spread of the virus after learning that Smithfield allowed them to continue working shoulder to shoulder despite knowing of infections among plant workers.[29] Colorado shut down a JBS beef slaughterhouse for similar conduct after 50 people tested positive for COVID-19, and two died.[30] On April 17, 2020, the Ogle County, Illinois Health Department ordered the Hormel Foods plant in Rochelle, Illinois, to close immediately due to an outbreak of the novel coronavirus.[31] Health officials say there are at least two dozen cases linked to the facility.[32]

C. Smithfield Fails to Remedy Unsafe Conditions at the Milan Plant.

Smithfield is the largest employer in the Milan, Missouri area,[33] employing more than 1,000 workers at the Milan plant.[34] Other than Smithfield, the Milan area "does not offer many employment opportunities."[35] Smithfield's workers, many of whom live paycheck-to-paycheck, depend on their jobs at the Plant to support their families.[36]

As the COVID-19 pandemic spread, Smithfield Milan workers became alarmed at the lack of safety measures in their workplace and the backwards incentives Smithfield's policies seemed

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[28] Caitlin Dickerson & Miriam Jordan, *South Dakota Meat Plant Is Now Country's Biggest Coronavirus Hot Spot*, N.Y. TIMES (Apr. 15, 2020), https://www.nytimes.com/2020/04/15/us/coronavirus-south-dakota-meat-plant-refugees.html.

[29] Lee Fang, *Employees Say Smithfield Plant In Wisconsin Concealed COVID-19 Infections, Pressured Them To Work Elbow To Elbow Without Protection*, THE INTERCEPT (Apr. 19, 2010), https://theintercept.com/2020/04/19/smithfield-foods-wisconsin-coronavirus.

[30] Vincent Del Giudice, *JBS To Shut Colorado Beef Plant Through April 24 On Outbreak*, BLOOMBERG (Apr. 13, 2020), https://www.bloomberg.com/news/articles/2020-04-13/jbs-colorado-beef-plant-will-close-for-a-time-governor-says.

[31] City of Rochelle, Press Release: Ogle County Health Department Orders Closure of Hormel's Rochelle Foods Plant Due to COVID-19 Outbreak (Apr. 17, 2020), https://www.cityofrochelle.net/news/city-news/ogle-county-health-department-orders-closure-of-hormel-s-rochelle-foods-plant-due-to-covid-19-outbreak.html.

[32] *Id.*

[33] Declaration of Axel Fuentes ("Fuentes Decl.") ¶ 26.

[34] *Id.* ¶ 34.

[35] *Id.* ¶ 26; Declaration of Jane Doe ("Doe Decl.") ¶ 20.

[36] Fuentes Decl. ¶ 26; Doe Decl. ¶¶ 20, 23.

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geared to impose.[37] For instance, Smithfield employs a "points" system, whereby workers receive "points" if they miss a shift.[38] If a worker receives nine points in a year, he or she can be fired.[39] Under this system, employees are incentivized to go to work when they are feeling ill, or exhibiting symptoms of COVID-19, for fear of losing the jobs on which they and their families rely.[40]

On April 2, 2020, a group of seventy Milan employees sent a letter to management in which they alerted management to the unsafe working conditions in the Plant and asked for increased measures to prevent spread of the virus.[41] The workers described safety issues such as a lack of distance between workers, which leads to unavoidable physical contact in the cafeteria and hallways; the high speed of the line, which prevents workers from covering their faces if they need to cough or sneeze; a lack of masks and other personal protection equipment; and a sick-leave policy that penalizes employees who miss work for coronavirus symptoms.[42]

After receiving the workers' letter, Smithfield has *slowly* instituted a *few*, minimal safety measures. But those measures fall far short of meaningful protection for workers, and Smithfield's incentive system continues to work against public health goals, encouraging employees to come to work instead of prioritizing safety.[43] For instance, Smithfield did not give masks to any of its workers until April 16, 2020, two weeks after workers expressed their concerns about the lack of

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[37] *See, e.g.*, Fuentes Decl., ¶¶ 7-8, Ex. A, at 11 ("We, the workers at the plant in Milan Missouri, [w]ant to express that we are very concerned about our health exposure by continuing to work at the plant, while the entire Country and World is in quarantine, because of the Covid-19."); Doe Decl. ¶¶ 17-19.
[38] Doe Decl. ¶ 19; *see also* Fuentes Decl., ¶ 8, Ex. A, at 11 ("Workers who are experiencing symptoms such as a coughing, sneezing, or even fever, . . . have not been allowed to go home or take a day off without being assigned negative points.").
[39] Doe Decl. ¶ 19; Fuentes Decl. ¶ 8.
[40] Fuentes Decl. ¶ 23.
[41] Madison McVan, *Milan Meat Processing Plant Workers Cite Unsafe COVID Conditions,* MISSOURIAN (Apr. 16, 2020), https://www.columbiamissourian.com/news/covid19/milan-meat-processing-plant-workers-cite-unsafe-covid-conditions/article_b2c655f4-7f2b-11ea-85e8-fb32c440c477.html; *see also* Fuentes Decl., Ex. A.
[42] Fuentes Decl. ¶ 8, Ex. A.
[43] *Id.* ¶¶ 9, 12-25; Doe Decl. ¶¶ 5-19, 21-22.

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masks and protective equipment.[44] The only workers who received masks were those who divide a carcass (on the "cut floor"),[45] and they must use the same, dirty mask throughout the week.[46] As of April 16, 2020, workers who strip the animal down to a carcass (on the "kill floor") still had not received masks.[47] While more masks were distributed in subsequent days, Smithfield has suggested it may ask the workers to use the same, dirty mask, throughout the week.[48] In addition, members of the late-night sanitation crew are still in the building, including the cut floor, when Jane Doe and other workers report for their shift, and many of these sanitation workers are not wearing masks.[49]

Workers remain "shoulder-to-shoulder"—so close that they have "described the risk of cuts from their neighbors' knives."[50] Even those who work in packaging have described so "little space to move" that they "regularly bump into one another."[51]

Although "Smithfield has installed Plexiglass dividers between workers on some of the lines, it has "failed to take into account workers' varying heights, so the Plexiglas does not cover all workers' faces."[52] And, "rather than slowing the line as the workers requested so they could wipe [fluids] from their faces" when needed, workers report that "Smithfield has *increased* the line speed" at the Milan plant since closing its other plants.[53] Smithfield continues to instruct workers that missing even one piece of meat to clean one's face could result in punitive

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[44] Fuentes Decl. ¶ 11; Doe Decl. ¶ 5 ("It is only in the last week that Smithfield began providing [workers on the 'cut side' of the plant] with surgical-style masks.").
[45] Fuentes Decl. ¶ 11.
[46] Doe Decl. ¶ 5; Fuentes Decl. ¶ 12.
[47] Fuentes Decl. ¶ 11; *see also* McVan, *supra* note 41.
[48] Doe Decl. ¶ 5; Fuentes Decl. ¶ 12.
[49] Doe Decl. ¶ 6; Fuentes Decl. ¶ 12.
[50] Doe Decl. ¶ 7; Fuentes Decl. ¶¶ 13-17.
[51] *Id.*
[52] Fuentes Decl. ¶ 16; Doe. Decl. ¶ 8.
[53] Fuentes Decl. ¶ 17; Doe. Decl. ¶ 7.

employment action.[54] Nor can the workers leave the line to safely clean their faces—Smithfield has not provided tissues or other materials for workers to wipe their faces, and it does not offer breaks for handwashing.[55] As Plaintiffs' experts explain, if Smithfield wanted to, it could slow the line to space workers and allow them to clean their hands and face.[56]

In plant areas off the line, "the workers remain crowded," with little opportunity to social distance.[57] Workers report being forced to "crowd[] into the hallway to 'clock in' and 'clock out.'[58] "Smithfield has started taking workers' temperatures before they enter the workplace, but the company allows a close line to form while workers wait to be checked."[59]

"Smithfield did expand the cafeteria and hang signs recommending distancing, but there still is not enough space for workers to sit six-feet apart" during their breaks.[60] Smithfield also "installed Plexiglas [dividers] down the center of the [cafeteria] tables, but has provided no protection for workers sitting side-by-side."[61]

What's more, Smithfield "continues to discourage workers from taking sick-leave" and staying home when needed, in direct contravention of CDC guidelines.[62] Smithfield has touted a program it is calling its "Responsibility Bonus" as part of its COVID-19 response.[63] Through the program, workers receive a bonus, which Smithfield claims will be paid "in recognition of an immense gratefulness for the dedication and performance" of its workers.[64] But signs posted at the

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[54] Fuentes Decl. ¶ 17.
[55] Fuentes Decl. ¶¶ 18-19; Doe Decl. ¶¶ 10, 12.
[56] Corbo Decl. ¶ 10; Fritzsche Decl. ¶ 22.
[57] Fuentes Decl. ¶¶ 20-22; Doe Decl. ¶¶ 13-16.
[58] *Id.*
[59] Fuentes Decl. ¶ 21; Doe Decl. ¶ 16; *see also* Corbo Decl ¶ 10; Fritzsche Decl. ¶ 22 (explaining Smithfield could alter these conditions).
[60] Fuentes Decl. ¶ 22; *see also* Doe Decl. ¶ 14.
[61] *Id.*; *see also* Corbo Decl ¶ 10; Fritzsche Decl. ¶ 22 (explaining Smithfield could alter these conditions).
[62] Fuentes Decl. ¶¶ 23-24; Doe Decl. ¶¶ 17-19.
[63] *See, e.g.*, SmithfieldFoods, *Smithfield President & CEO on the Responsibility Bonus*, YOUTUBE (Apr. 6, 2020), https://www.youtube.com/watch?v=fAI7As7yMwQ&feature=youtu.be.
[64] SmithfieldFoods, *Our COVID-19 Response*, https://www.smithfieldfoods.com/ourcovid19response (last visited Apr. 22, 2020).

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Plant in recent weeks make plain that the bonus is, in fact, a mechanism to ensure workers continue to come in to work at the Plant—even if they are sick.[65]

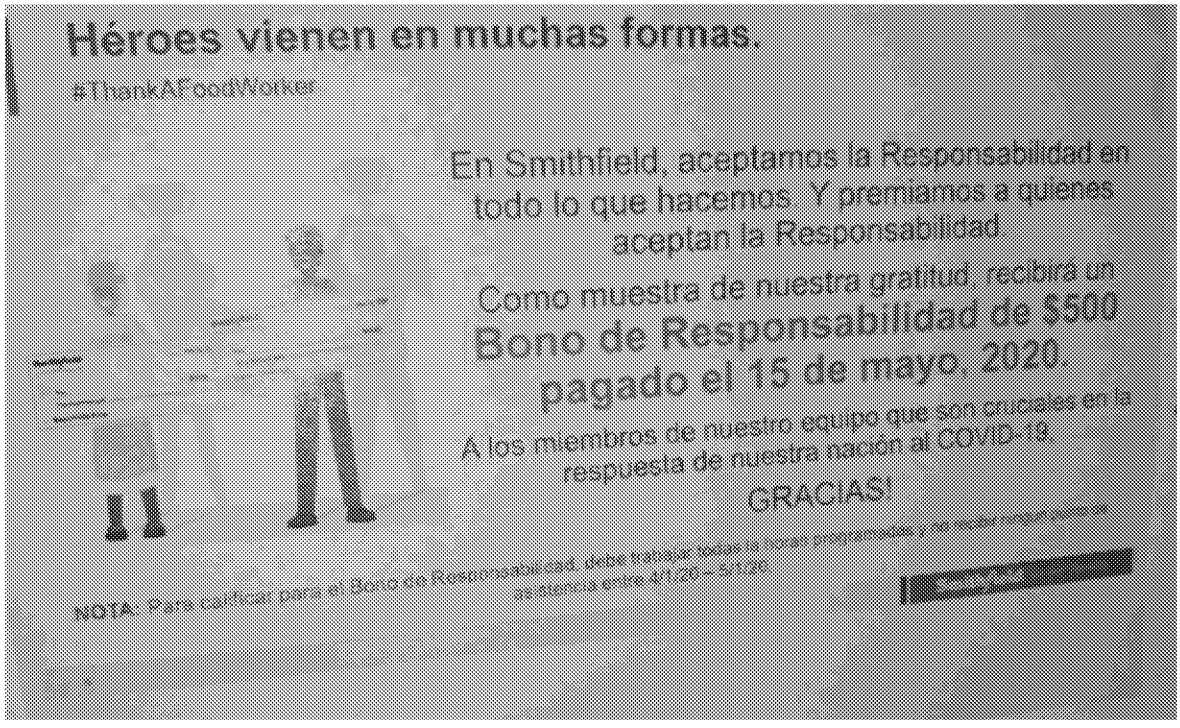

Fig. 1: Photo of Smithfield "Responsibility Bonus" Sign[66]

This sign, translated into English, reads as follows:

> Heroes come in many forms.
> #ThankAFoodWorker
>
> At Smithfield, we accept responsibility in everything we do. And we reward those who accept responsibility. As a show of our gratitude, you will receive a Responsibility Bonus of $500, paid the 15th of May 2020. To the members of our team who are crucial in our nation's response to COVID-19, thank you!
>
> ***Note: To qualify for the Responsibility Bonus, you must work all scheduled hours and not receive a single attendance point between 4/1/20 and 5/1/20***

[65] *See* Fuentes Decl. ¶ 24; Doe Decl. ¶¶ 17-18.
[66] Doe Decl. ¶ 18.

Some workers have been told that if they take a sick day not only will they lose the bonus, but they will also be assigned a "point" for each missed shift.[67] The only exception would be if Smithfield or a doctor orders the worker to stay home.[68] Such requirements are particularly cruel as Smithfield has not offered the workers an opportunity to be tested,[69] or performed contact tracing to identify which workers have come into contact with a sick individual and thus should be ordered to quarantine.[70]

III. ARGUMENT

The Court should exercise its discretion under Fed. R. Civ. P. 65 to grant Plaintiffs the preliminary relief they seek. Specifically, Plaintiffs move for a preliminary injunction directing Smithfield to immediately take the following actions: (1) Provide clean masks to all workers, contractors or inspectors who enter the Plant, and require that masks be worn at all times in public areas except when eating; (2) Ensure social distancing throughout the Plant, including on the lines; (3) Ensure that all workers at the Plant have the opportunity to wash their hands as needed without penalty; (4) Provide tissues; (5) Ensure high-touch surfaces are disinfected with a suitable cleaning agent throughout the day; (6) Change all relevant policies to meaningfully encourage workers who are diagnosed with, have symptoms of, or who believe they have been exposed to COVID-19 to take sick leave whether or not they have been seen by a healthcare provider including by eliminating the "perfect attendance" bonus and eliminating accrual of "points" for COVID-related absences; (7) Ensure that measures are in place for workers to obtain testing when necessary; and (8) Develop and implement a plan for contact tracing, in coordination with public health officials. Plaintiffs also request the Court set a date certain for Plaintiffs' experts to inspect the Plant to

[67] Fuentes Decl. ¶¶ 8, 23.
[68] *Id.*
[69] Fuentes Decl. ¶ 25.
[70] *See id.*; *see also* Doe Decl. ¶ 22; *accord* Corbo Decl. ¶ 10 (explaining Smithfield could offer paid sick leave).

determine what other steps, beyond these, which have been identified by the CDC and Dr. Harrison as bare minimum necessities, must be implemented.

As discussed in more detail below, Plaintiffs meet all of the Rule 65 criteria for preliminary injunction, because "[they are] likely to succeed on the merits, . . . [they are] likely to suffer irreparable harm in the absence of preliminary relief, . . . the balance of equities tips in [their] favor, and . . . an injunction is in the public interest." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *Wise v. Dep't of Transp.*, 943 F.3d 1161, 1165 (8th Cir. 2019); *see also Dataphase Sys., Inc. v. C L Sys., Inc.*, 640 F.2d 109, 114 (8th Cir. 1981) (en banc). Because the requested relief requires no further factual development and because Smithfield appears unwilling to act on its own, Court intervention is both necessary and appropriate.

A. Plaintiffs Are Likely to Succeed On the Merits.

i. Plaintiffs Are Likely to Succeed On Their Public Nuisance Claim.

"A public nuisance is an offense against the public order and economy of the state and violates the public's right to life, health, and the use of property, while, at the same time annoys, injures, endangers, renders insecure, interferes with, or obstructs the rights or property of the whole community, or neighborhood, or of any considerable number of persons." *State ex rel. Schmitt v. Henson*, No. ED 107970, 2020 WL 1862001, at *4 (Mo. Ct. App. Apr. 14, 2020) (quoting *City of Greenwood v. Martin Marietta Materials, Inc.,* 299 S.W.3d 606, 616 (Mo. App. W.D. 2009)). Smithfield's failure to follow basic public health guidelines during the COVID-19 pandemic is a paradigmatic public nuisance, which endangers Plaintiffs and threatens the public health.

To succeed on their public nuisance claim, Plaintiffs must demonstrate that Smithfield's private action "interferes with community right of public safety." *Id.* at *1. (cleaned up). Courts in Missouri and elsewhere have long held that conduct by a private entity that is "disease-breeding" creates a public nuisance. *Roth v. City of St. Joseph*, 147 S.W. 490, 491 (Ks. Ct. App. 1912)

(affirming that public nuisance claim lies against city that allowed creation of a stagnant, disease-breeding pond on its property); *Birke v. Oakwood Worldwide*, 169 Cal. App. 4th 1540, 1548-53 (2009) (second-hand smoke is a public nuisance because it can cause lung cancer and heart disease); *accord* Restatement (Second) of Torts § 821B cmt. g ("[T]he threat of communication of smallpox to a single person may be enough to constitute a public nuisance because of the possibility of an epidemic."). The Missouri Attorney General recently explained that the failure to follow established public health guidelines in response to COVID-19 amounts to a public nuisance. *Missouri v. The People's Republic of China*, No. 20-99, Complaint, Dkt. No. 1 ¶¶ 139-48 (E.D. Mo.). This is exactly what Smithfield has done in Milan and if it does not take the steps sought here, its Plant will continue to be a "disease-breeding" entity exacerbating the existing threat to the public health. *Roth*, 147 S.W. at 491.[71]

Plaintiffs will also establish that they will suffer a "special injury," "differing in kind and not merely in degree from the general injury to the public." *Grommet v. St. Louis Cty.*, 680 S.W.2d 246, 252 (Mo. App. E.D. 1984) (quoting *Lademan v. Lamb Constr. Co.*, 297 S.W. 184, 186[3, 4] (Mo.App.1927)). Although the public health will be affected by Smithfield's conduct through increased spread of COVID-19 and the associated impacts on hospitals and the health system at large, Plaintiff Doe suffers an increased risk of direct exposure to the virus because of Smithfield's refusal to take proper measures to protect Plant workers.[72] Likewise, Plaintiff RCWA will suffer the unique harms of diversion of resources and the increased risk of infection of its Executive Director and sole staff member, Axel Fuentes.[73]

ii. Plaintiffs Are Likely to Succeed On Their Right to a Safe Workplace Claim.

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[71] *See generally* Harrison Decl.
[72] Doe Decl. ¶¶ 24-25.
[73] Fuentes Decl. ¶¶ 28-36.

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An employer in Missouri has a duty to use "all reasonable care to provide a reasonably safe workplace and protect the employee from avoidable perils." *Smith v. W. Elec. Co.*, 643 S.W.2d 10, 12-13 (Mo. Ct. App. 1982) (citing *Hightower v. Edwards*, 445 S.W.2d 273, 275 (Mo. 1969) (en banc)). Under Missouri law, courts can issue injunctive relief to enforce this right. In *Smith*, for instance, the employer breached this duty "by failing to exercise its control and assume its responsibility to eliminate the hazardous condition caused by tobacco smoke." *Id.* at 13. Therefore, the appellate court held, "an injunction would be an appropriate remedy" to address the "irreparable" "deterioration of [the] plaintiff's health," a "harm for which money damages cannot adequately compensate." *Id.* The court held that this was "particularly true where the harm has not yet resulted in full-blown disease or injury." *Id.*

Here, Smithfield is aware of a severe risk from COVID-19 to its slaughterhouse workers.[74] Smithfield's failure to take action has already allowed the disease to ravage its other plants,[75] and there is little reason to expect the outcome will be different at this Plant, particularly because workers are already showing symptoms. As in *Smith*, the requested injunction will remedy the avoidable peril faced by Plaintiff Doe and members of Plaintiff RWCA, before it results in "full-blown disease." *See Smith*, 643 S.W.2d at 13.

B. Plaintiffs Will Suffer Irreparable Harm Absent Immediate Relief.

As stated by Missouri Attorney General Eric Schmitt, "In Missouri, the impact of the virus is very real—thousands have been infected and many have died, families have been separated from dying loved ones, small businesses are shuttering their doors, and those living paycheck to

[74] Fuentes Decl. Ex. A.
[75] *See supra* notes 28 and 29.

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paycheck are struggling to put food on their table."[76] Further, hundreds of slaughterhouse workers around the country—many of whom are Smithfield's own employees—have already contracted the virus and spread it through their workplaces and beyond, prompting the shutdowns of similar plants.[77] Workers have died.[78] Plaintiff Doe, Plant workers who are RCWA's members, and the broader Milan community face this same threat without Court intervention because there is a meaningful risk that the virus will spread, potentially infecting Plaintiff Doe and other Plant workers as well as members of the wider community.

There can be no doubt that "[d]eath constitutes an irreparable injury." *Lee v. State*, 869 F. Supp. 1491, 1501 (D. Or. 1994); *see also Harris v. Bd. of Supervisors, Los Angeles Cty.*, 366 F.3d 754, 766 (9th Cir. 2004) (risk of pain, infection, medical complications, and death deemed sufficient irreparable harm for granting of preliminary injunction). Likewise, "[T]he danger to plaintiffs' health, and perhaps even their lives, gives them a strong argument of irreparable injury." *Kai v. Ross*, 336 F.3d 650, 656 (8th Cir. 2003); *see also Harris v. Blue Cross Blue Shield of Mo.*, 995 F.2d 877, 879 (8th Cir. 1993) ("We entertain no question but that irreparable injury exist[s]" when the harm contemplated is "a life threatening illness."); *Mertzlufft v. Bunker Res. Recycling & Reclamation, Inc.*, 760 S.W.2d 592, 598 (Mo. Ct. App. 1988) (to wait "until residents of a community . . . became infected with a dread disease and thus suffered irreparable harm before injunctive relief was possible, [makes it] entirely possible that infectious and contagious diseases of epidemic proportions could follow.").

C. The Balance of Harms Tips Decidedly in Plaintiffs' Favor.

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[76] Press Release, Missouri Attorney General Schmitt Files Lawsuit Against Chinese Government (Apr. 21, 2020), https://ago.mo.gov/home/news/2020/04/21/missouri-attorney-general-schmitt-files-lawsuit-against-chinese-government; Tal Axelrod, *Missouri Becomes First State to Sue China Over Coronavirus Response*, THE HILL (Apr. 21, 2020), https://thehill.com/homenews/state-watch/493929-missouri-becomes-first-state-to-sue-china-over-coronavirus-response.

[77] *See supra* notes 308-31.

[78] *See supra* note 30.

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Balancing the tremendous public health risks (and the significant strain on RCWA's meagre resources) against any economic loss Smithfield may incur as a result of implementing common-sense, CDC-recommended practices,[79] weighs plainly in Plaintiffs' favor. *See Teamsters Local No. 120 v. Marathon Petroleum Co. LLC*, No. 06-3431, 2006 WL 2971667, at *6 (D. Minn. Aug. 29, 2006) (balance of harms weighed in plaintiff's favor where"[t]he harm to the Plaintiff employees and their families is the risk to their health, whereas Defendants will incur only minimal financial risk."); *Nemnich v. Stangler*, No. 91-4517, 1992 WL 178963, at *3 (W.D. Mo. Jan. 7, 1992) (rejecting defendant's argument that estimated costs of over $8 million were greater than potential health consequences and holding that "the harm to the plaintiffs' life and health clearly outweighs any fiscal harm the [defendant] may suffer"). After all, the nation has already shut down the economy, closed schools and workplaces around the country, and otherwise taken unprecedented steps to prevent the very harm Smithfield continues to cause here—the continued spread of COVID-19.

To the extent Smithfield stands to experience any potential harm as a result of the prayed-for injunction, that harm is nothing more than the burden of complying with CDC guidelines to safeguard workers. On the other hand, the risk to Plaintiff Doe and other Smithfield workers and the public health if the preliminary injunction is not granted is grave. They risk infection with COVID-19, which not only places them at risk of serious illness and death, but also may result in their exposing families and communities to the disease. The Court need look no further than the outbreak stemming from Smithfield's Sioux Falls, South Dakota plant to understand the consequences of Smithfield's failure to act.[80] Where, as here, there is a "conflict between financial

[79] *See* Missouri Stay At Home Order, *supra* note 11 (incorporating federal guidelines and mandating social distancing).
[80] *See, e.g.*, Caitlin Dickerson & Miriam Jordan, *supra* note 28.

concerns and preventable human suffering," this Court should have "little difficulty concluding that the balance of hardships tips decidedly in plaintiffs' favor." *Lopez v. Heckler*, 713 F.2d 1432, 1437 (9th Cir. 1983).

D. The Preliminary Injunction Is In the Public Interest.

Safeguarding the public health is in the public interest. *See Coteau Props. Co. v. Dep't of Interior*, 53 F.3d 1466, 1480-81 (8th Cir. 1995) (considering whether public health and safety will be impacted when evaluating the public interest factor); *W.B. v. Crossroads Acad.-Cent. St.*, No. 19-00682, 2019 WL 6257963, at *3 (W.D. Mo. Nov. 22, 2019) (concluding that safeguarding the public health is in the public interest); *Sak v. City of Aurelia, Iowa*, 832 F. Supp. 2d 1026, 1047 (N.D. Iowa 2011) (weighing public interest in health and safety against other public interests); *Union Pac. R. Co. v. U.S. Envtl. Protection Agency*, No. 10-235, 2010 WL 2560455, at *2 (D. Neb. June 24, 2010) (noting that public health, safety, and welfare are important to the public interest).

The preliminary injunctive relief Plaintiffs seek would promote public health, and thus is in the public interest. The safety measures Plaintiffs seek at the Smithfield plant are those recommended by public health officials and will serve not only to protect the individual workers inside that plant, but the community as a whole. Smithfield's Milan workers must interact with their community when they travel to and from work, shop for groceries, go to the doctor, and engage in other activities of daily life.[81] Where Smithfield's failure to provide safety measures creates the conditions for an outbreak inside the Plant, it also imposes that burden on the surrounding community. This burden consists not only of the predictable consequence of additional COVID-19 infections, but the added risk that the local health care system will become

[81] *See* Fuentes Decl. ¶ 34; Doe Decl. ¶ 24.

overloaded, and the scarce healthcare resources in the rural Milan community will be unavailable to its residents. Indeed, in Dr. Harrison's professional opinion, Smithfield has a "public health responsibility" to adopt the protective measures described in his declaration in order to control the spread of the pandemic in the community.[82]

IV. CONCLUSION

For the foregoing reasons, Plaintiffs request the Court enter a preliminary injunction awarding the relief requested, or, in the alternative, construe this motion as a request for a temporary restraining order and award the requested relief.

April 23, 2020

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[82] Harrison Decl. ¶ 21.

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* *will move to appear pro hac vice*

Message

From: Baird, Edmund - SOL [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94D10E2526774B56BBC31CEC7F67B776-BAIRD, EDMU]
Sent: 8/27/2020 8:05:45 PM
To: (b) 6 @usdoj.gov
CC: (b) 6 - SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=df781119aeef4a7081bc1ff9dcead945-(b) 6
Subject: FW: Meat Plant COVID - Potential Case Coming
Attachments: (b) 5

(b) 6 is out this week, and (b) 6 supervisor forwarded your email to me. (b) 5

(b) 5

Ed

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(b) 6

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From: Vassalo, Peter - SOL <(b) 6 @dol.gov>
Sent: Thursday, August 27, 2020 3:48 PM
To: Baird, Edmund - SOL <(b) 6 @dol.gov>
Subject: FW: Meat Plant COVID - Potential Case Coming

From: (b) 6 CIV) <(b) 6 @usdoj.gov>
Sent: Thursday, August 27, 2020 3:34 PM
To: (b) 6 - SOL <(b) 6 @dol.gov>; Vassalo, Peter - SOL <(b) 6 @dol.gov>
Cc: (b) 6 - OGC, Washington, DC <(b) 6 @usda.gov>
Subject: RE: Meat Plant COVID - Potential Case Coming

Peter: I received an out of office message from (b) 6 today. (b) 5

(b) 5

Thanks,

(b) 6

U.S. Department of Justice
Civil Division, Federal Programs Branch
Tel: (202) 616-(b) 6

From: (b) 6 (CIV)
Sent: Thursday, August 27, 2020 3:00 PM
To: (b) 6 - SOL <(b) 6 @dol.gov>
Cc: (b) 6 - OGC, Washington, DC <(b) 6 @usda.gov>
Subject: Meat Plant COVID - Potential Case Coming

(b) 6

I hope you're doing well. (b) 5

(b) 5

Thanks,
(b) 6

(b) 6
U.S. Department of Justice
Civil Division, Federal Programs Branch
Tel: (202) 616-(b) 6

Message

From: Baird, Edmund - SOL [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94D10E2526774B56BBC31CEC7F67B776-BAIRD, EDMU]
Sent: 7/20/2020 6:47:38 PM
To: Ewell, Richard - SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6abbfe6b0e5b4c6c9ded9f79ccff388e-Ewell, Rich]; (b) 6 - OSHA ((b) 6 @dol.gov) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0ca0ce5d191a451aa787b995991bfb8c- (b) 6
Subject: FW: re (b) 5 Memo
Attachments: (b) 5 ecb comments.docx

Richard and (b) 6 —

Attached are my comments on (b) 6 memo. (b) 5 (b) 5 ?

Thanks,

Ed

From: (b) 6 - SOL < (b) 6 @dol.gov>
Sent: Tuesday, July 14, 2020 9:48 AM
To: Baird, Edmund - SOL < (b) 6 @dol.gov>
Cc: (b) 6 - SOL < (b) 6 @dol.gov>; Ewell, Richard - SOL < (b) 6 @dol.gov>; (b) 6 - SOL < (b) 6 @dol.gov>; Kramer, Allison - SOL < (b) 6 @dol.gov>; Goodman, Lauren - SOL < (b) 6 @dol.gov>
Subject: re: (b) 5 Memo

Hi Ed,

(b) 5

Best,
(b) 6

(b) 6
OSH Summer Intern
J.D. Candidate, 2021
(b) 6

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Message

From: Baird, Edmund - SOL [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94D10E2526774B56BBC31CEC7F67B776-BAIRD, EDMU]
Sent: 5/6/2020 4:03:14 PM
To: (b) 6 SOL (b) 6 @dol.gov) (b) 6 @dol.gov]; (b) 6 - SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=759aaabeee3442e9af591a4211cfb958-(b) 6
Subject: FW: Smithfield Wins Dismissal of Meat Workers' Virus Safety Suit
Attachments: (b) 5

FYI. (b) 5

From: (b) 6 - SOL <(b) 6 @DOL.gov>
Sent: Wednesday, May 6, 2020 11:40 AM
To: Baird, Edmund - SOL <(b) 6 @dol.gov>; Phillips, Heather - SOL <(b) 6 @dol.gov>
Cc: (b) 6 - SOL <(b) 6 @dol.gov>
Subject: RE: Smithfield Wins Dismissal of Meat Workers' Virus Safety Suit

Good morning,

(b) 5

Sincerely,

(b) 6
Trial Attorney

PH: (b) 6

ATTENTION: In light of the current restrictions put in place by federal, state, and local county governments in response to COVID-19, the Office of the Solicitor in Dallas requests that all communication and document delivery be handled electronically via e-mail. Until further notice, please send any documents and correspondence electronically rather than using U.S. Mail or overnight delivery services. If a document is too large to send electronically, please contact me so we can make other arrangements. Thank you.

From: Baird, Edmund - SOL <(b) 6 @dol.gov>
Sent: Wednesday, May 6, 2020 8:04 AM
To: Phillips, Heather - SOL <(b) 6 @dol.gov>; (b) 6 - SOL (b) 6 @DOL.gov>
Subject: FW: Smithfield Wins Dismissal of Meat Workers' Virus Safety Suit

(b) 5 I told her we could have something to her later this morning. Let me know if that does not seem feasible.

From: OScannlain, Kate S - SOL <OScannlain.Kate.S@dol.gov>
Sent: Wednesday, May 6, 2020 9:01 AM
To: Baird, Edmund - SOL <(b) 6 @dol.gov>; Goodman, Lauren - SOL <(b) 6 @dol.gov>
Subject: Fwd: Smithfield Wins Dismissal of Meat Workers' Virus Safety Suit

Can someone please pull this order and analyze it?

Thanks!
Get Outlook for iOS

From: kate oscannlain <(b) 6 @gmail.com>
Sent: Wednesday, May 6, 2020 7:38:04 AM
To: OScannlain, Kate S - SOL <OScannlain.Kate.S@dol.gov>
Subject: Smithfield Wins Dismissal of Meat Workers' Virus Safety Suit

https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fnews.bloomberglaw.com%2Fdaily-labor-report%2Fsmithfield-wins-dismissal-of-meat-workers-virus-safety-suit&data=02%7C01%7COScannlain.Kate.S%40dol.gov%7Ce83f9e63fabd4292d85608d7f1b1f6e3%7C75a6305472044e0c9126adab971d4aca%7C0%7C0%7C637243618967104441&sdata=68VfvrgI0xNbvGN1WlvZvuXRpNauLHVOEwG3rcqJdz0%3D&reserved=0

Sent from my iPhone

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI ST. JOSEPH DIVISION

RURAL COMMUNITY WORKERS ALLIANCE and JANE DOE,[1]	)	
Plaintiffs,	)	
v.	)	No. 5:20-CV-06063-DGK
SMITHFIELD FOODS, INC. and SMITHFIELD FRESH MEATS CORP.,	)	
Defendants.	)	

ORDER GRANTING DEFENDANTS' MOTION TO DISMISS

This lawsuit arises from Plaintiffs' allegations that Defendant Smithfield Foods, Inc. and its wholly owned subsidiary, Defendant Smithfield Fresh Meats Corporation (collectively, "Smithfield") have failed to adequately protect workers at its meat processing plant in Milan, Missouri, ("the Plant" or "the Milan Plant") from the virus that causes COVID-19. Now before the Court are Plaintiffs' Motion for a Temporary Restraining Order ("TRO") and Preliminary Injunction (Doc. 3), and Smithfield's motion to dismiss and/or stay pursuant to the primary-jurisdiction doctrine (Doc. 28).

After carefully reviewing the motions and the existing record, the Court holds that it should decline to hear this matter pursuant to the primary-jurisdiction doctrine to allow the Occupational Health and Safety Administration ("OSHA") to consider the issues raised by this case. But even if the Court did not apply the primary-jurisdiction doctrine, the Court would not

[1] The Court notes that there is currently a motion pending to allow Jane Doe to proceed using a pseudonym (Doc. 42). Given the Court's dismissal of this action and the denial of injunctive relief, the Court finds that requiring Plaintiff to reveal her identity would serve no important purpose, especially given that another named plaintiff appears in this case. The issues presently before the Court are—for the most part—purely legal, and the majority of Plaintiff's allegations are not individualized. Thus, the public's interest in Plaintiff's identity and the prejudice to Smithfield in allowing Plaintiff to proceed anonymously for purposes of deciding the instant motions is minimal. Plaintiff Doe may therefore use a pseudonym for purposes of the motions presently before this Court. This Court reserves judgment on her ability to do so should this case proceed to further stages of litigation.

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issue a preliminary injunction because Plaintiffs have not met their burden of proving that the extraordinary remedy of an affirmative injunction is justified. Smithfield's motion is GRANTED, and the case is DISMISSED WITHOUT PREJUDICE.

Background

The Background section of this order is arranged in chronological order. Although regrettably lengthy, it details how the regulatory environment in which meat-processing plants operate is constantly changing during this unique national emergency.

In late 2019, a new coronavirus emerged named severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).[2] This virus causes coronavirus disease 2019 (COVID-19), a respiratory illness that can cause serious health problems, including death.[3] SARS-CoV-2 is highly contagious; it appears to spread from person to person through respiratory droplets produced when an infectious person coughs, sneezes, or talks, and the virus can be spread by presymptomatic, or even asymptomatic, individuals.[4]

A global pandemic ensued, and the virus and COVID-19 reached the United States in early 2020. On March 13, 2020, the President declared a national emergency concerning COVID-19. That same day, Missouri's governor also declared a state emergency, and on April 3, the Missouri Department of Health and Senior Services issued a stay-at-home order that mandated all individuals abide by social-distancing requirements and closed all nonessential

[2] Ctrs. for Disease Control and Prev. & Occ. Safety and Health Admin., Meat and Poultry Processing Workers and Employers, https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/meat-poultry-processing-workers-employers.html (April 26, 2020).

[3] *Id.*

[4] *Id.*

businesses in Missouri through May 4.[5] The stay-at-home order defines essential businesses in accordance with guidance from the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency ("Homeland Security"), which identified livestock-slaughter facilities, including the Plant and its operations, as "critical infrastructure."[6] On April 9, the Centers for Disease Control ("CDC") published *Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19)*, which outlined several policies and procedures employers should implement to help prevent workplace exposure and community spread of the virus.

On April 22, OSHA sent Smithfield a "Rapid Response Investigation" requesting information regarding its COVID-19 work practices and infection at the Milan Plant, giving Smithfield seven days to respond. As part of its inquiry, OSHA requested information about Smithfield's COVID-19 practices including what, if any, personal protective equipment has been given to its workers, what engineering controls have been implemented, what contact tracing methods have been employed, and what policies have been changed or implemented in light of the pandemic (Doc. 29-2). Smithfield responded on April 29 (Doc. 41).

The next day, on April 23, Plaintiffs Jane Doe and the Rural Community Workers Alliance ("RCWA") filed suit. They allege Smithfield is not taking adequate steps to prevent transmission of the virus at its Plant, thereby endangering workers and members of the surrounding community. According to her declaration, Doe is a current Smithfield employee who has worked at its Milan Plant for at least five years. She claims she currently works on the

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[5] Mo. Dep't of Health & Senior Servs., Stay at Home Order, https://governor.mo.gov/priorities/stay-home-order (Apr. 3, 2020).

[6] U.S. Dep't of Homeland Sec., Cybersec. & Infrastructure Sec. Agency, Guidance on the Essential Critical Infrastructure Workforce, https://www.cisa.gov/sites/default/files/publications/Version_3.0_CISA_Guidance_on_Essential_Critical_Infrastructure_Workers_3.pdf (April 17, 2020).

"cut floor" where animals are broken down into products and packaged.

The RCWA is a Missouri non-profit advocacy group whose members consist exclusively of workers in Northern Missouri. Several members of RCWA's current leadership council work at the Plant, and sixty to seventy workers who attend its meetings work at the Plant, including Jane Doe.

Defendant Smithfield is one of the largest meat-processing companies in the world, with meat-processing plants all over the United States, including in Milan, Missouri. Several of its meat-processing plants in the United States have closed recently due to outbreaks of COVID-19 among its workers.

The Complaint (Doc. 1) alleges that several meat-processing plants in this country owned and operated by Smithfield have become major COVID-19 "hot spots." It also alleges that in direct contravention of CDC guidelines, Smithfield has not implemented certain precautions to keep its workers and the Milan community safe from the virus. Such measures include keeping adequate distance between workers, prohibiting workers from taking a break to wash their hands or face, preventing workers from covering their faces if they need to cough or sneeze, implementing a sick-leave policy that penalizes workers for missing work even if they are exhibiting COVID-19 symptoms, and failing to implement plans for testing and contact tracing.

The Complaint brings state-law claims for public nuisance and breach of duty to provide a safe workplace. Plaintiffs are not seeking monetary damages, only declaratory judgments stating that: (1) Smithfield's practices at the Plant constitute a public nuisance; and (2) Smithfield has breached its duty to provide a safe workplace.

The same day Plaintiffs filed suit, they also moved for a temporary restraining order and preliminary injunction (Doc. 3), seeking to force Smithfield to: provide masks; ensure social

distancing; give employees an opportunity to wash their hands while on the line; provide tissues; change its leave policy to discourage individuals to show up to work when they have symptoms of the virus; give workers access to testing; develop a contact-tracing policy; and allow their expert to tour the Plant. Attached to the motion were declarations from: (1) Jane Doe, who described working conditions at the Plant and stated she was afraid for health and safety, as well as the health and safety of the Milan community, because of what she considers inadequate safety procedures at the Plant; (2) RCWA's Executive Director, Alex Fuentes; (3) a senior lobbyist with the non-profit organization Food & Water Watch ("FWW"), Anthony Corbo; (4) a lawyer, Thomas Fritzsche, who has interviewed a number of Alabama poultry-plant workers about working conditions and authored a 2013 report for the Southern Poverty Law Center about modern industrial slaughterhouse workers; and (5) an occupational-medicine specialist, Dr. Robert Harrison, who works as Clinical Professor of Medicine at the University of California, and also serves the California Department of Public Health.

On April 26, the Court set a videoconference hearing on the preliminary injunction motion for April 30. That same day, the CDC and OSHA issued *Meat and Poultry Processing Workers and Employers – Interim Guidance* ("the Joint Guidance"), which provided supplemental guidance to meat-processing plants concerning COVID-19.[7] The Joint Guidance states that to reduce the risk of transmission among employees, employers at meat-processing facilities should, where "feasible," implement engineering controls, such as staggering shifts and breaks, requiring workers to stay six-feet apart, and/or erecting physical barriers; place handwashing or hand-sanitizing stations in multiple locations and encourage hand hygiene; give workers additional short breaks to wash hands; provide tissues; and allow workers to take breaks

[7] Ctrs. for Disease Control and Prev. & Occ. Safety and Health Admin., Meat and Poultry Processing Workers and Employers, https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/meat-poultry-processing-workers-employers.html (Apr. 26, 2020).

in alternative areas to ensure social distancing. It also recommends employers provide personal protective equipment for workers to use during their shift and increase the frequency of sanitization in work and common spaces. It states employers should educate employees on measures they can take to decrease the risk of spreading the virus and provides a specific list of measures employers should take to promote social distancing, such as providing visual cues on floors, as reminders for social distancing. It encourages employers to screen workers for COVID-19 by implementing temperature checks prior to entering the workplace and sending home workers who appear to have symptoms (e.g., cough, fever, or shortness of breath), and monitor workers' contacts so they can alert anyone who may have been exposed to the virus. Finally, it recommends employers review leave and incentive policies so as to not penalize workers for taking sick leave if they contract COVID-19.

On April 27, Smithfield filed a motion to dismiss this case pursuant to the primary-jurisdiction doctrine, arguing this Court should defer to OSHA in this case. The next day—April 28—the President signed an executive order ("the Executive Order") under § 4511(b) of the Defense Production Act ("DPA"), 50 U.S.C. § 2061 *et seq*., delegating authority to the Secretary of Agriculture to take all appropriate action "to ensure that meat and poultry processors continue operations consistent with the guidance for their operations jointly issued by" the CDC and OSHA.[8]

On April 29, Smithfield made several filings, including a supplemental brief to its motion to dismiss, which alleged that pursuant to the Executive Order, the United States Department of Agriculture ("USDA") now had jurisdiction over this case. It also submitted its Suggestions in

[8] Exec. Order on Delegating Authority Under the DPA with Respect to Food Supply Chain Resources During the National Emergency Caused by the Outbreak of COVID-19, https://www.whitehouse.gov/presidential-actions/executive-order-delegating-authority-dpa-respect-food-supply-chain-resources-national-emergency-caused-outbreak-covid-19/ (Apr. 28, 2020).

Opposition (Doc. 32) to the preliminary injunction motion. Attached to its brief as exhibit A (Doc. 32-1) is a declaration from the Plant's general manager, Tim Messman, along with pictures of the Plant and copies of the Plant's policies and procedures related to COVID-19. Exhibit B (Doc. 32-2) is a declaration from John Henshaw, the head of OSHA from 2001 to 2003.

Later that same day, Plaintiffs' filed their suggestions in opposition (Doc. 35) to Smithfield's motion to dismiss. Included in it is a declaration from Dr. Melissa Perry (Doc. 35-2), a professor of environmental health at George Washington University.

On April 30, the Court held a hearing on the motion via teleconferencing. The Court offered the parties an opportunity to introduce evidence, including witness testimony, but both parties elected to stand on the existing record. The parties then argued their respective positions.

After the hearing, the parties filed supplemental briefs. Attached to Smithfield's brief (Doc. 46) is a supplemental declaration from Smithfield's plant manager, clarifying Smithfield's leave policy and updating the Court on additional safety changes at the Plant.

Plaintiffs concede that Smithfield implemented new policies and procedures after this lawsuit was filed and have narrowed their requested injunctive relief to direct Smithfield to:

> (1) make all reasonable changes to its "production practices," including potentially lowering its line speeds, to place as many workers as possible at least six feet apart; (2) provide reasonable additional breaks to allow workers to care for their personal hygiene without penalty, including blowing their noses, using tissues, and hand washing; and (3) ensure that its policies do not require workers to come to the Plant to obtain COVID-19-related sick leave and take all reasonable steps to communicate that policy clearly to workers.

(Doc. 48 at 10). Plaintiffs characterize their requested relief as compliance with the Joint Guidance.

Findings of Fact

The Court gives the various declarations submitted by the parties the following

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evidentiary weight.[9]

The Court gives Jane Doe's declaration limited weight. While she has personal knowledge of conditions in those parts of the Plant in which she works, it is unclear exactly what part of the "cutting floor" she works in, and whether she can see all that she claims to see from this area. Further, it appears that some of the information in her declaration is no longer accurate due to recent changes in the Plant's policies and procedures. For example, although her declaration may be correct that Smithfield initially told workers they would receive only one mask per week, this policy has been superseded. As discussed below, workers are now given masks every day. Finally, because her identify is unknown, there is no way to determine, through the adversarial process or otherwise, whether Doe has some bias against Smithfield that could lead her to misrepresent or exaggerate conditions at the Plant. The Court notes that at least one of her statements—that Smithfield has increased the line speed at the Plant during the pandemic—is contradicted by other, more persuasive evidence.

Mr. Fuentes' declaration concerning working conditions at the Plant are even less reliable than Jane Doe's, and so the Court gives them less weight. Mr. Fuentes has no personal knowledge of conditions at the Plant because he has never set foot in it. His understanding is based on hearsay from unidentified employees whose statements to him, even if accurately relayed by Mr. Fuentes, were not made under penalty of perjury. That said, the Court finds the portions of his declaration concerning RCWA's membership and activities are credible.

The Court finds the declarations of Messrs. Corbo, Fritzsche, and Harrison are based on some relevant knowledge, education, and experience concerning working conditions in American meat-processing plants generally, and so they possess some limited insight into what

[9] Smithfield filed a motion to strike Plaintiffs' five declarations attached to the motion for a temporary restraining order and/or preliminary injunction (Doc. 34). The Court denies the motion, since, in considering these motions, the issues it complains of go to the weight of the evidence rather than its admissibility.

steps could be taken to prevent the spread of the SARS-CoV-2 virus in a generic American meat-processing facility. Because they are unfamiliar with specific working conditions at the Plant, however, their declarations provide limited help in determining whether Smithfield's policies and procedure at the Plant are sufficient to stem transmission of the virus.

Finally, the Court turns to the declaration of Dr. Melissa J. Perry, Professor and Chair of Environmental and Occupational Health at the Milken Institute School of Public Health of the George Washington University. Dr. Perry credentials are excellent: She is a past President of the American College of Epidemiology and a past chair of the Board of Scientific Counselors for the CDC. She has also served as a member of the National Institute for Occupational Safety and Health research grant-review panel. She has studied meat-processing facilities since 2004 and has published six peer-reviewed-journal articles on work health and safety at meat-processing facilities. As part of that work, she has visited four meat-processing plants and spoken with engineers regarding the organizational structure of processing plants and how they can be redesigned to further worker health and safety.

Dr. Perry opines that meat-processing plants can allow workers to stand six feet apart if they reduce production line speed, and that, if they do not space production line workers six feet apart, the plants will "inevitably" have a COVID-19 outbreak. She contends slowing the production line is the only way the plant will be able to continue meat production without an outbreak. She also endorses the other requests Plaintiffs make, such as for more rest breaks and paid leave, as "absolutely necessary" so the Plant can continue operating.

This Court has respect for Dr. Perry's opinion but finds it of limited value in this case. While this Court agrees that slowing down line speed may be beneficial for workers and allow more opportunities for social distancing, the Court found nothing in the Joint Guidance

recommending a decrease in line speed. To that point, she provides no specific opinion regarding whether the Milan Plant is currently in compliance with the Joint Guidance, and there is no evidence that Dr. Perry reviewed the policies and procedures at the Milan Plant in forming her opinion. Accordingly, the Court gives little weight to her opinion that unless the production line speed is slowed and workers spread six feet apart, spread of the virus through the Plant is "inevitable" and it "will be forced to shutter." This assertion appears to be more of a good-faith speculation than an evidenced-based conclusion.

The Court gives more weight to the declarations provided by Smithfield. The statements made by Mr. Messman, the Plant's general plant manager, are almost all based on his personal knowledge. He possesses the most recent information concerning working conditions at the Plant, and he appears to be a reliable source of information about Smithfield's policies and procedures there.

The Court gives considerable weight to the declaration of John Henshaw, Smithfield's expert witness. After reviewing Smithfield's written policies and procedures at the Plant, the general manager's declaration, the pictures, and the declarations in Plaintiffs' motion, Mr. Henshaw opined that Smithfield's current policies and procedures, if followed, were consistent with the Joint Guidance as of April 29, 2020. Although the Court is aware that he is a retained expert witness whose assumptions and conclusions have not been tested by cross-examination, his opinion is measured, qualified, and grounded in the facts at the Milan Plant.

With the credibility determinations in mind, the Court makes the following findings of fact concerning current the Plant's working conditions and Smithfield's COVID-19 policies and procedures.

Before entering the Plant, Smithfield requires all employees to undergo thermal screening. If employees exhibit one primary symptom or two secondary symptoms of COVID-19,[10] Smithfield provides them with instructions for next steps, including directions to quarantine and call their physician for guidance, and sends the employee home for fourteen days of paid leave or until the individual receives a negative COVID-19 test result. Employees with underlying health concerns—verified by a doctor—that place them at a higher risk of COVID-19 are given fourteen days of paid leave and then are shifted to short-term disability leave.

While quarantining as a result of COVID-19 symptoms, Smithfield requires employees to complete a questionnaire that in part entails naming all other employees they have closely contacted within the two days before experiencing symptoms. If the employee tests positive for COVID-19, Smithfield notifies and screens the close contacts. As of April 29, 2020, thirteen employees had been tested for COVID-19. None were positive.

If employees miss work as a result of COVID-related symptoms, Smithfield does not penalize them. They do not receive attendance points and remain eligible for Smithfield's Responsibility Bonus ($500), regardless of whether individuals provide a doctor's or nurse's note. Moreover, Smithfield has expanded its employee benefits by eliminating co-pays for COVID-related testing and treatment.

To ensure that those inside the Plant are complying with Smithfield's COVID-19 safety procedures and policies, Smithfield has assigned both a nurse and a health-and-safety clerk to perform checks throughout the Plant. Smithfield has communicated these procedures and policies to its employees by several different media, including on televisions and signs at the Plant, through the Beekeeper communications app, and through the Textcaster mass

[10] Primary symptoms include fever, persistent dry cough, and shortness of breath, while secondary symptoms include chills, repeated shaking with chills, muscle pain/extreme fatigue, headache, sore throat, and/or loss of taste or smell (Doc. 46-2 at 8).

text-messaging tool. Signs at the Plant relay the information in English, Spanish, and French, while the Beekeeper and Textcaster communications are available in the employee's language of choice. Interpreters are also available at the Plant to assist with these communications.

The Plant provides workers with an ear-looped face mask upon entry to the Plant each day, and if a mask breaks or becomes soiled, it provides a new one. Smithfield now requires all workers at the Plant to wear a mask at all times other than during meals and in certain offices where employees are spaced six feet apart. These masks prevent the spread of germs if an employee sneezes or coughs while on the line, reducing the need for tissues to reduce the spread of COVID-19. Additionally, Smithfield requires employees on the production floor to wear nitrile gloves and a plastic face shield.

As Smithfield concedes, it does not provide tissues to employees. It cannot provide tissues to individuals working on the production line because doing so would violate health standards set by the USDA. Thus, one of Plaintiff's original complaints cannot be remedied. Smithfield could, however, provide tissues for employees to wipe their nose while on breaks, but the record does not support that employees are banned from bringing their own tissues or other hygienic wipes to use while on breaks.

As for Plaintiffs' claim that Smithfield does not allow employees to wash their hands without penalty, the Court finds that Smithfield policies and procedures are reasonable under the circumstances. Due to the nature of the meat-processing business, employees must wear gloves on the production line. When workers leave the line for a break, they remove their gloves and sanitize their hands before entering common areas. They must also wash their hands and put on gloves before returning to the line. Smithfield currently administers hand sanitizer to employees every thirty minutes to use on their gloves and has added approximately 110 hand-sanitizing

stations throughout the Plant. Smithfield also expects a shipment of small hand-sanitizer bottles soon, which it will make available to employees for personal use. In the meantime, the Plant has invited employees to bring in personal bottles they may refill using the company supply. Thus, the need for continued hand washing is unnecessary because any contamination that may occur on the line is contained by the required use of gloves.

Moreover, Smithfield has also enhanced cleaning and disinfection of the Plant's frequently touched surfaces in common areas using cleaning solutions identified by the CDC for use against the virus. These cleanings are performed as often as every two hours throughout the workday. Additional deep cleanings occur over the weekends, and Smithfield is working to implement use of fogging/misting disinfectants where possible.

Finally, the Court turns to the steps Smithfield has taken steps to facilitate social distancing at the Plant. Smithfield has staggered workday start times, as well as lunch and break times, to avoid large numbers of workers congregating in break rooms or around time clocks. Smithfield is currently working to secure a wireless means for employees to clock in and out of their shifts to minimize crowding. In the meantime, it has expanded the number of available clocks for employees to use and will implement a grace period for workers to clock in and out of their shifts, all increasing the ability of workers to maintain social distance.

Smithfield has erected two large tents and three carport structures on the Plant lawn and placed tables and chairs underneath each so that workers have more space to eat while on breaks. The Plant has also installed plastic barriers on eating tables that separate employees from those sitting beside and across from them. Tables are sanitized after one employee leaves and before another sits down.

Smithfield has also reduced the number of hogs harvested each day and sends some employees home before lunch. This requires fewer employees to be at the Plant, helping to minimize crowding in the cafeteria and other areas. However, these policies reduce the number of hours worked by the affected employees, thereby decreasing their weekly pay. To ease the resulting financial burden on employees, Smithfield has temporarily increased pay by $5/hour, and such pay is available to any employee who takes an approved leave as a result of COVID-related symptoms. Smithfield has also installed clear plastic barriers along the Plant production line to separate employees working across from each other and employees working side by side.

Discussion

I. The primary-jurisdiction doctrine applies.[11]

Before reaching the merits of Plaintiffs' request for a preliminary injunction, the Court must determine whether it should dismiss or stay this case pursuant to the primary-jurisdiction doctrine. "Primary jurisdiction is a common-law doctrine that is utilized to coordinate judicial and administrative decision making." *Access Telecomms. v. Sw. Bell Tel. Co.,* 137 F.3d 605, 608 (8th Cir. 1998) (citation omitted). "The doctrine allows a district court to refer a matter to the appropriate administrative agency for ruling in the first instance, even when the matter is initially cognizable by the district court." *Id.* (citation omitted). "There exists no fixed formula for determining whether to apply the doctrine of primary jurisdiction." *Id.* (citing *United States v. W. Pac. R.R. Co.,* 352 U.S. 59, 64 (1956)). Instead, courts must consider in each case "whether the reasons for the doctrine are present and whether applying the doctrine will aid the purposes

[11] Although Smithfield previously argued *Burford* abstention also applied here, it conceded during the preliminary-injunction hearing that that argument no longer applies due to the President's Executive Order. Accordingly, the Court does not address it. Because this Court finds the primary jurisdiction doctrine applies, it does not address Smithfield's preemption arguments, which were asserted after the preliminary-injunction hearing.

for which the doctrine was created." *Id.* (citation omitted). In undertaking this analysis, a court must be mindful that the primary-jurisdiction doctrine "is to be invoked sparingly, as it often results in added expense and delay." *Alpharma, Inc. v. Pennfield Oil Co.*, 411 F.3d 934, 938 (8th Cir. 2005). "Once a district court decides to refer an issue or claim to an administrative agency under the doctrine of primary jurisdiction, it may either dismiss or stay the action." *Chlorine Inst., Inc. v. Soo Line R.R.*, 792 F.3d 903, 913 (8th Cir. 2015).

There are two primary reasons courts apply the primary-jurisdiction doctrine. First, "to obtain the benefit of an agency's expertise and experience . . . 'in cases raising issues of fact not within the conventional experience of judges or cases requiring the exercise of administrative discretion. . . .'" *Access Telecomms.*, 137 F.3d at 608 (noting "'agencies created by Congress for regulating the subject matter should not be passed over'") (quoting *Far E. Conference v. United States*, 342 U.S. 570, 574 (1952)). Second, "to promote uniformity and consistency within the particular field of regulation." *Id.* (citation omitted). Thus, in deciding whether to apply the doctrine, courts focus on two questions: (1) "whether the issues raised in the case 'have been placed within the special competence of an administrative body,'" and (2) whether the court's disposition of the case could lead to inconsistent regulation of businesses in the same industry. *Sprint Spectrum L.P. v. AT&T Corp.*, 168 F. Supp. 2d 1095, 1098 (W.D. Mo. 2001) (quoting *United States v. W. Pac. R.R. Co.,* 352 U.S. at 64). In this case, the answer to both questions is yes.

Plaintiffs allege that because the Plant is not abiding by the Joint Guidance, it constitutes a public nuisance and has created an unreasonably unsafe workplace. Thus, Plaintiffs' claims both succeed or fail on the determination of whether the Plant is complying with the Joint Guidance. Due to its expertise and experience with workplace regulation, OSHA (in

coordination with the USDA per the Executive Order) is better positioned to make this determination than the Court is. Indeed, this determination goes to the heart of OSHA's special competence: its mission includes "enforcing" occupational safety and health standards. In fact, OSHA has already shown interest in determining whether the Plant is abiding by the Joint Guidance. The day before Plaintiffs filed this lawsuit, OSHA sent Smithfield a request for information regarding its COVID-19 work practices and infection at the Plant.

Turning to the second question, the Court finds only deference to OSHA/USDA will ensure uniform national enforcement of the Joint Guidance. If the Court ruled on whether the Plant is complying with the Joint Guidance, this ruling would be binding on Smithfield but not other meat-processing facilities because the Court lacks personal jurisdiction over them. Thus, any determination by this Court whether the Plant is complying with the Joint Guidance could easily lead to inconsistent regulation of businesses in the same industry. And under these circumstances, where the guidelines are rapidly evolving, maintaining a uniform source for guidance and enforcement is crucial.

Plaintiffs' argue that deference will add delay. But OSHA has already requested information about the Plant's safety measures. And if OSHA fails to act quickly on this information, Plaintiffs have a remedy: they may receive emergency relief through OSHA's statutory framework. Section 662(a) of the Occupational Safety and Health Act ("the Act"), 29 U.S.C. §§ 651 *et seq.*, permits the Secretary of Labor to petition the court "to restrain any [dangerous] conditions or practices in any place of employment . . . which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by [the Act]." Upon the filing of such petition, "the district court shall have jurisdiction to grant such injunctive

relief or temporary restraining order pending the outcome of an enforcement proceeding." *Id.* at § 662(b). If the Secretary "arbitrarily or capriciously fails to seek relief," a worker can file a writ of mandamus to compel the Secretary to seek such an order. *Id.* at § 662(d). Granted, there may be some delay before Plaintiffs can invoke this procedure, but following this procedure ensures the USDA and OSHA can take a measured and uniform approach to the meat-processing plants under its oversight. The Court's intervention at this point, on the other hand, would only risk haphazard application of the Joint Guidance.

In sum, the Court holds that the issue of Smithfield's compliance with OSHA's guidelines and regulations falls squarely within OSHA/USDA's jurisdiction. The Court finds dismissal without prejudice is preferable to a stay here so that Plaintiffs may seek relief through the appropriate administrative and regulatory framework.

III. Plaintiffs' have not met their burden for a preliminary injunction.

Although the Court's ruling on the primary-jurisdiction doctrine is dispositive, to aid in any appellate review, the Court will consider whether Plaintiffs have met their extraordinary burden of proving an affirmative preliminary injunction is proper in this case.

In determining whether to grant injunctive relief the Court considers the following factors, which were set forth in the seminal decision *Dataphase Sys., Inc. v. C L Sys., Inc.*, 640 F.2d 109, 114 (8th Cir. 1981): 1) the threat of irreparable harm to the movant; 2) the balance between this harm and any injury that granting the injunction will inflict on the non-moving party; 3) the likelihood that the moving party will prevail on the merits; and 4) the public interest. *Phelps-Roper v. Nixon*, 509 F.3d 480, 484 (8th Cir. 2007). No single factor is determinative; they must be "balanced to determine whether they tilt towards or away" from

granting the injunction. *Noodles Dev., LP. v. Ninth St. Partners, LLP*, 507 F. Supp. 2d 1030, 1034 (E.D. Mo. 2007).

Preliminary injunctive relief "is an 'extraordinary and drastic remedy, one that should not be granted unless the movant, by a clear showing, carries the burden of persuasion.'" *North Dakota v. U.S. Army Corps of Eng'rs*, 264 F. Supp. 2d 871, 878 (N.D. 2003) (quoting *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997)). This burden is particularly great where, as here, Plaintiffs seek a preliminary injunction requiring an affirmative act. *Sanborn Mfg. Co. v. Campbell Hausfeld/Scott Fetzer Co.*, 997 F.2d 484, 484 (8th Cir. 1993).

1. Plaintiffs have not demonstrated a threat of irreparable harm.

To demonstrate a sufficient threat of irreparable harm, the moving party must show that there is no adequate remedy at law; that is, that an award of damages cannot compensate the movant for the harm. *See Noodles Dev.*, 507 F.Supp.2d at 1036-37. But, when analyzing this factor, the Eighth Circuit has held that "[m]erely demonstrating the 'possibility of harm' is not enough." *Chlorine Inst., Inc. v. Soo Line R.R.*, 792 F.3d 903, 915 (8th Cir. 2015); *see also S.J.W.* ex rel *Wilson v. Lee's Summit R–7 Sch. Dist.,* 696 F.3d 771, 779 (8th Cir. 2012) ("Speculative harm does not support a preliminary injunction."). In the context of a global pandemic, this Court must consider the threat after "accounting for the protective measures" defendant has already implemented. *Valentine v. Collier*, --- F.3d ---, 2020 WL 1934431, *5 (5th Cir. Apr. 22, 2020).

Plaintiffs argue that their injury is potentially contracting COVID-19, which could result in serious illness or even death. But this type of injury is too speculative under Eighth Circuit precedent.

Plaintiffs' claim otherwise, citing two cases from the Eighth Circuit, which they argue held the possibility of "death or serious illness" constitutes an irreparable injury (Doc. 3 at 24). Plaintiffs' cite *Kai v. Ross*, 336 F.3d 650, 656 (8th Cir. 2003), a case in which the state of Nebraska revoked a program providing medical care for the needy. The plaintiffs, who suffered from physical and mental disabilities and received their prescription medications through the program, sought to enjoin revocation of the program. *Id.* The Eighth Circuit held that the present danger to plaintiffs' health without their medications is an irreparable harm. *Id.* Plaintiffs also cite *Harris v. Blue Cross Blue Shield of Mo.*, 995 F.2d 877, 879 (8th Cir. 1993), which similarly held that denial of coverage for the treatment of a life-threating illness is an irreparable injury. These two cases are inapposite, since the plaintiffs were already suffering from illnesses, and would undoubtedly suffer serious illness or death in the absence of an injunction.[12] In other words, the threat of serious injury or death was a certainty and not merely a possibility.

The Court is not unsympathetic to the threat that COVID-19 presents to the Plant's workers. But in conducting its analysis, the Court must determine whether Plaintiffs will suffer an actual, imminent harm if the injunction is denied. This is not the same as analyzing whether employees risk exposure if they continue to work, and, unfortunately, no one can guarantee health for essential workers—or even the general public—in the middle of this global pandemic.

[12] Plaintiffs also cite *Mertzlufft v. Bunker Res. Recycling & Reclamation, Inc.*, 760 S.W.2d 592 (Mo. Ct. App. 1988) as persuasive authority. In *Mertzluff*, the plaintiffs sought to enjoin a business which was illegally transporting, storing, and incinerating hazardous waste without a permit. *Id.* at 595. The plaintiffs brought a citizen's suit to enjoin the defendant from charging and loading the incinerator with hospital wastes, or otherwise operating it, which the trial court granted. *Id.* The Missouri court of appeals, reviewing the case under a standard deferential to the trial court's judgment—not operating under the preliminary injunction standard set forth in *Dataphase*—held that the preliminary injunction was warranted. *Id.* at 598. It did not, however, address whether the plaintiffs proved there was a threat of irreparable harm. *Id.* at 598. To the contrary, the court held that plaintiffs were "not obligated to allege and prove they had suffered irreparable harm in order to obtain injunctive relief, but were only required to prove that they were adversely affected in fact by the unlicensed operation, which they did." *Id.* Accordingly, this case is also inapplicable because the court of appeals did not consider—and plaintiffs were not required to prove—a threat of irreparable harm. But, even if they were, the defendant was illegally operating a hazardous waste facility, and thus presented a present threat of certain harm to the plaintiffs.

But given the significant measures Smithfield is now taking to protect its essential workers from COVID-19 and the fact that there are no confirmed cases of COVID-19 currently at the Plant, the Court cannot conclude that the spread of COVID-19 at the Plant is inevitable or that Smithfield will be unable to contain it if it occurs. Thus, Plaintiffs have not established an immediate threat of irreparable harm.

2. Plaintiffs have not shown that the balance of harms favors issuing injunctive relief.

The second factor "examines the harm of granting or denying the injunction upon both of the parties to the dispute and upon other interested parties, including the public." *Noodles Dev.*, 507 F. Supp. 2d at 1038 (citing *Dataphase*, 640 F.2d at 114). "To determine what must be weighed, . . . courts of this circuit have looked at the threat to each of the parties' rights that would result from granting or denying the injunction." *Id.* The "potential economic harm to the parties" is a relevant consideration, as is "whether the defendant has already voluntarily taken remedial action." *Id.*

Here, there is no doubt that if workers at the Plant contract COVID-19, the harm to Plaintiffs could be great. But Plaintiffs have alleged only that—potential harm—and, in this time, no essential-business employer can completely eliminate the risk that COVID-19 will spread to its employees through the workplace. Thus, it is important that employers make meaningful, good faith attempts to reduce the risk. Here, Smithfield has taken significant remedial steps in accordance with the Joint Guidance to protect its workers from COVID-19.

Moreover, national and local guidance on COVID-19 is continuously evolving and changing. An injunction would deny Smithfield the flexibility needed to quickly alter workplace procedures to remain safe during the ever-changing circumstances of this pandemic. *Valentine*, 2020 WL 1934431 at *5 (staying injunction that would "interfer[e] with the rapidly changing and

flexible system-wide approach that [defendant] has used to respond to the pandemic so far" and "[defendant's] ability to continue to adjust its policies is significantly hampered by the preliminary injunction, which locks in place a set of policies for a crisis that defies fixed approaches") (citing *Jacobson v. Massachusetts*, 197 U.S. 11, 28–29 (1905); *In re Abbott*, 954 F.3d 772, 791 (5th Cir. 2020)). Thus, the remedial measures Smithfield has implemented convince the Court that the balance of harms weighs in its favor.

3. Plaintiffs have not shown a likelihood of success on the merits.

To demonstrate likelihood of success on the merits, a movant does not need to show that it ultimately will succeed on its claims, only that the movant's prospects for success is *sufficiently likely* to support the kind of relief it requests. *See Noodles Dev.*, 507 F.Supp.2d at 1036–37 (emphasis added) (citations omitted). That is, the movant need only show "a fair chance of prevailing." *Phelps-Roper*, 509 F.3d at 485. On this record, Plaintiffs have not shown a fair chance of prevailing on either of their claims.

a. Plaintiffs have not shown they are likely to succeed on their public-nuisance claim.

Under Missouri law, "a public nuisance is an offense against the public order and economy of the state and violates the public's right to life, health, and the use of property, while, 'at the same time annoys, injures, endangers, renders insecure, interferes with, or obstructs the rights or property of the whole community, or neighborhood, or of any considerable number of persons.'" *State* ex rel. *Schmitt v. Henson*, ED 107970, 2020 WL 1862001, at *4 (Mo. Ct. App. April 14, 2020) (citations omitted).

The parties agree that the Plant cannot be a public nuisance simply by virtue of the fact that it is a meat-processing plant during a global pandemic. Moreover, in this case, Smithfield has implemented substantial health and safety measures to protect Plant workers, and no

employees of the Plant have been diagnosed with COVID-19. While Plaintiffs argue that Smithfield could do more to protect its workers, that is not the issue before this Court. The issue is whether the Plant, as it is currently operating, constitutes an offense against the public order. Because of the significant measures Smithfield has implemented to combat the disease and the lack of COVID-19 at the facility, the Plant cannot be said to violate the public's right to health and safety. Thus, the Court finds that Plaintiffs are unlikely to be succeed on their public nuisance claim.

b. Plaintiffs have shown they are unlikely to succeed on their right to a safe workplace claim.

Under Missouri law, Plaintiffs must prove that Smithfield negligently breached its duty to provide a safe place to work and that such negligence was the direct and proximate cause of the Plaintiffs injuries. *Hamilton v. Palm*, 621 F.3d 816, 818 (8th Cir. 2010). As discussed, Smithfield has taken substantial steps to reduce the potential for COVID-19 exposure at the Plant and appears to the Court to be complying with the Joint Guidance regarding the same. Thus, Plaintiffs are not substantially likely to prove Smithfield breached any duty.

More importantly, however, Plaintiffs have not alleged they have suffered any injury, only that they may suffer an injury in the future. A potential injury is insufficient to state a claim of the breach of the duty to provide a safe workplace under Missouri law. Plaintiffs citation to *Smith v. W. Elec. Co.*, 643 S.W.2d 10 (Mo. Ct. App. 1982), to establish that they have stated a sufficient injury is unavailing. In *Smith*, the plaintiff proved that he had been exposed to harmful second-hand smoke in the workplace which caused him to suffer a severe adverse reaction. *Id.* at 12. The adverse reaction was the actual injury he suffered, and he suffered this harm—and sought relief through an administrative process—before seeking an injunction. Thus, *Smith* is not analogous to this case, and Plaintiffs have not shown they are likely to be successful on their

breach of a safe workplace claim.

4. The public interest factor is neutral.

Certainly, the spread of COVID-19 is a public-health matter of great concern, and, so, preventing transmission of the virus which causes COVID-19 is within the public interest. At the same time, the public has an interest in maintaining the food-supply chain and access to meat products, an interest which might be impaired if the Court granted the injunction. Because Smithfield's current policies and procedures temper public health worries, the Court finds a preliminary injunction is not in the public interest at this time.

Thus, Plaintiffs have not met their extraordinary burden of showing an affirmative preliminary injunction is warranted in this case.

III. Plaintiffs' requested relief lacks the specificity required for a preliminary injunction.

Finally, the Court finds that Plaintiffs requested relief is impermissibly vague. Federal Rule of Civil Procedure 65(d) states that an injunction must be "specific in [its] terms" and describe in reasonable detail the actions sought to be enjoined. Fed. R. Civ. P. 65(d). This specificity requirement is "designed to prevent uncertainty and confusion on the part of those to whom the injunction is directed and to avoid the possible founding of a contempt citation on a decree too vague to be understood." *Helzberg's Diamond Shops, Inc. v. Valley W. Des Moines Shopping Ctr., Inc.*, 564 F.2d 816, 820 (8th Cir. 1977).

In this case, Plaintiffs request this Court enter an injunction requiring Smithfield to "make all reasonable changes to its 'production practices,' including potentially lowering its line speeds, to place as many workers as possible at least six feet apart" (Doc. 46 at 10). Plaintiffs do not explain what changes would be "reasonable," except for "potentially" reducing line speeds. In other words, they do not specify in reasonable detail what Smithfield should do. They

demand workers have "reasonable additional breaks to allow workers to care for their personal hygiene without penalty, including blowing their noses, using tissues, and hand washing," but they do not specify how often or how long such breaks should take place, or what would constitute a reasonable break. Finally, Plaintiffs request the Court order Smithfield to change its policies to "not require workers to come to the Plant to obtain COVID-19-related sick leave and take all reasonable steps to communicate that policy clearly to workers." But Plaintiffs do not identify which policies should be eliminated, what constitutes "reasonable steps," or why Smithfield's current policies are insufficient. Because "a person of ordinary intelligence" would not understand what is prohibited based on Plaintiffs' proposed preliminary injunction, *Schenck v. Pro-Choice Network of W. N.Y.*, 519 U.S. 357, 383 (1997), it is impermissibly vague, and thus unenforceable.

Conclusion

Plaintiffs are naturally concerned for their health and the health of their community in these unprecedented times. The Court takes their concern seriously. Nevertheless, the Court cannot ignore the USDA's and OSHA's authority over compliance with the Joint Guidance or the significant steps Smithfield has taken to reduce the risk of a COVID-19 outbreak at the Plant.

For the reasons discussed above, Defendants motion to dismiss is GRANTED, and the case is DISMISSED without prejudice.

IT IS SO ORDERED.

Date: May 5, 2020

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT

Message

From: Kramer, Allison - SOL [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23594A823E474CFF94C353341CD30DAA-KRAMER, ALL]
Sent: 5/19/2020 2:58:24 PM
To: (b) 6 - SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0ca0ce5d191a451aa787b995991bfb8c (b) 6
Subject:
Attachments:

(b) 5

Hi, (b) 6

(b) 5

Allison

From: (b) 6 - OSHA < (b) 6 @dol.gov>
Sent: Monday, May 18, 2020 1:58 PM
To: Kramer, Allison - SOL < (b) 6 @dol.gov>; (b) 6 - OSHA CTR < (b) 6 @dol.gov>; (b) 6 (b) 6 - OSHA < (b) 6 @dol.gov>
Cc: Goodman, Lauren - SOL < (b) 6 @dol.gov>

(b) 5

Dear Allison,

(b) 5

Sincerely,
(b) 6

From: Kramer, Allison - SOL < (b) 6 @dol.gov>
Sent: Thursday, May 14, 2020 1:49 PM
To: (b) 6 - OSHA CTR < (b) 6 @dol.gov>; (b) 6 - OSHA < (b) 6 @dol.gov>; (b) 6 - OSHA < (b) 6 @dol.gov>
Cc: Goodman, Lauren - SOL < (b) 6 @dol.gov>

(b) 5

Good afternoon, (b) 6 and team-

(b) 5

Thank you!
Allison

From: (b) 6 - OSHA CTR <(b) 6 @dol.gov>
Sent: Thursday, May 14, 2020 12:27 PM
To: Goodman, Lauren - SOL <(b) 6 @dol.gov>
Cc: (b) 6 - OSHA <(b) 6 @dol.gov>; (b) 6 - OSHA <(b) 6 @dol.gov>

(b) 5

Good afternoon Lauren,

(b) 5

As always, please let me know if you have any questions or need anything additional. Thank you so much for your assistance in processing this assignment.

(b) 6 - Contractor
U.S. Department of Labor | Occupational Safety & Health Administration
Directorate of Standards and Guidance
Direct: (202)693-(b) 6 | Office: (202)693-(b) 6

OSHA
Protecting the American Workforce

From: (b) 6 - OSHA <(b) 6 @dol.gov>
Sent: Thursday, May 14, 2020 12:14 PM
To: (b) 6 - OSHA CTR <(b) 6 @dol.gov>

(b) 5

Grid is signed and ready for SOL.

Thanks,
(b) 6

From: (b) 6 - OSHA CTR <(b) 6 @dol.gov>
Sent: Thursday, May 14, 2020 11:35 AM
To: (b) 6 - OSHA <(b) 6 @dol.gov>

(b) 5

This response has been formatted & the grid is ready to be signed at the following link:

(b) 5

(b) 6 - Contractor
U.S. Department of Labor | Occupational Safety & Health Administration
Directorate of Standards and Guidance
Direct: (202)693-(b) 6 Office: (202)693-(b) 6

OSHA
Protecting the American Workforce

From: (b) 6 - OSHA <(b) 6 @dol.gov>
Sent: Wednesday, May 13, 2020 2:13 PM
To: (b) 6 - OSHA CTR <(b) 6 @dol.gov>

(b) 5

Dear (b) 6

Attached please find a draft response for (b) 5 Let me know if you have any questions or need any further information from me (b) 5

Sincerely,
(b) 6

From: (b) 6 - OSHA CTR <(b) 6 @dol.gov>
Sent: Wednesday, May 13, 2020 10:04 AM
To: (b) 6 - OSHA <(b) 6 @dol.gov>
Cc: (b) 6 - OSHA <(b) 6 @dol.gov>; (b) 6 - OSHA <(b) 6 @dol.gov>; (b) 6 (b) 6 - OSHA <(b) 6 @dol.gov>; (b) 6 - OSHA <(b) 6 @dol.gov>

(b) 5

Good morning (b) 6

(b) 5

(b) 5 has been assigned to us for review/response. Please draft a response for formatting/processing (b) 5

(b) 5

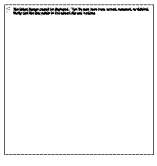
As always, please let me know if you have any questions or if you need anything additional. Thank you so much for your assistance in processing this assignment.

(b) 6 - Contractor
U.S. Department of Labor | Occupational Safety & Health Administration
Directorate of Standards and Guidance

Direct: (202)693-(b) 6 | Office: (202)693-(b) 6

OSHA
Protecting the American Workforce

From: (b) 6 dol.gov <(b) 6 dol.gov>
Sent: Wednesday, May 13, 2020 8:53 AM
To: (b) 6 - OSHA CTR <(b) 6 @dol.gov>; (b) 6 - OSHA <(b) 6 @dol.gov>; (b) 6 - OSHA <(b) 6 @dol.gov>
Subject: (b) 5 (b) 5



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Action Agency: OSHA
Expected Date:
ExecSec Clearance Required: Yes

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BRIAN E. FROSH
Attorney General

ELIZABETH F. HARRIS
Chief Deputy Attorney General

CAROLYN QUATTROCKI
Deputy Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.
410-576-7036

WRITER'S DIRECT DIAL NO.
410-576-6300

May 12, 2020

SENT VIA EMAIL ONLY
Douglas.L.Hoelscher@who.eop.gov
william.f.crozer@who.eop.gov

President Donald J. Trump
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear President Trump:

We, the undersigned Attorneys General of Maryland, California, Colorado, Delaware, the District of Columbia, Illinois, Maine, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Virginia, Washington, and Wisconsin, write to express our urgent concern about the effect of your Executive Order invoking the Defense Production Act with respect to meat and poultry processing plants during the pandemic.[1] The industry's workers are risking their lives to maintain production in these facilities under extremely unsafe working conditions. Your action purporting to force plants to stay open and employees to continue working must be accompanied by the enforcement of standards to ensure the safety of these essential workers.

Already considered some of the most dangerous workplaces in America,[2] the crisis of COVID-19 outbreaks in the nation's meat and poultry processing operations is dire and escalating. Recent reports indicate that over 10,000 COVID-19 cases have been tied to these outbreaks, and at least 45 workers have died. Infection clusters at forty plants have been so severe they have been

[1] https://www.whitehouse.gov/presidential-actions/executive-order-delegating-authority-dpa-respect-food-supply-chain-resources-national-emergency-caused-outbreak-covid-19/; Defense Production Act of 1950, 50 U.S.C. § 4501 *et seq.*

[2] https://www.safetyandhealthmagazine.com/articles/15617-study-of-severe-injury-data-finds-poultry-and-meat-workers-at-high-risk

required to close for some period, with some reporting hundreds of employees falling ill.[3] Just a few days ago, one facility reported nearly 900 of its 2,200 workers testing positive for the virus.[4]

Grueling workplace conditions in the industry often require thousands of employees to stand shoulder to shoulder for hours, sometimes close enough to accidentally cut coworkers. The jobs frequently entail backbreaking exertion to debone, cleave, and handle carcasses on "disassembly" and "evisceration" lines.[5] The push for faster line speeds and limited access to protective equipment have increased dangers on the job. Even as recently as these last two weeks, the U.S. Department of Agriculture (USDA) has approved over a dozen new line speed waivers, which force employees to work faster and even closer to one another, reduce the number of federal safety inspectors at plants, and shift inspection duties to employees.[6] The spread of disease in these plants has also devastated surrounding communities, with rates of infection in counties with one-third of the country's beef, pork and poultry processing plants higher than those of 75% of other U.S. counties.[7]

The industry's failure to act earlier to protect its labor force, and the Administration's lack of leadership and support for testing, procurement of personal protective equipment (PPE), and enforcement of federal worker safety standards, will be among the many regrettable lapses contributing to the tragic story of America's experience with this pandemic. Historically, meat and poultry processing workers are rarely paid when they fall ill, and most are not covered by the paid sick leave established by Congress in response to the pandemic because employers with more than 500 employees are exempted. In some plants, workers also receive disciplinary points or "demerits" for calling in sick.[8] Only within the last month have some companies changed their policies to eliminate any punitive effect for missing work due to illness. Efforts to provide

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[3] https://www.usatoday.com/story/news/investigations/2020/05/06/meatpacking-industry-hits-grim-milestone-10-000-coronavirus-cases/5176342002/;

[4] https://thehill.com/homenews/news/495564-nearly-900-workers-at-tyson-meat-plant-in-indiana-test-positive-for-coronavirus

[5] https://www.npr.org/sections/coronavirus-live-updates/2020/04/29/847937625/workers-scared-as-trump-orders-meat-plants-to-open-during-coronavirus-crisis; https://www.propublica.org/article/what-happens-if-workers-cutting-up-the-nations-meat-get-sick

[6] https://civileats.com/2020/04/17/poor-conditions-at-meatpacking-plants-have-long-put-workers-at-risk-the-pandemic-makes-it-much-worse/

[7] USDA; Johns Hopkins University; SHO; DCD; USA Today Analysis, https://www.usatoday.com/in-depth/news/investigations/2020/04/22/meat-packing-plants-covid-may-force-choice-worker-health-food/2995232001/

[8] https://www.propublica.org/article/what-happens-if-workers-cutting-up-the-nations-meat-get-sick

employees PPE and enable social distancing, if happening at all, have been even more recent and sporadic.[9] Even in facilities where some PPE has been distributed to workers, reports from within the plants are harrowing—*e.g.*, masks breaking and falling off amid the frenetic activity on the disassembly lines and face coverings fogging up and obscuring vision, which heightens the risk of injury.[10]

Without adequate and enforceable mandates to protect worker safety, your Executive Order may perpetuate this spread of illness and death. The Order directs the Secretary of USDA to take actions to ensure the continued supply of meat and poultry "consistent with the guidance for their operations jointly issued by the CDC and OSHA."[11] This guidance provides a series of recommendations regarding steps processing facilities should take to promote safe working conditions.[12] Even if these recommendations were sufficient to maintain worker safety, however, they are entirely voluntary. Without making these standards mandatory and taking decisive action to enforce them, the Administration will fail in its duty to provide meaningful protection to workers that have been deemed essential to maintaining our food supply.[13] The toll may be thousands more falling victim to this disease. In addition, the Administration will thwart its own goal of keeping the plants open, as increasing prevalence of COVID-19 infection results in mounting labor shortages.

We request, therefore, that your Administration take immediate action to ensure the safety of these essential workers. The CDC and OSHA guidance must be strengthened and made mandatory, with vigorous and robust federal enforcement. At a minimum, it must include: 1) priority testing for workers in the processing plants; 2) immediate access to adequate PPE; 3) the suspension of all line speed waivers, and a halt to approval of any additional waivers; 4) 6-foot

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[9] https://civileats.com/2020/04/17/poor-conditions-at-meatpacking-plants-have-long-put-workers-at-risk-the-pandemic-makes-it-much-worse/

[10] https://podcasts.apple.com/us/podcast/1a/id1188724250?i=1000473058366

[11] https://www.whitehouse.gov/presidential-actions/executive-order-delegating-authority-dpa-respect-food-supply-chain-resources-national-emergency-caused-outbreak-covid-19/

[12] https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/meat-poultry-processing-workers-employers.html

[13] In a letter dated May 5, 2020, USDA Secretary Perdue wrote to "exhort" meat and poultry processing plants to follow the examples of facilities that were restoring operations in accordance with the CDC/OSHA guidance, and he said that plants "should utilize the guidance" to "implement practices and protocols for safeguarding the health of the workers and the community while staying operational or resuming operations." https://www.usda.gov/sites/default/files/documents/stakeholder-letters-covid.pdf. In a separate letter, he notified governors that he was directing plants to utilize the guidance. https://www.usda.gov/sites/default/files/documents/stakeholder-letters-covid.pdf. As with the guidance itself, however, the Secretary's exhortation for plants to follow it falls far short of imposing mandatory standards and committing to enforce them.

physical and social distancing where possible, and plexiglass barriers where distancing cannot be achieved; and 5) isolation and quarantine of COVID-19 positive workers, with full pay.[14]

The Defense Production Act (DPA) is an important tool that presidents since the Korean War have wielded to protect the country and keep Americans safe from threats to national security and public health. Since the onset of this crisis, many have urged more initiative, leadership and use of the law to increase production of critically needed testing supplies and PPE that are vital to the country's efforts to wrest control of this pandemic. Yet your Executive Order, rather than using the DPA to compel production of the supplies necessary to keep essential and frontline workers safe, attempts instead to invoke the law to make them show up for work regardless. Your invocation of the DPA on behalf of the meat industry may force workers to risk their own health or give up their jobs in order to guarantee meat and poultry on America's grocery shelves.

Despite the fact that State and local authorities have been left to their own devices to obtain tests, PPE and medical equipment, your Order may also be used to attempt to seize from states and local jurisdictions control over the difficult decisions as to when meat and poultry plants should remain open.[15] In addition, the Order's implication that it confers immunity from liability on companies for harm suffered by their employees would, if invoked and upheld, further undermine the ability of State and local leaders to protect their own workers.

We fully recognize the complexities at issue here: the security of the national food supply; the jobs and livelihoods of farmers, meat and poultry processors, distributors, and other employers; workers up and down the supply chain; the waste and animal cruelty concerns that arise when processing components of the supply chain break down; the imperative of slowing the spread of disease; and many other issues made more difficult by this pandemic. Yet we must attend to them all without sacrificing the health and safety of hard-working people whose labor helps ensure we can continue feeding the country. By implementing mandatory and effective worker safety standards, and by working together on the myriad other challenges facing the country, we believe

[14] http://www.ufcw.org/2020/04/30/covidpacking/

[15] In fact, the U.S. Department of Labor has issued a statement confirming this view of the Order, stating, "because of the President's invocation of the DPA, no part of the Joint Meat Processing Guidance should be construed to indicate that state and local authorities may direct a meat and poultry processing facility to close, to remain closed, or to operate in accordance with procedures other than those provided for in this Guidance." https://www.dol.gov/newsroom/releases/osha/osha20200428-1

we can achieve that goal and overcome this historic threat to the health and well-being of our country and our people.

Sincerely,

Brian E. Frosh
Maryland Attorney General

Xavier Becerra
California Attorney General

Philip J. Weiser
Colorado Attorney General

Kathleen Jennings
Delaware Attorney General

Karl A. Racine
Attorney General for the District of Columbia

Kwame Raoul
Illinois Attorney General

Aaron M. Frey
Maine Attorney General

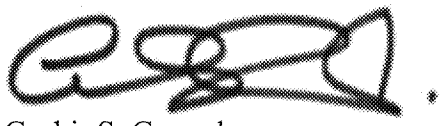
Maura Healey
Massachusetts Attorney General

Dana Nessel
Michigan Attorney General

Keith Ellison
Minnesota Attorney General



Aaron D. Ford
Nevada Attorney General



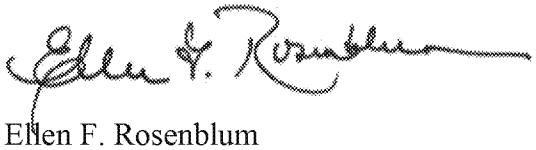
Gurbir S. Grewal
New Jersey Attorney General



Hector Balderas
New Mexico Attorney General



Letitia James
New York Attorney General



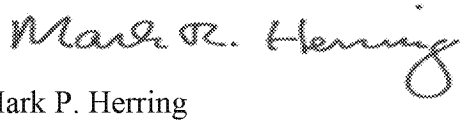
Ellen F. Rosenblum
Oregon Attorney General



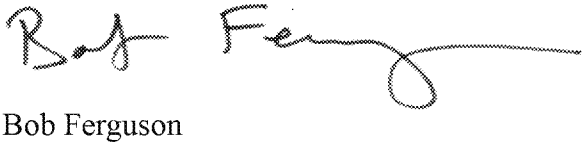
Josh Shapiro
Pennsylvania Attorney General



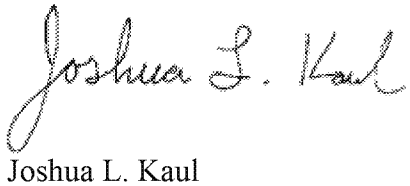
Peter Neronha
Rhode Island Attorney General



Mark P. Herring
Virginia Attorney General



Bob Ferguson
Washington Attorney General



Joshua L. Kaul
Wisconsin Attorney General

Cassidy, Sybil - EXECSEC

From: White House Document Tracking <FN-WHO-DocumentTrackingUnit@who.eop.gov>
Sent: Tuesday, May 12, 2020 10:59 AM
To: AGsec@ocio.usda.gov; ExecSec, DOL; letterstosecretary@hhs.gov
Subject: Case ID#PR-073224-Hon. Brian Frosh - May 12 20
Attachments: PR-073224-Hon. Brian Frosh - May 12 20.pdf

THE WHITE HOUSE
OFFICE OF RECORDS MANAGEMENT
DOCUMENT MANAGEMENT AND TRACKING

Please see attached More Important (MI) letter addressed to the President.

To: **United states Department of Agriculture**
Action Requested: **Direct Response From Agency**
Referral Comment: **WH Intergovernmental Affairs requested USDA to provide a direct response with coordination from HHS (CDC) and DOL. Please provide a copy of response via Document Tracking mailbox.**

To: **Department of Health and Human Services**
Attn: Center for Disease Control (CDC)
To: **Department of Labor**
Action Requested: **Please See Above**

**Please send a copy of your agency's response, or indicate if a transfer is requested, or indicate if no action is taken by your agency, to the Document Management mailbox. If more information is needed, please call (202) 456-2590.

Message

From: Ewell, Richard - SOL [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6ABBFE6B0E5B4C6C9DED9F79CCFF388E-EWELL, RICH]
Sent: 12/31/2020 5:22:43 PM
To: (b) 6 - SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0ca0ce5d191a451aa787b995991bfb8c (b) 6
Subject: FW: Contractor doing state regulation comparisons?
Attachments: OSHA_ETS_comparison_v2.0.xlsx

FYI. (b) 5
(b) 5

Richard Ewell
Senior Attorney
(202) 693- (b) 6
Pronouns: he, him, his

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From: (b) 6 - OSHA <(b) 6 @dol.gov>
Sent: Tuesday, November 24, 2020 4:21 PM
To: Ewell, Richard - SOL <(b) 6 @dol.gov>
Cc: (b) 6 - SOL <(b) 6 @dol.gov>
Subject: RE: Contractor doing state regulation comparisons?

Dear Richard and (b) 6

Attached please find a revised crosswalk, which now includes (b) 5

Let me know if you have any questions.

Sincerely,
(b) 6

From: Ewell, Richard - SOL <(b) 6 @dol.gov>
Sent: Wednesday, November 18, 2020 4:41 PM
To: (b) 6 - OSHA <(b) 6 @dol.gov>
Cc: (b) 6 - SOL <(b) 6 @dol.gov>
Subject: Contractor doing state regulation comparisons?

Hi (b) 6

I think (b) 6 mentioned that you have a contractor doing comparisons of various state provisions. (b) 5

(b) 5

(b) 5 Do you know when that report will be ready?

- Richard

Richard Ewell
Senior Attorney
Office of the Solicitor, OSH Division, United States Department of Labor

200 Constitution Avenue, NW, Room S4004, Washington, DC 20210
(202) 693-(b) 6

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Sent: 7/24/2020 3:23:29 PM
To: Baird, Edmund - SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=94d10e2526774b56bbc31cec7f67b776-Baird, Edmu]
CC: Cole, Jessica L - SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=df781119aeef4a7081bc1ff9dcead945-Cole, Jessi]; Ewell, Richard - SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6abbfe6b0e5b4c6c9ded9f79ccff388e-Ewell, Rich]; (b) 6 SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0ca0ce5d191a451aa787b995991bfb8c-(b) 6; Kramer, Allison - SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=23594a823e474cff94c353341cd30daa-Kramer, All]; Goodman, Lauren - SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=856c4a2344b64587aae129d600be9554-Goodman, La]
Subject: re: Revised (b) 5 memo
Attachments: COVID-19 (b) 5 memo v2 (clean version).docx; COVID-19 (b) 5 (b) 5 memo v2 (track changes version).docx

Hi Ed,

Here is a second version of my memo (b) 5

(b) 5

Best,
(b) 6

(b) 6
OSH Summer Intern

(b) 6

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Message

From: Baird, Edmund - SOL [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94D10E2526774B56BBC31CEC7F67B776-BAIRD, EDMU]
Sent: 7/20/2020 6:47:38 PM
To: Ewell, Richard - SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6abbfe6b0e5b4c6c9ded9f79ccff388e-Ewell, Rich]; (b) 6 - SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0ca0ce5d191a451aa787b995991bfb8c-(b) 6
Subject: FW: re: (b) 5 Memo
Attachments: COVID-19 (b) 5 memo 7-14-2020 ecb comments.docx

Richard and (b) 6 -

Attached are my comments on (b) 6 memo. (b) 5

(b) 5

Thanks,

Ed

From: (b) 6 SOL <(b) 6 @dol.gov>
Sent: Tuesday, July 14, 2020 9:48 AM
To: Baird, Edmund - SOL <(b) 6 @dol.gov>
Cc: (b) 6 - SOL <(b) 6 @dol.gov>; Ewell, Richard - SOL <(b) 6 @dol.gov>; (b) 6 - SOL <(b) 6 @dol.gov>; Kramer, Allison - SOL <(b) 6 @dol.gov>; Goodman, Lauren - SOL <(b) 6 @dol.gov>
Subject: re: (b) 5 Memo

Hi Ed,

Here is the memo I was assigned to write regarding (b) 5

(b) 5

Best,
(b) 6

(b) 6
OSH Summer Intern

(b) 6

This message may contain information that is privileged or otherwise exempt from disclosure under applicable law. Do not disclose without consulting the Office of the Solicitor. If you think you received this e-mail in error, please notify the sender immediately.

Message

From: Lundegren, Bruce E. [(b) 6 @sba.gov]
Sent: 7/17/2020 5:14:19 PM
To: Lundegren, Bruce E. [(b) 6 @sba.gov]
Subject: Materials from Today's Small Business Labor Safety (OSHA/MSHA) Roundtable - Friday, July 17, 2020
Attachments: LaborSafety.RT.Agenda.071720.doc; Howard.John.NIOSH.COVID.RT.071720.pptx; Edens.OSHA,COVID.RT.071720.pptx; Rath.Sarvadi.ETS.Inf.Diseases.RT.071720.pptx

Dear Small Business Representatives:

Attached are the three PowerPoint presentations from today's Small Business Labor Safety (OSHA/MSHA) Roundtable from Dr. John Howard, Director of NIOSH, Mandy Edens, Deputy Assistant Secretary of Labor for OSHA, and Manesh Rath and David Sarvadi from Keller and Heckman, LLC.

Also, here are links to NIOSH and OSHA's COVID-19 webpages where you can find a lot of information, guidance, and other materials about the pandemic that is very helpful to small business: https://www.cdc.gov/niosh/emres/2019_ncov.html?deliveryName=USCDC_308-DM26149 and https://www.osha.gov/SLTC/covid-19/.

Thank you again to all of the of the speakers and attendees who participated in today's roundtable for helping make the meeting a success, especially under such difficult circumstances. I thought it was a really interesting and informative meeting. Thank you also to the small entity representatives (SERs) to the Tree Care Operations SBREFA panel who have taken considerable time from there busy schedules to participate in the panel and discuss the process today.

Be safe, and please feel free to contact me if you have any questions or require additional information.

Bruce

From: Lundegren, Bruce E.
Sent: Wednesday, July 15, 2020 9:18 AM
To: Lundegren, Bruce E. <(b) 6 @sba.gov>
Subject: Agenda for Next Small Business Labor Safety (OSHA/MSHA) Roundtable - Friday, July 17, 2020

Small Business Labor Safety (OSHA/MSHA) Roundtable

Friday, July 17, 2020, 10:00 a.m. - 12:00 noon (Eastern)

Via Team Webinar

Dear Small Business Representatives:

Attached is the Agenda for this Friday's **Small Business Labor Safety (OSHA/MSHA) Roundtable**. The meeting will be held via Team Webinar on **Friday, July 17, 2020 from 10:00 a.m. until 12:00 noon (Eastern)**. The agenda includes discussions of COVID-19 guidance from NIOSH and OSHA, the recent AFL-CIO v. OSHA decision on the ETS for Infectious Diseases by the D.C. Circuit, and a post-op on the recent Tree Care Operations SBREFA panel.

If you would like to join the webinar, and have not already done so, please RSVP to me by reply email and I will send you the web/call-in access information.

I hope you can join us on Friday. Please feel free to contact me if you have any questions or require additional information.

Bruce

Roundtable meetings are open to all interested persons, with the exception of the press, in order to facilitate an open and frank discussion about small business-related issues. Agendas and presentations are available to all, including the press. Anyone who would like to receive roundtable agendas or presentations, or be included in the regular distribution, should forward such requests to (b) 6 @sba.gov. The purpose of these roundtable meetings is to exchange opinions, facts, and information and to obtain the attendees' individual views and opinions regarding small business concerns. The meetings are not intended to communicate or achieve any consensus positions of the attendees.

From: Lundegren, Bruce E.
Sent: Wednesday, July 8, 2020 3:22 PM
To: Lundegren, Bruce E. <(b) 6 @sba.gov>
Subject: Next Small Business Labor Safety (OSHA/MSHA) Roundtable =- Friday, July 17, 2020

Next Small Business Labor Safety (OSHA/MSHA) Roundtable

Friday, July 17, 2020, 10:00 a.m. - 12:00 noon

Via Webinar

Dear Small Business Representatives:

We have scheduled the next **Small Business Labor Safety (OSHA/MSHA) Roundtable** for **Friday, July 17, 2020 from 10:00 a.m. until 12:00 noon**. The meeting will be held via Webinar, so please mark your calendars.

We are currently in the process of developing the agenda for the meeting, so please let me know if there are any issues you would like to discuss (particularly if you want to make a presentation). A final Agenda for the Roundtable will be developed and circulated prior to the meeting.

Please RSVP by reply email if you would like to join the meeting and I will forward you the webinar access information.

The Office of Advocacy takes its direction from small businesses and hosts roundtables to receive input on what issues are of greatest importance. We need your help, as representatives of small businesses, to set our priorities in the labor safety area. Please join us as we review regulatory actions by OSHA and MSHA and discuss which issues are of key importance to small business.

I hope you can join us on the 17th. Please feel free to contact me if you have any questions or require additional information.

Bruce

Roundtable meetings are open to all interested persons, with the exception of the press, in order to facilitate an open and frank discussion about small business-related issues. Agendas and presentations are available to all, including the press. Anyone who would like to receive roundtable agendas or presentations, or be included in the regular distribution, should forward such requests to bruce.lundegren@sba.gov. The purpose of these roundtable meetings is to exchange opinions, facts, and information and to obtain the attendees' individual views and opinions regarding small business concerns. The meetings are not intended to communicate or achieve any consensus positions of the attendees.

Bruce E. Lundegren
Assistant Chief Counsel
SBA//Office of Advocacy
409 Third Street. SW, Washington, D.C. 20416
(b) 6
Tel.: 202.205 (b) 6 // Cell: (b) 6


U.S. SMALL BUSINESS ADMINISTRATION
OFFICE OF ADVOCACY

KELLER AND HECKMAN LLP

SERVING BUSINESS THROUGH LAW AND SCIENCE®

DC Circuit Order Upholding OSHA Decision to Not Issue Emergency Temporary Standard for Infectious Diseases

July 17, 2020

Manesh K. Rath
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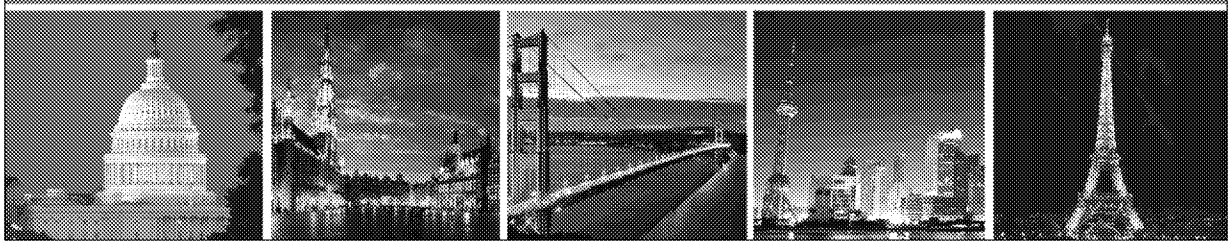
rath@khlaw.com

David G. Sarvadi
Keller and Heckman LLP
+1 202.434.4249
Sarvadi@khlaw.com



Briefly discuss practice group

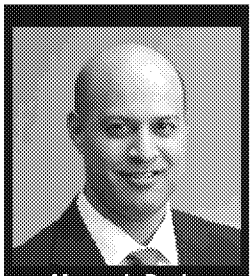
MANESH K. RATH

Manesh Rath is a partner in Keller and Heckman's litigation and OSHA practice groups. He has been the lead amicus counsel on several cases before the U.S. Supreme Court including *Staub v. Proctor Hospital* and *Vance v. Ball State University*.

Mr. Rath is a co-author of three books in the fields of wage/hour law, labor and employment law, and OSHA law.

Mr. Rath served for six years on the Board of Advisors for the National Federation of Independent Business (NFIB) Small Business Legal Center. He served on the Society For Human Resources (SHRM) Special Expertise Panel for Safety and Health law for several years.

He was voted by readers to Smart CEO Magazine's Readers' Choice List of Legal Elite; by fellow members to The Best Lawyers in America 2016, 2017 and 2018; selected by Super Lawyers 2016 – 2017, 2017 – 2018; and by corporate counsel as the 2017 Lexology winner of the Client Choice Award.



Manesh Rath
Partner
rath@khlaw.com
202-434-4182

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DAVID G. SARVADI

Mr. Sarvadi practices in the areas of occupational health and safety, toxic substance management, pesticide regulation, and product safety.

Mr. Sarvadi represents clients before a variety of federal and state enforcement agencies in legal proceedings involving OSHA citations, EPA Notice of Violations, TSCA consent orders, CPSC Notices, FIFRA Stop Sale Use and Removal Orders, and EEOC Charges of Discrimination. He works with clients in developing, reviewing, and auditing compliance programs in all of these areas, and in obtaining agency rulings on proposed or novel activities and questions, seeking interpretations of regulations as they apply to specific sets of facts. He has been counsel to the National Coalition on Ergonomics from its inception.

He has a background in occupational safety and health, having worked as an industrial hygienist for more than 15 years and became a Certified Industrial Hygienist in 1978, a designation he held until he voluntarily relinquished it in 2010. Prior to becoming an attorney, he managed a corporate industrial hygiene program for a Fortune 500 company. Mr. Sarvadi was selected by the National Academy of Sciences to participate in a panel of the Institute of Medicine that was asked to review a NIOSH study on the use of respirators. He was asked to participate because of his expertise in law and industrial hygiene.



David Sarvadi
Partner
sarvadi@khlaw.com
202-434-4249

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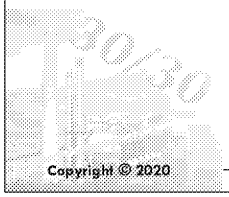
TOPICS TO BE DISCUSSED

- Background on AFL-CIO emergency petition
- Understanding OSHA Emergency Temporary Standards
- Agency deference
- OSHA's approach to COVID-19
- What employers should do



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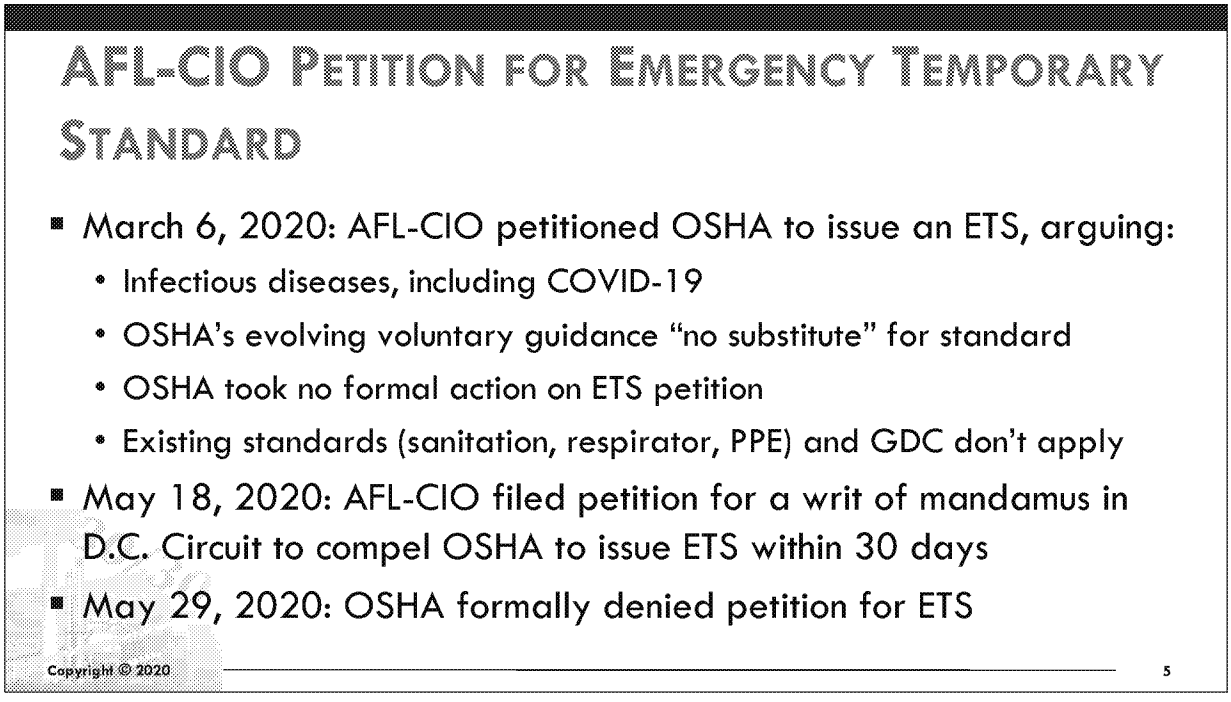
RATH



RATH

This is not the first time the AFL-CIO has petitioned OSHA to issue a rulemaking for infectious disease. AFL-CIO has done similar petitions in the past:
Asked OSHA to issue ETS in 2005 to address influenza
Asked OSHA to issue permanent standard in 2009 for infectious diseases
OSHA began rulemaking for infectious diseases but never completed it
Request for information from 2010
SBREFA panel took place and issued report on infectious diseases in 2014
Public stakeholder meetings on an infectious disease standard in 2011.

This petition came about in response to COVID-19
AFL-CIO: in the face of a global health emergency causing more deaths in less time than any other workplace crisis OSHA has faced in its fifty-year existence, OSHA's refusal to issue an ETS constitutes an abuse of agency discretion so blatant and of "such magnitude" as to amount to a clear "abdication of statutory responsibility."

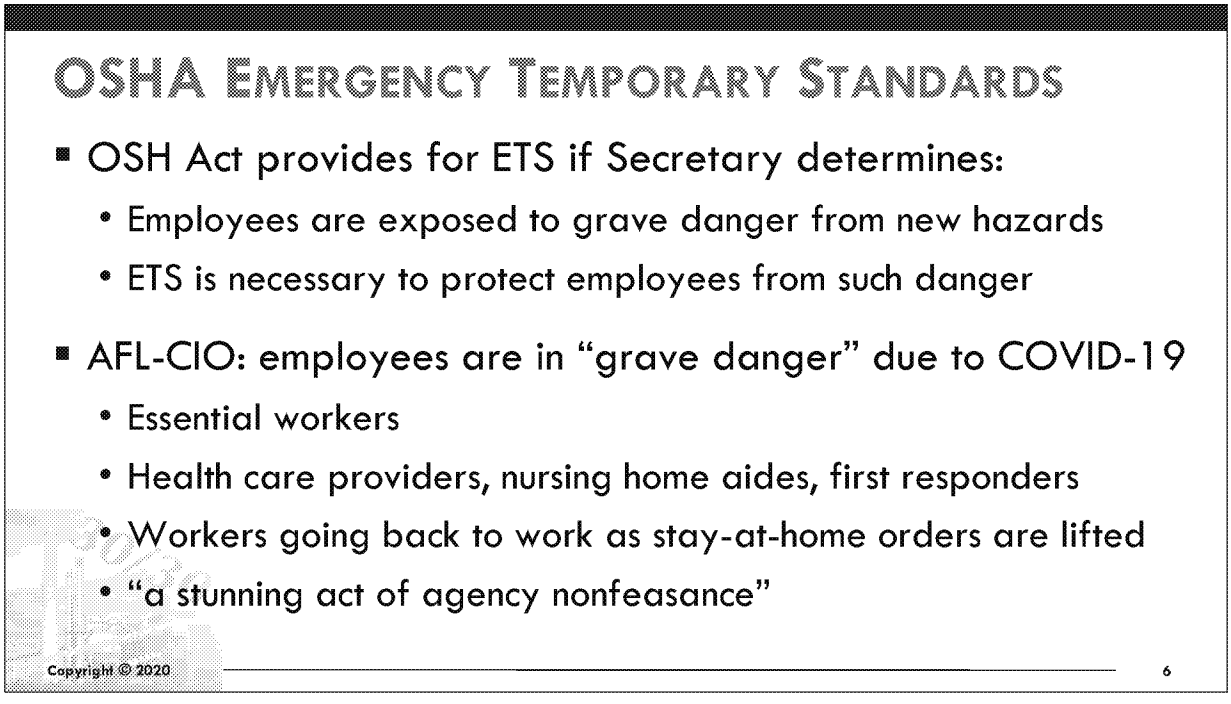
Argued that OSHA's evolving voluntary guidance "no substitute" for mandatory COVID-19-specific duties on employers.

AFL-CIO argued that OSHA effectively denied its petition and is unreasonably delaying its statutory obligations by not formally responding to the petition in 2 months, besides an informal letter from the Secretary or Labor defending the adequacy of OSHA's guidance.

The AFL-CIO filed a petition for a writ of mandamus in the DC Circuit to compel OSHA to issue the ETS within 30 days (Argue OSHA can issue ETS within 30 days because it has been working on infectious disease standard already).

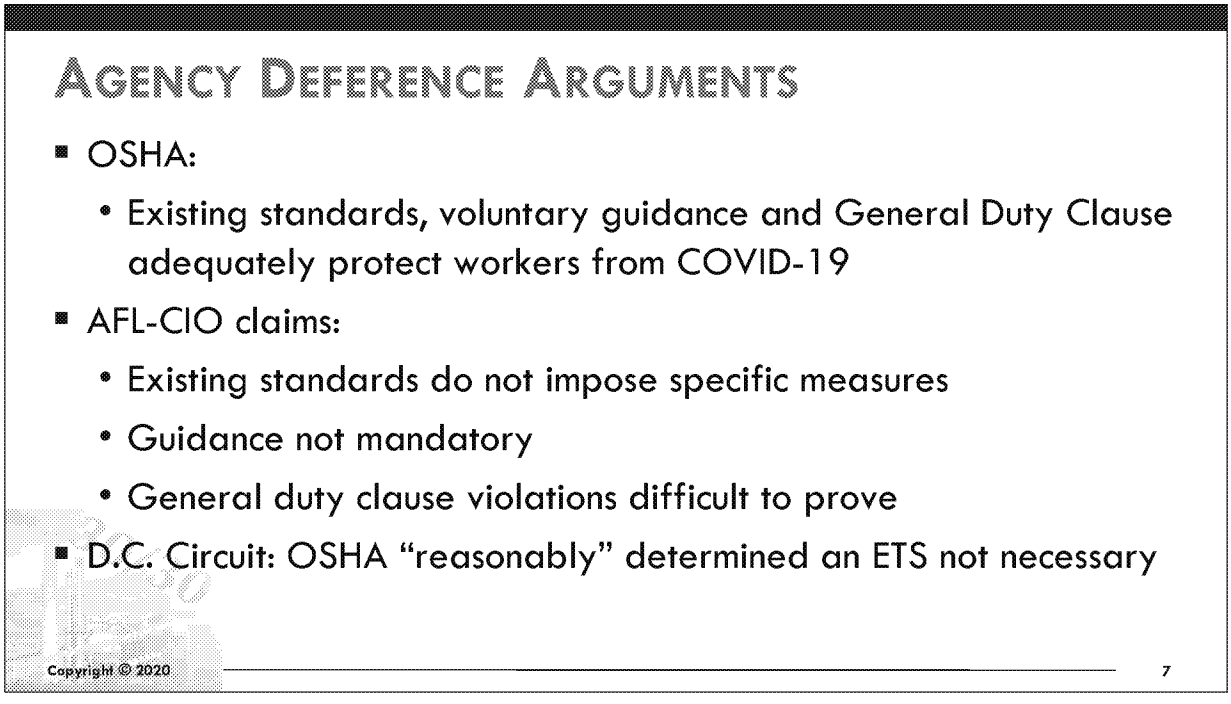
The Court of Appeals has authority to consider claims that an agency unlawfully withheld or unreasonably delayed regulatory action and the court can compel the agency to take action

OSHA denial of petition: Letter from Loren Sweatt , Principal Deputy Assistant Secretary for OSHA, said that OSHA determined it lacks compelling evidence to find that an undefined category of infectious diseases generally pose a grave danger for which an ETS is an appropriate remedy. Also not necessary to issue an ETS for COVID-19 because the guidance issued, enforcement of existing standards, in combination with COVID-19 related requirements and guidelines by other entities render an ETS unnecessary
It would be counter productive to attempt to fashion a COVID-19 standard at this time given that it is the subject of a constantly evolving multi-agency response



JAV
- Section 6 of the OSH Act gives OSHA the authority to issue emergency temporary standards if the Agency determines:
--that employees are exposed to grave danger from exposure to new hazards, and
--that an emergency standard is necessary to protect employees from such danger.
-So if OSHA issues an emergency temporary standard, it takes effect immediately until it is superseded by a permanent standard which OSHA is supposed to promulgate within 6 months of the ETS
AFL-CIO argued that and ETS is appropriate because COVID-19 put employees in grave danger, saying that the virus poses a danger of incurable, permanent, or fatal consequences to workers exposed to the hazard. They cite to figures that over 2 million people in the US have been infected with the virus and about 110,000 people have died.
The AFL-CIO also discussed how the dangers of COVID are especially true for workers who were deemed to be essential workers so they still went into work, and of course health care workers and nursing home aides and emergency responders who come into direct contact with people with the virus, and also for workers going back to work as state stay at home orders are lifted.
AFL-CIO argued that an OSHA standard for infectious diseases is necessary to protect employees from this grave danger. They asked OSHA to issue an ETS that would require employers to evaluate their workplaces for the risk of airborne disease transmission and to develop a comprehensive infection control plan with specified elements like social distancing, PPE, access to hand sanitizers, testing and quarantining.

And the AFL-CIO called OSHA's refusal to take action on an ETS a stunning act of nonfeasance in the midst of this workplace heath emergency.



RATH

OSHA:
-- two prong strategy:
1) enforcing existing rules
2) using rapid, flexible guidance that is industry specific so that it can be easily updated as information on COVID and spread prevention continues to evolve
- AFL-CIO wants OSHA to issue ETS which would go into effect immediately without public input, and then a permanent rule informed by comment just 6 mos later
- "That is warp-speed for an agency like OSHA that must act upon substantial evidence with extensive public input, and ill-suited for an evolving hazard"
--ETS is rarely used and a drastic measure
-- to find that an ETS is necessary to address the grave danger, OSHA has to show that an ETS would substantially reduce the grave danger during the time the ETS would be in effect and that such a reduction could not be obtained by enforcing existing OSH Act requirements or widespread voluntary efforts to address the hazard
-- AFL-CIO lacks evidence that infectious diseases generally (as a group) pose a grave danger to worker safety (cannot issue broad standard to entire class of known and unknown substances and agents) or that enforcement of existing standards would not substantially reduce the danger and so an ETS is needed
-- AFL-CIO fails to meet its high burden of overcoming the great deference that is due to OSHA's assessment of facts and policies underlying its decision that an ETS is not necessary now.
-- all enforcement guidance and guidance to industries; investigations of complaints
-- existing standards and general duty clause
-- coordination with other agencies and businesses and employee groups
-- coordination with state plans
-- monitoring state and local activities and industry guidance
-- attempting to permanently address workplace exposure to COVID based on evolving information is counterproductive and would deprive agency of needed flexibility to respond
AFL-CIO has not demonstrated that the lack of an ETS is the traceable cause of any injury
Setting rules in stone through an ETS and later a permanent rule may undermine worker protection by permanently mandating precautions that later prove to be ineffective

AFL-CIO
--Concerned about nonmandatory guidance because of non-uniform implementation
--Says given reported illnesses and deaths, it "should be obvious" that voluntary employer action has not adequately protected workers from COVID
--Also argued other agencies are taking regulatory action to address COVID to OSHA should too

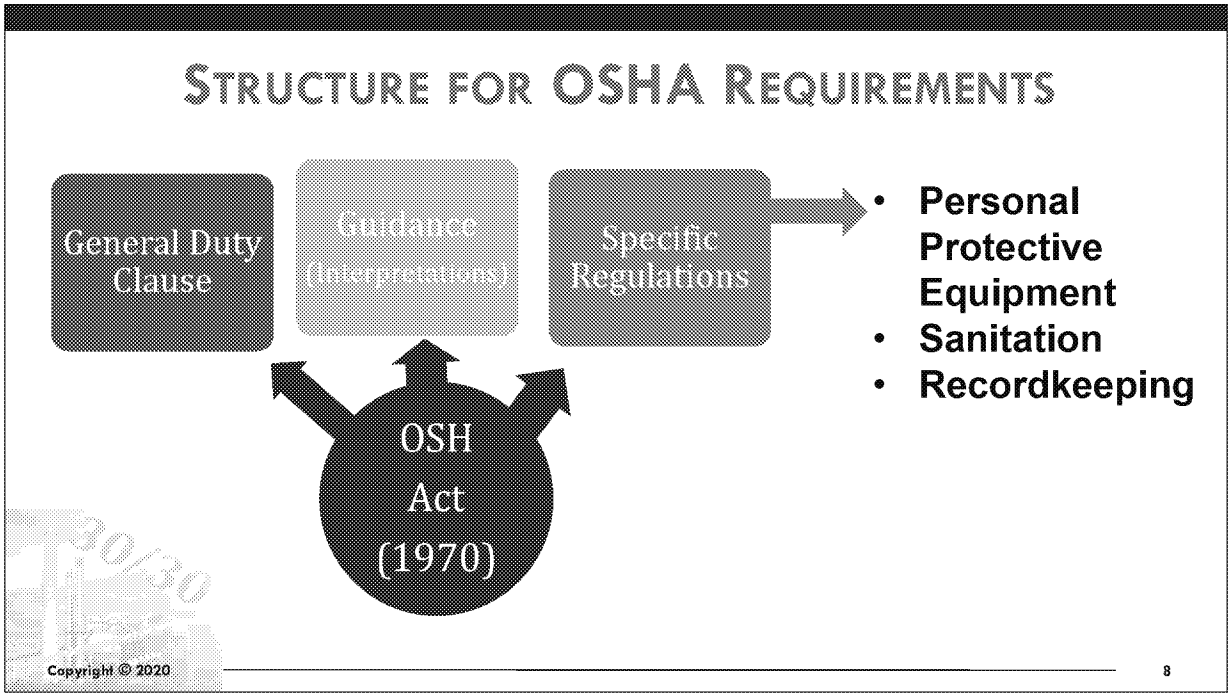
--General duty clause: difficult to prove that hazard is present and that it is feasible for employers to abate the hazard

The Court accords great deference to the policy judgments of the agency unless their decision lacks support in the record.
DC Circuit: denied AFL-CIO petition for a writ of mandamus
OSHA's decision to not issue an ETS is entitled to considerable deference
In light of the unprecedented nature of the COVID 19 pandemic, as well as the regulatory tools that OSHA has at its disposal to ensure employers are maintaining hazard-free work environments, OSHA reasonably determined that an ETS is not necessary at this time

---

FYI Amicus briefs arguing why Secretary's decision is supported:
Chamber and other associations amicus brief
Secretary's decision is supported
Enforceable OSHA standards already protect workers from COVID such as PPE, eye and face protection, respiratory protection, sanitation, and hazard communication standard
OSHA has issued industry specific guidance explaining how these existing standards apply and articulated best practices for businesses and employers to follow in light of evolving scientific understanding of COVID
Approach is reasonable and preferable because data on COVID continues to develop so employers have to be able to adapt to the changing circumstances
Also CDC has issued guidance for industries
Better than a rigid uniform standard
Easier to quickly revise guidance
Guidance can be tailored to the needs of a specific industry
Private sector also issuing best practices

NAHB, ABC and other contractors amicus brief
Already a lot of construction specific guidance out there so no need for ETS
Not enough time for OSHA to assess how rule can apply to all industries
AFL-CIO petition does not present evidence of a need or risk specific to construction
Petition trivializes extensive industry efforts to implement control measures and active involvement of state and local authorities
The ETS would not provide for construction specific considerations (like being outdoors with continuous air flow)


STRUCTURE FOR OSHA REQUIREMENTS
General Duty Clause
Guidance (Interpretations)
Specific Regulations
• Personal Protective Equipment
• Sanitation
• Recordkeeping
OSH Act (1970)
30/30
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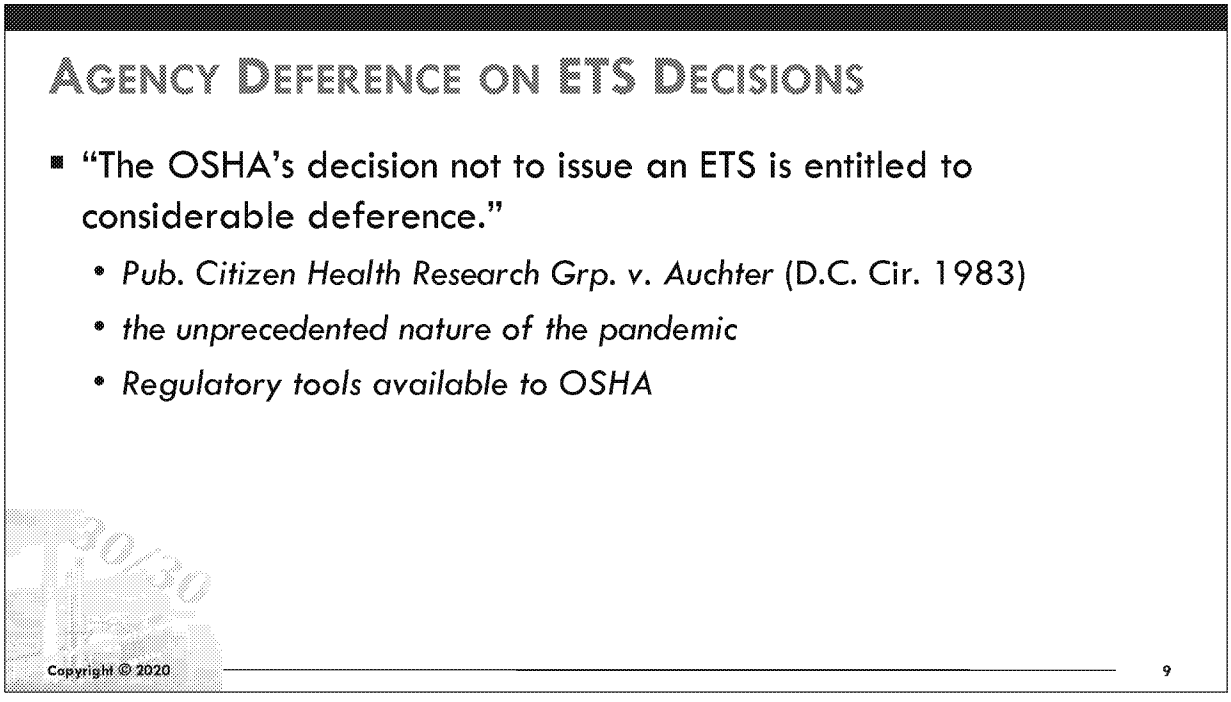
8

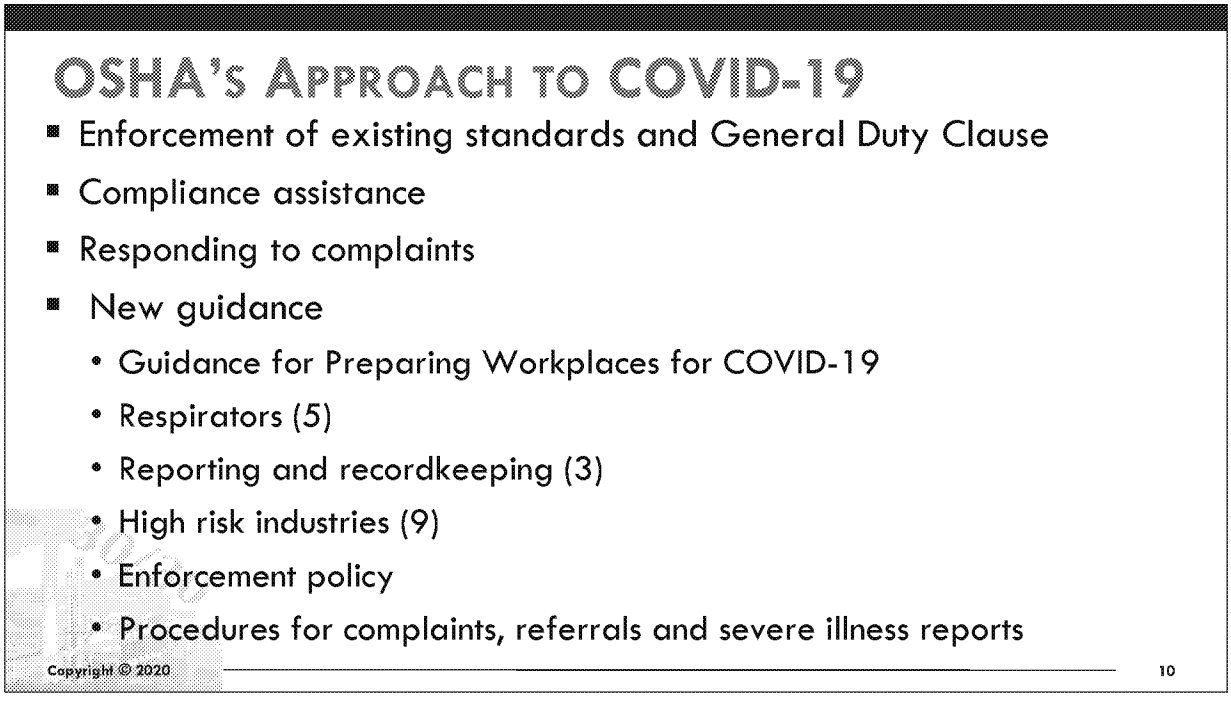
RATH



JAV
So before we get into the DC Circuit's ruling on the case, we wanted to give some background on the level of deference the D.C. Circuit affords OSHA when it decides not to issue an ETS

The D.C. Circuit here looked to precedent in the Public Citizen Health Research Group vs. Auchter case from 1983 where the DC Circuit decided that OSHA is entitled to considerable deference when deciding whether or not to issue an ETS unless their decision lacks support in the record.

So that was the standard applied in this case by the D.C. Circuit.



JAV
Let's dig in more to the actions that OSHA has taken so far to address COVID-19 that OSHA cited to for support that an ETS is not required

First, OSHA already has existing standards that can address worker protections that are relevant to infectious diseases. For example, the respiratory protection, PPE, hazard communication, sanitation and bloodborne pathogens standards impose enforceable requirements on employers that can protect employees from airborne exposures.

OSHA has also worked to provide compliance assistance to companies by answering employers', workers', industry representatives and union representatives questions webinars, OSHA's online portal, and phone calls.
OSHA also shares best practices with its State Plan states every two weeks
OSHA's consultation programs have also conducted over 4,000 outreach activities and its regional and area offices have conducted over 900 outreach activities related to COVID-19.

OSHA has also responded to COVID-19- related complaints. OSHA cited that as of May 21, OSHA has received about 4,200 COVID-19 related complaints, of which almost 3000 have been closed. And they are addressing whistleblower complaints

And finally, OSHA has issued numerous guidance documents since March that address COVID-19, starting with guidance for preparing workplaces for COVID-19 so employers can assess the hazards in their workplaces; to issuing 5 different guidances on the use of respirators, and 3 different guidances that address recordkeeping and reporting, and at least 9 guidance documents addressing specific high risk industries like nursing home workers and food delivery services and meat packaging workers
And it clarified its enforcement policy during COVID-19 as well as its procedures for handling complaints and referrals during the pandemic

So OSHA has been using all of these tools to address COVID-19

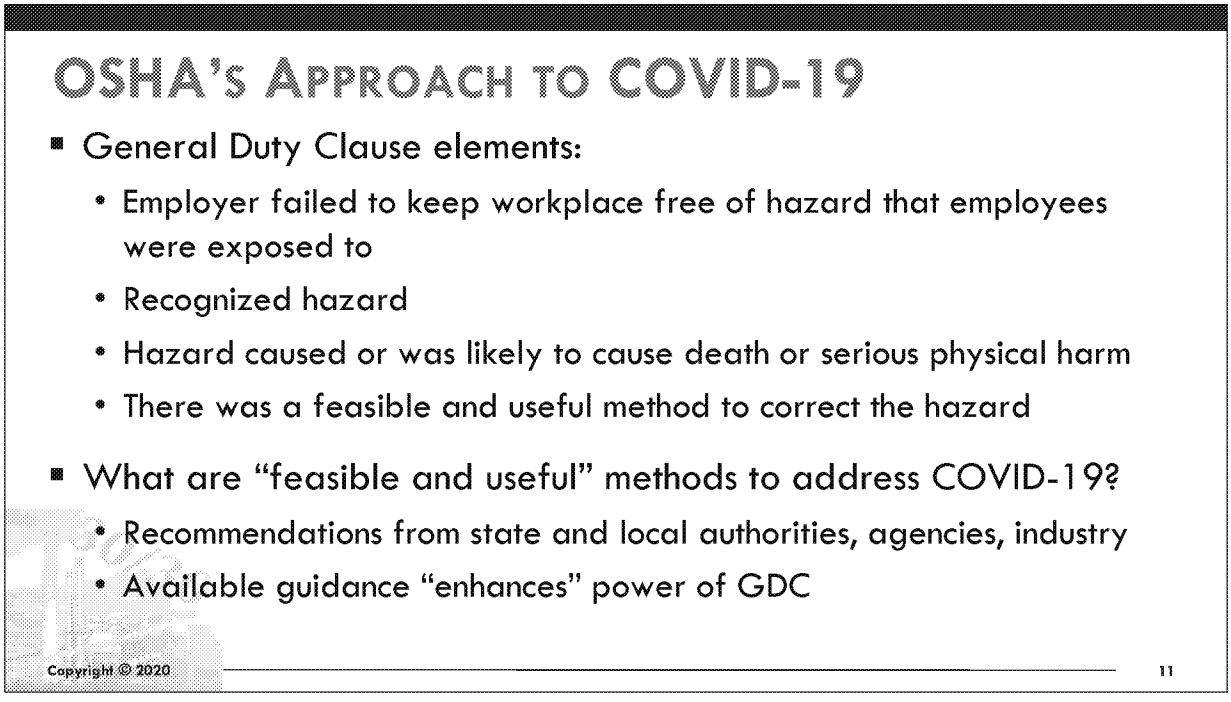
Guidance: From: https://www.osha.gov/news/newsreleases/national/05282020

Respirator Guidance:
U.S. Department of Labor Expands Temporary Guidance for Respirator Fit-Testing to All Industries During COVID-19 Pandemic – OSHA has expanded temporary guidance provided in a March 14, 2020, memorandum regarding supply shortages of N95s or other filtering facepiece respirators (FFRs) due to the COVID-19 pandemic. This expanded guidance applies to all workplaces covered by OSHA where there is required respirator use.
U.S. Department of Labor Issues Temporary Enforcement Guidance for Respirator Fit-Testing in Healthcare during COVID-19

Outbreak – Following President Donald J. Trump's memorandum on the availability of respirators during the COVID-19 outbreak, OSHA has issued new temporary guidance regarding the enforcement of its s Respiratory Protection standard.
U.S. Department of Labor Issues Additional Respirator Guidance for Healthcare During The Coronavirus Pandemic – OSHA issued its fifth guidance document aimed at expanding availability of respirators as front line workers respond to the coronavirus pandemic. The latest interim guidance document outlines acceptable methods for decontaminating and reusing disposable N95 FFRs.
U.S. Department of Labor Issues Guidance for Respirators Certified under Other Countries' Standards During COVID-19 Pandemic – OSHA has issued interim enforcement guidance regarding disposable N95 FFRs that are either certified under certain standards of other countries or jurisdictions or certified under other countries' or jurisdictions' standards but are expired.
U.S. Department of Labor Issues Guidance for Respiratory Protection During N95 Shortage Due to COVID-19 Pandemic – OSHA has issued interim enforcement guidance to help combat supply shortages of disposable N95 FFRs. The action marks the department's latest step to ensure the availability of respirators and follows President Donald J. Trump's Memorandum on Making General Use Respirators Available.
Protecting Workers in High-Risk Industries
U.S. Department of Labor Issues Alert to Keep Nursing Home and Long-Term Care Facility Workers Safe During Coronavirus Pandemic – OSHA issued an alert listing safety tips employers can follow to help protect nursing home and long-term care facility workers from exposure to the coronavirus.
U.S. Department of Labor Issues Alert to Help Keep Retail Pharmacy Workers Safe During the Coronavirus Pandemic – OSHA has issued an alert listing safety tips employers can follow to help protect retail pharmacy workers from exposure to the coronavirus.
U.S. Department of Labor Issues Alert for Rideshare, Taxi And Car Service Safety During Coronavirus Pandemic – OSHA has issued an alert listing safety tips to help reduce the risk of exposure to the coronavirus in the car service industry.
U.S. Department of Labor Publishes New OSHA Poster Aimed At Reducing Workplace Exposure to the Coronavirus – OSHA issued a new poster listing steps all workplaces can take to reduce the risk of exposure to coronavirus.
U.S. Department of Labor Issues Alert to Keep Package Delivery Workers Safe during COVID-19 Pandemic – OSHA issued an alert listing safety tips employers can follow to help protect package delivery workers from exposure to coronavirus.
U.S. Department of Labor Issues Alert to Keep Retail Workers Safe During Coronavirus Pandemic – OSHA issued an alert listing safety tips employers can follow to help protect retail workers from exposure to coronavirus.
U.S. Department of Labor Issues Alert to Help Keep Manufacturing Workers Safe During Coronavirus Pandemic – OSHA issued an alert identifying workplace safety practices to help protect manufacturing workers from exposure to coronavirus.
U.S. Department of Labor Issues Alert to Help Keep Construction Workers Safe During The Coronavirus Pandemic – OSHA issued an alert identifying workplace safety practices to help protect construction workers from exposure to coronavirus.
OSHA Issue Safety Alert for Restaurant, Food and Beverage Businesses Providing Curbside Pickup and Takeout Service – OSHA released guidance to help restaurant, food and beverage businesses to keep employees safe while utilizing curbside pickup and takeout service delivery methods. The guidance includes practical recommendations like avoiding direct hand-off when possible and practicing social distancing.
Enforcing Safety in the Workplace
U.S. Department of Labor Adopts Revised Enforcement Policies For Coronavirus – OSHA has adopted revised policies for enforcing its requirements with respect to coronavirus as economies reopen in states throughout the country.
U.S. Department of Labor Announces OSHA Interim Enforcement Response Plan to Protect Workers During The Coronavirus Pandemic – OSHA announced an interim enforcement response plan for the coronavirus pandemic that provides instructions and guidance to OSHA Area Offices and compliance safety and health officers for handling coronavirus-related complaints, referrals and severe illness reports. The plan concentrates enforcement on coronavirus exposures of health workers, emergency responders and others.
U.S. Department of Labor Reminds Employers That They Cannot Retaliate Against Workers Reporting Unsafe Conditions During Coronavirus Pandemic – OSHA is reminding employers that it is illegal to retaliate against workers because they report unsafe and unhealthful working conditions during the coronavirus pandemic. Acts of retaliation can include terminations, demotions, denials of overtime or promotion, or reductions in pay or hours.
OSHA and CDC Issue Interim Guidance to Protect Workers in Meatpacking and Processing Industries – OSHA and the Centers for Disease Control and Prevention released joint interim guidance for meatpacking and meat processing workers and employers—including those involved in beef, pork, and poultry operations. The guidance includes recommended actions employers can take to reduce the risk of exposure to the coronavirus.
Statement of Enforcement Policy by Solicitor of Labor Kate O'Scannlain and Principal Deputy Assistant Secretary for OSHA Loren Sweatt regarding Meat and Poultry Processing Facilities – Responding to President Trump's Executive Order, Solicitor of Labor Kate O'Scannlain and OSHA Principal Deputy Assistant Secretary Loren Sweatt released a statement of enforcement policy. The statement, which addresses guidance and enforcement actions regarding worker safety at meat, pork and poultry processing facilities, provides clarity for businesses whose continued operation will be critical to America's food supply.
Offering Clear Direction for Employers:
U.S. Department of Labor Issues Enforcement Guidance For Recording Cases of COVID-19 – OSHA issued interim guidance for enforcing its recordkeeping requirements (29 CFR Part 1904) as it relates to recording cases of COVID-19.
U.S. Department of Labor Considers Employer's Good Faith Efforts When Enforcing Compliance During COVID-19 Pandemic – OSHA issued interim guidance that advises compliance safety and health officers to evaluate an employer's good faith efforts to comply with safety and health standards during the coronavirus pandemic. Employers are also expected to take corrective

action as soon as possible once normal activities resume.

OSHA-003729

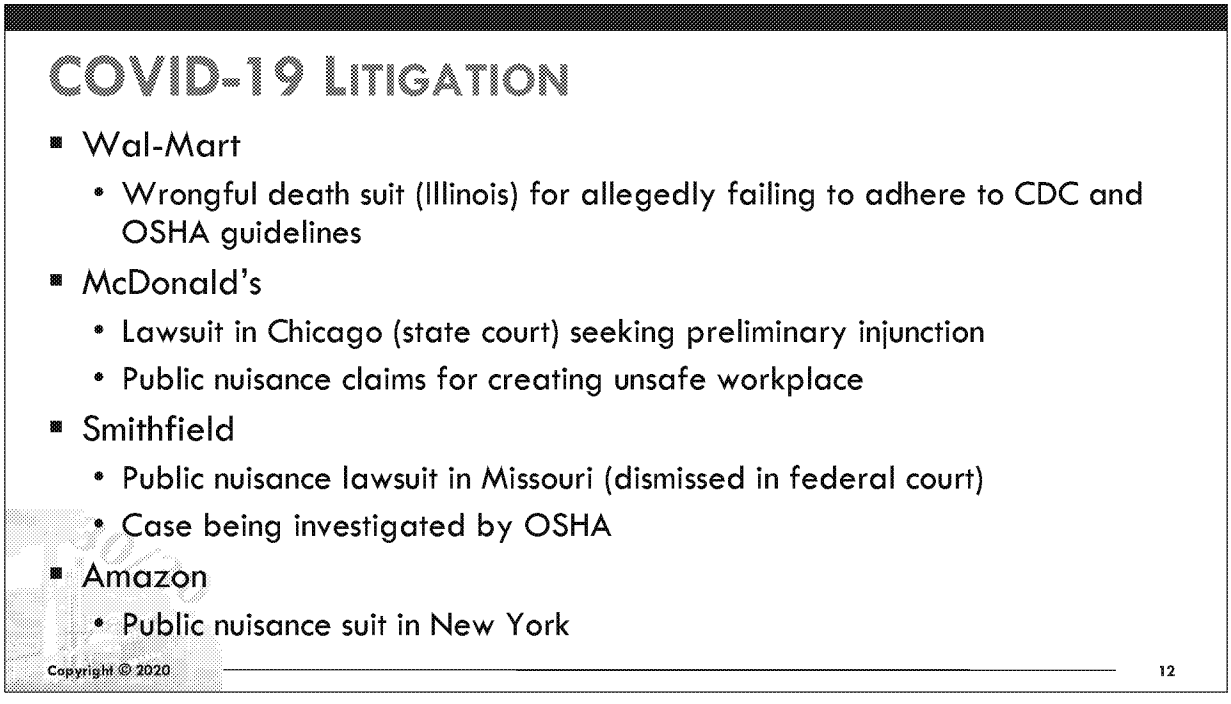


JAV

OSHA also has asserted that in addition to its standards, the General Duty Clause imposes additional mandatory obligations on employers.
Under Section 5(a)(1) of the OSH Act, employers are required to furnish its employees a place of employment free from recognized hazards that cause or are likely to cause death or serious physical harm
And so OSHA can cite an employer for a general duty clause violation if (READ ELEMENTS)

Even in OSHA's April guidance on Interim Enforcement Response for Coronavirus, it says that if there are deficiencies that are not addressed by OSHA's standards, then the general duty clause can be considered

OSHA said in its brief that COVID is a recognized hazard and that "employers who fail to take preventative measures against COVID-19 face potential liability under the general duty clause."
-- So all of the guidance from CDC, OSHA, and other government authorities and private entities demonstrate the possible feasible methods employers may use.
--employers have the ability to choose the effective method to abate the hazard under the general duty clause.
--The public availability of so much COVID-19 guidance actually enhances the power of the general duty clause as an enforcement tool.



RATH
Walmart case: from April OSHA 30/30
Wal-Mart claim in Cook County, Illinois
Two employees died of COVID-19 and others experienced symptoms
Estate of one deceased employee brought suit alleging wrongful death, negligence, and willful and wanton misconduct for allegedly failing to adhere to CDC and OSHA guidelines
Alleged failures:
Cleaning failures
Social distancing
Failures in Providing PPE
Failure to warn employees of other symptomatic employees
Infection prevention measures
https://abcnews.go.com/Business/walmart-hit-wrongful-death-lawsuit-employee-dies-covid/story?id=70040675
McDonalds
Suit brought by 4-5 employees
Public nuisance claim: https://news.bloomberglaw.com/daily-labor-report/mcdonalds-case-tests-nuisance-theory-for-workplace-virus-safety
Legal theory in the public heath context and could provide a way for the courts to enforce COVID-19 safety precautions
Allegedly failed to provide hand sanitizer, gloves, masks, and has not notified its staff when an employee becomes infected with coronavirus
https://www.nydailynews.com/coronavirus/ny-coronavirus-chicago-mcdonalds-file-lawsuit-fail-adequate-protection-20200526-wqhq43yvejgzdpk47ivvsh5lmu-story.html
https://www.law360.com/articles/1281347/covid-suits-test-public-nuisance-claim-in-workplace-cases

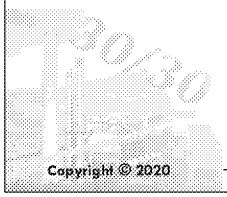
Smithfield– similar suit but bought in federal court. Dismissed. The court concluded that dismissal was appropriate because the two traditional requirements of the primary jurisdiction doctrine applied. First, the court reasoned that the merits of plaintiffs' claims will hinge on the determination of whether the company is complying with the CDC/OSHA joint guidance for industry operations, a matter that OSHA, in coordination with the USDA, is better positioned to assess. Second, the court concluded that deference to OSHA/USDA will ensure uniform national enforcement of the regulatory guidance. The court rejected plaintiffs' argument that deferral would result in delay that might adversely impact employees and the community, citing emergency relief procedures available through OSHA's statutory framework.
https://www.crowell.com/NewsEvents/AlertsNewsletters/all/Court-Tosses-Complaint-Against-Meatpacker-Alleging-COVID-19-Related-Health-and-Safety-Violations

Amazon public nuisance suit (common law)
Brief from members of Congress (Open Society Policy Center)- brief submitted to U,.S. District Court for the Eastern District of

New York in Amazon case (also public nuisance case).
Plaintiffs identified practices in a fulfilment center that promote the spread of COVID like practices that limit handwashing, sanitization, use of sick and personal leave, and limiting worker knowledge of potential exposures.
Brief asks court to take action and not defer to OSHA (primary jurisdiction doctrine). OSHA has not promulgated a relevant standard here and OSHA does not protect non-employees (family members of plaintiffs)
OSHA has not issued citations for COVID violations– only one, and it was a recordkeeping violation
Argue OSHA not inspecting enough facilities (only focusing on health care facilities); mostly doing non-formal investigations (hazard alert letters) and not prioritizing onsite inspections
No standard directly addresses exposure to airborne or aerosol diseases in the workplace
Court can enforce common law tort of public nuisance
This is a claim that affects the public (outside of the workplace) and not just workers
Not preempted by OSHA
No state law actions are preempted by GDC

AFL-CIO Filed For Rehearing

- June 18
- Moved for rehearing *en banc*
- Alleges that the three-judge panel "misstated" OSHA's arguments



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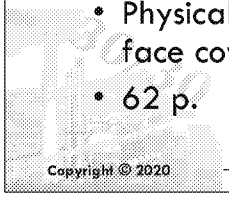
COMMONWEALTH OF VIRGINIA

- State Plan State
- Emergency Temporary Standard
  - Six month
  - Recognizes droplet, airborne nuclei droplets, surface contact
  - Compliance with CDC publications deemed compliance
  - Exposure assessment
  - Training
  - Reporting symptoms and barring from workplace, return policy
  - Physical barriers, telecommuting, staggered shifts, mandatory distancing, face coverings, hand washing, sanitizing
  - 62 p.



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WHAT EMPLOYERS SHOULD DO

- Develop an exposure assessment and control plan
- Continue to follow:
  - CDC and OSHA guidance
  - Other agency guidance
  - State and local regulations
  - Monitor as guidance evolves
- Tailor employee protections to specific industry and circumstances
- If require certain precautions (social distancing, face masks, testing, disinfecting procedures, etc.) document source of recommendation and date of source

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RATH AND JAV

IF YOU HAVE QUESTIONS:

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@RathManesh

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- Or on any podcast streaming service (iTunes, Soundcloud, Spotify)

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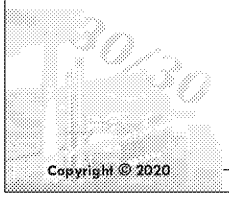
1. Manesh Rath, David Sarvadi, Larry Halprin, Javaneh Nekoomaram, John Gustafson
2. Keller and Heckman Workplace Safety and Health



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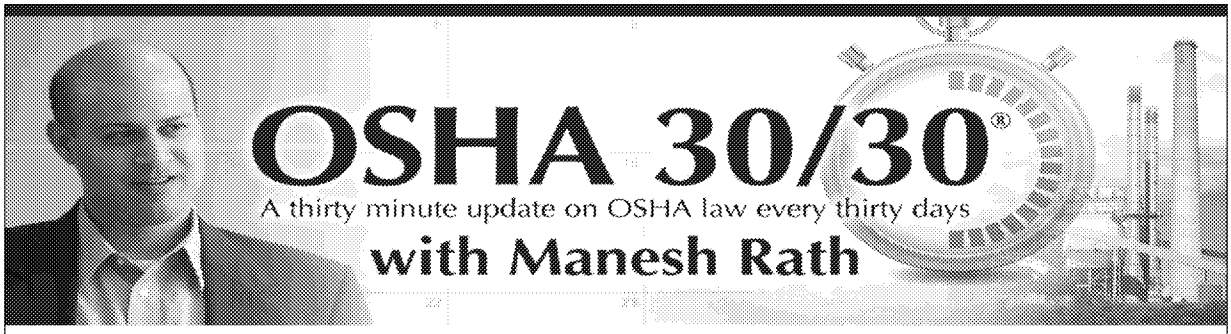

at 1:00 PM Eastern U.S.

July 22, 2020

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Thank you!

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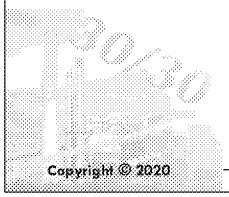



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CC: (b) 6 SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=df781119aeef4a7081bc1ff9dcead945-(b) 6 Ewell, Richard - SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6abbfe6b0e5b4c6c9ded9f79ccff388e-Ewell, Rich]; (b) 6 - SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0ca0ce5d191a451aa787b995991bfb8c-(b) 6 Kramer, Allison - SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=23594a823e474cff94c353341cd30daa-Kramer, All]; Goodman, Lauren - SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=856c4a2344b64587aae129d600be9554-Goodman, La]
Subject: re: (b) 5 Memo
Attachments: COVID-19 (b) 5 memo 7-14-2020.docx

Hi Ed,

Here is the memo I was assigned to write (b) 5

(b) 5

Best,
(b) 6

(b) 6
OSH Summer Intern

(b) 6

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CC: (b) 6 SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0ca0ce5d191a451aa787b995991bfb8c-(b) 6
Subject: RE: re: (b) 5 memo
Attachments: (b) 5 memo (Ewell).docx

(b) 5

I have a couple of questions that I have added in the attachment. (b) 5

(b) 5

(b) 5 has additional comments.

Thanks,

Richard

Richard Ewell
Senior Attorney
(202) 693-(b) 6
Pronouns: he, him, his

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Sent: Friday, July 10, 2020 4:36 PM
To: (b) 6 - SOL <(b) 6 @dol.gov>; Ewell, Richard - SOL <(b) 6 @dol.gov>
Cc: (b) 6 - SOL (b) 6 @dol.gov>
Subject: re: (b) 5 memo

All,

Here's my bluebooked memo. (b) 5

Best,
(b) 6

(b) 6
OSH Summer Intern

(b) 6

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Subject: RE: re: (b) 5 memo
Attachments: Memo - (b) 5 .docx; (b) 5 docx; (b) 5 docx; (b) 5 docx

Hello all,

Attached is my (b) 5 memo (with attachments (b) 5 (b) 5 Please let me know if there are additional suggested changes!

Richard – if you'd like (b) 5

Best,
(b) 6

From: (b) 6 - SOL <(b) 6 @dol.gov>
Sent: Friday, July 10, 2020 4:36 PM
To: (b) 6 - SOL <(b) 6 @dol.gov>; Ewell, Richard - SOL <(b) 6 @dol.gov>
Cc: (b) 6 - SOL <(b) 6 @dol.gov>
Subject: re: (b) 5 memo

All,

Here's my bluebooked memo. (b) 5

Best,
(b) 6

(b) 6
OSH Summer Intern
(b) 6

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To: (b) 6 SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0ca0ce5d191a451aa787b995991bfb8c-(b) 6; Ewell, Richard - SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6abbfe6b0e5b4c6c9ded9f79ccff388e-Ewell, Rich]
CC: (b) 6 - SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=efc13c4fe79b423ba8312a10aba7e565-(b) 6]
Subject: re: (b) 5 memo
Attachments: (b) 5 .docx

All,

Here's my bluebooked memo. (b) 5

Best,
(b) 6

(b) 6
OSH Summer Intern
(b) 6

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Subject: Questions for the Record
Attachments: QFRs from OSHA PDAS Loren Sweatt's May 28, 2020 hearing before Subcommittee on COVID-19.docx

(b) 6

Ed suggested that you three would good people to (b) 5

(b) 5

Thank you.
Allison

Allison Kramer
Counsel for Legal Advice
Division of Occupational Safety and Health
Office of the Solicitor
United States Department of Labor
(202) 693-(b) 6
Pronouns: she, her, hers

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Message

From: Sweatt, Loren E. - OSHA [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5AD5299DC47D4277A956850442D8669B-SWEATT, LOR]
Sent: 8/27/2020 10:51:31 PM
To: Kilberg, Andrew G - OSEC [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=285bfb7c58734e858f9cbd77c1bcf3c7-Kilberg, An]; Squitieri, Chad C - OSEC [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=80ed763b75b846ff8b842b19bd2b9156-Squitieri,]; OScannlain, Kate S - SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=fc246996e74e4c8d8c6e5c73700c3406-OScannlain,]
CC: Pearce, Krisann - OSHA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0a3aff68891c49cbb6b2dec6bbca283c-Pearce, Kri]
Subject: FW: Meat Plant COVID - Potential Case Coming
Attachments: Foster Farms Health Order FINAL 8.26.2020.pdf

(b) 5

ORDER OF THE HEALTH OFFICER OF THE COUNTY OF MERCED
DIRECTING FOSTER FARMS POULTRY PROCESSING PLANT
IN LIVINGSTON, CA TO RESPOND TO CURRENT OUTBREAKS AT THE LIVINGSTON
COMPLEX AND COMPLY WITH OTHER DIRECTIVES OF THIS ORDER
DATE OF ORDER: August 26 , 2020

WHEREAS, the worldwide pandemic of COVID-19 disease, also known as "novel coronavirus" has infected over 7,500 Merced County residents and has resulted in the death of 112 Merced County residents.

WHEREAS, over 800 residents in the City of Livingston, located in Merced County, have been infected with COVID-19.

WHEREAS, there is significant evidence of increasing transmission of COVID-19 within the County of Merced and surrounding counties, placing a measurable strain on the local healthcare systems.

WHEREAS, according to the Meat and Poultry Processing Workers and Employers Interim Guidance from CDC and the Occupational Safety and Health Administration (OSHA), meat and poultry processing facilities are particularly vulnerable to COVID-19 infections due to working conditions. These conditions include prolonged, close contact with coworkers on the production line.

WHEREAS, Foster Poultry Farms maintains a poultry processing facility located in the City of Livingston.

WHEREAS, the California Department of Public Health has defined an outbreak in a congregate employment setting as three (3) or more cases of laboratory confirmed COVID-19 in employees not linked outside of the workplace.

WHEREAS, the Foster Farms complex at Livingston consists of multiple buildings on the same campus. Foster Farms first experienced an outbreak of COVID-19 at their Livingston facility on June 29, 2020, the first known case dated to June 9, 2020. As of the date of this Order, the initial outbreak is ongoing and outbreaks are widespread throughout multiple separate buildings at the Livingston facility. One department at the facility currently has an active outbreak that has affected 105 workers and other departments have active outbreaks affecting over 20 workers. Of the approximate 2,600 workers at the Livingston facility, 13.7 percent of the workforce has received a positive test result based on worker self-reporting. Most concerning is that these current testing figures do not accurately represent the extent of outbreak at the facility as universal testing has not been accomplished within the timeline necessary to accurately identify the extent of the outbreak.

WHEREAS, since April 24, 2020, the Merced County Department of Public Health (MCDPH) has received report of 358 confirmed cases of COVID-19 and eight (8) deaths attributed to COVID-19 linked to workers from the Foster Farms Livingston facility. Five (5) of the eight (8) deaths occurred in a hospital located outside of Merced County, illustrating the serious impact of the Foster Farms outbreak on healthcare systems and the community-at-large in California.

WHEREAS, in the past month, Foster Farms has experienced an increase of 214 reported cases of COVID-19 positive workers and six (6) deaths. Weekly reports from Foster Farms indicate the outbreak has continued since the initial reported outbreak on June 29, 2020.

WHEREAS, to-date, there has been insufficient timely testing of Foster Farms workers to assess the true extent of cases at the facility. Without accurate information on the number of cases, it is not possible to properly identify workers who require testing and/or quarantine because of exposure to the virus. This is hampered by the difficulty of testing and monitoring a growing temporary workforce. Hospital data on current hospitalizations and mortality has been slowly reported to MCDPH, further complicating decisive interventions that would allow a safe production process to continue at the facility.

WHEREAS, the Merced County Health Officer issued Directives to Foster Farms on August 5, 2020 and August 11, 2020, providing specific direction on testing requirements and other measures to control the spread of COVID-19 within the Livingston building. In summary, these Directives required immediate COVID PCR testing of all permanent, volunteer, and temporary employees who share air within a facility that has an outbreak (three or more individuals within the same building). Once an outbreak is initiated within a building, the outbreak is not considered resolved until the building reports zero additional cases for two consecutive weeks, or until universal testing of the building within the previous three (3) day period, reveals less than 1% positivity rate within the workforce.

WHEREAS, in response to the previous Merced County Health Officer Directives, Foster Farms has not implemented the required universal testing of the entire Livingston Complex, as directed. Over the three-week period since the August 5, 2020 directive was issued, the spread of disease within the facility has not been contained and active outbreaks continue to spread, creating a public nuisance as defined by California Penal Code 370 and Civil Code 3479, and posing a great risk to the health and safety of Merced County residents and the surrounding counties. Given the current epidemiological data, the slowness in testing workers, and the time necessary to complete comprehensive contact tracing and quarantine those who are exposed, partial closure of the facility for timely, universal testing of all workers and sanitation is necessary.

WHEREAS, based on the increasing number of positive COVID-19 cases at the Foster Farms Livingston Facility, the mounting death rates, the delay in implementation of a comprehensive testing scheme, the need for comprehensive contact tracing and quarantine of those exposed, decisive intervention is essential to control the COVID-19 outbreak. It is imperative that the Merced County Health Officer issue this Order to protect and preserve the health of workers at the Facility and residents of Merced County, surrounding counties, and the State of California.

Under the authority of California Health and Safety Code Sections 101040, 101085, 120175; California Government Code Sections 8610, 8630, and 8634; Article XI of the California Constitution; Title 17 California Code of Regulations Section 2501; and Merced County Code Chapter 2.72, the Health Officer of the County of Merced ("Health Officer") Orders Foster Poultry Farms A Corp (Foster Farms):

OSHA-004060

1. **Livingston Plant (including, but not limited to, Food Service Operations, Livingston Plant 1, Livingston Plant 2, Livingston Retail Packaging, Livingston Weigh and Price, and Livingston Rotis Room)** located at 843 Davis St., Livingston, CA 95334: To cease all operations within twelve (12) hours of issuance of this Order including any and all on-site manufacturing, transportation, processing, food service, packing, administrative, and/or other similar operations within Livingston Plant for the purposes of deep cleaning and testing all workers (permanent, temporary, contract, volunteer, and other) for clearance (as defined as two (2) negative PCR COVID-19 tests taken at least three (3) days but no more than seven (7) days apart), and implementing other measures in compliance with this Order. Foster Farms is further required to direct its agents, employees, officers, and others acting on its behalf, as well as subsidiaries, affiliates, and other entities controlled by Foster Farms, in such a manner as to ensure the closure of the entire Livingston Plant and that Livingston Plant on-site operations cease and resume only in accordance with this Order.
    a. Once Foster Farms accomplishes the requirements of this Section to the satisfaction of the Merced County Public Health Officer and/or Health Officer designee (MCDPH contact), Foster Farms may be able to resume operations at the Livingston Plant facility.
    b. No worker may return to work at the Livingston Plant until they have received two (2) negative PCR COVID-19 tests taken at least three (3) days but no more than seven (7) days apart.

2. **NCDC 2** located at 843 Davis St., Livingston, CA 95334: will be allowed to remain open and operational despite active outbreak status due to the ability to maintain at least six (6) foot social distancing within the workplace and a lower worker density within the facility, if:
    a. Foster Farms enforces 6 feet of social distancing between workers at NCDC 2;
    b. The current break room(s) are closed and Foster Farms provides an alternative, appropriate break space that can accommodate and ensure social distancing (that is actively monitored); and
    c. Foster Farms to provides food provisions, accommodating dietary needs to its workers to preventing the need for kitchen facilities for all workers with the facility until outbreak is cleared from NCDC 2 facility;
    d. Items 2(b)-(c) shall remain in place until the facility is cleared, defined as <1% positivity rate of the entire workforce at the NCDC 2, tested same day, for 2 rounds of testing, three (3) days apart. If testing positivity rate is greater than 1%, testing must be continued every three (3) days until outbreak is cleared.

3. **All Other Facilities** located at 843 Davis St., Livingston, CA 95334 and 1000 Davis St., Livingston, CA 95334: can remain open and operational, if:
    a. All employees (permanent, temporary, contract, volunteer, and other) are tested immediately and every seven (7) days thereafter until Livingston Complex is cleared from outbreak. If testing positivity rate is greater than 1%, testing must be increased to every three (3) days.

4. Conduct a terminal cleaning of the entirety of the Livingston Complex through a qualified cleaning agency either during facility closure or within seven (7) days of the issuance of this Order. Ensure that high-traffic areas and high-touch areas are disinfected following CDC guidelines:
https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html and
https://www.cdc.gov/coronavirus/2019-ncov/community/pdf/REopening_America_Guidance.pdf.

5. The following COVID-19 line lists of data, at a minimum and as required by MCDPH, shall be reported to the MCDPH contact directly in a format determined by MCDPH and at intervals determined by MCDPH, but at no time less often than two times each week on Tuesdays and Fridays by 12:00PM:
    a. Worker full name, date of birth, gender, race, phone number, county of residence, job title, location in facility/assigned department, unit/shift (e.g., day, night, swing), if the individual works in another facility/location and name of the other facility, positive test date, last day worked, symptom start date (note if asymptomatic), testing location, if worker was tested due to part of mandated response testing, type of test used (e.g., PCR, antigen), return to work date, if worker was hospitalized due to illness, hospitalization date, if worker died due to illness (if yes, immediately e-mail the MCDPH contact), date of death, number of close contacts sent home/teleworking due to exposure, and if the case was a close contact to another index/case in the facility.
    b. The full laboratory testing line list data (including on-site testing), at a minimum, shall be reported to the MCDPH contact directly in a format and at intervals determined by MCDPH, including worker full name, date of birth, phone number, address of residence, county of residence, test result, and test date. Submission via the CalREDIE system alone will not be accepted.

6. Immediately upon issuance of this Order, a COVID-19 Mitigation Plan for the entire Livingston Complex is required to be prepared and submitted to and approved by the MCDPH contact and shall include continued proper COVID-19 worker medical screening, symptom-based testing, and testing of new hires and temporary workers, including the following:
    a. Permanent employees, temporary workers, contract workers, and/or volunteers that present with a positive COVID-19 test result shall be sent home from work for the required quarantine period and follow MCDPH, California Department of Public Health (CDPH), and CDC requirements and guidance. Workers who refuse or are unable to be tested as directed by MCDPH should be quarantined at home for 14 days, and shall not be allowed to work during the isolation period as defined by CDC:
    https://www.cdc.gov/coronavirus/2019-ncov/hcp/disposition-in-home-patients.html.
    b. Workplace contact tracing shall be conducted by Foster Farms within 24 hours of notification of a positive employee. Close contacts, is defined as being within six

OSHA-004062

(6) feet for more than 15 minutes during the case's infectious period to positive workers. Close contacts shall be sent home from work for a 14-day quarantine period. The infectious period begins 48 hours prior to development of symptoms. For the purposes of contact tracing of individual who were asymptomatic and tested positive, the infectious period commences 48 hours prior to the day the sample was collected.

c. Temporary workers, permanent employees, contract employees, and/or volunteers will not be allowed to begin work without submitting proof to Foster Farms of a COVID-19 negative point-of-care antigen or PCR test result dated same day before start of work up to 48 hours before the start date.

d. Symptom-based testing is required when a permanent employee, temporary worker, contract worker, and/or volunteer presents with any one of the COVID-19 symptoms described by the CDC in the following guidance: https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html. Immediately upon notice to or observation by Foster Farms of any one of the COVID-19 symptoms by any worker at the site, testing of the worker shall immediately occur by either PCR or point-of-care antigen testing, or other Health Officer approved testing method, and results shall be obtained within 24-48 hours.

e. When there is a COVID-19 outbreak of three (3) permanent employees, temporary workers, contract workers, and/or volunteers in any building, or area that shares the same air supply, all individuals who had worked in the area during the potential outbreak period (within 48 hours prior to the onset of symptoms of a positive employee throughout the duration of the outbreak) must be tested for COVID-19 by PCR immediately and every seven (7) days thereafter until the building reports zero additional cases for two consecutive weeks, or until universal testing of the building reveals less than 1% positivity rate within the workforce.

f. The employer is responsible for ensuring all workers, including temporary workers, permanent employees, contract employees, and/or volunteers, are offered and provided COVID-19 testing at no cost to the employee.

7. As soon as practical, but no less than 14 days of issuance of this Order, expand the on-site Occupational Health program and clinic, consisting of a designated licensed medical or nursing professional and liaison for MCDPH to ensure and oversee proper COVID-19 worker medical screening processes, contact tracing, case investigation and referral to health care provider as needed, accurate data collection and reporting of all workers tested, reporting of all COVID-19 positive results regardless of county of residence, immediate notification of COVID-19 related hospitalizations to the MCDPH contact and CalOSHA, immediate reporting of COVID-19 related deaths to the MCDPH contact and CalOSHA, data quality assurance verification protocol, and the implementation of adequate COVID-19 surveillance testing and reporting to the MCDPH contact, as approved by MCDPH. These requirements are subject to review and supervision by MCDPH to ensure adequate procedures and practices are implemented.

8. Foster Farms management shall ensure that all employees be informed of testing requirements, outbreaks that occur, areas affected, and trained on safety requirements, in English, Spanish, and Punjabi, working with the union as applicable.

9. Provide proper face coverings at no cost to all contract employees, permanent employees, temporary workers, and/or volunteers prior to each shift, and if a replacement is needed during a shift, and require use as directed in the Merced County Health Officer Order.

10. Foster Farms shall follow all State Orders, including State COVID-19 Industry Guidance for Food Packing and Processing: https://files.covid19.ca.gov/pdf/guidance-food-packing--en.pdf.

11. This Order is issued in accordance with, and incorporates by reference, the: March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom; March 12, 2020 Executive Order N-25-20 and March 19, 2020 Executive Order N-33-20, each issued by Governor Newsom ordering all state residents to heed any orders and guidance of state and local public health officials with respect to COVID-19; May 4, 2020 Executive Order N-60-20 issued by Governor Newsom ordering various protocols and reaffirming the existing authority of local health officers to establish public health measures that are more restrictive or additional to statewide directives; Government Code section 8567(a); the March 13, 2020 Declaration of Local Health Emergency in Merced County pursuant to Health and Safety Code section 101080; the March 13, 2020 Proclamation of Local Emergency pursuant to Government Code section 8630 and Merced County Code section 2.72.060; the March 16, 2020 Resolutions of the Board of Supervisors of the County of Merced ratifying the Local Emergency and Local Health Emergency; and the California Department of Public Health, Cal/OSHA, and the California Department of Food and Agriculture jointly issued Industry Guidance for Food Packing and Processing updated on July 29, 2020 and any future dated updates.

12. Violation of this Order by Foster Farms is a misdemeanor punishable by fines up to $1,000 per day, imprisonment of 90 days, or both. Violation also subjects Foster Farms to civil enforcement actions including injunctive relief, attorneys' fees and costs. A violation of this Order constitutes a public nuisance. (Health and Safety Code Sections 120275 and 120295; Penal Code Sections 19 and 370; Government Code Sections 25132 and 8665; Merced County Code 2.72.100)

13. Pursuant to Government Code Sections 26602 and 41601 and Health and Safety Code Sections 101029, the Health Officer requests that the Sheriff and all chiefs of police in the County ensure compliance with and enforce this Order.

14. Copies of this Order shall promptly be: (1) made available at the County Administration Building at 2222 M Street, Merced, California 95340; (2) and provided to any member of the public requesting a copy of this Order.

OSHA-004064

SO ISSUED AND ORDERED:

Salvador Sandoval

Salvador Sandoval, MD, MPH
Merced County Health Officer

Dated: August 26, 2020
Time: 2025 hr

NOTICE OF RIGHTS

1. If you object to this order, you have a right to arrange for your own legal representative.
2. You have a right to also file for judicial relief to seek release from the order.
3. All requests to contact the County Health Officer will be through Merced County Department of Public Health at 209-381-1203 during normal business hours.

Salvador Sandoval

Salvador Sandoval, MD, MPH
Merced County Health Officer

Dated: August 26, 2020
2025 hr.

IN THE UNITED STATES DISTRICT COURT
FOR WESTERN DISTRICT OF MISSOURI

RURAL COMMUNITY WORKERS ALLIANCE and JANE DOE, *Plaintiffs*, v. SMITHFIELD FOODS, INC. and SMITHFIELD FRESH MEATS CORP., *Defendants*.	Case No. 5:20-cv-06063-DGK

PLAINTIFFS' SUGGESTIONS IN OPPOSITION TO SMITHFIELD'S EMERGENCY MOTION TO DISMISS

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I. INTRODUCTION

Plaintiffs seek a straightforward and uncontroversial remedy: an order from this Court that pursuant to Missouri's "stay at home" order, Defendants Smithfield Foods, Inc. and Smithfield Fresh Meats Corp. (together, "Smithfield") must operate their Milan, Missouri plant (the "Plant") consistent with Centers for Disease Control ("CDC") guidance, including guidance issued by the CDC this weekend regarding the operation of slaughterhouses and meatpacking plants during the COVID-19 pandemic, Dkt. No. 29-5 (collectively, "CDC guidance"). Consistent with the purpose of that guidance, and with the support of a range of public health experts, Plaintiffs argue that Smithfield's failure to comply with this guidance poses an urgent and ongoing threat to Plant workers, their community, and to the nation, including the food supply, which would be threatened further if the Plant experienced an outbreak like those that have emerged at other Smithfield plants.

Smithfield's Motion to Dismiss ("Smithfield Br."), Dkt. No. 29, does not argue that Plaintiffs have not pled the elements of their state law claims for public nuisance and breach of the duty to provide a reasonably safe workplace. Smithfield also does not argue they are somehow free to ignore Missouri's "stay at home" order or the CDC guidance that it incorporates. Instead, Smithfield asks this Court to step back and wait to adjudicate this case and protect public health and safety because it is possible that the federal Occupational Safety and Health Administration ("OSHA") or the Missouri Department of Health and Senior Services ("MDHSS") may, at some future point, decide to step in.

No law or doctrine prohibits this Court from addressing the urgent risks posed by Smithfield's operation of the Plant in a manner inconsistent with CDC guidance. Missouri courts have long allowed private plaintiffs to go to court to seek abatement of public nuisances that may cause harm to the public health, *Scheurich v. Sw. Missouri Light Co.*, 84 S.W. 1003, 1007 (Mo.

Ct. App. 1905), and to seek injunctions for breaches of the duty to provide a reasonably safe workplace, *Smith v. W. Elec. Co.*, 643 S.W.2d 10, 13 (Mo. Ct. App. 1982). This case is consistent with those bedrock principles of Missouri tort law. The doctrines of primary jurisdiction and *Burford* abstention do nothing to change that tradition.

There is also nothing to wait for. OSHA and MDHSS have already acted by pointing to the CDC guidelines as the standards that employers should follow to prevent further spread of COVID-19. Those standards have recently become even more specific and undeniable pursuant to recommendations issued by CDC and OSHA to protect workers at poultry and meat processing facilities from the disease. *See* Dkt. No. 29-5.[1] Plaintiffs allege that Smithfield's failure to follow those guidelines violates Missouri common law and requires injunctive relief. The Court need not defer to agencies who have said all they need to say on this matter to resolve Plaintiffs' claims. This is all the more true because neither OSHA nor the MDHSS is engaged in enforcement of the CDC guidance within the Milan plant and OSHA and Missouri's public statements establish they will not enforce these essential rules.

This litigation and the Court's Order of April 26, which required Smithfield to comply with CDC guidance pending a hearing on Plaintiffs' motion for a preliminary injunction, *see* Dkt. No. 20, have already resulted in concrete improvements at the Milan Plant. New social distancing protocols and mask-wearing requirements, announced for the first time on April 27, are already making workers and the surrounding community safer than they were before. Supplemental Declaration of Jane Doe ("Second Doe Decl.") ¶¶ 6-8. These changes also put the

[1] Importantly, this new guidance calls for many of the same reforms recommended in Dr. Robert Harrison's declaration in support of Plaintiffs' Motion for Preliminary Injunction. Dkt. No. 3-4.

lie to Smithfield's prior representations to the Court that they were already in compliance when Plaintiffs filed suit. Smithfield Br. 3.

There remains much more that Smithfield must do to comply with the CDC guidance and ensure the Plant can remain open without the disastrous spread of COVID-19 that has forced other plants to close. Dismissing this action now in hopes of enforcement by OSHA and/or MDHSS, when both have indicated enforcement action is *not* forthcoming, undermines basic rights and threatens the safety of the Nation. Neither law nor logic suggests such a result.

II. FACTUAL BACKGROUND

Smithfield's argument that the Court need not order the requested relief because, so far, there are no *confirmed* cases of COVID-19 among workers at the Plant and relatively low numbers of cases in surrounding counties compared to other parts of the state misses the point. Smithfield Br. 3-4. Most importantly, "confirmed cases" is a peculiar standard on which to rely, because workers have already shown symptoms, Dkt. No. 3-5 ¶ 4 ("First Doe Decl.") (identifying at least 8 workers with symptoms), and Smithfield continues to refuse to offer the workers testing, Second Doe Decl. ¶ 13. A public health and slaughterhouse expert explains to the Court that without the relief requested here, spread of the disease in the Plant is "inevitable." *E.g.*, Declaration of Dr. Melissa Perry ("Perry Decl.") ¶¶ 9-10, 32.

Without Court intervention, Milan will likely join a long line of slaughterhouses around the country to become the source of a virus cluster. This morning, Smithfield's packing facility in Clinton, North Carolina reported two new positive cases.[2] Just this past Monday, Crete, Nebraska officials stated Smithfield's plant there would be closed because of an outbreak

[2] Chris Berendt, *Virus cases at Smithfield rise to seven*, THE SAMPSON INDEPENDENT (Apr. 29, 2020), https://www.clintonnc.com/news/48498/virus-casesat-smithfieldrise-to-seven.

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(although it now appears Smithfield may be keeping that plant open despite the health and safety concerns).[3] Last week, a report examining meat and poultry plants determined that 150 such plants are located in counties that have an infection rate higher than 75% of the United States.[4] Plaintiffs filed this suit seeking solely injunctive relief to bring the Plant into compliance with existing public health guidance so that it could remain in operation, and so that the residents of the surrounding counties would not join the list of other rural areas that have turned into COVID-19 hot spots because they are home to meat processing facilities.

Plaintiffs' efforts to enforce Missouri law appear to be working already. In response to the suit, this Court Ordered Smithfield on April 26 to "comply with all guidance from CDC and other public authorities." Dkt. No. 20, at 3. Then, on April 27, a new sign appeared in the plant stating that masks must be worn at all times. Second Declaration of Axel Fuentes ("Fuentes Decl.") ¶¶ 4-5 & Ex. A. That same day, another new sign provided an updated protocol for clock-in and -out procedures to permit greater social distancing. *Id* ¶ 6; Second Doe Decl. ¶ 7.

However, Smithfield's Milan workers remain without some basic protections. They continue to stand shoulder-to-shoulder on the line. Second Doe Decl. ¶ 5. Hallways, restrooms, and break areas remain crowded, with workers "regularly closer than 6-feet apart." *Id.* ¶ 9. Smithfield has failed to provide handwashing breaks or allow workers to step off the line to blow

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[3] Jennifer Shike, *Smithfield Foods Slows Production at Pork Plant in Crete, Nebraska,* AGWEB (Apr. 27, 2020), https://www.agweb.com/article/smithfield-foods-shutters-pork-plant-crete-nebraska.

[4] Kyle Bagenstose, Sky Chadde & Matt Wynn, *Coronavirus at meatpacking plants worse than first thought, USA TODAY investigation finds: Coronavirus closed Smithfield and JBS meatpacking plants. Many more are at risk. Operators may have to choose between worker health or meat in stores*, USA TODAY (Apr. 22, 2020), https://www.usatoday.com/in-depth/news/investigations/2020/04/22/meat-packing-plants-covid-may-force-choice-worker-health-food/2995232001/.

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their noses. *Id.* ¶ 10. Smithfield's actual enforcement of its stated mask policy appears non-existent. *Id.* ¶¶ 3-4. Smithfield provides no paid sick leave and encourages workers to come in sick. *Id.* ¶¶ 12, 15. And Smithfield has not provided for testing or any system of contact tracing. *Id.* ¶ 13. These facts remain contrary to what Dr. Robert Harrison, Dr. Melissa Perry, and the CDC explain is necessary to keep the Plant from becoming an incubator for disease. *See* Declaration of Dr. Robert Harrison ("Harrison Decl.), Dkt. No. 3-4. In fact, Dr. Perry explains that immediately correcting these conditions is both practical and essential. Perry Decl. ¶¶ 8-32.

III. ARGUMENT

A. The Court Should Not Exercise Its Discretion to Apply the Primary Jurisdiction Doctrine Where the Relevant Federal Guidance Has Already Been Issued and the Only Question Is Its Enforcement, Which OSHA Has Disclaimed.

Primary jurisdiction "is to be 'invoked sparingly, as it often results in added expense and delay.'" *Alpharma, Inc. v. Pennfield Oil Co.*, 411 F.3d 934, 938 (8th Cir. 2005) (quoting *Red Lake Bank of Chippewa Indians v. Barlow*, 846 F.2d 474, 477 (8th Cir. 1988)). The district court should dismiss a case and refer a matter to a federal agency pursuant to the primary jurisdiction doctrine only where "the parties would not be unfairly disadvantaged." *Reiter v. Cooper*, 507 U.S. 258, 268-69 (1993). This is not such a case.

Here, Jane Doe and her coworkers, including many Rural Community Workers Alliance ("RCWA") members, as well as the communities where they live, have already benefitted from the changes instituted at the Plant in response to this Court's Order. Plaintiffs would be unfairly disadvantaged if the Court withdrew its supervisory presence, which ensures that Smithfield will continue complying with applicable OSHA and CDC guidance. This is particularly the case where Smithfield relies entirely on an "informal" letter they have received from OSHA, that cannot and—based on OSHA's statements—will not result in federal enforcement. Declaration

of Dr. David Michaels ("Michaels Decl.") ¶¶ 13-14; Declaration of Ann Rosenthal ("Rosenthal Decl.") ¶¶ 12-14.

1. Plaintiffs' Claims Do Not Involve OSHA Expertise.

The Eighth Circuit explains that a core objective of this prudential doctrine is to take advantage of "agency expertise," *Alpharma*, 411 F.3d at 938, but here, Plaintiffs ask the Court to consider claims that call for judicial, not administrative, resolution. Plaintiffs' public nuisance claims seek a remedy against business operations that cause a harm to the public generally. OSHA's jurisdiction focuses on the workplace. It has no authority to promulgate standards to protect the general public. *Steel Inst. of N.Y. v. City of New York*, 716 F.3d 31, 33 (2d Cir. 2013) ("the Act does not protect the general public, but applies only to employers and employees in workplaces"); *accord* Michaels Decl. ¶ 8; Rosenthal Decl. ¶ 5. And although Missouri's cause of action for violation of the right to a safe workplace certainly relates to occupational safety, that claim has long formed the basis for injunctive relief in court, even subsequent to the creation of OSHA in 1970. *See, e.g.*, *Smith v. W. Elec. Co.*, 643 S.W.2d 10, 12-13 (Mo. App. 1982).[5] Plaintiffs bring claims under state common law doctrines that OSHA's regulatory scheme does not displace, and there is no reason for this Court to defer to the primary jurisdiction of OSHA before resolving those claims. *See* 29 U.S.C. § 653(b)(4); *United Steelworkers of America v. Marshall*, 647 F.2d 1189, 1235-36 (D.C. Cir. 1980) (OSHA leaves "state schemes wholly intact as a legal matter"). In fact, primary jurisdiction is not applicable where plaintiffs do not seek to

[5] The Missouri court expressly rejected an argument that it should defer and allow OSHA to address the problem because it could not identify an "OSHA standard which would appear to cover tobacco smoke." *Smith*, 643 S.W.2d at 14. Similarly, OSHA "has not adopted a specific standard that protects employees from the risks of infectious disease like COVID-19." Michaels Decl. ¶ 10.

enforce a federal statute or regulation but bring "an independent state law cause of action for negligence and strict liability." *Ryan v. Chemlawn Corp.*, 935 F.2d 129, 132 (7th Cir. 1991).

Allowing Plaintiffs claims to proceed will also further national "consistency"—the other rationale for primary jurisdiction—because any relevant OSHA activity has already occurred, and the Court already has the benefit of the agency's "expertise." *See Alpharma*, 411 F.3d at 938. In particular, OSHA, in conjunction with the CDC, has published detailed guidelines on how to mitigate the spread of COVID-19 in meat processing facilities. Dkt. No. 29-5 (guidance). Plaintiffs simply request that the Court require Smithfield to comply with those guidelines, as Drs. Harrison and Perry recommend. Eighth Circuit precedent instructs that courts should not defer to agencies under the primary jurisdiction doctrine when the court is asked to analyze what an agency has already done, not substitute its judgment as to what an agency might or should do in the future. *Alpharma*, 411 F.3d at 939 ("The question of whether Pennfield's BMD has been approved as safe and effective is much different from the question of whether Pennfield's BMD should be approved as safe and effective, and it is only the latter that requires the FDA's scientific expertise."); *see also Illinois Pub. Interest Research Grp. v. PMC, Inc. Through PMC Specialties Grp.*, 835 F. Supp. 1070, 1076 (N.D. Ill. 1993) (declining to defer to agency's primary jurisdiction where the court was not being asked to set standards but merely "to enforce existing standards"); *Segedie v. Hain Celestial Grp., Inc.*, No. 14-5029, 2015 WL 2168374, at *13 (S.D.N.Y. May 7, 2015) (declining to defer to agency's primary jurisdiction where the "claims seek to hold Defendant to existing regulations, not proposed regulations").

2. There Are No Relevant OSHA Proceedings.

Further, there is no administrative activity to which the Court could defer—as is necessary for the primary jurisdiction doctrine to apply. *See, e.g., Natural Res. Def. Council v.*

Metro. Water Reclamation Dist. of Greater Chi., No. 11-02937, 2016 WL 1298124, at *4 (N.D. Ill. Mar. 31, 2016) (holding primary jurisdiction doctrine does not apply because defendant did "not identify with precision any relevant proceedings to which this Court should defer for the resolution of the question presented."). Smithfield argues that an April 22 letter from OSHA's regional administrator suggests that "OSHA is already in the process of exercising its jurisdiction at the Plant." Smithfield Br. 1. But that letter responds to a specific workplace injury that occurred on April 15 and says nothing about COVID-19. Dkt. No. 29-2. The sole reference to the virus appears in a generic COVID-19 questionnaire following a more specific questionnaire addressing the April 15 incident. *Id.*

Moreover, the April 22 letter represents an inquiry, not an inspection, and does not suggest an inspection is imminent. It is conceivable that under OSHA's regulatory regime this written exchange of information, called an investigation, could lead OSHA to request an in-person inspection. Michaels Decl. ¶¶ 15-16. However, the interim guidance OSHA has issued for its administrators during the pandemic makes this unlikely; OSHA has expressly stated its policy is *not* to inspect meat packing plants. Michaels Decl. ¶¶ 13-14; Rosenthal Decl. ¶ 13; *see also* Dkt. No. 29-4 (guidance).[6] An inspection is ***a prerequisite*** to any OSHA action that could require a workplace to abate unsafe conditions. 29 U.S.C. § 658(a); *see also* Michaels Decl. ¶ 15; Rosenthal Decl. ¶ 14. Furthermore, if such an inspection did occur, it could in turn lead to a

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[6] Indeed, Dr. Michaels, the longest serving head of OSHA in its history, and a current scholar on its practices states that throughout the crisis "OSHA has failed to enforce any of its limited requirements that could conceivably protect meatpacking workers from illness." Michaels Decl. ¶ 8; *see also id.* ¶¶ 10, 12 (explaining OSHA's only potentially applicable standards leave their implementation to the discretion of the employer and that OSHA has not taken any steps to make them mandatory in response to COVID-19). *See also* Rosenthal Decl. ¶¶ 10-12 (stating substantially the same).

citation issued anytime in the next six months, which would then be reviewable by the independent Occupational Safety and Health Review Commission before it could be enforced. 29 U.S.C. § 658(c), 659(c); *see also* Michaels Decl. ¶¶ 16-17; Rosenthal Decl. ¶¶ 15-17.

Dr. Michaels and Anne Rosenthal, both of whom served long stints within high levels of OSHA, are of the opinion that written investigation letters like the one sent to Smithfield on April 22 rarely, if ever, lead to citations, enforcement actions, or penalties, particularly in light of OSHA's stated non-enforcement policy against meat packing plants. Michaels Decl. ¶¶ 13-16. Rosenthal Decl. ¶¶ 11-3. Michaels and Rosenthal also opine that even if the letter did lead to an inspection and to any kind of enforcement on a reasonable timeline, none of the specific OSHA standards spelled out on page 13 of Smithfield's motion would be sufficiently strong to allow OSHA to enforce the CDC guidelines, even the guidelines that OSHA has helped to promulgate. Michaels Decl. ¶¶ 10-12; Rosenthal Decl. ¶¶ 8-9.

Smithfield argues that the Department of Labor could seek an emergency injunction to enforce OSHA standards even absent an inspection, but that argument is belied by statute and Supreme Court and Eighth Circuit law. 29 U.S.C. § 662(c) (noting that the Secretary of Labor will request an injunction only in response to a recommendation from an in-person inspector); *Whirlpool Corp. v. Marshall*, 445 U.S. 1, 8-9 (1980) (explaining that OSHA's emergency injunction process begins with an inspection); *N.L.R.B. v. Tamara Foods, Inc.*, 692 F.2d 1171, 1181 (8th Cir. 1982) (same). Furthermore, Smithfield points to no case where this power was actually used. Plaintiffs could locate only two in the entire country, neither of which was decided in the past 25 years. *Reich v. Dayton Tire, a Div. of Bridgestone/Firestone, Inc.*, 853 F. Supp. 376, 378-79 (W.D. Okla. 1994) (Secretary issued request for injunction following multiple inspections over an eleven-month period); *Marshall v. Daniel Const. Co., Inc.*, 563 F.2d 707,

710-15 (5th Cir. 1977) (noting that employee's right under OSH Act is limited to requesting an inspection, and inspector's right is limited to recommending that the Secretary seek an emergency injunction from the court in the event that dangerous conditions are found).[7]

Finally, Smithfield attempts to frighten this Court with claims that the injunctive relief Plaintiffs are seeking is "truly unprecedented" because it gives Plaintiffs' experts too much control over crafting a remedy. Smithfield Br. 14. Although some courts have declined to issue preliminary injunctive relief responding to emergency conditions caused by COVID-19, many other courts have granted such relief, even when it required detailed changes to facility operations recommended by plaintiffs and their experts. *See, e.g.*, *Fraihat v. U.S. Immigration & Customs Enf't*, No. 19-1546, 2020 WL 1932570, at *21-*29 (C.D. Cal. Apr. 20, 2020) (granting preliminary injunction mandating that ICE revisit custody determinations, including considering release for all persons in ICE detention whose age or health conditions place them at increased risk due to the COVID-19 pandemic); *Esshaki v. Whitmer*, No. 20-10831-, 2020 WL 1910154, at

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[7] Last night, the President issued an Executive Order stating that the United States Department of Agriculture ("USDA") would be protecting worker health and safety at meat packing plants. *See* "Executive Order on Delegating Authority Under the DPA with Respect to Food Supply Chain Resources During the National Emergency Caused by the Outbreak of COVID-19," The White House (April 28, 2020), https://www.whitehouse.gov/presidential-actions/executive-order-delegating-authority-dpa-respect-food-supply-chain-resources-national-emergency-caused-outbreak-covid-19/. This order does not impact these proceedings. Importantly, twice in the last six months USDA expressly disclaimed that its Food Safety and Inspection Service, which is its division that works in the plants, has *any* role to play in worker safety and thus any expertise on how to protect workers. USDA Brief, *UFCW v. USDA*, No. 19-2660, Dkt. No. 16, at 29 (D. Minn.) ("[N]or are issues of workplace safety reasonably related to FSIS's food safety mission" (citing *Dawkins ex rel. Estate of Dawkins v. United States*, 226 F. Supp. 2d 750, 757 (M.D.N.C. 2002)); USDA Reply, *UFCW v. USDA*, No. 19-2660, Dkt. No. 24, at 15 (D. Minn.) ("[W]orker safety falls outside FSIS's regulatory authority" and therefore USDA defers to OSHA). Moreover, the Executive Order references OSHA guidance—not USDA promulgating any new standard—confirming that the Court already has before it whatever expertise the government can provide.

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*1 (E.D. Mich. Apr. 20, 2020) (granting preliminary injunction reducing Michigan signature requirement for inclusion on ballot by 50% in light of COVID-19 pandemic); *Cameron v. Bouchard*, No. 20-10949, 2020 WL 1929876, at *2 (E.D. Mich. Apr. 17, 2020), modified on reconsideration, No. 20-10949, 2020 WL 1952836 (E.D. Mich. Apr. 23, 2020) (granting TRO requiring jail to implement certain minimum measures to protect against spread of COVID-19, including ensuring access to no-cost soap and hand sanitizer, ensuring staff wash hands and wear PPE, conduct testing, and provide for "adequate spacing of six feet or more between people incarcerated, to the maximum extent possible, so that social distancing can be accomplished").

Here, where Plaintiffs' experts' recommendations track closely if not completely CDC guidance, including recent guidance specific to the meat processing industry, Court action will not be radical. Plaintiffs merely request the Court extend the Order it already issued and allow an inspection by Plaintiffs' designated expert to determine whether the guidelines are being followed and if additional measures may be necessary given the particular feature of the Plant. In light of the certain crisis that will result if Smithfield continues to delay protecting its workers, it is Smithfield's request the Court decline to act that is extraordinary. *See generally* Perry Decl.

B. The Court Should Not Exercise Its Discretion to Defer to State and County Health Departments That Expressly Embrace the Same CDC Guidance Plaintiffs Seek to Enforce.

With its primary jurisdiction argument, Smithfield suggests that the workplace safety issues at stake in this case are so uniquely committed to the expertise of federal OSHA that this Court should dismiss the matter and defer to OSHA. With its *Burford* abstention argument, Smithfield makes the entirely contradictory suggestion that the matters at stake here are so bound up with the *state* public health regulatory scheme that the federal courts should defer to the State of Missouri, its agencies, and its courts in this matter. Smithfield's self-defeating *Burford* argument provides no basis to dismiss Plaintiffs' claims.

With respect to *Burford* abstention, the Supreme Court has instructed that "federal courts have a strict duty to exercise the jurisdiction conferred upon them by Congress" and may decline to do so only "under exceptional circumstances." *Quackenbush v. Allstate Ins. Co.*, 517 U.S. 706, 716 (1996) (citations and internal quotations omitted). The Eighth Circuit has likewise stated "*Burford* abstention applies when a state has established a complex regulatory scheme supervised by state courts and serving important state interests, and when resolution of the case demands specialized knowledge and the application of complicated state laws." *Bilden v. United Equitable Ins. Co.*, 921 F.2d 822, 825 (8th Cir. 1990). *Burford* applies only where the state has developed a centralized "system of thorough judicial review" specific to the complex regulatory scheme at issue. *Burford v. Sun Oil Co.*, 319 U.S. 315, 325 (1943); *see also United States v. Morros*, 268 F.3d 695, 705 (9th Cir. 2001) (applying *Burford* abstention only when a state has consolidated all disputes regarding the regulatory scheme at issue into a single, designated court). This balancing of interests "only rarely favors abstention." *Quackenbush*, 517 U.S. at 728. Where, as here, federal court jurisdiction is conferred by diversity of citizenship, even if there were "difficult or uncertain" questions of state law (and there are not) the Supreme Court has made clear that *Burford* supplies no basis to relinquish the jurisdiction Congress has conferred. *Meredith v. City of Winter Haven*, 320 U.S. 228, 234 (1943).

In lieu of actually meeting the doctrine, Smithfield suggests vaguely that "this matter should be handled by state and county public health agencies." Smithfield Br. 17. But the fact that state and local health agencies have the authority, in theory, to enforce public health rules does not amount to a centralized "system for thorough judicial review" of disputes relating to the common law rights that Plaintiffs assert here. Instead, to enforce their rights, Plaintiffs must rely on their time-honored ability to petition a court, including a federal court where federal

jurisdiction otherwise lies. *See, e.g.*, *Jackson v. City of Blue Springs*, 904 S.W.2d 324, 329 (Mo. App. 1995); *K.C. 1986 Ltd. P'ship v. Reade Mfg.*, 33 F. Supp. 2d 1143, 1156 (W.D. Mo. 1998). The alternative to federal courts exercising their jurisdiction over cases like these is that these cases will go to state court where they are just as likely to be heard by courts without public health expertise in these matters and just as likely to yield inconsistent outcomes. *Compare Burford*, 319 U.S. at 326 ("To prevent the confusion of multiple review of the same general issues, the [Texas] legislature provided for concentration of all direct review of the Commission's orders in the State district courts of Travis County.").

Furthermore, although state courts may have jurisdiction to hear Plaintiffs' claims, *Burford* abstention is only appropriate "[w]here timely and adequate state-court review is available." *New Orleans Pub. Serv., Inc. v. Council of City of New Orleans*, 491 U.S. 350, 361 (1989); *Univ. of Maryland at Baltimore v. Peat Marwick Main & Co.*, 923 F.2d 265, 271 (3d Cir. 1991). In this case, remanding this issue to state court would require delay that Plaintiffs and the public generally cannot afford.

The Court's exercise of its jurisdiction here likewise "would [not] disrupt a state administrative process." *Heartland Hosp. v. Stangler*, 792 F. Supp. 670, 672 (W.D. Mo. 1992) (quoting *Cty of Allegheny v. Frank Mashuda Co.*, 360 U.S. 185, 189 (1959)). It may be true that public health agencies in Missouri have expertise regarding public health matters and have a responsibility for exercising public enforcement. But the "exceptional circumstances" warranting abstention apply only where the party seeking abstention can point to a specific state administrative process that will be disrupted by the federal proceedings. *Caranchini v. Kozeny &*

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McCubbin, LLC, No. 11-0464, 2011 WL 5921364, at *5 (W.D. Mo. Nov. 28, 2011) (Kays, J.). Smithfield identifies no such process here.[8]

Assuming there was a special forum to which the Court could defer (and there is not), there is also no reason to defer as nothing in Missouri's law of public nuisance or its right to a safe workplace tort is "particularly complicated," and the Court's exercise of its jurisdiction here would not frustrate Missouri's interest in managing public health issues. *Doe v. McCulloch*, 835 F.3d 785, 788 (8th Cir. 2016) (declining to apply *Burford* abstention to question of Missouri state law). Aside from general principles of Missouri tort law, the only state law at issue here is the "stay at home" order issued by the Governor in March. That already-promulgated order provides a relatively straightforward mandate. It includes multiple references to "CDC guidance," Dkt. No. 29-1 ("stay at home" order), and makes the same recommendations regarding social distancing, even for essential businesses that must remain open, that the CDC and OSHA have emphasized in their guidance documents, including guidance documents specific to the meat processing industry, *see* Dkt. No. 29-4. An established state regime that actually relies on federal guidance, which is what Plaintiffs seek to enforce, is not a basis for *Burford* abstention.

Smithfield seeks to manufacture a complex question by pointing to language in the "stay at home" order that designates meatpacking Plants as essential operations that should stay open

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[8] It bears mentioning that Missouri's attorney general saw no need to oforgo litigation or even to litigate in state court because of the "active[] involve[ment]" of state and local public health agencies, *See* Smithfield Br. 17. He filed a lawsuit in federal district court against the People's Republic of China, asserting Missouri common law claims of public nuisance. *Missouri v. The People's Republic of China*, No. 20-99, Compl., Dkt. No. 1 (E.D. Mo.). The chief law enforcement officer of the state properly concluded that the federal interests in "in affording foreign litigants a neutral forum for the adjudication of state law claims against them" outweigh any state law interests regarding coherent application of its public nuisance doctrine. *See Cleveland Hous. Renewal Project v. Deutsche Bank Tr. Co.*, 621 F.3d 554, 568 (6th Cir. 2010).

and suggesting Plaintiffs' request that Smithfield provide for social distancing would prevent Smithfield from operating. Smithfield Br. 17. Not so. Plaintiffs do not seek to close the Plant. Smithfield and its workers can continue operations while complying with social distancing requirements. In fact, that may be the *only* way that Smithfield can operate the Plant safely. Dr. Perry, an occupational health and safety professor and past president of the American College of Epidemiology, states that in her professional opinion, workers on meat production lines must stand at least six feet apart in order to perform their jobs safely during the current pandemic. If they do not, disease *will* spread in the Plant and into the surrounding community. Perry Decl. ¶¶ 9-13 ("Without social distancing, it is my expert opinion that the spread of COVID-19 in slaughterhouses and meat packing plants is inevitable."). Requiring social distancing in this case, therefore, would not be "disruptive of state efforts to establish a coherent policy with respect to a matter of substantial public concern," *Wolfson v. Mutual Benefit Life Ins.*, 51 F.3d 141, 144 (8th Cir. 1995). Smithfield fails "to prove that the exercise of federal jurisdiction would in any way frustrate the state's interests on the facts of this case" as is necessary for *Burford* abstention. *Melahn v. Pennock Ins., Inc.*, 965 F.2d 1497, 1507 (8th Cir. 1992).

IV. CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court deny Smithfield's motion to dismiss.

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April 29, 2020

Respectfully Submitted,

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Message

From: OScannlain, Kate S - SOL [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FC246996E74E4C8D8C6E5C73700C3406-OSCANNLAIN,]
Sent: 8/17/2020 1:53:59 PM
To: Mondl, Rachel E - SOL (Mondl.Rachel.E@dol.gov) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7d7773f42e1545e886e760b3cb4b19fb-Mondl, Rach]
Subject: FW: Bloomberg: U.S. Inspector Called Ahead of Meat Plant Visit, to Be Safe

From: Sidney, Sabin R - OPA <Sidney.Sabin.R@dol.gov>
Sent: Monday, August 17, 2020 9:24 AM
To: Sidney, Sabin R - OPA <Sidney.Sabin.R@dol.gov>
Subject: Bloomberg: U.S. Inspector Called Ahead of Meat Plant Visit, to Be Safe

U.S. Inspector Called Ahead of Meat Plant Visit, to Be Safe

Bloomberg
Clare Roth
August 14, 2020
https://www.bloomberg.com/news/articles/2020-08-15/u-s-inspector-called-ahead-of-meat-plant-visit-just-to-be-safe

A federal safety inspector tipped off a coronavirus-tainted Pennsylvania meatpacking plant before visiting the next day -- then failed to issue a citation, according to testimony in a lawsuit accusing the agency of failing to do its job.

The inspector said notifying a plant before an inspection wasn't typical practice for the Occupational Safety and Health Administration, but that she was told to do it by her supervisors for her own safety, according to a court transcript.

"OSHA has a right to protect their employees also," she said when pressed by a federal judge at a hearing.

Three anonymous workers at the Maid-Rite plant in Dumore claim the regulator failed to respond to complaints that they were forced to work shoulder-to-shoulder and weren't provided with masks or breaks to wash or sanitize their hands. That was after another worker told OSHA "about half the plant is out sick."

The coronavirus rampaged through U.S. meatpacking plants this spring, sickening thousands of employees in more than 200 facilities.

A plant manager at Maid-Rite said by phone late Friday that no one was available to comment.

In response to the Labor Department's request for dismissal of the suit, lawyers for the workers said in a filing Friday that the pre-planned visit defeated the purpose of surprise inspections.

"The advance notice mattered. Workers report that in anticipation of the inspection, Maid-Rite made changes to hide the extent of its unsafe working conditions, spacing workers further along production lines," according to the filing. "After the inspection, workers were once again forced to work immediately next to each other, sometimes touching."

They want the court to order OSHA to take steps to declare the plant an imminent danger or conduct a prompt, unannounced on-site inspection of the facility.

The Labor Department argued last month that workers failed to prove an imminent hazard existed and warned that if the court gives the workers what they seek, an "avalanche" of worker suits could follow.

The AFL-CIO sued OSHA earlier in the pandemic to put emergency safety standards in place. The U.S. Court of Appeals in Washington rejected the union's request.

The agency has received more than 7,000 complaints since the start of the pandemic, but has only issued four citations, officials said at the July 31 hearing.

OSHA didn't respond immediately to a request for comment Friday.

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI ST. JOSEPH DIVISION

RURAL COMMUNITY WORKERS ALLIANCE and JANE DOE,[1]	)	
Plaintiffs,	)	
v.	)	No. 5:20-CV-06063-DGK
SMITHFIELD FOODS, INC. and SMITHFIELD FRESH MEATS CORP.,	)	
Defendants.	)	

ORDER GRANTING DEFENDANTS' MOTION TO DISMISS

This lawsuit arises from Plaintiffs' allegations that Defendant Smithfield Foods, Inc. and its wholly owned subsidiary, Defendant Smithfield Fresh Meats Corporation (collectively, "Smithfield") have failed to adequately protect workers at its meat processing plant in Milan, Missouri, ("the Plant" or "the Milan Plant") from the virus that causes COVID-19. Now before the Court are Plaintiffs' Motion for a Temporary Restraining Order ("TRO") and Preliminary Injunction (Doc. 3), and Smithfield's motion to dismiss and/or stay pursuant to the primary-jurisdiction doctrine (Doc. 28).

After carefully reviewing the motions and the existing record, the Court holds that it should decline to hear this matter pursuant to the primary-jurisdiction doctrine to allow the Occupational Health and Safety Administration ("OSHA") to consider the issues raised by this case. But even if the Court did not apply the primary-jurisdiction doctrine, the Court would not

[1] The Court notes that there is currently a motion pending to allow Jane Doe to proceed using a pseudonym (Doc. 42). Given the Court's dismissal of this action and the denial of injunctive relief, the Court finds that requiring Plaintiff to reveal her identity would serve no important purpose, especially given that another named plaintiff appears in this case. The issues presently before the Court are—for the most part—purely legal, and the majority of Plaintiff's allegations are not individualized. Thus, the public's interest in Plaintiff's identity and the prejudice to Smithfield in allowing Plaintiff to proceed anonymously for purposes of deciding the instant motions is minimal. Plaintiff Doe may therefore use a pseudonym for purposes of the motions presently before this Court. This Court reserves judgment on her ability to do so should this case proceed to further stages of litigation.

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issue a preliminary injunction because Plaintiffs have not met their burden of proving that the extraordinary remedy of an affirmative injunction is justified. Smithfield's motion is GRANTED, and the case is DISMISSED WITHOUT PREJUDICE.

Background

The Background section of this order is arranged in chronological order. Although regrettably lengthy, it details how the regulatory environment in which meat-processing plants operate is constantly changing during this unique national emergency.

In late 2019, a new coronavirus emerged named severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).[2] This virus causes coronavirus disease 2019 (COVID-19), a respiratory illness that can cause serious health problems, including death.[3] SARS-CoV-2 is highly contagious; it appears to spread from person to person through respiratory droplets produced when an infectious person coughs, sneezes, or talks, and the virus can be spread by presymptomatic, or even asymptomatic, individuals.[4]

A global pandemic ensued, and the virus and COVID-19 reached the United States in early 2020. On March 13, 2020, the President declared a national emergency concerning COVID-19. That same day, Missouri's governor also declared a state emergency, and on April 3, the Missouri Department of Health and Senior Services issued a stay-at-home order that mandated all individuals abide by social-distancing requirements and closed all nonessential

[2] Ctrs. for Disease Control and Prev. & Occ. Safety and Health Admin., Meat and Poultry Processing Workers and Employers, https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/meat-poultry-processing-workers-employers.html (April 26, 2020).

[3] *Id.*

[4] *Id.*

businesses in Missouri through May 4.[5] The stay-at-home order defines essential businesses in accordance with guidance from the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency ("Homeland Security"), which identified livestock-slaughter facilities, including the Plant and its operations, as "critical infrastructure."[6] On April 9, the Centers for Disease Control ("CDC") published *Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19)*, which outlined several policies and procedures employers should implement to help prevent workplace exposure and community spread of the virus.

On April 22, OSHA sent Smithfield a "Rapid Response Investigation" requesting information regarding its COVID-19 work practices and infection at the Milan Plant, giving Smithfield seven days to respond. As part of its inquiry, OSHA requested information about Smithfield's COVID-19 practices including what, if any, personal protective equipment has been given to its workers, what engineering controls have been implemented, what contact tracing methods have been employed, and what policies have been changed or implemented in light of the pandemic (Doc. 29-2). Smithfield responded on April 29 (Doc. 41).

The next day, on April 23, Plaintiffs Jane Doe and the Rural Community Workers Alliance ("RCWA") filed suit. They allege Smithfield is not taking adequate steps to prevent transmission of the virus at its Plant, thereby endangering workers and members of the surrounding community. According to her declaration, Doe is a current Smithfield employee who has worked at its Milan Plant for at least five years. She claims she currently works on the

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[5] Mo. Dep't of Health & Senior Servs., Stay at Home Order, https://governor.mo.gov/priorities/stay-home-order (Apr. 3, 2020).

[6] U.S. Dep't of Homeland Sec., Cybersec. & Infrastructure Sec. Agency, Guidance on the Essential Critical Infrastructure Workforce, https://www.cisa.gov/sites/default/files/publications/Version_3.0_CISA_Guidance_on_Essential_Critical_Infrastructure_Workers_3.pdf (April 17, 2020).

"cut floor" where animals are broken down into products and packaged.

The RCWA is a Missouri non-profit advocacy group whose members consist exclusively of workers in Northern Missouri. Several members of RCWA's current leadership council work at the Plant, and sixty to seventy workers who attend its meetings work at the Plant, including Jane Doe.

Defendant Smithfield is one of the largest meat-processing companies in the world, with meat-processing plants all over the United States, including in Milan, Missouri. Several of its meat-processing plants in the United States have closed recently due to outbreaks of COVID-19 among its workers.

The Complaint (Doc. 1) alleges that several meat-processing plants in this country owned and operated by Smithfield have become major COVID-19 "hot spots." It also alleges that in direct contravention of CDC guidelines, Smithfield has not implemented certain precautions to keep its workers and the Milan community safe from the virus. Such measures include keeping adequate distance between workers, prohibiting workers from taking a break to wash their hands or face, preventing workers from covering their faces if they need to cough or sneeze, implementing a sick-leave policy that penalizes workers for missing work even if they are exhibiting COVID-19 symptoms, and failing to implement plans for testing and contact tracing.

The Complaint brings state-law claims for public nuisance and breach of duty to provide a safe workplace. Plaintiffs are not seeking monetary damages, only declaratory judgments stating that: (1) Smithfield's practices at the Plant constitute a public nuisance; and (2) Smithfield has breached its duty to provide a safe workplace.

The same day Plaintiffs filed suit, they also moved for a temporary restraining order and preliminary injunction (Doc. 3), seeking to force Smithfield to: provide masks; ensure social

distancing; give employees an opportunity to wash their hands while on the line; provide tissues; change its leave policy to discourage individuals to show up to work when they have symptoms of the virus; give workers access to testing; develop a contact-tracing policy; and allow their expert to tour the Plant. Attached to the motion were declarations from: (1) Jane Doe, who described working conditions at the Plant and stated she was afraid for health and safety, as well as the health and safety of the Milan community, because of what she considers inadequate safety procedures at the Plant; (2) RCWA's Executive Director, Alex Fuentes; (3) a senior lobbyist with the non-profit organization Food & Water Watch ("FWW"), Anthony Corbo; (4) a lawyer, Thomas Fritzsche, who has interviewed a number of Alabama poultry-plant workers about working conditions and authored a 2013 report for the Southern Poverty Law Center about modern industrial slaughterhouse workers; and (5) an occupational-medicine specialist, Dr. Robert Harrison, who works as Clinical Professor of Medicine at the University of California, and also serves the California Department of Public Health.

On April 26, the Court set a videoconference hearing on the preliminary injunction motion for April 30. That same day, the CDC and OSHA issued *Meat and Poultry Processing Workers and Employers – Interim Guidance* ("the Joint Guidance"), which provided supplemental guidance to meat-processing plants concerning COVID-19.[7] The Joint Guidance states that to reduce the risk of transmission among employees, employers at meat-processing facilities should, where "feasible," implement engineering controls, such as staggering shifts and breaks, requiring workers to stay six-feet apart, and/or erecting physical barriers; place handwashing or hand-sanitizing stations in multiple locations and encourage hand hygiene; give workers additional short breaks to wash hands; provide tissues; and allow workers to take breaks

[7] Ctrs. for Disease Control and Prev. & Occ. Safety and Health Admin., Meat and Poultry Processing Workers and Employers, https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/meat-poultry-processing-workers-employers.html (Apr. 26, 2020).

in alternative areas to ensure social distancing. It also recommends employers provide personal protective equipment for workers to use during their shift and increase the frequency of sanitization in work and common spaces. It states employers should educate employees on measures they can take to decrease the risk of spreading the virus and provides a specific list of measures employers should take to promote social distancing, such as providing visual cues on floors, as reminders for social distancing. It encourages employers to screen workers for COVID-19 by implementing temperature checks prior to entering the workplace and sending home workers who appear to have symptoms (e.g., cough, fever, or shortness of breath), and monitor workers' contacts so they can alert anyone who may have been exposed to the virus. Finally, it recommends employers review leave and incentive policies so as to not penalize workers for taking sick leave if they contract COVID-19.

On April 27, Smithfield filed a motion to dismiss this case pursuant to the primary-jurisdiction doctrine, arguing this Court should defer to OSHA in this case. The next day—April 28—the President signed an executive order ("the Executive Order") under § 4511(b) of the Defense Production Act ("DPA"), 50 U.S.C. § 2061 *et seq*., delegating authority to the Secretary of Agriculture to take all appropriate action "to ensure that meat and poultry processors continue operations consistent with the guidance for their operations jointly issued by" the CDC and OSHA.[8]

On April 29, Smithfield made several filings, including a supplemental brief to its motion to dismiss, which alleged that pursuant to the Executive Order, the United States Department of Agriculture ("USDA") now had jurisdiction over this case. It also submitted its Suggestions in

[8] Exec. Order on Delegating Authority Under the DPA with Respect to Food Supply Chain Resources During the National Emergency Caused by the Outbreak of COVID-19, https://www.whitehouse.gov/presidential-actions/executive-order-delegating-authority-dpa-respect-food-supply-chain-resources-national-emergency-caused-outbreak-covid-19/ (Apr. 28, 2020).

Opposition (Doc. 32) to the preliminary injunction motion. Attached to its brief as exhibit A (Doc. 32-1) is a declaration from the Plant's general manager, Tim Messman, along with pictures of the Plant and copies of the Plant's policies and procedures related to COVID-19. Exhibit B (Doc. 32-2) is a declaration from John Henshaw, the head of OSHA from 2001 to 2003.

Later that same day, Plaintiffs' filed their suggestions in opposition (Doc. 35) to Smithfield's motion to dismiss. Included in it is a declaration from Dr. Melissa Perry (Doc. 35-2), a professor of environmental health at George Washington University.

On April 30, the Court held a hearing on the motion via teleconferencing. The Court offered the parties an opportunity to introduce evidence, including witness testimony, but both parties elected to stand on the existing record. The parties then argued their respective positions.

After the hearing, the parties filed supplemental briefs. Attached to Smithfield's brief (Doc. 46) is a supplemental declaration from Smithfield's plant manager, clarifying Smithfield's leave policy and updating the Court on additional safety changes at the Plant.

Plaintiffs concede that Smithfield implemented new policies and procedures after this lawsuit was filed and have narrowed their requested injunctive relief to direct Smithfield to:

> (1) make all reasonable changes to its "production practices," including potentially lowering its line speeds, to place as many workers as possible at least six feet apart; (2) provide reasonable additional breaks to allow workers to care for their personal hygiene without penalty, including blowing their noses, using tissues, and hand washing; and (3) ensure that its policies do not require workers to come to the Plant to obtain COVID-19-related sick leave and take all reasonable steps to communicate that policy clearly to workers.

(Doc. 48 at 10). Plaintiffs characterize their requested relief as compliance with the Joint Guidance.

Findings of Fact

The Court gives the various declarations submitted by the parties the following

evidentiary weight.[9]

The Court gives Jane Doe's declaration limited weight. While she has personal knowledge of conditions in those parts of the Plant in which she works, it is unclear exactly what part of the "cutting floor" she works in, and whether she can see all that she claims to see from this area. Further, it appears that some of the information in her declaration is no longer accurate due to recent changes in the Plant's policies and procedures. For example, although her declaration may be correct that Smithfield initially told workers they would receive only one mask per week, this policy has been superseded. As discussed below, workers are now given masks every day. Finally, because her identify is unknown, there is no way to determine, through the adversarial process or otherwise, whether Doe has some bias against Smithfield that could lead her to misrepresent or exaggerate conditions at the Plant. The Court notes that at least one of her statements—that Smithfield has increased the line speed at the Plant during the pandemic—is contradicted by other, more persuasive evidence.

Mr. Fuentes' declaration concerning working conditions at the Plant are even less reliable than Jane Doe's, and so the Court gives them less weight. Mr. Fuentes has no personal knowledge of conditions at the Plant because he has never set foot in it. His understanding is based on hearsay from unidentified employees whose statements to him, even if accurately relayed by Mr. Fuentes, were not made under penalty of perjury. That said, the Court finds the portions of his declaration concerning RCWA's membership and activities are credible.

The Court finds the declarations of Messrs. Corbo, Fritzsche, and Harrison are based on some relevant knowledge, education, and experience concerning working conditions in American meat-processing plants generally, and so they possess some limited insight into what

[9] Smithfield filed a motion to strike Plaintiffs' five declarations attached to the motion for a temporary restraining order and/or preliminary injunction (Doc. 34). The Court denies the motion, since, in considering these motions, the issues it complains of go to the weight of the evidence rather than its admissibility.

steps could be taken to prevent the spread of the SARS-CoV-2 virus in a generic American meat-processing facility. Because they are unfamiliar with specific working conditions at the Plant, however, their declarations provide limited help in determining whether Smithfield's policies and procedure at the Plant are sufficient to stem transmission of the virus.

Finally, the Court turns to the declaration of Dr. Melissa J. Perry, Professor and Chair of Environmental and Occupational Health at the Milken Institute School of Public Health of the George Washington University. Dr. Perry credentials are excellent: She is a past President of the American College of Epidemiology and a past chair of the Board of Scientific Counselors for the CDC. She has also served as a member of the National Institute for Occupational Safety and Health research grant-review panel. She has studied meat-processing facilities since 2004 and has published six peer-reviewed-journal articles on work health and safety at meat-processing facilities. As part of that work, she has visited four meat-processing plants and spoken with engineers regarding the organizational structure of processing plants and how they can be redesigned to further worker health and safety.

Dr. Perry opines that meat-processing plants can allow workers to stand six feet apart if they reduce production line speed, and that, if they do not space production line workers six feet apart, the plants will "inevitably" have a COVID-19 outbreak. She contends slowing the production line is the only way the plant will be able to continue meat production without an outbreak. She also endorses the other requests Plaintiffs make, such as for more rest breaks and paid leave, as "absolutely necessary" so the Plant can continue operating.

This Court has respect for Dr. Perry's opinion but finds it of limited value in this case. While this Court agrees that slowing down line speed may be beneficial for workers and allow more opportunities for social distancing, the Court found nothing in the Joint Guidance

recommending a decrease in line speed. To that point, she provides no specific opinion regarding whether the Milan Plant is currently in compliance with the Joint Guidance, and there is no evidence that Dr. Perry reviewed the policies and procedures at the Milan Plant in forming her opinion. Accordingly, the Court gives little weight to her opinion that unless the production line speed is slowed and workers spread six feet apart, spread of the virus through the Plant is "inevitable" and it "will be forced to shutter." This assertion appears to be more of a good-faith speculation than an evidenced-based conclusion.

The Court gives more weight to the declarations provided by Smithfield. The statements made by Mr. Messman, the Plant's general plant manager, are almost all based on his personal knowledge. He possesses the most recent information concerning working conditions at the Plant, and he appears to be a reliable source of information about Smithfield's policies and procedures there.

The Court gives considerable weight to the declaration of John Henshaw, Smithfield's expert witness. After reviewing Smithfield's written policies and procedures at the Plant, the general manager's declaration, the pictures, and the declarations in Plaintiffs' motion, Mr. Henshaw opined that Smithfield's current policies and procedures, if followed, were consistent with the Joint Guidance as of April 29, 2020. Although the Court is aware that he is a retained expert witness whose assumptions and conclusions have not been tested by cross-examination, his opinion is measured, qualified, and grounded in the facts at the Milan Plant.

With the credibility determinations in mind, the Court makes the following findings of fact concerning current the Plant's working conditions and Smithfield's COVID-19 policies and procedures.

Before entering the Plant, Smithfield requires all employees to undergo thermal screening. If employees exhibit one primary symptom or two secondary symptoms of COVID-19,[10] Smithfield provides them with instructions for next steps, including directions to quarantine and call their physician for guidance, and sends the employee home for fourteen days of paid leave or until the individual receives a negative COVID-19 test result. Employees with underlying health concerns—verified by a doctor—that place them at a higher risk of COVID-19 are given fourteen days of paid leave and then are shifted to short-term disability leave.

While quarantining as a result of COVID-19 symptoms, Smithfield requires employees to complete a questionnaire that in part entails naming all other employees they have closely contacted within the two days before experiencing symptoms. If the employee tests positive for COVID-19, Smithfield notifies and screens the close contacts. As of April 29, 2020, thirteen employees had been tested for COVID-19. None were positive.

If employees miss work as a result of COVID-related symptoms, Smithfield does not penalize them. They do not receive attendance points and remain eligible for Smithfield's Responsibility Bonus ($500), regardless of whether individuals provide a doctor's or nurse's note. Moreover, Smithfield has expanded its employee benefits by eliminating co-pays for COVID-related testing and treatment.

To ensure that those inside the Plant are complying with Smithfield's COVID-19 safety procedures and policies, Smithfield has assigned both a nurse and a health-and-safety clerk to perform checks throughout the Plant. Smithfield has communicated these procedures and policies to its employees by several different media, including on televisions and signs at the Plant, through the Beekeeper communications app, and through the Textcaster mass

[10] Primary symptoms include fever, persistent dry cough, and shortness of breath, while secondary symptoms include chills, repeated shaking with chills, muscle pain/extreme fatigue, headache, sore throat, and/or loss of taste or smell (Doc. 46-2 at 8).

text-messaging tool. Signs at the Plant relay the information in English, Spanish, and French, while the Beekeeper and Textcaster communications are available in the employee's language of choice. Interpreters are also available at the Plant to assist with these communications.

The Plant provides workers with an ear-looped face mask upon entry to the Plant each day, and if a mask breaks or becomes soiled, it provides a new one. Smithfield now requires all workers at the Plant to wear a mask at all times other than during meals and in certain offices where employees are spaced six feet apart. These masks prevent the spread of germs if an employee sneezes or coughs while on the line, reducing the need for tissues to reduce the spread of COVID-19. Additionally, Smithfield requires employees on the production floor to wear nitrile gloves and a plastic face shield.

As Smithfield concedes, it does not provide tissues to employees. It cannot provide tissues to individuals working on the production line because doing so would violate health standards set by the USDA. Thus, one of Plaintiff's original complaints cannot be remedied. Smithfield could, however, provide tissues for employees to wipe their nose while on breaks, but the record does not support that employees are banned from bringing their own tissues or other hygienic wipes to use while on breaks.

As for Plaintiffs' claim that Smithfield does not allow employees to wash their hands without penalty, the Court finds that Smithfield policies and procedures are reasonable under the circumstances. Due to the nature of the meat-processing business, employees must wear gloves on the production line. When workers leave the line for a break, they remove their gloves and sanitize their hands before entering common areas. They must also wash their hands and put on gloves before returning to the line. Smithfield currently administers hand sanitizer to employees every thirty minutes to use on their gloves and has added approximately 110 hand-sanitizing

stations throughout the Plant. Smithfield also expects a shipment of small hand-sanitizer bottles soon, which it will make available to employees for personal use. In the meantime, the Plant has invited employees to bring in personal bottles they may refill using the company supply. Thus, the need for continued hand washing is unnecessary because any contamination that may occur on the line is contained by the required use of gloves.

Moreover, Smithfield has also enhanced cleaning and disinfection of the Plant's frequently touched surfaces in common areas using cleaning solutions identified by the CDC for use against the virus. These cleanings are performed as often as every two hours throughout the workday. Additional deep cleanings occur over the weekends, and Smithfield is working to implement use of fogging/misting disinfectants where possible.

Finally, the Court turns to the steps Smithfield has taken steps to facilitate social distancing at the Plant. Smithfield has staggered workday start times, as well as lunch and break times, to avoid large numbers of workers congregating in break rooms or around time clocks. Smithfield is currently working to secure a wireless means for employees to clock in and out of their shifts to minimize crowding. In the meantime, it has expanded the number of available clocks for employees to use and will implement a grace period for workers to clock in and out of their shifts, all increasing the ability of workers to maintain social distance.

Smithfield has erected two large tents and three carport structures on the Plant lawn and placed tables and chairs underneath each so that workers have more space to eat while on breaks. The Plant has also installed plastic barriers on eating tables that separate employees from those sitting beside and across from them. Tables are sanitized after one employee leaves and before another sits down.

Smithfield has also reduced the number of hogs harvested each day and sends some employees home before lunch. This requires fewer employees to be at the Plant, helping to minimize crowding in the cafeteria and other areas. However, these policies reduce the number of hours worked by the affected employees, thereby decreasing their weekly pay. To ease the resulting financial burden on employees, Smithfield has temporarily increased pay by $5/hour, and such pay is available to any employee who takes an approved leave as a result of COVID-related symptoms. Smithfield has also installed clear plastic barriers along the Plant production line to separate employees working across from each other and employees working side by side.

Discussion

I. The primary-jurisdiction doctrine applies.[11]

Before reaching the merits of Plaintiffs' request for a preliminary injunction, the Court must determine whether it should dismiss or stay this case pursuant to the primary-jurisdiction doctrine. "Primary jurisdiction is a common-law doctrine that is utilized to coordinate judicial and administrative decision making." *Access Telecomms. v. Sw. Bell Tel. Co.,* 137 F.3d 605, 608 (8th Cir. 1998) (citation omitted). "The doctrine allows a district court to refer a matter to the appropriate administrative agency for ruling in the first instance, even when the matter is initially cognizable by the district court." *Id.* (citation omitted). "There exists no fixed formula for determining whether to apply the doctrine of primary jurisdiction." *Id.* (citing *United States v. W. Pac. R.R. Co.,* 352 U.S. 59, 64 (1956)). Instead, courts must consider in each case "whether the reasons for the doctrine are present and whether applying the doctrine will aid the purposes

[11] Although Smithfield previously argued *Burford* abstention also applied here, it conceded during the preliminary-injunction hearing that that argument no longer applies due to the President's Executive Order. Accordingly, the Court does not address it. Because this Court finds the primary jurisdiction doctrine applies, it does not address Smithfield's preemption arguments, which were asserted after the preliminary-injunction hearing.

for which the doctrine was created." *Id.* (citation omitted). In undertaking this analysis, a court must be mindful that the primary-jurisdiction doctrine "is to be invoked sparingly, as it often results in added expense and delay." *Alpharma, Inc. v. Pennfield Oil Co.*, 411 F.3d 934, 938 (8th Cir. 2005). "Once a district court decides to refer an issue or claim to an administrative agency under the doctrine of primary jurisdiction, it may either dismiss or stay the action." *Chlorine Inst., Inc. v. Soo Line R.R.*, 792 F.3d 903, 913 (8th Cir. 2015).

There are two primary reasons courts apply the primary-jurisdiction doctrine. First, "to obtain the benefit of an agency's expertise and experience . . . 'in cases raising issues of fact not within the conventional experience of judges or cases requiring the exercise of administrative discretion. . . .'" *Access Telecomms.*, 137 F.3d at 608 (noting "'agencies created by Congress for regulating the subject matter should not be passed over'") (quoting *Far E. Conference v. United States*, 342 U.S. 570, 574 (1952)). Second, "to promote uniformity and consistency within the particular field of regulation." *Id.* (citation omitted). Thus, in deciding whether to apply the doctrine, courts focus on two questions: (1) "whether the issues raised in the case 'have been placed within the special competence of an administrative body,'" and (2) whether the court's disposition of the case could lead to inconsistent regulation of businesses in the same industry. *Sprint Spectrum L.P. v. AT&T Corp.*, 168 F. Supp. 2d 1095, 1098 (W.D. Mo. 2001) (quoting *United States v. W. Pac. R.R. Co.,* 352 U.S. at 64). In this case, the answer to both questions is yes.

Plaintiffs allege that because the Plant is not abiding by the Joint Guidance, it constitutes a public nuisance and has created an unreasonably unsafe workplace. Thus, Plaintiffs' claims both succeed or fail on the determination of whether the Plant is complying with the Joint Guidance. Due to its expertise and experience with workplace regulation, OSHA (in

coordination with the USDA per the Executive Order) is better positioned to make this determination than the Court is. Indeed, this determination goes to the heart of OSHA's special competence: its mission includes "enforcing" occupational safety and health standards. In fact, OSHA has already shown interest in determining whether the Plant is abiding by the Joint Guidance. The day before Plaintiffs filed this lawsuit, OSHA sent Smithfield a request for information regarding its COVID-19 work practices and infection at the Plant.

Turning to the second question, the Court finds only deference to OSHA/USDA will ensure uniform national enforcement of the Joint Guidance. If the Court ruled on whether the Plant is complying with the Joint Guidance, this ruling would be binding on Smithfield but not other meat-processing facilities because the Court lacks personal jurisdiction over them. Thus, any determination by this Court whether the Plant is complying with the Joint Guidance could easily lead to inconsistent regulation of businesses in the same industry. And under these circumstances, where the guidelines are rapidly evolving, maintaining a uniform source for guidance and enforcement is crucial.

Plaintiffs' argue that deference will add delay. But OSHA has already requested information about the Plant's safety measures. And if OSHA fails to act quickly on this information, Plaintiffs have a remedy: they may receive emergency relief through OSHA's statutory framework. Section 662(a) of the Occupational Safety and Health Act ("the Act"), 29 U.S.C. §§ 651 *et seq.*, permits the Secretary of Labor to petition the court "to restrain any [dangerous] conditions or practices in any place of employment . . . which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by [the Act]." Upon the filing of such petition, "the district court shall have jurisdiction to grant such injunctive

relief or temporary restraining order pending the outcome of an enforcement proceeding." *Id.* at § 662(b). If the Secretary "arbitrarily or capriciously fails to seek relief," a worker can file a writ of mandamus to compel the Secretary to seek such an order. *Id.* at § 662(d). Granted, there may be some delay before Plaintiffs can invoke this procedure, but following this procedure ensures the USDA and OSHA can take a measured and uniform approach to the meat-processing plants under its oversight. The Court's intervention at this point, on the other hand, would only risk haphazard application of the Joint Guidance.

In sum, the Court holds that the issue of Smithfield's compliance with OSHA's guidelines and regulations falls squarely within OSHA/USDA's jurisdiction. The Court finds dismissal without prejudice is preferable to a stay here so that Plaintiffs may seek relief through the appropriate administrative and regulatory framework.

III. Plaintiffs' have not met their burden for a preliminary injunction.

Although the Court's ruling on the primary-jurisdiction doctrine is dispositive, to aid in any appellate review, the Court will consider whether Plaintiffs have met their extraordinary burden of proving an affirmative preliminary injunction is proper in this case.

In determining whether to grant injunctive relief the Court considers the following factors, which were set forth in the seminal decision *Dataphase Sys., Inc. v. C L Sys., Inc.*, 640 F.2d 109, 114 (8th Cir. 1981): 1) the threat of irreparable harm to the movant; 2) the balance between this harm and any injury that granting the injunction will inflict on the non-moving party; 3) the likelihood that the moving party will prevail on the merits; and 4) the public interest. *Phelps-Roper v. Nixon*, 509 F.3d 480, 484 (8th Cir. 2007). No single factor is determinative; they must be "balanced to determine whether they tilt towards or away" from

granting the injunction. *Noodles Dev., LP. v. Ninth St. Partners, LLP*, 507 F. Supp. 2d 1030, 1034 (E.D. Mo. 2007).

Preliminary injunctive relief "is an 'extraordinary and drastic remedy, one that should not be granted unless the movant, by a clear showing, carries the burden of persuasion.'" *North Dakota v. U.S. Army Corps of Eng'rs*, 264 F. Supp. 2d 871, 878 (N.D. 2003) (quoting *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997)). This burden is particularly great where, as here, Plaintiffs seek a preliminary injunction requiring an affirmative act. *Sanborn Mfg. Co. v. Campbell Hausfeld/Scott Fetzer Co.*, 997 F.2d 484, 484 (8th Cir. 1993).

1. Plaintiffs have not demonstrated a threat of irreparable harm.

To demonstrate a sufficient threat of irreparable harm, the moving party must show that there is no adequate remedy at law; that is, that an award of damages cannot compensate the movant for the harm. *See Noodles Dev.*, 507 F.Supp.2d at 1036-37. But, when analyzing this factor, the Eighth Circuit has held that "[m]erely demonstrating the 'possibility of harm' is not enough." *Chlorine Inst., Inc. v. Soo Line R.R.*, 792 F.3d 903, 915 (8th Cir. 2015); *see also S.J.W.* ex rel *Wilson v. Lee's Summit R–7 Sch. Dist.,* 696 F.3d 771, 779 (8th Cir. 2012) ("Speculative harm does not support a preliminary injunction."). In the context of a global pandemic, this Court must consider the threat after "accounting for the protective measures" defendant has already implemented. *Valentine v. Collier*, --- F.3d ---, 2020 WL 1934431, *5 (5th Cir. Apr. 22, 2020).

Plaintiffs argue that their injury is potentially contracting COVID-19, which could result in serious illness or even death. But this type of injury is too speculative under Eighth Circuit precedent.

Plaintiffs' claim otherwise, citing two cases from the Eighth Circuit, which they argue held the possibility of "death or serious illness" constitutes an irreparable injury (Doc. 3 at 24). Plaintiffs' cite *Kai v. Ross*, 336 F.3d 650, 656 (8th Cir. 2003), a case in which the state of Nebraska revoked a program providing medical care for the needy. The plaintiffs, who suffered from physical and mental disabilities and received their prescription medications through the program, sought to enjoin revocation of the program. *Id.* The Eighth Circuit held that the present danger to plaintiffs' health without their medications is an irreparable harm. *Id.* Plaintiffs also cite *Harris v. Blue Cross Blue Shield of Mo.*, 995 F.2d 877, 879 (8th Cir. 1993), which similarly held that denial of coverage for the treatment of a life-threating illness is an irreparable injury. These two cases are inapposite, since the plaintiffs were already suffering from illnesses, and would undoubtedly suffer serious illness or death in the absence of an injunction.[12] In other words, the threat of serious injury or death was a certainty and not merely a possibility.

The Court is not unsympathetic to the threat that COVID-19 presents to the Plant's workers. But in conducting its analysis, the Court must determine whether Plaintiffs will suffer an actual, imminent harm if the injunction is denied. This is not the same as analyzing whether employees risk exposure if they continue to work, and, unfortunately, no one can guarantee health for essential workers—or even the general public—in the middle of this global pandemic.

[12] Plaintiffs also cite *Mertzlufft v. Bunker Res. Recycling & Reclamation, Inc.*, 760 S.W.2d 592 (Mo. Ct. App. 1988) as persuasive authority. In *Mertzluff*, the plaintiffs sought to enjoin a business which was illegally transporting, storing, and incinerating hazardous waste without a permit. *Id.* at 595. The plaintiffs brought a citizen's suit to enjoin the defendant from charging and loading the incinerator with hospital wastes, or otherwise operating it, which the trial court granted. *Id.* The Missouri court of appeals, reviewing the case under a standard deferential to the trial court's judgment—not operating under the preliminary injunction standard set forth in *Dataphase*—held that the preliminary injunction was warranted. *Id.* at 598. It did not, however, address whether the plaintiffs proved there was a threat of irreparable harm. *Id.* at 598. To the contrary, the court held that plaintiffs were "not obligated to allege and prove they had suffered irreparable harm in order to obtain injunctive relief, but were only required to prove that they were adversely affected in fact by the unlicensed operation, which they did." *Id.* Accordingly, this case is also inapplicable because the court of appeals did not consider—and plaintiffs were not required to prove—a threat of irreparable harm. But, even if they were, the defendant was illegally operating a hazardous waste facility, and thus presented a present threat of certain harm to the plaintiffs.

But given the significant measures Smithfield is now taking to protect its essential workers from COVID-19 and the fact that there are no confirmed cases of COVID-19 currently at the Plant, the Court cannot conclude that the spread of COVID-19 at the Plant is inevitable or that Smithfield will be unable to contain it if it occurs. Thus, Plaintiffs have not established an immediate threat of irreparable harm.

2. Plaintiffs have not shown that the balance of harms favors issuing injunctive relief.

The second factor "examines the harm of granting or denying the injunction upon both of the parties to the dispute and upon other interested parties, including the public." *Noodles Dev.*, 507 F. Supp. 2d at 1038 (citing *Dataphase*, 640 F.2d at 114). "To determine what must be weighed, . . . courts of this circuit have looked at the threat to each of the parties' rights that would result from granting or denying the injunction." *Id.* The "potential economic harm to the parties" is a relevant consideration, as is "whether the defendant has already voluntarily taken remedial action." *Id.*

Here, there is no doubt that if workers at the Plant contract COVID-19, the harm to Plaintiffs could be great. But Plaintiffs have alleged only that—potential harm—and, in this time, no essential-business employer can completely eliminate the risk that COVID-19 will spread to its employees through the workplace. Thus, it is important that employers make meaningful, good faith attempts to reduce the risk. Here, Smithfield has taken significant remedial steps in accordance with the Joint Guidance to protect its workers from COVID-19.

Moreover, national and local guidance on COVID-19 is continuously evolving and changing. An injunction would deny Smithfield the flexibility needed to quickly alter workplace procedures to remain safe during the ever-changing circumstances of this pandemic. *Valentine*, 2020 WL 1934431 at *5 (staying injunction that would "interfer[e] with the rapidly changing and

flexible system-wide approach that [defendant] has used to respond to the pandemic so far" and "[defendant's] ability to continue to adjust its policies is significantly hampered by the preliminary injunction, which locks in place a set of policies for a crisis that defies fixed approaches") (citing *Jacobson v. Massachusetts*, 197 U.S. 11, 28–29 (1905); *In re Abbott*, 954 F.3d 772, 791 (5th Cir. 2020)). Thus, the remedial measures Smithfield has implemented convince the Court that the balance of harms weighs in its favor.

3. Plaintiffs have not shown a likelihood of success on the merits.

To demonstrate likelihood of success on the merits, a movant does not need to show that it ultimately will succeed on its claims, only that the movant's prospects for success is *sufficiently likely* to support the kind of relief it requests. *See Noodles Dev.*, 507 F.Supp.2d at 1036–37 (emphasis added) (citations omitted). That is, the movant need only show "a fair chance of prevailing." *Phelps-Roper*, 509 F.3d at 485. On this record, Plaintiffs have not shown a fair chance of prevailing on either of their claims.

a. Plaintiffs have not shown they are likely to succeed on their public-nuisance claim.

Under Missouri law, "a public nuisance is an offense against the public order and economy of the state and violates the public's right to life, health, and the use of property, while, 'at the same time annoys, injures, endangers, renders insecure, interferes with, or obstructs the rights or property of the whole community, or neighborhood, or of any considerable number of persons.'" *State* ex rel. *Schmitt v. Henson*, ED 107970, 2020 WL 1862001, at *4 (Mo. Ct. App. April 14, 2020) (citations omitted).

The parties agree that the Plant cannot be a public nuisance simply by virtue of the fact that it is a meat-processing plant during a global pandemic. Moreover, in this case, Smithfield has implemented substantial health and safety measures to protect Plant workers, and no

employees of the Plant have been diagnosed with COVID-19. While Plaintiffs argue that Smithfield could do more to protect its workers, that is not the issue before this Court. The issue is whether the Plant, as it is currently operating, constitutes an offense against the public order. Because of the significant measures Smithfield has implemented to combat the disease and the lack of COVID-19 at the facility, the Plant cannot be said to violate the public's right to health and safety. Thus, the Court finds that Plaintiffs are unlikely to be succeed on their public nuisance claim.

b. Plaintiffs have shown they are unlikely to succeed on their right to a safe workplace claim.

Under Missouri law, Plaintiffs must prove that Smithfield negligently breached its duty to provide a safe place to work and that such negligence was the direct and proximate cause of the Plaintiffs injuries. *Hamilton v. Palm*, 621 F.3d 816, 818 (8th Cir. 2010). As discussed, Smithfield has taken substantial steps to reduce the potential for COVID-19 exposure at the Plant and appears to the Court to be complying with the Joint Guidance regarding the same. Thus, Plaintiffs are not substantially likely to prove Smithfield breached any duty.

More importantly, however, Plaintiffs have not alleged they have suffered any injury, only that they may suffer an injury in the future. A potential injury is insufficient to state a claim of the breach of the duty to provide a safe workplace under Missouri law. Plaintiffs citation to *Smith v. W. Elec. Co.*, 643 S.W.2d 10 (Mo. Ct. App. 1982), to establish that they have stated a sufficient injury is unavailing. In *Smith*, the plaintiff proved that he had been exposed to harmful second-hand smoke in the workplace which caused him to suffer a severe adverse reaction. *Id.* at 12. The adverse reaction was the actual injury he suffered, and he suffered this harm—and sought relief through an administrative process—before seeking an injunction. Thus, *Smith* is not analogous to this case, and Plaintiffs have not shown they are likely to be successful on their

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breach of a safe workplace claim.

4. The public interest factor is neutral.

Certainly, the spread of COVID-19 is a public-health matter of great concern, and, so, preventing transmission of the virus which causes COVID-19 is within the public interest. At the same time, the public has an interest in maintaining the food-supply chain and access to meat products, an interest which might be impaired if the Court granted the injunction. Because Smithfield's current policies and procedures temper public health worries, the Court finds a preliminary injunction is not in the public interest at this time.

Thus, Plaintiffs have not met their extraordinary burden of showing an affirmative preliminary injunction is warranted in this case.

III. Plaintiffs' requested relief lacks the specificity required for a preliminary injunction.

Finally, the Court finds that Plaintiffs requested relief is impermissibly vague. Federal Rule of Civil Procedure 65(d) states that an injunction must be "specific in [its] terms" and describe in reasonable detail the actions sought to be enjoined. Fed. R. Civ. P. 65(d). This specificity requirement is "designed to prevent uncertainty and confusion on the part of those to whom the injunction is directed and to avoid the possible founding of a contempt citation on a decree too vague to be understood." *Helzberg's Diamond Shops, Inc. v. Valley W. Des Moines Shopping Ctr., Inc.*, 564 F.2d 816, 820 (8th Cir. 1977).

In this case, Plaintiffs request this Court enter an injunction requiring Smithfield to "make all reasonable changes to its 'production practices,' including potentially lowering its line speeds, to place as many workers as possible at least six feet apart" (Doc. 46 at 10). Plaintiffs do not explain what changes would be "reasonable," except for "potentially" reducing line speeds. In other words, they do not specify in reasonable detail what Smithfield should do. They

demand workers have "reasonable additional breaks to allow workers to care for their personal hygiene without penalty, including blowing their noses, using tissues, and hand washing," but they do not specify how often or how long such breaks should take place, or what would constitute a reasonable break. Finally, Plaintiffs request the Court order Smithfield to change its policies to "not require workers to come to the Plant to obtain COVID-19-related sick leave and take all reasonable steps to communicate that policy clearly to workers." But Plaintiffs do not identify which policies should be eliminated, what constitutes "reasonable steps," or why Smithfield's current policies are insufficient. Because "a person of ordinary intelligence" would not understand what is prohibited based on Plaintiffs' proposed preliminary injunction, *Schenck v. Pro-Choice Network of W. N.Y.*, 519 U.S. 357, 383 (1997), it is impermissibly vague, and thus unenforceable.

Conclusion

Plaintiffs are naturally concerned for their health and the health of their community in these unprecedented times. The Court takes their concern seriously. Nevertheless, the Court cannot ignore the USDA's and OSHA's authority over compliance with the Joint Guidance or the significant steps Smithfield has taken to reduce the risk of a COVID-19 outbreak at the Plant.

For the reasons discussed above, Defendants motion to dismiss is GRANTED, and the case is DISMISSED without prejudice.

IT IS SO ORDERED.

Date: May 5, 2020

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT

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June 18, 2020

Ms. Loren Sweatt, MBA
Principal Deputy Assistant Secretary
Occupational Safety and Health Administration
200 Constitution Avenue, NW
Washington, D.C. 20210

Dear Ms. Sweatt,

I would like to thank you for testifying at the May 28th Workforce Protections Subcommittee hearing entitled *"Examining the Federal Government's Actions to Protect Workers from COVID-19."*

Please find enclosed additional questions submitted by Committee Members following the hearing. Please provide a written response no later than Thursday, July 2, 2020 for inclusion in the official hearing record. Your responses should be sent to Jordan Barab of the Committee staff. He can be contacted at 202-225-3725 should you have any questions.

I appreciate your time and continued contribution to the work of the Committee.

Sincerely,

ROBERT C. "BOBBY" SCOTT
Chairman

Enclosure

Workforce Protections Subcommittee Hearing
"Examining the Federal Government's Actions to Protect Workers from COVID-19"
Thursday, May 28, 2020 10:15 a.m.

Chairman Robert C. "Bobby" Scott (D-VA)

- Has OSHA staff conducted any preliminary work on a draft Emergency Temporary Standard (ETS) for COVID-19? If so, what is the status of that preliminary work product?

- If an OSHA state plan requested a draft ETS for COVID-19 from OSHA, would OSHA provide a copy of its draft ETS for COVID-19?

- If an OSHA state plan requested technical assistance in drafting a state based ETS for COVID-19, would OSHA provide technical assistance in drafting an ETS for COVID-19?

- If an OSHA state plan issues an ETS that has additional safety requirements for COVID-19 beyond that set forth in the OSHA/CDC Guidance for Meat and Poultry Processing Workers and Employers, would OSHA seek to pre-empt that that state standard as inconsistent with the Guidance?

- The HEROES Act (H.R. 6800), which was passed by the House on May 15, 2020, includes a provision in Division L requiring OSHA to issue an Emergency Temporary Standard, That legislation would require employers to prepare an exposure control plan tailored to the particular workplace.

    - What is OSHA's position on this specific legislation? Does it support or oppose it? If opposed, please explain the specific reasons for OSHA's opposition?
    - Would you be prepared to work with the Committee to address OSHA's concerns?

Representative Alma Adams (D-NC)

- Do you believe that COVID-19 presents a "a grave danger" to workers?

    - If not, what is the DOL's threshold for determining whether COVID-19 presents a grave danger to workers?

- CDC reports that as of June 4, 2020, there are almost 80,000 health care workers infected with COVID-19 and over 400 who have died from COVID-19. Does this meet the threshold for COVID-19 to constitute a grave danger to health care workers?

- Last month, OSHA announced a new round of Susan Harwood Worker Training Grants, but these programs won't begin until October.

- In the meantime, is it true that OSHA is prohibiting current grantees from conducting COVID-19 training, or changing the terms of their work plans to include COVID-19 training?

- As you know, following the H1N1 pandemic, OSHA began work in earnest on an Infectious Disease Standard. Although OSHA's Bloodborne Pathogens Standard has been very effective in protecting workers from bloodborne pathogens, it does not address infectious diseases transmitted by other routes (e.g., contact, droplet and airborne). Work on the Infectious Disease Standard was relegated to the long-term agenda in 2017. Please address the following:

  - What remained to be done to issue an official proposal for this Infectious Disease Standard?

  - When do you expect to issue a proposed standard for notice and comment?

  - What specific actions have been taken with respect to the completion of the OSHA Infectious Disease Standard since it was relegated to the long-term agenda? Please list these actions.

  - Who specifically decided to remove the Infectious Disease Standard from the active regulatory agenda? Was this decision made by the Secretary of Labor? Was this decision made by the White House?

  - In addition to COVID-19, workers are also exposed to tuberculosis, influenza, MRSA and other transmissible pathogens (not covered under the bloodborne pathogen standard). What are the benefits to worker safety from finalizing a comprehensive Infectious Disease Standard particularly for health care workers, first responders, and other populations at elevated risk? How do these benefits compare with just relying on existing standards and the General Duty Clause?

  - If the permanent Infectious Disease Standard had been issued prior to the COVID-19 pandemic, would it have provided OSHA with additional tools to protect health care and social assistance workers during the COVID-19 pandemic?

  - Does OSHA intend to resume work on a permanent Infectious Disease Standard this calendar year?

  - What is OSHA's next planned action for a permanent infectious disease standard?

- There has been a widespread and growing number of COVID-19 infections of workers in the meatpacking industry.

- How many complaints has OSHA received regarding conditions in meatpacking and poultry plants?

- How many physical, onsite inspections has OSHA conducted in the meatpacking and poultry industry?

- How many of these inspections has OSHA closed?

- How many citations have been issued following these meatpacking and poultry plant inspections?

- After President Trump issued the April 28, 2020 Executive Order Delegating Authority Under the DPA with Respect to Food Supply Chain Resources During the National Emergency Caused by the Outbreak of COVID-19, you and Solicitor of Labor Kate O'Scannlain issued a statement stating that "OSHA will take into account good faith attempts to follow the Joint Meat Processing Guidance."

    - Who directed you and the Solicitor to issue this Memorandum?

    - Please define "good faith attempts" and provide any instructions to CSHO's describing how to determine whether an employer has made a "good faith attempt" to comply with CDC guidance.

    - Please explain how OSHA defines "feasible" in this context and provide any instructions to CSHO's describing how to determine whether an employer's claim that it was infeasible to comply with CDC guidance is legitimate.

    - How many times has OSHA declined to issue a citation, despite an identified violation of an OSHA standard or the General Duty Clause, because the employer documented a "good faith" attempt to comply with the OSHA/CDC Guidelines? Please provide examples.

    - How many times has OSHA declined to issue a citation, despite an identified violation of an OSHA standard or the General Duty Clause, because the employer documented infeasibility to comply with the OSHA/CDC Guidelines? Please provide examples.

    - Keeping workers infected with COVID-19 out of meatpacking plants is necessary. However, the OSHA/CDC Guidelines say that "Screening meat and poultry processing workers for COVID-19 symptoms (such as temperature checks) is an optional strategy that employers may use." How does an employer show "good faith", since testing is optional?

- Since studies show that many of those who are infected with COVID-19 are asymptomatic, or pre-symptomatic, please explain why screening for fevers prior to employee entry to a meatpacking plant is sufficient to keep the infection out of work

settings?

- Would mandatory testing of employees for COVID-19 on a regular basis prior to entry to a meatpacking plant be more effective than screening for fevers? If so, why has the OSHA/CDC Guidelines not been updated to require this?

- Except for state and local regulations that are of "general applicability", OSHA's regulations generally pre-empt the field of worker safety protections in those states where federal OSHA has jurisdiction.

    - Is it DOL's view that non-binding OSHA Guidance or non-binding OSHA/CDC Guidance pre-empts enforcement actions by state health agencies, if the state health agencies require meat processers to take more protective measures than those in the Joint CDC/OSHA Guidance for Meatpacking Industry?

    - Are regulations and enforcement actions by state health agencies, which are seeking to control infections in congregate workplace settings as a necessary means of controlling community spread, subject to federal pre-emption by OSHA?

- How are you ensuring that OSHA inspectors can perform inspections without putting themselves at risk of infection?

- OSHA officials have stated previously that the Bloodborne Pathogens Standard can be effectively used to keep workplaces safe from COVID-19. Can you explain how this standard is relatable to a virus that is spread through airborne droplets?

Representative Pramila Jayapal (D-WA)

- How many on-site inspections has OSHA conducted related to COVID-19?

    - How many remote investigations or inquiries related to COVID-19 has OSHA conducted using remote "Phone-Fax" or Rapid Response Investigation (RRI) procedures?

    - How many of those remote investigations or inquiries were the result of complaints?

    - How many of these remote investigations or inquiries resulted in inadequate responses from the employer?

    - In how many of those remote investigations or inquiries, conducted as a result of complaints, did OSHA contact the complainant to determine if the employer's assurances were accurate, as described in Chapter 9, Section I(I) of the Field Operations Manual?

- How many Hazard Alert Letters has OSHA issued recommending the implementation of protective measures that address SARS-CoV-2 hazards? Please provide a total, sorted by 4-digit NAICS code.

- How many COVID-19 related fatality reports has OSHA received? Please provide this information sorted by 4-digit NAICS code.

- How many of the fatality reports that OSHA has received were investigated?

- How many of those investigated were conducted by on-site inspections?

- Please provide a list of facilities that have submitted fatality reports to OSHA for deaths due to COVID-19 infections.

- How many of OSHA's fatality investigations for COVID-19 resulted in citations related to the fatality?

- Please describe any actions OSHA is taking to ensure that all COVID-19 work-related fatalities are reported to OSHA.

Representative Bradley Byrne (R-AL)

- Ms. Sweatt, OSHA's recent guidance on recording COVID-19 cases asked employers to ascertain whether an individual came down with COVID-19 as a result of exposure at work. The guidance requires employers to interview employees about other possible sources of exposure. I am concerned about workers' privacy. Does OSHA have suggestions on how to handle privacy concerns?

- Ms. Sweatt, I am also worried about the reliability of this data given that our understanding about transmission, recovering, and asymptotic infections is constantly evolving and that employers are not equipped to do the type of contract tracing needed to identify sources. Inaccurate data could later be used to make erroneous conclusions or misused to mischaracterize the situation at a workplace or in a community. While I know it's very important for public health agencies to track cases, has OSHA considered alternatives to having employers make cursory and possibly unreliable work-related determinations?

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI

RURAL COMMUNITY WORKERS ALLIANCE and JANE DOE, Plaintiffs, vs. SMITHFIELD FOODS, INC. and SMITHFIELD FRESH MEATS CORP., Defendants.	Case No. 5:20-cv-06063-DGK

DEFENDANTS' SUPPORTING SUGGESTIONS IN SUPPORT OF EMERGENCY MOTION TO DISMISS, OR IN THE ALTERNATIVE TO STAY, BASED ON PRIMARY JURISDICTION AND/OR *BURFORD* ABSTENTION

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I. PRELIMINARY STATEMENT

Plaintiffs Rural Community Workers Alliance ("RCWA") and Jane Doe ("Plaintiffs") initiated this action on April 23, 2020 seeking extraordinary relief in the form of a mandatory injunction. In support, they have offered allegations that grossly misrepresent the substantial safety measures that Smithfield has implemented at its Milan, Missouri Plant (the "Plant"). It is not surprising that not a single Smithfield employee was willing to apply their name to this baseless lawsuit. Plaintiffs' request that this Court develop, monitor, and administer Smithfield's occupational health and safety program at the Plant is unprecedented and improper.

In any event, the Court never needs to reach the merits of the Complaint or consider Plaintiffs' overreaching request for injunctive relief. Rather, pursuant to the primary jurisdiction doctrine, the Court can—and should—dismiss or stay this suit in favor of the Occupational Health and Safety Administration's ("OSHA") regulatory authority over workplace safety issues and the Missouri Department of Health and Senior Services' ("MDHSS") jurisdiction over public health in Missouri. Even if the Court does not dismiss or stay the suit because OSHA has primary jurisdiction, there is an independent basis for dismissal under *Burford* abstention.

Indeed, OSHA is already in the process of exercising its jurisdiction at the Plant. On the day before Plaintiffs filed their Complaint in this case, OSHA sent Smithfield a "Rapid Response Investigation" requesting information regarding its COVID-19 work practices and infection at the Plant, giving Smithfield only seven days to respond. Smithfield is preparing its response for submission on April 29, and intends to cooperate fully with OSHA. The Court should defer to OSHA and its expertise to investigate and enforce any purported safety violations at the Plant. Indeed, on Sunday, April 26, 2020, OSHA and the Centers for Disease Control ("CDC") joined together and issued specific COVID-19 guidance for meat processing plants.

In addition to OSHA's oversight, the MDHSS has the authority to implement all appropriate and necessary measures to protect the public from the spread of COVID-19. And another layer of public health oversight—county public health administrators—provides further protection. Indeed, where food processing plants in Missouri have seen *actual* employee infections—as opposed to speculation about *future* infections—county public health administrators have worked closely with plants to protect employees and the public.

Public policy strongly supports the Court deferring to OSHA and MDHSS on these issues. Smithfield is an essential business critical to the nation's food supply. There are many other essential businesses operating throughout the country that are critical to the country's survival. Subjecting these entities to private lawsuits for injunctive relief, in which safety standards are determined piecemeal by plaintiffs and the courts, will result in inconsistent rulings and uncertainty for both employers and employees.

The workplace safety and public health concerns created by the novel coronavirus are both outside the conventional experience of judges and squarely within the technical and policy expertise of OSHA and MDHSS. The agencies are already responding to these concerns in real time, adapting as new facts emerge. That is not a role that a district court can or should take on. Plaintiffs are wrong to ask the Court to interpose itself between these agencies and essential businesses like Smithfield's Milan Plant. Considerations of institutional competency and prudence militate strongly in favor of a dismissal or stay on primary jurisdiction, or a dismissal based on *Burford* abstention, and the Court should grant Smithfield's Motion.

II. FACTS

A. Smithfield and the Plant

The named defendants in this action are Smithfield Foods, Inc. and its wholly owned subsidiary, Smithfield Fresh Meats Corp. (collectively, "Smithfield"). The Plant at issue is a meat

processing facility, which is an essential business that has lawfully continued to operate under the Governor of Missouri's stay at home order.[1] The Plant and its operations constitute "critical infrastructure" pursuant to the guidelines issued by the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency, which were adopted in Missouri's stay at home order.[2]

The Plant has voluntarily implemented substantial workplace safety measures in response to COVID-19, including providing personal protective equipment such as masks and face shields to all workers and persons who enter the building, social distancing both in common areas,, installing partitions between line workers, conducting temperature scans, providing multiple hand-sanitizer stations, implementing additional sanitation of workspaces and other areas, and encouraging workers to stay home when sick with pay and without penalty. These measures will be further detailed in Smithfield's response to Plaintiffs' Motion for Preliminary Injunction/Temporary Restraining Order to be filed on April 29, 2020.

As of the date of this filing, there have been no confirmed diagnoses of COVID-19 at the Plant.[3] Moreover, to Smithfield's knowledge, there have been no positive cases reported in Sullivan County (which surrounds the city of Milan). A majority of counties adjacent to Sullivan

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[1] Mo. Exec. Order (April 3, 2020), https://governor.mo.gov/priorities/stay-home-order, *see* **Exhibit 1**.

[2] *See id.* Item 2 (incorporating CISA's definition of "critical infrastructure); U.S. CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY, ADVISORY MEMORANDUM ON IDENTIFICATION OF ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS DURING COVID-19 RESPONSE (April 17, 2020), https://www.cisa.gov/sites/default/files/publications/Version_3.0_CISA_Guidance_on_Essential_Critical_Infrastructure_Workers_4.pdf, p. 8 (defining "critical infrastructure" employees to include "food manufacturer employees," such as those working in "livestock [and] poultry … slaughter facilities").
[The order references Version 2.0 of the guidance, which appears to be no longer publicly available, as it was removed from the CISA website after Version 3.0 was published. A description of the update on CISA's website indicates the definitions regarding food processing plants remain unchanged. *See* https://www.cisa.gov/publication/guidance-essential-critical-infrastructure-workforce.]

[3] *See* MISSOURI DEPT. OF HEALTH & SENIOR SERVICES, COVID-19 OUTBREAK GUIDE, https://health.mo.gov/living/healthcondiseases/communicable/novel-coronavirus/results.php (last accessed April 27, 2020).

County also have zero positive cases to date, and the case counts are relatively low in the few adjacent counties that have reported positive cases.[4]

B. Plaintiffs' Allegations and Request for Relief

Plaintiffs assert claims about Smithfield's safety practices as they relate to potential COVID-19 exposure and seek declaratory and injunctive relief. *See* Compl. However, Plaintiffs do not allege that there have been any positive diagnoses associated with the Plant, and as noted above, Smithfield is aware of none.

To be clear, this is not a suit for personal injury or wrongful death. RCWA does not allege that any of its members have contracted COVID-19 at the Plant or otherwise. Likewise, Jane Doe does not allege that she has tested positive for COVID-19. Indeed, Plaintiffs stipulate that they are not seeking money damages. Compl. at ¶ 16.

Plaintiffs seek a declaration that "Smithfield's failure to implement appropriate worker protections during the COVID-19 crisis constitutes a public nuisance under Missouri law and a violation of the right to a safe work place under Missouri law." Compl. at ¶ 123. However, the primary relief sought by Plaintiffs is a Court Order, in the form of an injunction, requiring Smithfield to adopt a list of work practices, many of which are vague and ill-defined, such as "providing sufficient personal protective equipment" and "creating and implementing a social distancing plan for the Plant" and "creating and implementing a protocol to clean surfaces." Complaint at ¶ 123. Plaintiffs also request that the Court require Smithfield to allow Plaintiffs' experts to inspect the plant to identify additional precautions that Smithfield should take. *Id.* at ¶ 123(viii). Smithfield will demonstrate in its response to Plaintiffs' Motion for Preliminary

[4] Compare the number of positive cases in neighboring counties (Adair - 12, Livingston - 2, Linn - 5, and Macon - 2) with other significant outbreak locations in the state (St. Louis County - 2,897, Kansas City - 500, Greene County - 83). *Id.*

Injunction that it has already implemented all of the safety measures for which Plaintiffs' seek injunctive relief.

C. OSHA's Request for Information

On the day before this case was filed, Smithfield received a request for information from OSHA regarding its COVID-19 safety practices at the Plant. *See* **Exhibit 2**. OSHA has directed Smithfield to respond to the request for information by Wednesday, April 29, 2020. *Id.* Smithfield intends to cooperate fully with OSHA in this matter.

D. OSHA's Role

The Occupational Safety and Health Act, 29 U.S.C. §§ 651, *et. seq.* (the "Act"), was enacted "to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources." 29 U.S.C. § 651(b). The Act authorizes "the Secretary of Labor to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce." *Id.* at § 651(b)(3).

OSHA is the federal agency charged with administering the Act. OSHA provides a procedure for an employee who is concerned about workplace safety to file a confidential complaint requesting that OSHA initiate an investigation into the employer's work practices.[5]

The Act provides for "an effective enforcement program." *Id.* at § 651(b)(10). The Act authorizes OSHA to inspect or investigate any place of employment in order to carry out the purposes of the Act. *Id.* at § 657. OSHA may issue a citation to an employer for any violation of the Act, including the General Duty Clause, which requires an employer to furnish "a place of employment which [is] free from recognized hazards that are causing or are likely to cause death

[5] *See* https://www.osha.gov/workers/file_complaint.html

or serious harm." *Id.* at § 658. Any such citation "shall fix a reasonable time for the abatement of the violation." *Id.* The Act provides for additional enforcement mechanisms if an employer does not correct a violation for which a citation has been issued. *Id.* at § 659. The Act further provides for penalties for violations and/or failure to abate. *Id.* at § 666.

The Act specifically includes procedures to address an imminent danger. *Id.* at § 662. The Act permits the Secretary of Labor to petition the court

> to restrain any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by [the Act].

Id. The Act authorizes an employee to file a writ of mandamus to compel the Secretary to seek such an order if the employee believes that the Secretary "arbitrarily or capriciously fails to seek relief." *Id.*[6] In such a case, OSHA is directly involved, and the court is not acting without the agency's participation.

OSHA has published "Guidance on Preparing Workplaces for COVID-19," which makes clear that the agency will use the General Duty Clause to enforce any unsafe conditions relating to COVID-19. **Exhibit 3** at 4. OSHA's General Duty Clause provides that "employers are required to provide their employees with a workplace free of recognized hazards likely to cause death or serious physical harm." *Id.* OSHA has also issued Interim Enforcement Guidance for Coronavirus Disease 2018 (issued April 13, 2020), which identifies applicable standards that may apply to COVID-19.[7] *See* **Exhibit 4.** On Sunday, April 26, 2020, the CDC and OSHA jointly issued Interim Guidance ***specific*** to the meat processing industry. *See* **Exhibit 5**.

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[6] Plaintiffs' Opposition, which purports to provide a timeline of OSHA action, ignores these emergency procedures. Opposition at 3.

[7] These include the following:
29 CFR § 1904, Recording and Reporting Occupational Injuries and Illness;

E. Plaintiffs' Criticisms of OSHA

In Plaintiffs' Opposition to Letter Request for Extension of Time to Respond to Plaintiffs' Emergency Motion for a Preliminary Injunction (Doc. 19), Plaintiffs make several unfounded criticisms of OSHA and its response to COVID-19, to which Smithfield briefly responds below.

- Plaintiffs contend that "OSHA is hardly performing any onsite inspections," Opposition at 2-3. However, Plaintiffs do not provide any support for this statement. Whether true or not, OSHA continues to pursue its mission and is conducting aggressive investigations using electronic means and demands for information, as is evidenced by its request to Smithfield regarding the Milan Plant.
- Plaintiffs suggest that OSHA is not investigating meat processing plants. Opposition at 3. This is a red herring. Whatever OSHA's general policy is with respect to meat processing plants, it has inserted itself into safety issues at Smithfield's Milan Plant. Moreover, just yesterday, OSHA and CDC issued joint guidance regarding COVID-19 safety issues directed at meat processing facilities.
- Plaintiffs contend that OSHA may only issue a citation to "abate[]" a violation after an inspection. 29 U.S.C. § 658(a). Opposition at 3. This is patently incorrect. OSHA may seek an immediate injunction under its emergency powers, as discussed above.

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29 CFR § 1910.132, General Requirements [Personal Protective Equipment]
29 CFR § 1910.133, Eye and Face Protection
29 CFR § 1910.134, Respiratory Protection
29 CFR § 1910.141, Sanitation
29 CFR § 1910.145, Specifications for Accident Prevention Signs and Tags
29 CFR § 1910.1020, Access to Employee Exposure and Medical Records
29 CFR § 1910.1030, Bloodborne Pathogens

- Plaintiffs contend that "even if their claims were not emergent, the wait for OSHA to act would likely be years." Opposition at 3. Again, this is incorrect. Plaintiffs cite to statutes of limitations (6 months for OSHA to issue a citation) and employer response times (15 days), which are outer limits. Moreover, Plaintiffs assume an appeals process—a process that is available in the courts is well.

F. State and Local Public Health Authority Over COVID-19

While OSHA is responsible for *workplace* safety, Missouri state and local government has a corresponding responsibility for *public* safety. Missouri, like other states around the country, has implemented statewide policies to address the threat of COVID-19 exposure and transmission.

Governor Parson, through the Missouri Department of Health and Senior Services ("MDHSS"), issued a "stay-at-home" order on April 3, 2020.[8] The order includes general COVID-19 safety requirements and guidelines pertaining to individuals, as well as the operations of both essential and non-essential businesses.[9] The Governor assigned responsibility for implementing and enforcing specific COVID-19 safety measures to "all local and state health authorities." Mo. Rev. Stat. Ann. § 192.290.[10]

MDHSS continues to fulfill this responsibility, as it has issued dozens of guidance statements[11] containing specific COVID-19 safety measures, including several statements pertaining specifically to workplace safety.[12] Additionally, MDHSS and local health agencies

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[8] Mo. Exec. Order (April 3, 2020), https://governor.mo.gov/priorities/stay-home-order, *see* **Exhibit 1**.
[9] *See id.*, Items 1-3.
[10] *See id.*, p. 2.
[11] *See* MDHSS, HEALTH ALERTS, ADVISORIES & UPDATES, https://health.mo.gov/emergencies/ert/alertsadvisories/index.php (last accessed April 26, 2020)
[12] *See, e.g.,* MDHSS, INTERIM GUIDANCE FOR IMPLEMENTING SAFETY PRACTICES FOR CRITICAL INFRASTRUCTURE WORKERS, https://health.mo.gov/emergencies/ert/ alertsadvisories/pdf/update 4920.pdf (last accessed April 26, 2020); MDHSS, COVID-19 AND RETURN TO WORK MESSAGING - EXPANDED GUIDANCE FOR CRITICAL INFRASTRUCTURE PERSONNEL INVOLVED IN THE PROVISION OF DIRECT CLIENT CARE, https://health.mo.gov/emergencies/ert/alertsadvisories/pdf/guidance41720.pdf (last accessed April 26, 2020).

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have worked closely with a number of private businesses to monitor and develop their COVID-19 safety measures.[13] MDHSS has also worked closely with federal agencies in responding to the virus,[14] and the Center for Disease Control has made itself available to assist state and local agencies in their response to health emergencies such as COVID-19.[15]

Missouri's COVID-19 response led by state and local agencies is consistent with—and in fact required by—Missouri law. All "public health functions and programs" in Missouri must be supervised and managed by the MDHSS. Mo. Rev. Stat. Ann. § 192.005. Further, Missouri regulations specifically provide that the Director of MDHSS must use "the legal means necessary to control … any disease or condition listed in 19 Mo. CSR 20-20.020 which is a threat to the public health." 19 Mo. C.S.R. 20-20.040. Listed diseases and conditions include "[o]utbreaks (including nosocomial) or epidemics of any illness, disease, or condition that may be of public health concern." 19 Mo. C.S.R. 20-20.020. That provision undoubtedly covers COVID-19.

Under MDHSS regulations, upon report of an infectious disease under Section 20-20.020, both the Director and "local health authorit[ies]" have a duty to take appropriate measures to lessen the effect of the disease:

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[13] *See, e.g.*, JEFFERSON COUNTY HEALTH DEPARTMENT BLOG, "Jefferson County Health Department Reports COVID-19 Outbreak At Festus Manor Care Center," (April 17, 2020) http://www.jeffcohealth.org/blog/2020/4/17/jefferson-county-health-department-reports-covid-19-outbreak-at-festus-manor-care-center (noting that a nursing facility is "working closely with Jefferson County Health Department to contain the virus"); "Coronavirus Latest," KMOV4 News, (April 8, 2020) https://www.kmov.com/coronavirus-covid-latest-info-in-st-louis/article_f35e5f16-7038-11ea-9c06-f30dcb4bc9eb.html (noting that a hospital "is continuous contact with St. Charles Health Department so that they can notify individuals who may have been exposed during this time and determine a proper course of action").

[14] *See, e.g.*, Office of the Governor Press Release, "Governor Parson Gives Updates On Missouri National Guard, Department of Economic Development Efforts to Assist with COVID-19 Response," https://governor.mo.gov/press-releases/archive/governor-parson-gives-updates-missouri-national-guard-department-economic (Mar. 31, 2020); Office of the Governor Press Release; MDHSS Press Release, "DHSS Director Williams meets at White House to discuss federal, state and local health officials' strategic alignment on COVID-19," https://health.mo.gov/news/newsitem/uuid/ffc9eb47-c189-4cc7-8a24-6130a710dbb3/dhss-director-williams-meets-at-white-house-to-discuss-federal-state-and-local-health-officials-strategic-alignment-on-covid-19 (Feb. 27, 2020).

[15] U.S. CENTERS FOR DISEASE CONTROL AND PREVENTION, "CDC Support to Health Officials," https://www.cdc.gov/publichealthgateway/healthdepartmentresources/health-official-support.html (last accessed April 26, 2020) (noting states' 10th Amendment police powers to respond to health emergencies, and offering various means of assistance aimed to helping states to implement those powers).

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(A) Inspect any premises that they have reasonable grounds to believe are in a condition conducive to the spread of the disease; . . .

(E) Establish and maintain quarantine, isolation or other measures as required;…

(G) Establish appropriate control measures which may include isolation, quarantine, disinfection, immunization, closure of establishment, notification to the public of the risk or potential risk of the disease and such information required to avoid or appropriately respond to the exposure, the creation and enforcement of adequate orders to prevent the spread of the disease and other measures considered by the department and/or local health authority as appropriate disease control measures based upon the disease, the patient's circumstances, the type of facility available, and any other available information related to the patient and the disease or infection.

19 Mo. C.S.R. 20-20.040.

III. ARGUMENT

A. The Court Should Dismiss or Stay This Action In Favor of OSHA's Primary Jurisdiction Over Workplace Safety.

1. Legal Standard for Invoking Primary Jurisdiction Doctrine

The doctrine of primary jurisdiction applies to claims "properly cognizable in court that contain some issue within the special competence of an administrative agency." *Reiter v. Cooper*, 507 U.S. 258, 268 (1993). It is a "common-law doctrine that is utilized to coordinate judicial and administrative decision making." *Access Telecommunications v. Southwestern Bell Tel. Co.*, 137 F.3d 605, 608 (8th Cir. 1998) (citations omitted). The doctrine "is concerned with promoting proper relationships between the courts and administrative agencies charged with particular regulatory duties." *United States v. Western Pac. R.R. Co,* 352 U.S. 59, 63 (1956).

There is no set formula for when the doctrine applies, but "[i]n every case the question is whether the reasons for the existence of the doctrine are present and whether the purposes it serves will be aided by its application in the particular litigation." *Chlorine Inst., Inc. v. Soo Line R.R.*, 792 F.3d 903, 909 (8th Cir. 2015) (quoting *United States v. Western Pac. R.R. Co.*, 352 U.S. 59, 64 (1956)); *Asarco, LLC v. NL Indus.*, No. 11-00123-CV-SW-BP, 2013 U.S. Dist. LEXIS 43013,

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*9 (W.D. Mo. Mar. 18, 2013). The two primary reasons for applying the primary jurisdiction doctrine are: (1) "to obtain the benefit of the agency's expertise and experience"; and (2) "to promote uniformity and consistency within the particular field of regulation." *Sprint Spectrum L.P. v. AT&T Corp.*, 168 F.Supp.2d 1095, 1097-98 (W.D. Mo. 2001) (citations omitted).

The doctrine of primary jurisdiction may be applied even where claims arise under state law. For example, in *Sprint Sprectrum L.P.*, the plaintiff asserted state law claims for implied contract and quantum meruit. 168 F.Supp.2d at 1099. Nevertheless, the court stayed the case in favor of an FCC proceeding because the outcome turned on the "reasonableness" of Sprint's rates, "a fact that must be proven and one which the FCC is in a better position than the Court to evaluate." *Id.* at 1099-1100; *see also Nader v. Allegheny Airlines*, 426 U.S. 290, 296-97 (1976) (observing that the D.C. Court of Appeals determined that the viability of plaintiff's common-law fraudulent misrepresentation claim would be affected by agency determination).[16]

Moreover, as the cases cited herein demonstrate, there need not be an existing agency proceeding for the court to invoke the doctrine of primary jurisdiction.[17] However, the fact that a collateral agency action is already underway weighs in favor of the court deferring to the agency process. *See Asarco*, 2013 U.S. Dist. 43013 at *14-19.

In applying the primary jurisdiction doctrine, the court has discretion whether to dismiss or stay the lawsuit pending the agency determination. *Chlorine Institute*, 792 F.3d at 913 (citing *Reiter*, 507 U.S. at 268-69). Generally, dismissal is appropriate where resolution of the deferred

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[16] Plaintiffs' Opposition brief incorrectly argues that the primary jurisdiction doctrine cannot be applied to state law claims. Opposition at 3-4.

[17] Plaintiffs' Opposition suggests that primary jurisdiction may only be applied where there is an *existing* agency proceeding. Opposition at 2. However, the case cited, *Curran v. Bayer Healthcare*, does not stand for this proposition. It merely indicates that defendant in that case failed to identify any such proceeding. Moreover, the case on which *Curran* relies focused on whether such a proceeding is available—not whether it has already been initiated. Here, Plaintiffs have available relief through OSHA's complaint process and emergency powers.

issue will likely dispose of the entire case. *See id.* However, the Court may choose to stay the matter while the agency action proceeds. *See id.*

2. The Primary Jurisdiction Doctrine Applies Here.

This is a quintessential case for application of the primary jurisdiction doctrine. The issues presented by Plaintiffs' Complaint relate to workplace safety. Plaintiffs seek only declaratory and injunctive relief. Specifically, they seek a Court order requiring Smithfield to adopt a list of work practices identified by Plaintiffs to protect against the spread of COVID-19. But there is a federal agency, OSHA, with special expertise in this area. Moreover, OSHA is actively involved in investigating and enforcing COVID-19 safe work practices throughout the country. Indeed, OSHA has already contacted Smithfield using a "Rapid Response Investigation" to obtain information regarding its COVID-19 safety practices at the Plant, and Smithfield is cooperating with OSHA. The Court should defer to OSHA as to whether Smithfield's existing safety practices are sufficient to protect employee health, or whether additional measures should be implemented.[18]

Plaintiffs' request for injunctive relief implicates several specific OSHA regulations. The table below highlights some of the specific OSHA standards at issue:

[18] Plaintiffs' reference the OSHA savings clause in their Opposition. Opposition at 4. However, the savings clause relates to preemption—not primary jurisdiction. Smithfield will address the issue of OSHA preemption in its Opposition to Plaintiffs' Motion for Preliminary Injunction/Temporary Restraining Order.

Relief Requested in Complaint	OSHA Standard
Order Smithfield to provide "sufficient personal protective equipment" Compl. ¶ 123(c)(i).	General Personal Protective Equipment (PPE), 29 CFR 1910.132 1910.132(d) *Hazard assessment and equipment selection.* 1910.132(d)(1) The employer shall assess the workplace to determine if hazards necessitate the use of personal protective equipment (PPE). If such hazards are present, or likely to be present, the employer shall: 1910.132(d)(1)(i) Select and require the use of PPE that will protect the affected employee;
Order Smithfield to "create[] and implement[] a social distancing plan" Compl. ¶ 123(c)(ii).	Bloodborne Pathogens, 29 CFR 1910.1030 (which OSHA has stated provides guidance for purposes of COVID-19 safety) 1910.1030(d)(2) *Engineering and Work Practice Controls.* 1910.1030(d)(2)(i) Engineering and work practice controls shall be used to eliminate or minimize employee exposure.
Order Smithfield to " create[] and implement[] a protocol to clean surfaces" Compl. ¶ 123(c)(v).	Sanitation, 29 CFR 1910.141: 1910.141(a)(3)(i) All places of employment shall be kept clean to the extent that the nature of the work allows.
Order Smithfield to "provide[] tissues"[19] Compl. ¶ 123(c)(iv).	Medical Services and First Aid, 29 CFR 1910.151 1910.151(b) Adequate first aid supplies shall be readily available.

OSHA is in the best position to assess Smithfield's COVID-19 work practices—not the Court in the first instance. Moreover, deferring to OSHA will promote uniformity, which is critical in these unprecedented times. Essential businesses that continue to operate to provide the public

[19] For obvious reasons, the United States Department of Agriculture would not allow production line workers to have tissues while working on the line.

and the government critical products and services should not be subject to piecemeal and inconsistent safety requirements imposed by private plaintiffs and courts.

The relief requested by Plaintiffs is truly unprecedented. Plaintiffs are asking this Court to develop, monitor, and administer Smithfield's occupational health and safety program at the Plant. Plaintiffs have appointed themselves and their "experts" the role of inspecting the Plant and making determinations about what safety procedures must be implemented. The Court is then expected to take their recommendations and fashion a ***mandatory*** injunction that will require Smithfield to implement a specific safety program, which the Court presumably will police over the course of the pandemic.

Smithfield is not aware of a single case where a court commandeered an employer's occupational safety and health program in such a manner, and Plaintiffs have cited none. Indeed, courts have refused such invitations—even in the face of the COVID-19 pandemic. For example, in *Alaska State Employees Association, Local 52 v. SOA*, 3AN-20-056652CI, the Union representing the state employees of Alaska filed suit against the state for alleged violation of the duty to provide a safe place to work and seeking injunctive relief to require the state to implement work practices to protect the employees from COVID-19. The court denied the injunction and declined to insert itself in the state's determination of how to best protect its employees and continue to provide essential services. *See* Order Regarding ASEA's Motion for a Temporary Restraining Order and Preliminary Injunction, attached as **Exhibit 6**. Courts have denied similar requests for injunctive relief that would require the court to oversee safety protocols at prisons. *Baxley v. Jividen*, 2020 WL 1802935 (W.D. Va. April 8, 2020).[20] The Court should likewise

[20] In *Valentine v. Collier*, __ F.3d __, 2020 WL 1934431 (5th Cir. Apr. 22, 2020), the district court granted injunctive relief related to the state prison system's response to COVID-19, but the Court of Appeals stayed the injunction pending appeal. The Court noted that the prison system's "ability to continue to adjust [their] policies [would be]

decline Plaintiffs' invitation here, and defer workplace safety issues to OSHA and its expertise, working in conjunction with the Plant.

B. This Court Should Abstain from Injecting Itself into Areas of Public Health Which Are Uniquely State Issues.

1. Legal standard for *Burford* abstention.

Federal courts "'should exercise their discretionary power with proper regard for the rightful independence of state governments in carrying out their domestic policy.'" *Burford v. Sun Oil Co.*, 319 U.S. 315, 334-35 (1943) (Douglas, J., concurring) (quoting *Commonwealth of Pennsylvania v. Williams*, 294 U.S. 176, 185 (1935)); *see Johnson v. Collins Entertainment Co., Inc.*, 199 F.3d 710, 720 (4th Cir. 1999) (holding that federal court abstention is required when states are protecting their residents' health, safety, and welfare, and "different states can arrive at different answers based on their different experiences").

A federal court may abstain from jurisdiction under the *Burford* abstention doctrine when (1) "there have been presented difficult questions of state law bearing on policy problems of substantial public import whose importance transcends the result in the case at bar"; and (2) "exercise of federal review of the question in a case and in similar cases would be disruptive of state efforts to establish a coherent policy with respect to a matter of substantial public concern." *Wolfson v. Mutual Benefit Life Ins. Co.*, 51 F.3d 141, 144 (8th Cir. 1995); *Melahn v. Pennock Insurance Inc.*, 965 F.2d 1497, 1506 (8th Cir. 1992) ("*Burford* abstention applies when a state has established a complex regulatory scheme supervised by state courts and serving important state interests, and when resolution of the case demands specialized knowledge and the application of

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significantly hampered by the preliminary injunction, which locks in place a set of policies for a crisis that defies fixed approaches." *Id.* (citing *Jacobson v. Mass.*, 197 U.S. 11, 28-29 (1905); *In re Abbott*, 954 F.3d 772, 791 (5th Cir. 2020)).

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complicated state laws") (quoting *Bilden v. United Equitable Ins. Co.*, 921 F.2d 822, 825-26 (8th Cir. 1990)).

The application of the *Burford* doctrine does not require that a state authority have already intervened with respect to the specific matter. *See generally Johnson*. Rather, it is enough that a plaintiff may seek redress in a state court, where questions of local policy related to regulation and enforcement should be decided. *See id*. at 716 (noting that "[t]he state courts are intimately involved in [the regulatory] scheme through the adjudication of private actions and the review of administrative decisions"); *see also Heartland Hosp. v. Strangler*, 792 F.Supp. 670, 672 (W.D. Mo. 1992) ("*Burford* abstention is necessary when federal review would likely be 'disruptive of state efforts to establish a coherent policy with respect to a matter of substantial public concern'" (quoting *Colorado River Water Conservation Dist. v. U.S.*, 424 U.S. 800, 814 (1976))).

Abstention is especially appropriate when the issue to be decided "lies at the heart of the state's police power" because "[f]ormulations of that power underscore the state's paramount interest in the health, welfare, safety, and morals of its citizens." *See Johnson*, 199 F.3d at 720. Otherwise, "the federal courts might adjudicate all kinds of disputes involving the most sensitive questions of state law and policy that arrive at their door . . . . This would in time endanger the independence of state policy at the core of state police power and cause friction between the federal and state systems." *Id.*

2. The Court should abstain in favor of Missouri's Public Health Agencies.

The Court should exercise its discretion to abstain in this case pursuant to the *Burford* abstention doctrine. Plaintiffs are seeking to serve as private attorneys general to enforce the state of Missouri's public health law. A federal court should not insert itself into the state's public policy regarding the protection of its citizens from COVID-19 exposure and transmission, particularly when there is a substantial risk that the federal court would decide the case differently

than the state. *See Lac D'Amiante du Quebec, Ltee v. Am. Home Assur. Co.*, 864 F.2d 1033, 1046 (3d Cir. 1988) (abstaining because "the risk is not insubstantial" that state agencies "would adopt a different interpretation than did the district court"). Rather, this matter should be handled by state and local public health agencies.

There is no question that the State of Missouri is already actively involved in protecting the public from COVID-19 exposure and transmission. The Governor has issued a "stay-at-home" order for this express purpose, but made the decision to permit businesses such as the Plant, which are essential to the State and nation's food supply, to continue to operate. The order specifically provided that essential businesses need not require six feet between individuals if the workers' "job duties require contact with other people closer than six feet." The injunction Plaintiffs seek requiring Plant employees to remain more than six feet apart would directly contradict the Governor's order. That is improper: "The purpose of *Burford* abstention is to discourage such federal court second-guessing of state regulatory matters." *Sierra Club v. City of San Antonio*, 112 F.3d 789, 796 (5th Cir. 1997) (vacating preliminary injunction because the district court should have abstained under *Burford*).

Moreover, the Governor assigned responsibility for implementing and enforcing specific COVID-19 safety measures to Missouri's local and state health authorities. MDHSS has embraced this responsibility, and both MDHSS and local health agencies have worked closely with a number of private businesses to monitor and develop their COVID-19 safety response. MDHSS has also worked closely with federal agencies in responding to the virus, and has the ability to invite the Centers for Disease Control to assist with state and local response as needed.

Missouri law specifically vests authority over public health matters with MDHSS, and *requires* MDHSS to use "the legal means necessary to control" a disease such as COVID-19,

"which is a threat to the public health." 19 Mo. C.S.R. 20-20.040. Under state law, public health authorities have the duty and authority to inspect premises suspected of spreading disease, establish and maintain quarantines, and implement appropriate control measures to prevent the spread of disease. *Id.* Public health agencies throughout Missouri have acted on these duties and responsibilities, and there is no reason to believe they would not also do so if alerted to any threat to public health associated with the Plant.

It is entirely improper for this Court to assume responsibility for Missouri's public health law. Plaintiffs have not asserted a federal law claim, and the federal court has no overriding interest in this matter. If there are truly public health concerns related to the Plant (and Smithfield vehemently disputes that), then addressing those issues is a matter of state policy that can be addressed by MDHSS and the local public health authorities. This is not the proper forum to adjudicate Missouri's public health policy.

Plaintiffs cite to examples of Smithfield and other meat processing plants being shut down in other jurisdictions. However, in none of these examples was a state or federal court involved. Rather, in some instances state and local public health agencies made the decision to order the plant to close pending further investigation, and in others, the plants voluntarily closed in response to requests from state government or for other reasons (e.g., Smithfield's Cudahy, Wisconsin facility that Plaintiffs cite closed because of supply chain issues – not a COVID-19 outbreak in the plant). These examples do not support the federal court's involvement in this matter. To the contrary, they militate against it. The Court should therefore dismiss this action pursuant to the *Burford* abstention doctrine.

IV. CONCLUSION

A stay or dismissal is proper here. The principle of comity underlying primary jurisdiction and *Burford* abstention takes on heightened importance – and militates even more heavily in favor

of invoking the doctrines – where the possibility exists that the relief in the private action might conflict with the agency action. *Davies v. Nat'l Coop. Refinery Ass'n*, 963 F. Supp. 990, 997 (D. Kan. 1998) (abstaining from exercising RCRA jurisdiction in favor of the agency "charged by state law with responsibility for … protecting human health and the environment" to avoid "prospect of conflicting directives from this court as to how the contamination should be remedied").[21]

It is not hard to imagine the chaos that would flow if courts take over the occupational health and safety programs of essential businesses around the country and appoint themselves keepers of the public health. An employee who claims an unsafe workplace already can file an OSHA complaint or seek the assistance of public health officials. If this additional avenue of court oversight of safety were opened businesses, already strapped to survive during the pandemic, would be faced with increased financial costs of litigation. A company that operates in multiple jurisdictions, such as Smithfield, would have no expectation of uniformity and could even be in a position to have inconsistent legal obligations as between OSHA and a decision from the court.

None of this is necessary. OSHA has broad powers to investigate and enforce workplace safety, and MDHSS has the necessary police power to regulate plant operation and ensure public health. This Court need not—and should not—wade into this area, and put itself in the position of policing workplace safety and directing state public health policy at the behest of a private plaintiff. The Court should grant Smithfield's Motion, and dismiss or stay this action in favor of the authority and expertise of OSHA and MDHSS.

SMITHFIELD FOODS, INC. and
SMITHFIELD FRESH MEATS CORP.

[21] The *Davies* court based its decision to abstain on both primary jurisdiction and the *Burford* abstention doctrine.

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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of April, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send electronic notification of the same to the following counsel of record:

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IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI ST. JOSEPH DIVISION

RURAL COMMUNITY WORKERS ALLIANCE and JANE DOE,[1]	)	
Plaintiffs,	)	
v.	)	No. 5:20-CV-06063-DGK
SMITHFIELD FOODS, INC. and SMITHFIELD FRESH MEATS CORP.,	)	
Defendants.	)	

ORDER GRANTING DEFENDANTS' MOTION TO DISMISS

This lawsuit arises from Plaintiffs' allegations that Defendant Smithfield Foods, Inc. and its wholly owned subsidiary, Defendant Smithfield Fresh Meats Corporation (collectively, "Smithfield") have failed to adequately protect workers at its meat processing plant in Milan, Missouri, ("the Plant" or "the Milan Plant") from the virus that causes COVID-19. Now before the Court are Plaintiffs' Motion for a Temporary Restraining Order ("TRO") and Preliminary Injunction (Doc. 3), and Smithfield's motion to dismiss and/or stay pursuant to the primary-jurisdiction doctrine (Doc. 28).

After carefully reviewing the motions and the existing record, the Court holds that it should decline to hear this matter pursuant to the primary-jurisdiction doctrine to allow the Occupational Health and Safety Administration ("OSHA") to consider the issues raised by this case. But even if the Court did not apply the primary-jurisdiction doctrine, the Court would not

[1] The Court notes that there is currently a motion pending to allow Jane Doe to proceed using a pseudonym (Doc. 42). Given the Court's dismissal of this action and the denial of injunctive relief, the Court finds that requiring Plaintiff to reveal her identity would serve no important purpose, especially given that another named plaintiff appears in this case. The issues presently before the Court are—for the most part—purely legal, and the majority of Plaintiff's allegations are not individualized. Thus, the public's interest in Plaintiff's identity and the prejudice to Smithfield in allowing Plaintiff to proceed anonymously for purposes of deciding the instant motions is minimal. Plaintiff Doe may therefore use a pseudonym for purposes of the motions presently before this Court. This Court reserves judgment on her ability to do so should this case proceed to further stages of litigation.

issue a preliminary injunction because Plaintiffs have not met their burden of proving that the extraordinary remedy of an affirmative injunction is justified. Smithfield's motion is GRANTED, and the case is DISMISSED WITHOUT PREJUDICE.

Background

The Background section of this order is arranged in chronological order. Although regrettably lengthy, it details how the regulatory environment in which meat-processing plants operate is constantly changing during this unique national emergency.

In late 2019, a new coronavirus emerged named severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).[2] This virus causes coronavirus disease 2019 (COVID-19), a respiratory illness that can cause serious health problems, including death.[3] SARS-CoV-2 is highly contagious; it appears to spread from person to person through respiratory droplets produced when an infectious person coughs, sneezes, or talks, and the virus can be spread by presymptomatic, or even asymptomatic, individuals.[4]

A global pandemic ensued, and the virus and COVID-19 reached the United States in early 2020. On March 13, 2020, the President declared a national emergency concerning COVID-19. That same day, Missouri's governor also declared a state emergency, and on April 3, the Missouri Department of Health and Senior Services issued a stay-at-home order that mandated all individuals abide by social-distancing requirements and closed all nonessential

[2] Ctrs. for Disease Control and Prev. & Occ. Safety and Health Admin., Meat and Poultry Processing Workers and Employers, https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/meat-poultry-processing-workers-employers.html (April 26, 2020).

[3] *Id.*

[4] *Id.*

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businesses in Missouri through May 4.[5] The stay-at-home order defines essential businesses in accordance with guidance from the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency ("Homeland Security"), which identified livestock-slaughter facilities, including the Plant and its operations, as "critical infrastructure."[6] On April 9, the Centers for Disease Control ("CDC") published *Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19)*, which outlined several policies and procedures employers should implement to help prevent workplace exposure and community spread of the virus.

On April 22, OSHA sent Smithfield a "Rapid Response Investigation" requesting information regarding its COVID-19 work practices and infection at the Milan Plant, giving Smithfield seven days to respond. As part of its inquiry, OSHA requested information about Smithfield's COVID-19 practices including what, if any, personal protective equipment has been given to its workers, what engineering controls have been implemented, what contact tracing methods have been employed, and what policies have been changed or implemented in light of the pandemic (Doc. 29-2). Smithfield responded on April 29 (Doc. 41).

The next day, on April 23, Plaintiffs Jane Doe and the Rural Community Workers Alliance ("RCWA") filed suit. They allege Smithfield is not taking adequate steps to prevent transmission of the virus at its Plant, thereby endangering workers and members of the surrounding community. According to her declaration, Doe is a current Smithfield employee who has worked at its Milan Plant for at least five years. She claims she currently works on the

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[5] Mo. Dep't of Health & Senior Servs., Stay at Home Order, https://governor.mo.gov/priorities/stay-home-order (Apr. 3, 2020).

[6] U.S. Dep't of Homeland Sec., Cybersec. & Infrastructure Sec. Agency, Guidance on the Essential Critical Infrastructure Workforce, https://www.cisa.gov/sites/default/files/publications/Version_3.0_CISA_Guidance_on_Essential_Critical_Infrastructure_Workers_3.pdf (April 17, 2020).

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"cut floor" where animals are broken down into products and packaged.

The RCWA is a Missouri non-profit advocacy group whose members consist exclusively of workers in Northern Missouri. Several members of RCWA's current leadership council work at the Plant, and sixty to seventy workers who attend its meetings work at the Plant, including Jane Doe.

Defendant Smithfield is one of the largest meat-processing companies in the world, with meat-processing plants all over the United States, including in Milan, Missouri. Several of its meat-processing plants in the United States have closed recently due to outbreaks of COVID-19 among its workers.

The Complaint (Doc. 1) alleges that several meat-processing plants in this country owned and operated by Smithfield have become major COVID-19 "hot spots." It also alleges that in direct contravention of CDC guidelines, Smithfield has not implemented certain precautions to keep its workers and the Milan community safe from the virus. Such measures include keeping adequate distance between workers, prohibiting workers from taking a break to wash their hands or face, preventing workers from covering their faces if they need to cough or sneeze, implementing a sick-leave policy that penalizes workers for missing work even if they are exhibiting COVID-19 symptoms, and failing to implement plans for testing and contact tracing.

The Complaint brings state-law claims for public nuisance and breach of duty to provide a safe workplace. Plaintiffs are not seeking monetary damages, only declaratory judgments stating that: (1) Smithfield's practices at the Plant constitute a public nuisance; and (2) Smithfield has breached its duty to provide a safe workplace.

The same day Plaintiffs filed suit, they also moved for a temporary restraining order and preliminary injunction (Doc. 3), seeking to force Smithfield to: provide masks; ensure social

distancing; give employees an opportunity to wash their hands while on the line; provide tissues; change its leave policy to discourage individuals to show up to work when they have symptoms of the virus; give workers access to testing; develop a contact-tracing policy; and allow their expert to tour the Plant. Attached to the motion were declarations from: (1) Jane Doe, who described working conditions at the Plant and stated she was afraid for health and safety, as well as the health and safety of the Milan community, because of what she considers inadequate safety procedures at the Plant; (2) RCWA's Executive Director, Alex Fuentes; (3) a senior lobbyist with the non-profit organization Food & Water Watch ("FWW"), Anthony Corbo; (4) a lawyer, Thomas Fritzsche, who has interviewed a number of Alabama poultry-plant workers about working conditions and authored a 2013 report for the Southern Poverty Law Center about modern industrial slaughterhouse workers; and (5) an occupational-medicine specialist, Dr. Robert Harrison, who works as Clinical Professor of Medicine at the University of California, and also serves the California Department of Public Health.

On April 26, the Court set a videoconference hearing on the preliminary injunction motion for April 30. That same day, the CDC and OSHA issued *Meat and Poultry Processing Workers and Employers – Interim Guidance* ("the Joint Guidance"), which provided supplemental guidance to meat-processing plants concerning COVID-19.[7] The Joint Guidance states that to reduce the risk of transmission among employees, employers at meat-processing facilities should, where "feasible," implement engineering controls, such as staggering shifts and breaks, requiring workers to stay six-feet apart, and/or erecting physical barriers; place handwashing or hand-sanitizing stations in multiple locations and encourage hand hygiene; give workers additional short breaks to wash hands; provide tissues; and allow workers to take breaks

[7] Ctrs. for Disease Control and Prev. & Occ. Safety and Health Admin., Meat and Poultry Processing Workers and Employers, https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/meat-poultry-processing-workers-employers.html (Apr. 26, 2020).

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in alternative areas to ensure social distancing. It also recommends employers provide personal protective equipment for workers to use during their shift and increase the frequency of sanitization in work and common spaces. It states employers should educate employees on measures they can take to decrease the risk of spreading the virus and provides a specific list of measures employers should take to promote social distancing, such as providing visual cues on floors, as reminders for social distancing. It encourages employers to screen workers for COVID-19 by implementing temperature checks prior to entering the workplace and sending home workers who appear to have symptoms (e.g., cough, fever, or shortness of breath), and monitor workers' contacts so they can alert anyone who may have been exposed to the virus. Finally, it recommends employers review leave and incentive policies so as to not penalize workers for taking sick leave if they contract COVID-19.

On April 27, Smithfield filed a motion to dismiss this case pursuant to the primary-jurisdiction doctrine, arguing this Court should defer to OSHA in this case. The next day—April 28—the President signed an executive order ("the Executive Order") under § 4511(b) of the Defense Production Act ("DPA"), 50 U.S.C. § 2061 *et seq*., delegating authority to the Secretary of Agriculture to take all appropriate action "to ensure that meat and poultry processors continue operations consistent with the guidance for their operations jointly issued by" the CDC and OSHA.[8]

On April 29, Smithfield made several filings, including a supplemental brief to its motion to dismiss, which alleged that pursuant to the Executive Order, the United States Department of Agriculture ("USDA") now had jurisdiction over this case. It also submitted its Suggestions in

[8] Exec. Order on Delegating Authority Under the DPA with Respect to Food Supply Chain Resources During the National Emergency Caused by the Outbreak of COVID-19, https://www.whitehouse.gov/presidential-actions/executive-order-delegating-authority-dpa-respect-food-supply-chain-resources-national-emergency-caused-outbreak-covid-19/ (Apr. 28, 2020).

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Opposition (Doc. 32) to the preliminary injunction motion. Attached to its brief as exhibit A (Doc. 32-1) is a declaration from the Plant's general manager, Tim Messman, along with pictures of the Plant and copies of the Plant's policies and procedures related to COVID-19. Exhibit B (Doc. 32-2) is a declaration from John Henshaw, the head of OSHA from 2001 to 2003.

Later that same day, Plaintiffs' filed their suggestions in opposition (Doc. 35) to Smithfield's motion to dismiss. Included in it is a declaration from Dr. Melissa Perry (Doc. 35-2), a professor of environmental health at George Washington University.

On April 30, the Court held a hearing on the motion via teleconferencing. The Court offered the parties an opportunity to introduce evidence, including witness testimony, but both parties elected to stand on the existing record. The parties then argued their respective positions.

After the hearing, the parties filed supplemental briefs. Attached to Smithfield's brief (Doc. 46) is a supplemental declaration from Smithfield's plant manager, clarifying Smithfield's leave policy and updating the Court on additional safety changes at the Plant.

Plaintiffs concede that Smithfield implemented new policies and procedures after this lawsuit was filed and have narrowed their requested injunctive relief to direct Smithfield to:

> (1) make all reasonable changes to its "production practices," including potentially lowering its line speeds, to place as many workers as possible at least six feet apart; (2) provide reasonable additional breaks to allow workers to care for their personal hygiene without penalty, including blowing their noses, using tissues, and hand washing; and (3) ensure that its policies do not require workers to come to the Plant to obtain COVID-19-related sick leave and take all reasonable steps to communicate that policy clearly to workers.

(Doc. 48 at 10). Plaintiffs characterize their requested relief as compliance with the Joint Guidance.

Findings of Fact

The Court gives the various declarations submitted by the parties the following

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evidentiary weight.[9]

The Court gives Jane Doe's declaration limited weight. While she has personal knowledge of conditions in those parts of the Plant in which she works, it is unclear exactly what part of the "cutting floor" she works in, and whether she can see all that she claims to see from this area. Further, it appears that some of the information in her declaration is no longer accurate due to recent changes in the Plant's policies and procedures. For example, although her declaration may be correct that Smithfield initially told workers they would receive only one mask per week, this policy has been superseded. As discussed below, workers are now given masks every day. Finally, because her identify is unknown, there is no way to determine, through the adversarial process or otherwise, whether Doe has some bias against Smithfield that could lead her to misrepresent or exaggerate conditions at the Plant. The Court notes that at least one of her statements—that Smithfield has increased the line speed at the Plant during the pandemic—is contradicted by other, more persuasive evidence.

Mr. Fuentes' declaration concerning working conditions at the Plant are even less reliable than Jane Doe's, and so the Court gives them less weight. Mr. Fuentes has no personal knowledge of conditions at the Plant because he has never set foot in it. His understanding is based on hearsay from unidentified employees whose statements to him, even if accurately relayed by Mr. Fuentes, were not made under penalty of perjury. That said, the Court finds the portions of his declaration concerning RCWA's membership and activities are credible.

The Court finds the declarations of Messrs. Corbo, Fritzsche, and Harrison are based on some relevant knowledge, education, and experience concerning working conditions in American meat-processing plants generally, and so they possess some limited insight into what

[9] Smithfield filed a motion to strike Plaintiffs' five declarations attached to the motion for a temporary restraining order and/or preliminary injunction (Doc. 34). The Court denies the motion, since, in considering these motions, the issues it complains of go to the weight of the evidence rather than its admissibility.

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steps could be taken to prevent the spread of the SARS-CoV-2 virus in a generic American meat-processing facility. Because they are unfamiliar with specific working conditions at the Plant, however, their declarations provide limited help in determining whether Smithfield's policies and procedure at the Plant are sufficient to stem transmission of the virus.

Finally, the Court turns to the declaration of Dr. Melissa J. Perry, Professor and Chair of Environmental and Occupational Health at the Milken Institute School of Public Health of the George Washington University. Dr. Perry credentials are excellent: She is a past President of the American College of Epidemiology and a past chair of the Board of Scientific Counselors for the CDC. She has also served as a member of the National Institute for Occupational Safety and Health research grant-review panel. She has studied meat-processing facilities since 2004 and has published six peer-reviewed-journal articles on work health and safety at meat-processing facilities. As part of that work, she has visited four meat-processing plants and spoken with engineers regarding the organizational structure of processing plants and how they can be redesigned to further worker health and safety.

Dr. Perry opines that meat-processing plants can allow workers to stand six feet apart if they reduce production line speed, and that, if they do not space production line workers six feet apart, the plants will "inevitably" have a COVID-19 outbreak. She contends slowing the production line is the only way the plant will be able to continue meat production without an outbreak. She also endorses the other requests Plaintiffs make, such as for more rest breaks and paid leave, as "absolutely necessary" so the Plant can continue operating.

This Court has respect for Dr. Perry's opinion but finds it of limited value in this case. While this Court agrees that slowing down line speed may be beneficial for workers and allow more opportunities for social distancing, the Court found nothing in the Joint Guidance

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recommending a decrease in line speed. To that point, she provides no specific opinion regarding whether the Milan Plant is currently in compliance with the Joint Guidance, and there is no evidence that Dr. Perry reviewed the policies and procedures at the Milan Plant in forming her opinion. Accordingly, the Court gives little weight to her opinion that unless the production line speed is slowed and workers spread six feet apart, spread of the virus through the Plant is "inevitable" and it "will be forced to shutter." This assertion appears to be more of a good-faith speculation than an evidenced-based conclusion.

The Court gives more weight to the declarations provided by Smithfield. The statements made by Mr. Messman, the Plant's general plant manager, are almost all based on his personal knowledge. He possesses the most recent information concerning working conditions at the Plant, and he appears to be a reliable source of information about Smithfield's policies and procedures there.

The Court gives considerable weight to the declaration of John Henshaw, Smithfield's expert witness. After reviewing Smithfield's written policies and procedures at the Plant, the general manager's declaration, the pictures, and the declarations in Plaintiffs' motion, Mr. Henshaw opined that Smithfield's current policies and procedures, if followed, were consistent with the Joint Guidance as of April 29, 2020. Although the Court is aware that he is a retained expert witness whose assumptions and conclusions have not been tested by cross-examination, his opinion is measured, qualified, and grounded in the facts at the Milan Plant.

With the credibility determinations in mind, the Court makes the following findings of fact concerning current the Plant's working conditions and Smithfield's COVID-19 policies and procedures.

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Before entering the Plant, Smithfield requires all employees to undergo thermal screening. If employees exhibit one primary symptom or two secondary symptoms of COVID-19,[10] Smithfield provides them with instructions for next steps, including directions to quarantine and call their physician for guidance, and sends the employee home for fourteen days of paid leave or until the individual receives a negative COVID-19 test result. Employees with underlying health concerns—verified by a doctor—that place them at a higher risk of COVID-19 are given fourteen days of paid leave and then are shifted to short-term disability leave.

While quarantining as a result of COVID-19 symptoms, Smithfield requires employees to complete a questionnaire that in part entails naming all other employees they have closely contacted within the two days before experiencing symptoms. If the employee tests positive for COVID-19, Smithfield notifies and screens the close contacts. As of April 29, 2020, thirteen employees had been tested for COVID-19. None were positive.

If employees miss work as a result of COVID-related symptoms, Smithfield does not penalize them. They do not receive attendance points and remain eligible for Smithfield's Responsibility Bonus ($500), regardless of whether individuals provide a doctor's or nurse's note. Moreover, Smithfield has expanded its employee benefits by eliminating co-pays for COVID-related testing and treatment.

To ensure that those inside the Plant are complying with Smithfield's COVID-19 safety procedures and policies, Smithfield has assigned both a nurse and a health-and-safety clerk to perform checks throughout the Plant. Smithfield has communicated these procedures and policies to its employees by several different media, including on televisions and signs at the Plant, through the Beekeeper communications app, and through the Textcaster mass

[10] Primary symptoms include fever, persistent dry cough, and shortness of breath, while secondary symptoms include chills, repeated shaking with chills, muscle pain/extreme fatigue, headache, sore throat, and/or loss of taste or smell (Doc. 46-2 at 8).

text-messaging tool. Signs at the Plant relay the information in English, Spanish, and French, while the Beekeeper and Textcaster communications are available in the employee's language of choice. Interpreters are also available at the Plant to assist with these communications.

The Plant provides workers with an ear-looped face mask upon entry to the Plant each day, and if a mask breaks or becomes soiled, it provides a new one. Smithfield now requires all workers at the Plant to wear a mask at all times other than during meals and in certain offices where employees are spaced six feet apart. These masks prevent the spread of germs if an employee sneezes or coughs while on the line, reducing the need for tissues to reduce the spread of COVID-19. Additionally, Smithfield requires employees on the production floor to wear nitrile gloves and a plastic face shield.

As Smithfield concedes, it does not provide tissues to employees. It cannot provide tissues to individuals working on the production line because doing so would violate health standards set by the USDA. Thus, one of Plaintiff's original complaints cannot be remedied. Smithfield could, however, provide tissues for employees to wipe their nose while on breaks, but the record does not support that employees are banned from bringing their own tissues or other hygienic wipes to use while on breaks.

As for Plaintiffs' claim that Smithfield does not allow employees to wash their hands without penalty, the Court finds that Smithfield policies and procedures are reasonable under the circumstances. Due to the nature of the meat-processing business, employees must wear gloves on the production line. When workers leave the line for a break, they remove their gloves and sanitize their hands before entering common areas. They must also wash their hands and put on gloves before returning to the line. Smithfield currently administers hand sanitizer to employees every thirty minutes to use on their gloves and has added approximately 110 hand-sanitizing

stations throughout the Plant. Smithfield also expects a shipment of small hand-sanitizer bottles soon, which it will make available to employees for personal use. In the meantime, the Plant has invited employees to bring in personal bottles they may refill using the company supply. Thus, the need for continued hand washing is unnecessary because any contamination that may occur on the line is contained by the required use of gloves.

Moreover, Smithfield has also enhanced cleaning and disinfection of the Plant's frequently touched surfaces in common areas using cleaning solutions identified by the CDC for use against the virus. These cleanings are performed as often as every two hours throughout the workday. Additional deep cleanings occur over the weekends, and Smithfield is working to implement use of fogging/misting disinfectants where possible.

Finally, the Court turns to the steps Smithfield has taken steps to facilitate social distancing at the Plant. Smithfield has staggered workday start times, as well as lunch and break times, to avoid large numbers of workers congregating in break rooms or around time clocks. Smithfield is currently working to secure a wireless means for employees to clock in and out of their shifts to minimize crowding. In the meantime, it has expanded the number of available clocks for employees to use and will implement a grace period for workers to clock in and out of their shifts, all increasing the ability of workers to maintain social distance.

Smithfield has erected two large tents and three carport structures on the Plant lawn and placed tables and chairs underneath each so that workers have more space to eat while on breaks. The Plant has also installed plastic barriers on eating tables that separate employees from those sitting beside and across from them. Tables are sanitized after one employee leaves and before another sits down.

Smithfield has also reduced the number of hogs harvested each day and sends some employees home before lunch. This requires fewer employees to be at the Plant, helping to minimize crowding in the cafeteria and other areas. However, these policies reduce the number of hours worked by the affected employees, thereby decreasing their weekly pay. To ease the resulting financial burden on employees, Smithfield has temporarily increased pay by $5/hour, and such pay is available to any employee who takes an approved leave as a result of COVID-related symptoms. Smithfield has also installed clear plastic barriers along the Plant production line to separate employees working across from each other and employees working side by side.

Discussion

I. The primary-jurisdiction doctrine applies.[11]

Before reaching the merits of Plaintiffs' request for a preliminary injunction, the Court must determine whether it should dismiss or stay this case pursuant to the primary-jurisdiction doctrine. "Primary jurisdiction is a common-law doctrine that is utilized to coordinate judicial and administrative decision making." *Access Telecomms. v. Sw. Bell Tel. Co.,* 137 F.3d 605, 608 (8th Cir. 1998) (citation omitted). "The doctrine allows a district court to refer a matter to the appropriate administrative agency for ruling in the first instance, even when the matter is initially cognizable by the district court." *Id.* (citation omitted). "There exists no fixed formula for determining whether to apply the doctrine of primary jurisdiction." *Id.* (citing *United States v. W. Pac. R.R. Co.,* 352 U.S. 59, 64 (1956)). Instead, courts must consider in each case "whether the reasons for the doctrine are present and whether applying the doctrine will aid the purposes

[11] Although Smithfield previously argued *Burford* abstention also applied here, it conceded during the preliminary-injunction hearing that that argument no longer applies due to the President's Executive Order. Accordingly, the Court does not address it. Because this Court finds the primary jurisdiction doctrine applies, it does not address Smithfield's preemption arguments, which were asserted after the preliminary-injunction hearing.

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for which the doctrine was created." *Id.* (citation omitted). In undertaking this analysis, a court must be mindful that the primary-jurisdiction doctrine "is to be invoked sparingly, as it often results in added expense and delay." *Alpharma, Inc. v. Pennfield Oil Co.*, 411 F.3d 934, 938 (8th Cir. 2005). "Once a district court decides to refer an issue or claim to an administrative agency under the doctrine of primary jurisdiction, it may either dismiss or stay the action." *Chlorine Inst., Inc. v. Soo Line R.R.*, 792 F.3d 903, 913 (8th Cir. 2015).

There are two primary reasons courts apply the primary-jurisdiction doctrine. First, "to obtain the benefit of an agency's expertise and experience . . . 'in cases raising issues of fact not within the conventional experience of judges or cases requiring the exercise of administrative discretion. . . .'" *Access Telecomms.*, 137 F.3d at 608 (noting "'agencies created by Congress for regulating the subject matter should not be passed over'") (quoting *Far E. Conference v. United States*, 342 U.S. 570, 574 (1952)). Second, "to promote uniformity and consistency within the particular field of regulation." *Id.* (citation omitted). Thus, in deciding whether to apply the doctrine, courts focus on two questions: (1) "whether the issues raised in the case 'have been placed within the special competence of an administrative body,'" and (2) whether the court's disposition of the case could lead to inconsistent regulation of businesses in the same industry. *Sprint Spectrum L.P. v. AT&T Corp.*, 168 F. Supp. 2d 1095, 1098 (W.D. Mo. 2001) (quoting *United States v. W. Pac. R.R. Co.,* 352 U.S. at 64). In this case, the answer to both questions is yes.

Plaintiffs allege that because the Plant is not abiding by the Joint Guidance, it constitutes a public nuisance and has created an unreasonably unsafe workplace. Thus, Plaintiffs' claims both succeed or fail on the determination of whether the Plant is complying with the Joint Guidance. Due to its expertise and experience with workplace regulation, OSHA (in

coordination with the USDA per the Executive Order) is better positioned to make this determination than the Court is. Indeed, this determination goes to the heart of OSHA's special competence: its mission includes "enforcing" occupational safety and health standards. In fact, OSHA has already shown interest in determining whether the Plant is abiding by the Joint Guidance. The day before Plaintiffs filed this lawsuit, OSHA sent Smithfield a request for information regarding its COVID-19 work practices and infection at the Plant.

Turning to the second question, the Court finds only deference to OSHA/USDA will ensure uniform national enforcement of the Joint Guidance. If the Court ruled on whether the Plant is complying with the Joint Guidance, this ruling would be binding on Smithfield but not other meat-processing facilities because the Court lacks personal jurisdiction over them. Thus, any determination by this Court whether the Plant is complying with the Joint Guidance could easily lead to inconsistent regulation of businesses in the same industry. And under these circumstances, where the guidelines are rapidly evolving, maintaining a uniform source for guidance and enforcement is crucial.

Plaintiffs' argue that deference will add delay. But OSHA has already requested information about the Plant's safety measures. And if OSHA fails to act quickly on this information, Plaintiffs have a remedy: they may receive emergency relief through OSHA's statutory framework. Section 662(a) of the Occupational Safety and Health Act ("the Act"), 29 U.S.C. §§ 651 *et seq.*, permits the Secretary of Labor to petition the court "to restrain any [dangerous] conditions or practices in any place of employment . . . which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by [the Act]." Upon the filing of such petition, "the district court shall have jurisdiction to grant such injunctive

relief or temporary restraining order pending the outcome of an enforcement proceeding." *Id.* at § 662(b). If the Secretary "arbitrarily or capriciously fails to seek relief," a worker can file a writ of mandamus to compel the Secretary to seek such an order. *Id.* at § 662(d). Granted, there may be some delay before Plaintiffs can invoke this procedure, but following this procedure ensures the USDA and OSHA can take a measured and uniform approach to the meat-processing plants under its oversight. The Court's intervention at this point, on the other hand, would only risk haphazard application of the Joint Guidance.

In sum, the Court holds that the issue of Smithfield's compliance with OSHA's guidelines and regulations falls squarely within OSHA/USDA's jurisdiction. The Court finds dismissal without prejudice is preferable to a stay here so that Plaintiffs may seek relief through the appropriate administrative and regulatory framework.

III. Plaintiffs' have not met their burden for a preliminary injunction.

Although the Court's ruling on the primary-jurisdiction doctrine is dispositive, to aid in any appellate review, the Court will consider whether Plaintiffs have met their extraordinary burden of proving an affirmative preliminary injunction is proper in this case.

In determining whether to grant injunctive relief the Court considers the following factors, which were set forth in the seminal decision *Dataphase Sys., Inc. v. C L Sys., Inc.*, 640 F.2d 109, 114 (8th Cir. 1981): 1) the threat of irreparable harm to the movant; 2) the balance between this harm and any injury that granting the injunction will inflict on the non-moving party; 3) the likelihood that the moving party will prevail on the merits; and 4) the public interest. *Phelps-Roper v. Nixon*, 509 F.3d 480, 484 (8th Cir. 2007). No single factor is determinative; they must be "balanced to determine whether they tilt towards or away" from

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granting the injunction. *Noodles Dev., LP. v. Ninth St. Partners, LLP*, 507 F. Supp. 2d 1030, 1034 (E.D. Mo. 2007).

Preliminary injunctive relief "is an 'extraordinary and drastic remedy, one that should not be granted unless the movant, by a clear showing, carries the burden of persuasion.'" *North Dakota v. U.S. Army Corps of Eng'rs*, 264 F. Supp. 2d 871, 878 (N.D. 2003) (quoting *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997)). This burden is particularly great where, as here, Plaintiffs seek a preliminary injunction requiring an affirmative act. *Sanborn Mfg. Co. v. Campbell Hausfeld/Scott Fetzer Co.*, 997 F.2d 484, 484 (8th Cir. 1993).

1. Plaintiffs have not demonstrated a threat of irreparable harm.

To demonstrate a sufficient threat of irreparable harm, the moving party must show that there is no adequate remedy at law; that is, that an award of damages cannot compensate the movant for the harm. *See Noodles Dev.*, 507 F.Supp.2d at 1036-37. But, when analyzing this factor, the Eighth Circuit has held that "[m]erely demonstrating the 'possibility of harm' is not enough." *Chlorine Inst., Inc. v. Soo Line R.R.*, 792 F.3d 903, 915 (8th Cir. 2015); *see also S.J.W.* ex rel *Wilson v. Lee's Summit R–7 Sch. Dist.,* 696 F.3d 771, 779 (8th Cir. 2012) ("Speculative harm does not support a preliminary injunction."). In the context of a global pandemic, this Court must consider the threat after "accounting for the protective measures" defendant has already implemented. *Valentine v. Collier*, --- F.3d ---, 2020 WL 1934431, *5 (5th Cir. Apr. 22, 2020).

Plaintiffs argue that their injury is potentially contracting COVID-19, which could result in serious illness or even death. But this type of injury is too speculative under Eighth Circuit precedent.

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Plaintiffs' claim otherwise, citing two cases from the Eighth Circuit, which they argue held the possibility of "death or serious illness" constitutes an irreparable injury (Doc. 3 at 24). Plaintiffs' cite *Kai v. Ross*, 336 F.3d 650, 656 (8th Cir. 2003), a case in which the state of Nebraska revoked a program providing medical care for the needy. The plaintiffs, who suffered from physical and mental disabilities and received their prescription medications through the program, sought to enjoin revocation of the program. *Id.* The Eighth Circuit held that the present danger to plaintiffs' health without their medications is an irreparable harm. *Id.* Plaintiffs also cite *Harris v. Blue Cross Blue Shield of Mo.*, 995 F.2d 877, 879 (8th Cir. 1993), which similarly held that denial of coverage for the treatment of a life-threating illness is an irreparable injury. These two cases are inapposite, since the plaintiffs were already suffering from illnesses, and would undoubtedly suffer serious illness or death in the absence of an injunction.[12] In other words, the threat of serious injury or death was a certainty and not merely a possibility.

The Court is not unsympathetic to the threat that COVID-19 presents to the Plant's workers. But in conducting its analysis, the Court must determine whether Plaintiffs will suffer an actual, imminent harm if the injunction is denied. This is not the same as analyzing whether employees risk exposure if they continue to work, and, unfortunately, no one can guarantee health for essential workers—or even the general public—in the middle of this global pandemic.

[12] Plaintiffs also cite *Mertzlufft v. Bunker Res. Recycling & Reclamation, Inc.*, 760 S.W.2d 592 (Mo. Ct. App. 1988) as persuasive authority. In *Mertzluff*, the plaintiffs sought to enjoin a business which was illegally transporting, storing, and incinerating hazardous waste without a permit. *Id.* at 595. The plaintiffs brought a citizen's suit to enjoin the defendant from charging and loading the incinerator with hospital wastes, or otherwise operating it, which the trial court granted. *Id.* The Missouri court of appeals, reviewing the case under a standard deferential to the trial court's judgment—not operating under the preliminary injunction standard set forth in *Dataphase*—held that the preliminary injunction was warranted. *Id.* at 598. It did not, however, address whether the plaintiffs proved there was a threat of irreparable harm. *Id.* at 598. To the contrary, the court held that plaintiffs were "not obligated to allege and prove they had suffered irreparable harm in order to obtain injunctive relief, but were only required to prove that they were adversely affected in fact by the unlicensed operation, which they did." *Id.* Accordingly, this case is also inapplicable because the court of appeals did not consider—and plaintiffs were not required to prove—a threat of irreparable harm. But, even if they were, the defendant was illegally operating a hazardous waste facility, and thus presented a present threat of certain harm to the plaintiffs.

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But given the significant measures Smithfield is now taking to protect its essential workers from COVID-19 and the fact that there are no confirmed cases of COVID-19 currently at the Plant, the Court cannot conclude that the spread of COVID-19 at the Plant is inevitable or that Smithfield will be unable to contain it if it occurs. Thus, Plaintiffs have not established an immediate threat of irreparable harm.

2. Plaintiffs have not shown that the balance of harms favors issuing injunctive relief.

The second factor "examines the harm of granting or denying the injunction upon both of the parties to the dispute and upon other interested parties, including the public." *Noodles Dev.*, 507 F. Supp. 2d at 1038 (citing *Dataphase*, 640 F.2d at 114). "To determine what must be weighed, . . . courts of this circuit have looked at the threat to each of the parties' rights that would result from granting or denying the injunction." *Id.* The "potential economic harm to the parties" is a relevant consideration, as is "whether the defendant has already voluntarily taken remedial action." *Id.*

Here, there is no doubt that if workers at the Plant contract COVID-19, the harm to Plaintiffs could be great. But Plaintiffs have alleged only that—potential harm—and, in this time, no essential-business employer can completely eliminate the risk that COVID-19 will spread to its employees through the workplace. Thus, it is important that employers make meaningful, good faith attempts to reduce the risk. Here, Smithfield has taken significant remedial steps in accordance with the Joint Guidance to protect its workers from COVID-19.

Moreover, national and local guidance on COVID-19 is continuously evolving and changing. An injunction would deny Smithfield the flexibility needed to quickly alter workplace procedures to remain safe during the ever-changing circumstances of this pandemic. *Valentine*, 2020 WL 1934431 at *5 (staying injunction that would "interfer[e] with the rapidly changing and

flexible system-wide approach that [defendant] has used to respond to the pandemic so far" and "[defendant's] ability to continue to adjust its policies is significantly hampered by the preliminary injunction, which locks in place a set of policies for a crisis that defies fixed approaches") (citing *Jacobson v. Massachusetts*, 197 U.S. 11, 28–29 (1905); *In re Abbott*, 954 F.3d 772, 791 (5th Cir. 2020)). Thus, the remedial measures Smithfield has implemented convince the Court that the balance of harms weighs in its favor.

3. Plaintiffs have not shown a likelihood of success on the merits.

To demonstrate likelihood of success on the merits, a movant does not need to show that it ultimately will succeed on its claims, only that the movant's prospects for success is *sufficiently likely* to support the kind of relief it requests. *See Noodles Dev.*, 507 F.Supp.2d at 1036–37 (emphasis added) (citations omitted). That is, the movant need only show "a fair chance of prevailing." *Phelps-Roper*, 509 F.3d at 485. On this record, Plaintiffs have not shown a fair chance of prevailing on either of their claims.

a. Plaintiffs have not shown they are likely to succeed on their public-nuisance claim.

Under Missouri law, "a public nuisance is an offense against the public order and economy of the state and violates the public's right to life, health, and the use of property, while, 'at the same time annoys, injures, endangers, renders insecure, interferes with, or obstructs the rights or property of the whole community, or neighborhood, or of any considerable number of persons.'" *State* ex rel. *Schmitt v. Henson*, ED 107970, 2020 WL 1862001, at *4 (Mo. Ct. App. April 14, 2020) (citations omitted).

The parties agree that the Plant cannot be a public nuisance simply by virtue of the fact that it is a meat-processing plant during a global pandemic. Moreover, in this case, Smithfield has implemented substantial health and safety measures to protect Plant workers, and no

employees of the Plant have been diagnosed with COVID-19. While Plaintiffs argue that Smithfield could do more to protect its workers, that is not the issue before this Court. The issue is whether the Plant, as it is currently operating, constitutes an offense against the public order. Because of the significant measures Smithfield has implemented to combat the disease and the lack of COVID-19 at the facility, the Plant cannot be said to violate the public's right to health and safety. Thus, the Court finds that Plaintiffs are unlikely to be succeed on their public nuisance claim.

b. Plaintiffs have shown they are unlikely to succeed on their right to a safe workplace claim.

Under Missouri law, Plaintiffs must prove that Smithfield negligently breached its duty to provide a safe place to work and that such negligence was the direct and proximate cause of the Plaintiffs injuries. *Hamilton v. Palm*, 621 F.3d 816, 818 (8th Cir. 2010). As discussed, Smithfield has taken substantial steps to reduce the potential for COVID-19 exposure at the Plant and appears to the Court to be complying with the Joint Guidance regarding the same. Thus, Plaintiffs are not substantially likely to prove Smithfield breached any duty.

More importantly, however, Plaintiffs have not alleged they have suffered any injury, only that they may suffer an injury in the future. A potential injury is insufficient to state a claim of the breach of the duty to provide a safe workplace under Missouri law. Plaintiffs citation to *Smith v. W. Elec. Co.*, 643 S.W.2d 10 (Mo. Ct. App. 1982), to establish that they have stated a sufficient injury is unavailing. In *Smith*, the plaintiff proved that he had been exposed to harmful second-hand smoke in the workplace which caused him to suffer a severe adverse reaction. *Id.* at 12. The adverse reaction was the actual injury he suffered, and he suffered this harm—and sought relief through an administrative process—before seeking an injunction. Thus, *Smith* is not analogous to this case, and Plaintiffs have not shown they are likely to be successful on their

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breach of a safe workplace claim.

4. The public interest factor is neutral.

Certainly, the spread of COVID-19 is a public-health matter of great concern, and, so, preventing transmission of the virus which causes COVID-19 is within the public interest. At the same time, the public has an interest in maintaining the food-supply chain and access to meat products, an interest which might be impaired if the Court granted the injunction. Because Smithfield's current policies and procedures temper public health worries, the Court finds a preliminary injunction is not in the public interest at this time.

Thus, Plaintiffs have not met their extraordinary burden of showing an affirmative preliminary injunction is warranted in this case.

III. Plaintiffs' requested relief lacks the specificity required for a preliminary injunction.

Finally, the Court finds that Plaintiffs requested relief is impermissibly vague. Federal Rule of Civil Procedure 65(d) states that an injunction must be "specific in [its] terms" and describe in reasonable detail the actions sought to be enjoined. Fed. R. Civ. P. 65(d). This specificity requirement is "designed to prevent uncertainty and confusion on the part of those to whom the injunction is directed and to avoid the possible founding of a contempt citation on a decree too vague to be understood." *Helzberg's Diamond Shops, Inc. v. Valley W. Des Moines Shopping Ctr., Inc.*, 564 F.2d 816, 820 (8th Cir. 1977).

In this case, Plaintiffs request this Court enter an injunction requiring Smithfield to "make all reasonable changes to its 'production practices,' including potentially lowering its line speeds, to place as many workers as possible at least six feet apart" (Doc. 46 at 10). Plaintiffs do not explain what changes would be "reasonable," except for "potentially" reducing line speeds. In other words, they do not specify in reasonable detail what Smithfield should do. They

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demand workers have "reasonable additional breaks to allow workers to care for their personal hygiene without penalty, including blowing their noses, using tissues, and hand washing," but they do not specify how often or how long such breaks should take place, or what would constitute a reasonable break. Finally, Plaintiffs request the Court order Smithfield to change its policies to "not require workers to come to the Plant to obtain COVID-19-related sick leave and take all reasonable steps to communicate that policy clearly to workers." But Plaintiffs do not identify which policies should be eliminated, what constitutes "reasonable steps," or why Smithfield's current policies are insufficient. Because "a person of ordinary intelligence" would not understand what is prohibited based on Plaintiffs' proposed preliminary injunction, *Schenck v. Pro-Choice Network of W. N.Y.*, 519 U.S. 357, 383 (1997), it is impermissibly vague, and thus unenforceable.

Conclusion

Plaintiffs are naturally concerned for their health and the health of their community in these unprecedented times. The Court takes their concern seriously. Nevertheless, the Court cannot ignore the USDA's and OSHA's authority over compliance with the Joint Guidance or the significant steps Smithfield has taken to reduce the risk of a COVID-19 outbreak at the Plant.

For the reasons discussed above, Defendants motion to dismiss is GRANTED, and the case is DISMISSED without prejudice.

IT IS SO ORDERED.

Date: May 5, 2020

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT

OSHA-004223

Message

From: Ewell, Richard - SOL [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6ABBFE6B0E5B4C6C9DED9F79CCFF388E-EWELL, RICH]
Sent: 11/19/2020 7:35:38 PM
To: Bonfiglio, Anne E - SOL [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=23046bc075d8406f824188d709b549a7-Bonfiglio,]
Subject: FW: Contractor doing state regulation comparisons?
Attachments: (b) 5

Hi Anne,

I just learned that OSHA has a contractor looking at (b) 5 followed up with them to let them know that I had just asked you to look into it as well. Below is their response, along with the attachment. (b) 5

(b) 5

- Richard

Thanks for checking, Richard. Attached please find (b) 5

(b) 5

Richard Ewell
Senior Attorney
(202) 693-(b) 6
Pronouns: he, him, his

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11/02/2021

Public Citizen v. Department of Labor
No. 1:20-cv-02495-EGS (D.D.C.)

October 2021 Record Release

Email Pulver to Glass (Aug. 11, 2021)

Record No. OSHA1453-55

From:	Mccoy, Todd - OHS, Washington, DC
To:	Mccoy, Todd - OHS, Washington, DC
Subject:	IFSCT Call - Follow Up & Feedback Requested
Date:	Tuesday, June 30, 2020 2:15:56 PM
Attachments:	NBEOC Snapshot - COVID-19 #105 (FINAL 6.26.20).pdf

IFSCT Members,

Below are two follow up items and one action item from this morning's call:

- Attached is the National Business Emergency Operations Center (NBEOC) Snapshot referenced in our discussion.
- Protecting Seafood Processing Workers from COVID-19 – This is the recent guidance for seafood industry employers that was developed jointly by CDC, OSHA and FDA.
- **ACTION** – If you cannot participate in the smaller working group session, we still want to hear from you.
  - Click here to provide your feedback on the IFSCT.

Thank you for your continued efforts; your dedication to this critical work is greatly appreciated.

Best,
Todd

Todd McCoy
Emergency Management and Homeland Security Branch Chief (Acting)
Animal and Plant Health Inspection Service
United States Department of Agriculture
O: 202.720.5886
M: (b) (6)

-----Original Appointment-----
From: Mccoy, Todd - OHS, Washington, DC
Sent: Tuesday, June 16, 2020 10:16 AM
To: Interagency Food Supply Chain Team
Subject: USDA ESF #11 Interagency Food Supply Chain Team
When: Tuesday, June 30, 2020 8:00 AM-8:30 AM (UTC-05:00) Eastern Time (US & Canada).
Where: (b) (6)

Purpose: To mitigate National Food Supply disruptions by identifying challenges and developing solutions to lessen the negative cascading impacts of COVID-19 on the Food Supply Chain (FSC); including but not limited to, Emergency Protective Measures to safeguard public health (i.e. Workforce Safety, Community Mitigation, Personal Protective Equipment (PPE), etc.).

Frequency: Every Tuesday (weekly) from 8:00 AM to 8:30 AM ET.

Location: (b) (6)

Agenda:

- USDA ESF #11 IFSCT Opening Comments and Update – Todd McCoy
- ESF Updates
    - ESF # 6 – S*arah Egan (FEMA)*
    - ESF # 10 – Stephanie Wenning (EPA)
    - ESF # 14 – Dana Ahrens or Bob Rutledge (DHS-CISA)
    - ESF # 15 – Dirk Fillpot (*USDA Office of Communications)*
- Recovery Support Functions – Debbie Hill (*USDA)*
- Working Group Updates
    - Analytics – Ted *Kaouk (USDA)*
- Issue/Challenge Area Updates
    - Depopulation and Carcass Removal
    - Fruit and Vegetable Impacts
    - Seafood and Fisheries
    - Other Issue Areas As Needed
- Interagency Partner Updates and Open Discussion
    - USDA Agencies
    - FEMA
    - FDA
    - CDC
    - OSHA
    - DOI
    - DOL
    - NOAA
    - BIA
    - DHS (Other than FEMA)
    - DOD Agencies

Background: The global COVID-19 pandemic and cascading supply chain impacts are unprecedented and there are unique challenges to the Food and Agriculture (FA) Sector including but not limited to worker safety; depopulation and carcass disposal; food production and processing; supply/demand/distribution; food security; cross-sector interdependencies; and related.

The FA Sector is composed of complex production, processing, and delivery systems and has the capacity to feed people and animals both within and beyond the boundaries of the United States. These food and agriculture systems are almost entirely under private ownership, operate in highly competitive global markets, strive to operate in harmony with the environment, and provide economic opportunities and an improved quality of life for American citizens and others worldwide. These factors contribute to unique challenges

related to disparate and disconnected data sources to inform FSC intelligence.

The continuity of critical infrastructure sectors, including the Food and Agriculture Sector, is not a given. Meat packing issues observed in recent weeks are the potential canary in the canary in the coal mine. There is a need to plan for secondary impacts of the pandemic such as increasing PPE demand and limited supply; demand for limited reagents to support operations (e.g., CO2, quat ammonia); worker absenteeism; widespread testing and public health strategies to facilitate critical infrastructure continuity and develop a better, macro-level understanding of potential disruptions due to local impacts. Further issue complexities along the FSC continuum have arisen and become apparent due to the bifurcation of demand networks between store bought consumables and products intended for dine-in locations.

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Public Citizen v. Department of Labor
No. 1:20-cv-02495-EGS (D.D.C.)

October 2021 Record Release

Email Pulver to Glass (Aug. 11, 2021)

Record No. OSHA1488

From:	Sweatt, Loren E. - OSHA
To:	Brashears, Mindy - OSEC, Washington, DC
Subject:	RE: Inclement Weather
Date:	Monday, June 1, 2020 9:33:00 AM

Yes, took a while to find the FEMA link.
https://www.fema.gov/media-library-data/1589997234798-adb5ce5cb98a7a89e3e1800becf0eb65/2020_Hurricane_Pandemic_Plan.pdf

From: Brashears, Mindy - OSEC, Washington, DC <Mindy.Brashears@usda.gov>
Sent: Monday, June 1, 2020 9:28 AM
To: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Subject: RE: Inclement Weather

Is this a public document? Can we share it?

From: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Sent: Monday, June 1, 2020 8:59 AM
To: Brashears, Mindy - OSEC, Washington, DC <Mindy.Brashears@usda.gov>
Subject: RE: Inclement Weather

FEMA has some information (attached), but it is more on mass shelter issues. We're trying to figure out if we need a best practice document to address the kind of shelters you all are seeing.

From: Brashears, Mindy - OSEC, Washington, DC <Mindy.Brashears@usda.gov>
Sent: Monday, June 1, 2020 8:42 AM
To: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Subject: RE: Inclement Weather

Any progress on this?
Thanks.

From: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Sent: Thursday, May 28, 2020 8:21 PM
To: Brashears, Mindy - OSEC, Washington, DC <Mindy.Brashears@usda.gov>
Subject: Re: Inclement Weather

Thank you. A very interesting question. I'll get an answer ASAP.

> On May 28, 2020, at 7:58 PM, Brashears, Mindy - OSEC, Washington, DC <Mindy.Brashears@usda.gov> wrote:
>
> Hello Loren! I hope all is well. I appreciate all of your help over the past few weeks.

I have a question for you from some of our processors. They are beginning to experience inclement weather and some have shelters, but they are unable to socially distance in the shelter. I am assuming this would fall in the “if feasible” category as the workers should be protected from a storm. However, I want to check with you to make sure.

They have suggested wearing masks in the shelter areas. Let me know what you think about this.

Thank you.

Mindy.

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Public Citizen v. Department of Labor
No. 1:20-cv-02495-EGS (D.D.C.)

October 2021 Record Release

Email Pulver to Glass (Aug. 11, 2021)

Record No. OSHA1504

From:	Newsome, Shawna - OSEC, Washington, DC
To:	Sweatt, Loren E. - OSHA
Cc:	Reed, Jeremy Todd - FSIS; Nintemann, Terri - FSIS
Subject:	RE: language for constituent update
Date:	Friday, May 8, 2020 7:44:17 PM
Attachments:	Implementation of Executive Order 13917.docx

I agree! Attached is the article that went out today to industry stakeholders.

Shawna Newsome
Office of Food Safety
Cell: (202) 684-5522

From: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Sent: Friday, May 8, 2020 2:54 PM
To: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Cc: Reed, Jeremy Todd - FSIS <jeremy.reed@usda.gov>; Nintemann, Terri - FSIS <terri.nintemann@usda.gov>
Subject: RE: language for constituent update

Can you send us a copy for our files? Really appreciate the cooperative efforts!!

From: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Sent: Friday, May 8, 2020 2:53 PM
To: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Cc: Reed, Jeremy Todd - FSIS <jeremy.reed@usda.gov>; Nintemann, Terri - FSIS <terri.nintemann@usda.gov>
Subject: RE: language for constituent update

Ok great. that will be going out today. Thanks!

Shawna Newsome
Office of Food Safety
Cell: (202) 684-5522

From: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Sent: Friday, May 8, 2020 2:47 PM
To: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Cc: Reed, Jeremy Todd - FSIS <jeremy.reed@usda.gov>; Nintemann, Terri - FSIS <terri.nintemann@usda.gov>
Subject: RE: language for constituent update

Apologies for the delay. Please share with stakeholders!

From: Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>
Sent: Friday, May 8, 2020 12:58 PM
To: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Cc: Reed, Jeremy Todd - FSIS <jeremy.reed@usda.gov>; Nintemann, Terri - FSIS <terri.nintemann@usda.gov>
Subject: language for constituent update

Loren ,

May we use this language in a note that we are sending out to our stakeholders today?

OSHA has an extensive consultation program that offers no-cost and confidential occupational health and safety services in all 50 states. Though usually aimed at small- and medium-sized employers, OSHA has waived this size requirement for meat processing facilities during the national emergency. Facilities that need assistance in implementing the CDC/OSHA guidance in their facilities may contact their local consultation office.

Shawna Newsome
Chief of Staff
Office of Food Safety, USDA
1400 Independence Ave., SW
Washington, D.C. 20250
Cell: (202) 684-5522
Email: shawna.newsome@usda.gov

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Implementation of Executive Order 13917

Executive Order 13917, signed by President Trump on April 28, 2020, delegated to the Secretary of Agriculture the powers of the President under the Defense Production Act to take all appropriate action to ensure America's meat and poultry processors continue operations.

Maintaining the health and safety of plant employees in addition to ensuring continued operations and a plentiful food supply during this unprecedented time is paramount. Our Nation's meat and poultry processing facilities and workers play an integral role in the continuity of our food supply chain.

FSIS' mission is to inspect meat and poultry products to ensure that they are wholesome and safe. For this reason, USDA is partnering with the Centers for Disease Control and Prevention (CDC) and the Occupational Safety and Health Administration (OSHA) as they have the authority and expertise over public health and worker safety issues for plant employees.

Effective immediately, meat and poultry processing plants should utilize the guidance issued on April 26, 2020, by the CDC and OSHA specific to the meat and poultry processing industry to implement practices and protocols for safeguarding the health of their workers and the community while staying operational or resuming operations to the maximum extent possible. Should you need technical assistance, OSHA has an extensive consultation program that offers no-cost and confidential occupational health and safety services in all 50 states. Though usually aimed at small and medium sized employers, OSHA has waived this size requirement for meat processing facilities during the national emergency. Facilities that need assistance in implementing the CDC/OSHA guidance in their facilities may contact their local consultation office.

USDA, alongside our federal partners at CDC and OSHA, will continue to work with state and local officials to ensure that facilities are implementing best practices designed to mitigate the spread of COVID-19, while maintaining operations. Further action under the Executive Order and the Defense Production Act will be taken if necessary. If you have questions, please see the FAQs on the USDA website under the "President Trump's Executive Order" tab.

FSIS thanks establishments for ensuring that their employees will be able to continue working to provide Americans with an abundant, healthy, and safe food supply.

Public Citizen v. Department of Labor
No. 1:20-cv-02495-EGS (D.D.C.)

October 2021 Record Release

Email Pulver to Glass (Aug. 11, 2021)

Record No. OSHA1557

From: Mccoy, Todd - OHS, Washington, DC

To: Todd McCoy; hva6@cdc.gov; Adcock, Rebeckah - OSEC, Washington, DC; Alexander, M. Ross; Aucott, John - OHS, Washington, DC; Azama, Wesley - FPAC-BC, Washington, DC; Bamford, George; Beal, Mary Dee - OSEC, Washington, DC; Ben.Curran@fema.dhs.gov; Boon, Caitlin; Brown, Christopher K. - OSHA; Burrell, Sierra D - APHIS; Byrd, Anita - FPAC-BC, Washington, DC; Carter, Scott - FNS; Chmil, Holly - APHIS; Colby, Michelle - OHS, Washington, DC; CURREN, STEPHEN; Days-Austin, Rosalynn C - APHIS; Deener, Eugene - APHIS; Dennison, Kevin M - APHIS; Densel, Brock - AMS; DiMarco, Anthony V - APHIS; Dinsmore, Ben - FSIS; Elson, Stephen (OGA; Fantinato, Jessica - OHS, Washington, DC; Fillpot, Dirk - OC, Washington, DC; Gareth Westler -; Gfi9@cdc.gov; Hall, Ann - FNS; herbert.wolfe@hq.dhs.gov; Hill, Deborah - OHS, Washington, DC; Hortin, Steve - FNS; Hyde, Iain; Jeremiah Christopher -; John_Nelson@ios.doi.gov; Jon Halfon -; Kaouk, Ted - OCIO; Kelpis, Elizabeth D - APHIS; Kennedy, Andrew *; Kidd, Stephen - APHIS; Kohler, Dennis - APHIS; Krishna, Vidit - FSIS; kristina.m.mcelroy2.civ@mail.mil; LeeAnne.Jackson@fda.hhs.gov; Lin, Merry S. EOP/WHO; Linsky, Scott - FPAC-BC, Washington, DC; Lott, James - FSIS; Marin, Steven; Marquart, Sarah - RD, Santa Maria, CA; Marquita.Hynes@fema.dhs.gov; Matt.Campbell@fema.dhs.gov; mcnichols@cdc.gov; Meadows, Carrie Vicenta; Miller, Lori P - APHIS; Moore, Larry - OC, Washington, DC; Moore, Melissa - FSIS; Mouw, Traci - FNS; Mullaney, Roxanne C - APHIS; Nichols, Megin C. (CDC/DDID/NCEZID/DFWED; nick.shufro@fema.dhs.gov; OpsCenter - OHS, Washington, DC; Parrott, Charles - AMS; Pulz, Jessica - OHS, Washington, DC; Ray, Jon - FPAC-FBC, Washington, DC; Rich, Michawn - OC, Washington, DC; Riedy, Michael J - APHIS; Rodgers, Meghan - OC, Washington, DC; Rooney, Jane A - APHIS; Rushin, Gerald L - APHIS; brian.peretti@cisa.dhs.gov; Rutledge, Robert; sarah.egan@fema.dhs.gov; Serach, Michael J - APHIS; Sheaffer, Geoffrey - OHS, Washington, DC; Shearer, Eugene; Sindall, Johanna; Smith, Todd L - APHIS; Stiefel, David - OHS, Washington, DC; Striegel, Megan; Sullivan, Christine - APHIS; Tate Bennett; Timmons, David - OHS, Washington, DC; Touhey, Lucy - FSIS; Walfrand, James - RD, Washington, DC; Walton, Ronald - RD, Washington, DC; Webster, Steven - FPAC-BC, Washington, DC; Wenning, Stephanie; Wiley, Sarah D. (CDC/DDID/NCEZID/DFWED; Willis, Samuel - OHS, Washington, DC; Wilson, Andrew B - APHIS; Wittrock, Mark; wjq3@cdc.gov; Woody, Joseph - RD, Knoxville, TN; Wortham, Jimmy W - APHIS; Zack, Jonathan T - APHIS; Pomeroy, Mary (CDC/DDID/NCEZID/DFWED); Maes, Jory; Hatch, Keith; Mann-Klager, Diane; PERETTI, BRIAN

Cc: Jonathan.White@hhs.gov; Alvares, Christopher - OCIO-CIO, Washington, DC; Bragg, Matthew P - APHIS; brian.killen@fema.dhs.gov; carolyn.strubel@fema.dhs.gov; Cody.Thornton@hhs.gov; Cote, Andrea - FSIS; FEMA-NRCC-valul@fema.dhs.gov; Hartley, Chris - REE-ERS, Washington, DC; janet.m.golrick@hud.gov; jason.gamble@fema.dhs.gov; John.D.Martin@cisa.dhs.gov; joshua.barnes@sba.gov; kimberly.alahmadi@fema.dhs.gov; Laura.Olson@fema.dhs.gov; LYnda.Lowe@sba.gov; mary.debacker@fema.dhs.gov; michael.benedict@bia.gov; micheal.burke@hq.dhs.gov; natalie.dybsky@fema.dhs.gov; NFriedman@eda.gov; Nohemi.Zerbi@cisa.dhs.gov; ppl2@cdc.gov; robert.morford@fema.dhs.gov; Ronca, Justin - FSIS; ryan_potosnak@ios.doi.gov; Southern, Kristal - FSIS; Stevens, Janet - FSIS; Tobin, Andrew - OE, Washington, DC; tyrone.brumfield@associates.fema.dhs.gov; tyrone.j.brumfield@usace.army.mil; william.tombaugh@fema.dhs.gov; zta4@cdc.gov; Mann-Klager, Diane; Nickerson, Cynthia - OCE, Washington, DC; Jordan, Paul CW5 USARMY DHA VETERINARY (USA); nwn2@cdc.gov

Subject: RE: USDA ESF #11 Interagency Food Supply Chain Team

Date: Tuesday, June 23, 2020 9:28:44 AM

Attachments: CDAP Access Instructions_200605.pdf
DAWG MAX Access Instructions_200605.pdf

IFSCT Members,

Per this morning's call, attached are two sets of instructions related to the demo provided:

- **COVID-19 Data and Assessment Portal (CDAP) Access Instructions** –This provides instructions for accessing the Data and Assessment Working Group's (DAWG) CDAP, which is the tool demo'ed this morning.
    - The first step in the process is to request access to the CDAP tool by emailing DAWG@anl.gov. In your request, you must provide your name and organizations. Access is free to all federal D/As.

- **DAWG MAX Access Instructions** – This provides instructions on how to access the DAWG's website on MAX.gov. MAX.gov is a government-wide suite of advanced collaboration, information sharing and data collection tools used to facilitate cross-government collaboration and knowledge management.

If anyone would like to follow up with SBA on their out brief this morning, please contact Lynda Lowe at SBA's Office of Disaster Assistance by emailing her at lynda.lowe@sba.gov.

Please let us know if there are any addition topics or questions that should be addressed in next week's meeting.

Thank you for participating in this morning's call, and we look forward to hearing from you next week.

Best,
Todd

From: Mccoy, Todd - OHS, Washington, DC
Sent: Tuesday, June 23, 2020 8:01 AM
To: IFSCT
Subject: RE: USDA ESF #11 Interagency Food Supply Chain Team

IFSCT Members,

Good morning!

Please follow this link below to view the demo of the DAWG Analytics Portal.

WebEx: (b) (6) [redacted]

Thanks,
Todd

-----Original Appointment-----
From: Mccoy, Todd - OHS, Washington, DC
Sent: Tuesday, June 16, 2020 10:16 AM
To: Interagency Food Supply Chain
Subject: USDA ESF #11 Interagency Food Supply Chain Team
When: Tuesday, June 23, 2020 8:00 AM-8:30 AM (UTC-05:00) Eastern Time (US & Canada).
Where: (b) (6) [redacted]

Purpose: To mitigate National Food Supply disruptions by identifying challenges and developing solutions to lessen the negative cascading impacts of COVID-19 on the Food Supply Chain (FSC); including but not limited to, Emergency Protective Measures to safeguard public health (i.e. Workforce Safety, Community Mitigation, Personal Protective Equipment (PPE), etc.).

Frequency: Every Tuesday (weekly) from 8:00 AM to 8:30 AM ET.

Location: (b) (6) [redacted]

Agenda:

- USDA ESF #11 IFSCT Opening Comments and Update – Todd McCoy
- ESF Updates
    - ESF # 6 – S*arah Egan (FEMA)*
    - ESF # 10 – Stephanie Wenning (EPA)
    - ESF # 14 – Dana Ahrens or Bob Rutledge (DHS-CISA)
    - ESF # 15 – Dirk Fillpot (*USDA Office of Communications)*
- Recovery Support Functions – Debbie Hill (*USDA)*
- Working Group Updates
    - Analytics – Ted *Kaouk (USDA)*
- Issue/Challenge Area Updates
    - Depopulation and Carcass Removal
    - Fruit and Vegetable Impacts
    - Seafood and Fisheries
    - Other Issue Areas As Needed
- Interagency Partner Updates and Open Discussion
    - USDA Agencies
    - FEMA
    - FDA
    - CDC
    - OSHA
    - DOI
    - DOL
    - NOAA
    - BIA
    - DHS (Other than FEMA)
    - DOD Agencies

Background: The global COVID-19 pandemic and cascading supply chain impacts are unprecedented and there are unique challenges to the Food and Agriculture (FA) Sector including but not limited to worker safety; depopulation and carcass disposal; food production and processing; supply/demand/distribution; food security; cross-sector interdependencies; and related.

The FA Sector is composed of complex production, processing, and delivery systems and has the capacity to feed people and animals both within and beyond the boundaries of the United States. These food and agriculture systems are almost entirely under private ownership, operate in highly competitive global markets, strive to operate in harmony with the environment, and provide economic opportunities and an improved quality of life for American citizens and others worldwide. These factors contribute to unique challenges

related to disparate and disconnected data sources to inform FSC intelligence.

The continuity of critical infrastructure sectors, including the Food and Agriculture Sector, is not a given. Meat packing issues observed in recent weeks are the potential canary in the canary in the coal mine. There is a need to plan for secondary impacts of the pandemic such as increasing PPE demand and limited supply; demand for limited reagents to support operations (e.g., CO2, quat ammonia); worker absenteeism; widespread testing and public health strategies to facilitate critical infrastructure continuity and develop a better, macro-level understanding of potential disruptions due to local impacts. Further issue complexities along the FSC continuum have arisen and become apparent due to the bifurcation of demand networks between store bought consumables and products intended for dine-in locations.

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Public Citizen v. Department of Labor
No. 1:20-cv-02495-EGS (D.D.C.)

October 2021 Record Release

Email Pulver to Glass (Aug. 11, 2021)

Record No. OSHA2052-56

(Also encompassing duplicates
OSHA2062-65; OSHA2072-74)

From: Williams, Dionne - OSHA
Sent: Tuesday, May 26, 2020 12:14 PM
To: McGowan, Larry - OSHA
Cc: Holmes, Mikki - OSHA (b) (6) ;Kim, Jennifer M. - OSHA;Rundman, Sven - OSHA; (b) (6)
Subject: FW: [Intra Agency Assignment Notification] CTS #14147: OSHA: Cleaver, Emanuel: Concern About Executive Order For Meat Packing Plants Under Defence Production Act During COVID-19 Emergency
Attachments: 14147_OASP_Clearance Document (1-1)_05_07_20 05_06 PM.doc; 14147_DTSEM Response to OPA_ASP Comments_05_21_2020_4pm.doc; CTS 14147_DTSEM Response to OPA_ASP Comments_05_21_2020_4pm OHE.docx; CTS 14147 Rep Cleaver et al - Meat Processing Plants and COIVD (5-1-2020).pdf

My suggested changes and comments are in the OHE attachment.

Dionne Williams, DrPH, MPH
Deputy Director
OSHA - Directorate of Enforcement Programs
200 Constitution Ave, NW
Washington, DC 20210
202-693-2140

From: McGowan, Larry - OSHA <McGowan.Larry@dol.gov>
Sent: Tuesday, May 26, 2020 11:21 AM
To: Williams, Dionne - OSHA <Williams.Dionne@dol.gov>; Holmes, Mikki - OSHA <Holmes.Mikki@dol.gov>
Cc: (b) (6) Kim, Jennifer M. - OSHA <Kim.Jennifer.M@dol.gov>; Rundman, Sven - OSHA <rundman.sven@dol.gov>
Subject: FW: [Intra Agency Assignment Notification] CTS #14147: OSHA: Cleaver, Emanuel: Concern About Executive Order For Meat Packing Plants Under Defence Production Act During COVID-19 Emergency

Dionne, Mikki,

(b) (5)

Larry

From: (b) (6)
Sent: Thursday, May 21, 2020 7:20 PM
To: McGowan, Larry - OSHA <McGowan.Larry@dol.gov>

Subject: FW: [Intra Agency Assignment Notification] CTS #14147: OSHA: Cleaver, Emanuel: Concern About Executive Order For Meat Packing Plants Under Defence Production Act During COVID-19 Emergency

Hi Larry,

(b) (6), (b) (5)

From: Wheeler, Young - OSHA <Wheeler.Young@dol.gov>
Sent: Thursday, May 21, 2020 3:01 PM
To: McGowan, Larry - OSHA <McGowan.Larry@dol.gov>; (b) (6) Rundman, Sven - OSHA <rundman.sven@dol.gov>
Cc: (b) (6) Holmes, Mikki - OSHA <Holmes.Mikki@dol.gov>; Williams, Dionne - OSHA <Williams.Dionne@dol.gov>; Jillings, Lee Anne - OSHA <Jillings.LeeAnne@dol.gov>; Robinson, Kevin - OSHA <Robinson.Kevin@dol.gov>; (b) (6) ; Lawver, Christopher J. - OSHA <Lawver.Christopher.J@dol.gov>
Subject: RE: [Intra Agency Assignment Notification] CTS #14147: OSHA: Cleaver, Emanuel: Concern About Executive Order For Meat Packing Plants Under Defence Production Act During COVID-19 Emergency

Good afternoon Larry, (b) (6), and Sven,

(b) (5)

Thank you,
Young

From: McGowan, Larry - OSHA <McGowan.Larry@dol.gov>
Sent: Friday, May 8, 2020 1:12 PM
To: (b) (6) Rundman, Sven - OSHA <rundman.sven@dol.gov>; Wheeler, Young - OSHA <Wheeler.Young@dol.gov>
Cc: (b) (6) Holmes, Mikki - OSHA <Holmes.Mikki@dol.gov>; Williams, Dionne - OSHA <Williams.Dionne@dol.gov>
Subject: FW: [Intra Agency Assignment Notification] CTS #14147: OSHA: Cleaver, Emanuel: Concern About Executive Order For Meat Packing Plants Under Defence Production Act During COVID-19 Emergency

(b) (6), (b) (5)

(b) (5) [redacted]

Larry

From: (b) (6) [redacted]
Sent: Friday, May 8, 2020 12:30 AM
To: Rundman, Sven - OSHA <rundman.sven@dol.gov>
Cc: McGowan, Larry - OSHA <McGowan.Larry@dol.gov>
Subject: RE: [Intra Agency Assignment Notification] CTS #14147: OSHA: Cleaver, Emanuel: Concern About Executive Order For Meat Packing Plants Under Defence Production Act During COVID-19 Emergency

Let me know what you think.

From: Rundman, Sven - OSHA <rundman.sven@dol.gov>
Sent: Monday, May 4, 2020 10:27 AM
To: (b) (6) [redacted]
Cc: McGowan, Larry - OSHA <McGowan.Larry@dol.gov>
Subject: FW: [Intra Agency Assignment Notification] CTS #14147: OSHA: Cleaver, Emanuel: Concern About Executive Order For Meat Packing Plants Under Defence Production Act During COVID-19 Emergency

(b) (6), (b) (5) [redacted]

Sven

From: (b) (6) [redacted]
Sent: Monday, May 04, 2020 11:17 AM
To: Rundman, Sven - OSHA <rundman.sven@dol.gov>; McGowan, Larry - OSHA <McGowan.Larry@dol.gov>
Cc: Carter, Renee - OSHA <Carter.M.Renee@DOL.GOV>
Subject: FW: [Intra Agency Assignment Notification] CTS #14147: OSHA: Cleaver, Emanuel: Concern About Executive Order For Meat Packing Plants Under Defence Production Act During COVID-19 Emergency

OHE,

Please respond to questions 1, 5, and 8.

Thank you,

(b) (6) [redacted]

From: Wanko, Jeffrey - OSHA <Wanko.Jeffrey@dol.gov>
Sent: Monday, May 4, 2020 11:13 AM

To: (b) (6) Kapust, Patrick - OSHA <Kapust.Patrick@dol.gov>
Subject: RE: [Intra Agency Assignment Notification] CTS #14147: OSHA: Cleaver, Emanuel: Concern About Executive Order For Meat Packing Plants Under Defence Production Act During COVID-19 Emergency

(b) (5)

Thanks
jeff

From: (b) (6)
Sent: Monday, May 4, 2020 9:59 AM
To: Kapust, Patrick - OSHA <Kapust.Patrick@dol.gov>; Wanko, Jeffrey - OSHA <Wanko.Jeffrey@dol.gov>
Subject: FW: [Intra Agency Assignment Notification] CTS #14147: OSHA: Cleaver, Emanuel: Concern About Executive Order For Meat Packing Plants Under Defence Production Act During COVID-19 Emergency

Patrick/Jeff

Attached is a Congressional correspondence assigned to DEP for response.

(b) (6)

From: admin@cmp.dol.gov <admin@cmp.dol.gov>
Sent: Monday, May 4, 2020 8:17 AM
To: (b) (6) Carter, Renee - OSHA <Carter.M.Renee@DOL.GOV>; (b) (6)
(b) (6)
Subject: [Intra Agency Assignment Notification] CTS #14147: OSHA: Cleaver, Emanuel: Concern About Executive Order For Meat Packing Plants Under Defence Production Act During COVID-19 Emergency

The following Correspondence has an assignment for Directorate of Enforcement Programs (DEP). It will be displayed in the **My Work** tab.

Intra Agency Assignment Notification

CTS # 14147: Concern About Executive Order For Meat Packing Plants Under Defence Production Act During COVID-19 Emergency
Correspondence Type: Congressional Non-Casework
Action Agency: OSHA
Expected Date:
ExecSec Clearance Required: Yes

Comment:
DEP, Linked below is an incoming cabinet correspondence assigned to your directorate for response. Signature Level - Principal Deputy Assistant Secretary. Please coordinate with any

appropriate regions and/or directorates. Please upload Draft Word version of response for OAS and departmental clearance. CCU will let you know when the response is approved for signing and mailing. Also, please provide a salutation list with the draft response. Thank you. OSHA CCU

Please review this Correspondence and draft a response.

The Correspondence will appear on the **Search** tab or you can access it directly through the hyperlink/url below:

Follow this link

Thank you,
DOL CMP Team
dolcmpteam@dol.gov

This is a system generated message. Please do not reply to this email.

Public Citizen v. Department of Labor
No. 1:20-cv-02495-EGS (D.D.C.)

October 2021 Record Release

Email Pulver to Glass (Aug. 11, 2021)

Record No. OSHA2546

From: Sweatt, Loren E. - OSHA
Sent: Friday, September 11, 2020 6:32 PM
To: Sweeney, Megan P - OPA;Pearce, Krisann - OSHA
Subject: Fwd: JBS delivered confirmation
Attachments: JBSSwiftCit2.pdf; ATT00001.htm

Begin forwarded message:

> **From:** "Hauter, Nancy - OSHA" <Hauter.Nancy@dol.gov>
> **Date:** September 11, 2020 at 6:23:25 PM EDT
> **To:** "Edens, Mandy - OSHA" <Edens.Mandy@dol.gov>, "Sweatt, Loren E. - OSHA" <Sweatt.Loren.E@dol.gov>, "Kapust, Patrick - OSHA" <Kapust.Patrick@dol.gov>
> **Cc:** "Zentner, Todd - OSHA" <Zentner.Todd@dol.gov>, "Rainwater, John - SOL" <Rainwater.John@DOL.GOV>, "Williams2, Timothy - SOL" <Williams2.Timothy@dol.gov>, "Baird, Edmund - SOL" <Baird.Edmund@dol.gov>
> **Subject: JBS delivered confirmation**
>
> All -
> I have confirmation that the citations for JBS, attached, have been delivered. Please share this with anyone who would need to know, that I may have not included on this email. Will the press release go out today?
> Nancy

Public Citizen v. Department of Labor
No. 1:20-cv-02495-EGS (D.D.C.)

October 2021 Record Release

Email Pulver to Glass (Aug. 11, 2021)

Record No. OSHA2568-69

(Also encompassing duplicate
OSHA2522-24)

From: Sweeney, Megan P - OPA
Sent: Tuesday, April 14, 2020 7:01 PM
To: Bob Bozzuto (Bozzuto.Robert.F@dol.gov)
Subject: FW: Smithfield Foods - Major employer in Sioux Falls - April 13, 2020 - Update
Attachments: 1566977 - Smithfield initial.pdf

FYI

From: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Sent: Tuesday, April 14, 2020 6:33 PM
To: Sweeney, Megan P - OPA <Sweeney.Megan.P@DOL.gov>
Subject: FW: Smithfield Foods - Major employer in Sioux Falls - April 13, 2020 - Update

The initial document is OSHA's inquiry. The response letter (b) (5) and complaint also attached.

From: Lucero, Rita - OSHA <Lucero.Rita@dol.gov>
Sent: Tuesday, April 14, 2020 6:26 PM
To: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Cc: Edens, Mandy - OSHA <Edens.Mandy@dol.gov>
Subject: RE: Smithfield Foods - Major employer in Sioux Falls - April 13, 2020 - Update

As requested

Attachment – 1566977 – Smithfield initial letter (b) (7)(A)
Attachment OSHA Complaint 1566977 Response Letter – Smithfield's initial Response
Attachment FW:CLI 1566977 – Second response to our request (b) (7)(A)

Media Inquiry:
Today we received a media inquiry from the BBC that was referred to Chicago's OPA Scott Allen. Scott spoke to the reporter who was inquiring about Smithfield's OSHA history. The reporter also wanted to know whether we are doing an inspection, but he has not yet answered her. We told him that we would let him know if we were going to open an inspection there.

As of this time, we have had no reports of hospitalizations at Smithfield. (b) (5)

(b) (5)

If you need anything else tonight, please call my cell.

Rita M. Lucero

Acting Regional Administrator
OSHA, Region VIII
1244 Speer Blvd., Suite 551
Denver, CO 80204
Telephone: 720/264-6565
Email: lucero.rita@dol.gov

From: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Sent: Tuesday, April 14, 2020 4:02 PM
To: Lucero, Rita - OSHA <Lucero.Rita@dol.gov>
Cc: Edens, Mandy - OSHA <Edens.Mandy@dol.gov>
Subject: RE: Smithfield Foods - Major employer in Sioux Falls - April 13, 2020 - Update

Can you send me the inquiry OSHA sent, please?

From: Lucero, Rita - OSHA <Lucero.Rita@dol.gov>
Sent: Monday, April 13, 2020 11:48 AM
To: Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Cc: Edens, Mandy - OSHA <Edens.Mandy@dol.gov>
Subject: Smithfield Foods - Major employer in Sioux Falls - April 13, 2020 - Update

Hello – Update on Smithfield

Throughout the weekend the number of Covid-19 cases continued to rise and one recent news article says that 238 of Minnehaha's 438 cases involve "individuals who work at Smithfield Foods". The initial plan was that Smithfield close for three days but, the cases continued to climb throughout the weekend, initially prompting a 14-day shutdown – urged by the Governor Noem and Mayor TenHaken. The plant took an additional step to close the facility until further notice.

Several other news outlets have higher numbers for Smithfield Food employees infected with Covid-19. The US News says nearly 300 employees are infected.

Here is the news release that Smithfield issued:

https://www.smithfieldfoods.com/press-room/company-news/smithfield-foods-to-close-sioux-falls-sd-plant-indefinitely-amid-covid-19

Here is the most recent story in the Argus Leader:

https://www.argusleader.com/story/news/2020/04/12/smithfield-foods-close-sioux-falls-plant-indefinetly-amid-covid-19-outbreak/2978385001/

State-wide we currently have 730 cases.

Here is the link to the US News Story:

https://www.usnews.com/news/national-news/articles/2020-04-13/smithfield-foods-closes-south-dakota-processing-plant-after-employees-test-positive-for-coronavirus

(b) (5) [redacted]

I will send an update on JBS later today.

I will update as I learn additional information.

Rita M. Lucero

Acting Regional Administrator
OSHA, Region VIII
1244 Speer Blvd., Suite 551
Denver, CO 80204
Telephone: 720/264-6565
Email: lucero.rita@dol.gov

Public Citizen v. Department of Labor
No. 1:20-cv-02495-EGS (D.D.C.)

October 2021 Record Release

Email Pulver to Glass (Aug. 11, 2021)

Record No. OSHA2575-76/2576-79

From: Nicholson, Mattie L - OPA
Sent: Friday, December 18, 2020 3:44 PM
To: Bozzuto, Robert F - OPA
Cc: Sweeney, Megan P - OPA;Sidney, Sabin R - OPA
Subject: Press Inquiry 17
Attachments: Post Hearing brief exhibit A.pdf; Post Hearing brief (004).pdf

Bob – For your approval

OUTLET: USA Today
REPORTER: Kyle Bagenstose

QUESTIONS

1. Our statistics (#s 1, 2, and 3 from **Findings)** suggest a significant gap between the number of meatpacking plants where workers have died from COVID-19 and the number of plants where inspections have been conducted. Can the agency explain those discrepancies?

2. Interviewees have criticized the agency's use of "remote inspections" for COVID-19 matters at meatpacking plants. They say that video conferencing, fax, and email are inadequate to ensure safe conditions. Any comment?

3. Interviewees have noted that under existing OSHA guidance, healthcare facilities have been deemed priority for in-person OSHA inspections. Interviewees have offered that this is inadequate for meatpacking plants, given that they are subject to the Defense Production Act via executive order and are known to be superspreader facilities in line with nursing homes and prisons. Any comment? Early on, the most exposure would be those treating COVID patients. As we moved forward, we

4. Interviewees have criticized OSHA's in-person inspections of meatpacking plants, including giving advance notice to employers, being too brief, and relying too much on employers' guidance through the plants. Any comment?

5. In at least two plants, OSHA inspectors gave companies advance notice of their on-site inspections. In both instances, workers and their advocates say that prompted changes that didn't last beyond the OSHA inspection. In a July hearing in federal court, a Pennsylvania inspector testified that she gave Maid-Rite Specialty Foods advance notice of an inspection for her own protection from the coronavirus. What has OSHA advised inspectors about alerting employers to inspections in advance during the pandemic?

6. Our calculations show that the agency has issued COVID-19 related violations to only three employers, totaling about $54,000: a JBS plant in Greeley, Colorado; Smithfield Foods in Sioux Falls, South Dakota; and Quality Sausage in Dallas, Texas. Is this accurate, and if so, why have so few workplaces been cited when so many workers have fallen ill or died?

7. What is the status of the inspection of the Noah's Ark facility in Hastings, NE? (Please see our description in the **Facilities** portion.) Can the agency comment on the allegations that the plant continues to be an unsafe work place?

8. Through interviews and document reviews, we have come to understand that guidances released by OSHA in April stipulate that employers are able to determine whether or not an employee's COVID-19 diagnosis is

workplace related, and thus reportable to OSHA. The guidances create a "more likely than not" test for employers to make that determination. Is this accurate?

9. Interviewees have been critical of this approach, saying it places too much control in the hands of companies, bucks usual OSHA policy to have employers report illnesses and injuries and let area offices decide on workplace connectedness, and has ultimately led to an underreporting of legitimate workplace-connected COVID-19 cases. Any comment?

10. Through interviews and document reviews, it is our understanding that some unions have observed discrepancies between the number of employees sick with or dead from COVID-19 and the incidents recorded in employers' 300 logs. Any comment? I think we'd need specific instances to comment.

11. It is our understanding that in a FAQ guidance released by OSHA in September, the agency informed employers they only had to report COVID-19 hospitalizations if they occurred within 24 hours of a workplace exposure. Deaths would only be reportable if they occurred within 30 days of a known exposure. Given that COVID-19's incubation period typically begins several days after exposure, and that some individuals suffer a prolonged COVID-19 illness that can last months before death, this would appear to allow for a significant undercounting of employee hospitalizations and deaths. Is our reading of the FAQ accurate, and if so, any comment?

12. Our understanding is that in September, U.S. senators signed a letter to DOL Secretary Eugene Scalia (The "Sherrod Brown" letter) inquiring about the inspections of meat plants. The senators have apparently received no response. Is this accurate and any comment?

13. Interviewees have been critical about OSHA's release of meatpacking safety guidelines in the spring, saying they are largely voluntarily and include language such as "when possible" and "if feasible." They opined that OSHA should have crafted mandatory emergency standards instead to ensure bare minimum safety conditions were met. Any comment?

14. Interviewees were critical of OSHA's reliance on the general duty clause to ensure worker protections, saying citations are difficult to defend in court and allow for unsafe conditions to continue while being litigated. Any comment?

15. Please comment on the allegations described at Seaboard Foods in Guymon, OK, as described in the **Facilities** section.

16. Please review the description of the Smithfield facility in Crete, NE in the **Facilities** section. In addition to any comment, how many employee COVID-19 deaths have been reported to OSHA by the facility? How many are being investigated? What are the status of those investigations?

17. Overall, interviews say the above allegations all culminate in an abdication of OSHA's responsibility to protect meatpacking workers from COVID-19. What is the agency's response?

FINDINGS

I. According to our review of publicly available records, 45,000 workers in the meatpacking industry (311611, 311612, 311613, 311615) have fallen ill with COVID-19. 231 have died in 55 plants in 25 states. (b) (5) [redacted]

II. Of those 55 plants, 31 (56%) have received an OSHA inspection of any kind since 3/1/2020. The means 24 (44%), have not.

III. Since 3/1/2020, federal and state OSHA departments have opened only ~75 FAT/CAT investigations of the industry.

FACILITIES

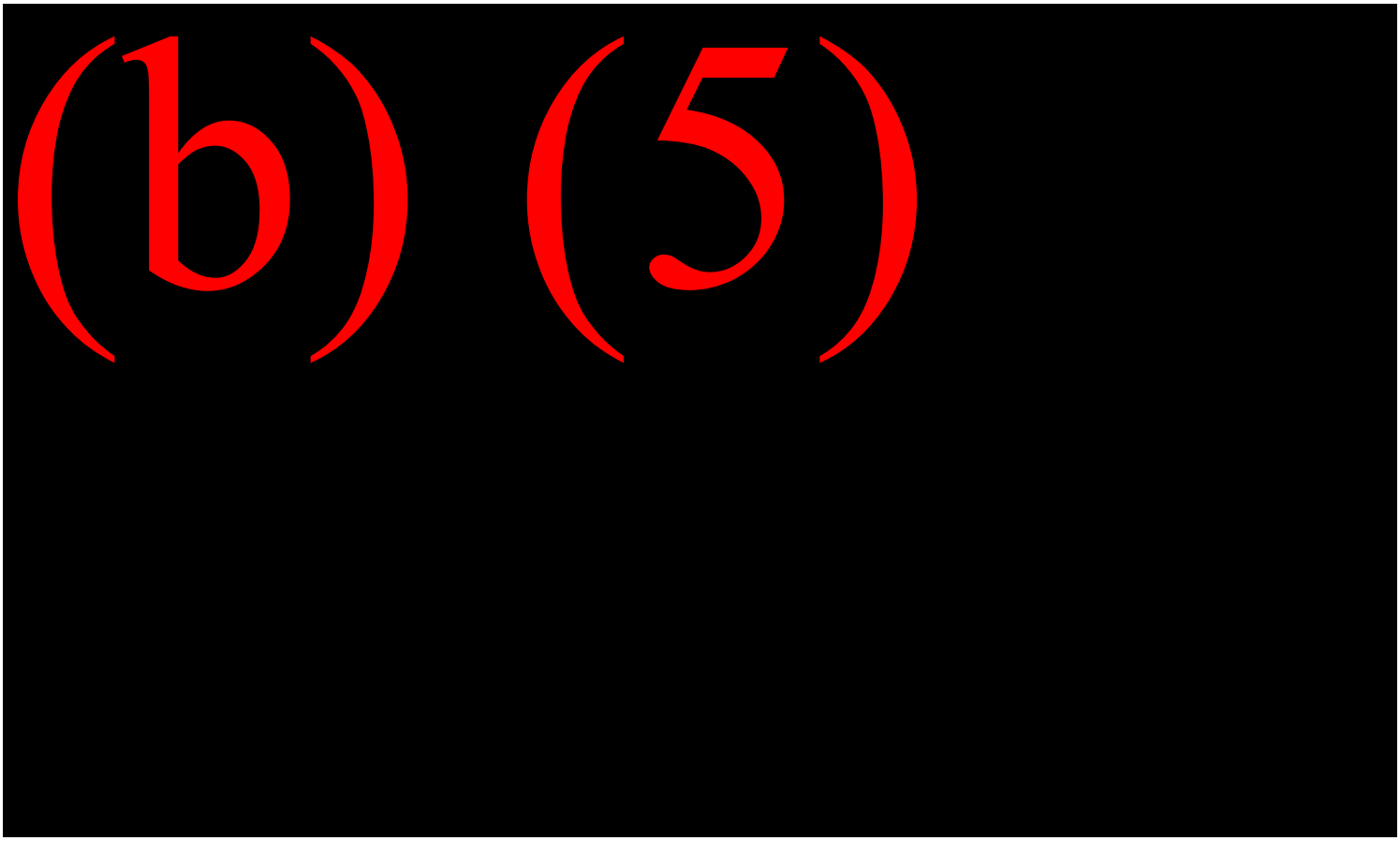
A. **Cargill Fort Morgan, CO**: Public records indicate four employees have died from COVID-19, but no inspection.
B. **Made-Rite in Duncannon, PA:** From interviews and document reviews, we gained an understanding that at this facility in late May, conditions were such that workers were crowded on work lines and in common areas. Shortly thereafter, workers filed a complaint with OSHA alleging "imminent danger" for COVID-19. Our understanding was initially, OSHA submitted only a letter to Maid-Rite. After receiving an unsatisfactory response, several weeks later, OSHA opened and performed an inspection. Prior to the conduction of the inspection, we understand OSHA provided Maid-Rite a one-day advanced notice. Workers said that allowed the plant to correct unsafe conditions, which reverted after the OSHA visit. In July, the workers filed a lawsuit against OSHA, which is ongoing. In December, OSHA issued a letter effectively stating it would not be citing the plant. Attorneys for the employees allege this is evidence that OSHA is not interested in investigating or correcting conditions of imminent danger in meatpacking plants.
C. **Noah's Ark in Hastings, NE:** Our understanding is that workers felt conditions were unsafe in the plant. Our understanding is OSHA inspected the plant in September 2020, but provided a one-day advanced notice to the employer. Employees said that allowed time for lapses in crowding, the provision of hand sanitizer, and deteriorating plastic barriers to be corrected. It was alleged the OSHA inspector stayed for only a brief time and was largely led by the company's representatives. ACLU in November filed a lawsuit on behalf of the workers saying conditions have not improved. It is our understanding OSHA has yet to close its inspection of the facility.
D. **Seaboard Foods in Guymon, OK:** Our understanding is that four workers have died from COVID-19, but that OSHA has not opened any subsequent inspections. Our understanding is OSHA has conducted one inspection of the plant since 3/1/2020, but it was to examine faulty trailers. Interviewees have told us that due to the lack of oversight, the plant has relaxed safety conditions, now allowing for more crowding of the cafeteria.
E. **Smithfield in Crete, NE:** It is our understanding that 139 workers were infected with COVID-19 by early May, when the state and company stopped publicly releasing numbers. It is our understanding that by late May, the daughter of a worker filed an OSHA complaint claiming unsafe conditions continued in the plant, including inadequate mask protection, the moving of plastic barriers, and a lack of exposure notification for employees. It is our understanding the person who filed the complaint received a call from an OSHA employee, who informed the person that there would be no need to inspect the plant since it was taking adequate precautions. It is our understanding at least three employees have died at the plant and/or a separate Smithfield facility across the street, and potentially more. Our understanding is that OSHA has opened three FAT/CAT inspections at the plant, two in June and one in December. We understand at least one of the inspections resulting in an on-site visit. Two of the inspections remain open.
F. **Tyson Foods Camilla, GA:** Public records indicate four employees have died from COVID-19. No inspection.

PROPOSED RESPONSE:

(b) (5)

(b) (5)

(b) (5)


(b) (5)

To: Bozzuto, Robert F - OPA[Bozzuto.Robert.F@DOL.gov]
Cc: Sweeney, Megan P - OPA[Sweeney.Megan.P@DOL.gov]; Sidney, Sabin R - OPA[Sidney.Sabin.R@dol.gov]
From: Nicholson, Mattie L - OPA[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E57E90A07DD74C1880260DA706D772D8-NICHOLSON,]
Sent: Fri 12/18/2020 8:47:53 PM (UTC)
Subject: RE: Press Inquiry 17

HOLD

--
Mattie Nicholson

From: Nicholson, Mattie L - OPA
Sent: Friday, December 18, 2020 3:44 PM
To: Bozzuto, Robert F - OPA <Bozzuto.Robert.F@dol.gov>
Cc: Sweeney, Megan P - OPA <Sweeney.Megan.P@dol.gov>; Sidney, Sabin R - OPA <Sidney.Sabin.R@dol.gov>
Subject: Press Inquiry 17

Bob – For your approval

OUTLET: USA Today
REPORTER: Kyle Bagenstose

QUESTIONS

1. Our statistics (#s 1, 2, and 3 from **Findings)** suggest a significant gap between the number of meatpacking plants where workers have died from COVID-19 and the number of plants where inspections have been conducted. Can the agency explain those discrepancies?

2. Interviewees have criticized the agency's use of "remote inspections" for COVID-19 matters at meatpacking plants. They say that video conferencing, fax, and email are inadequate to ensure safe conditions. Any comment?

3. Interviewees have noted that under existing OSHA guidance, healthcare facilities have been deemed priority for in-person OSHA inspections. Interviewees have offered that this is inadequate for meatpacking plants, given that they are subject to the Defense Production Act via executive order and are known to be superspreader facilities in line with nursing homes and prisons. Any comment? Early on, the most exposure would be those treating COVID patients. As we moved forward, we

4. Interviewees have criticized OSHA's in-person inspections of meatpacking plants, including giving advance notice to employers, being too brief, and relying too much on employers' guidance through the plants. Any comment?

5. In at least two plants, OSHA inspectors gave companies advance notice of their on-site inspections. In both instances, workers and their advocates say that prompted changes that didn't last beyond the OSHA inspection. In a July hearing in federal court, a Pennsylvania inspector testified that she gave Maid-Rite Specialty Foods advance notice of an inspection for her own protection from the coronavirus. What has OSHA advised inspectors about alerting employers to inspections in advance during the pandemic?

6. Our calculations show that the agency has issued COVID-19 related violations to only three employers, totaling about $54,000: a JBS plant in Greeley, Colorado; Smithfield Foods in Sioux Falls, South Dakota; and Quality Sausage in Dallas, Texas. Is this accurate, and if so, why have so few workplaces been cited when so many workers have fallen ill or died?

7. What is the status of the inspection of the Noah's Ark facility in Hastings, NE? (Please see our description in the **Facilities** portion.) Can the agency comment on the allegations that the plant continues to be an unsafe work place?

8. Through interviews and document reviews, we have come to understand that guidances released by OSHA in April stipulate that employers are able to determine whether or not an employee's COVID-19 diagnosis is workplace related, and thus reportable to OSHA. The guidances create a "more likely than not" test for employers to make that determination. Is this accurate?

9. Interviewees have been critical of this approach, saying it places too much control in the hands of companies, bucks usual OSHA policy to have employers report illnesses and injuries and let area offices decide on workplace connectedness, and has ultimately led to an underreporting of legitimate workplace-connected COVID-19 cases. Any comment?

10. Through interviews and document reviews, it is our understanding that some unions have observed discrepancies between the number of employees sick with or dead from COVID-19 and the incidents recorded in employers' 300 logs. Any comment? I think we'd need specific instances to comment.

11. It is our understanding that in a FAQ guidance released by OSHA in September, the agency informed employers they only had to report COVID-19 hospitalizations if they occurred within 24 hours of a workplace exposure. Deaths would only be reportable if they occurred within 30 days of a known exposure. Given that COVID-19's incubation period typically begins several days after exposure, and that some individuals suffer a prolonged COVID-19 illness that can last months before death, this would appear to allow for a significant undercounting of employee hospitalizations and deaths. Is our reading of the FAQ accurate, and if so, any comment?

12. Our understanding is that in September, U.S. senators signed a letter to DOL Secretary Eugene Scalia (The "Sherrod Brown" letter) inquiring about the inspections of meat plants. The senators have apparently received no response. Is this accurate and any comment?

13. Interviewees have been critical about OSHA's release of meatpacking safety guidelines in the spring, saying they are largely voluntarily and include language such as "when possible" and "if feasible." They opined that OSHA should have crafted mandatory emergency standards instead to ensure bare minimum safety conditions were met. Any comment?

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PROPOSED RESPONSE:



(b) (5)

(b) (5)


(b) (5)

PREVIOUSLY WITHHELD RECORDS

Public Citizen v. Department of Labor
No. 1:20-cv-02495-EGS (D.D.C.)

October 2021 Record Release

DOL Chart of Fully-Withheld Records (version attached to email from Glass to Pulver (Oct. 6, 2021))

Document No. 5

From: Newsome, Shawna - OSEC, Washington, DC
To: Sweatt, Loren E. - OSHA
Subject: Draft language
Date: Tuesday, May 5, 2020 8:17:05 AM

DRAFT/DELIBERATIVE

Loren,

We may be issuing orders as soon as this morning. We want to include language on attestation. Would this work for process?

(b) (5) [redacted]

Shawna Newsome
Chief of Staff
Office of Food Safety, USDA
1400 Independence Ave., SW
Washington, D.C. 20250
Cell: (b) (6) [redacted]
Email: shawna.newsome@usda.gov

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Public Citizen v. Department of Labor
No. 1:20-cv-02495-EGS (D.D.C.)

October 2021 Record Release

DOL Chart of Fully-Withheld Records (version attached to email from Glass to Pulver (Oct. 6, 2021))

Document No. 6

Interagency Food Supply Chain Team

Areas of Interest Survey – Preliminary Results

July 14, 2020

Handling Instructions

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- Handling, storage, reproduction, and disposition of the attached document(s) must be in accordance with 32 CFR Part 2002 and applicable agency policy
- Access to and dissemination of Controlled Unclassified Information (CUI) shall be allowed as necessary and permissible to any individual(s), organization(s), or grouping(s) of users, provided such access or dissemination is consistent with or in furtherance of a Lawful Government Purpose and in a manner consistent with applicable law, regulations, and Government-wide policies

Agenda

- Prioritization results for the IFSCT's initial areas of interest
- New areas of interest (raw data)
- Discussion
- Next steps/action items

Prioritization Results for the IFSCT's Initial Areas of Interest



New Areas of Interest – Raw Data



New Areas of Interest – Raw Data (Cont.)



New Areas of Interest – Raw Data (Cont.)



New Areas of Interest – Raw Data (Cont.)



Discussion

Next Steps/Action Items

Contact Information

Todd McCoy

Emergency Management and Homeland Security Branch Chief (acting)

Animal and Plant Health Inspection Service | USDA

todd.mccoy@usda.gov | (202) 579-8894

Public Citizen v. Department of Labor
No. 1:20-cv-02495-EGS (D.D.C.)

October 2021 Record Release

DOL Chart of Fully-Withheld Records (version attached to email from Glass to Pulver (Oct. 6, 2021))

Document No. 7

From: Houvener, Gerald - APHIS
To: Kapust, Patrick - OSHA
Subject: Non-NIOSH approved respirators and CoVid-19
Date: Friday, May 22, 2020 8:21:02 AM

Patrick ,

Would OSHA consider the mandatory use of face masks, surgical masks, and paper masks for the workplace to protect workers from CoVid-19 that are not NIOSH approved a violation of 29 CFR 1910.134(d)(i) and (d)(ii)?

Thank you,
Gerry

Gerald Houvener CIH CSP MPH
APHIS Industrial Hygiene Program Manager
4700 River Rd. Unit 124
Riverdale, MD 20737
o. 301-436-3150
c. (b) (6)
fax 301-734-7828

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Public Citizen v. Department of Labor
No. 1:20-cv-02495-EGS (D.D.C.)

October 2021 Record Release

DOL Chart of Fully-Withheld Records (version attached to email from Glass to Pulver (Oct. 6, 2021))

Document No. 9

From:	Perry, Andrew - OBPA, Washington, DC
To:	Swirsky, Stephanie - ASP; Hirsch, Quinn N. EOP/OMB; Beal, Mary Dee - OSEC, Washington, DC; Brown, Christopher K. - OSHA; McGowan, Robert (Kyle) (CDC/OD/OCS); Horska, Katerina (HHS/IOS); Hawkins, Jamar (HHS/OS); Edens, Mandy - OSHA; Sweatt, Loren E. - OSHA; Delaney, Lisa (CDC/NIOSH/OD); Houry, Debra E. (CDC/DDNID/NCIPC/OD); Clark, Cynthia K. (CDC/OD/OCS)
Cc:	Tatham, Steph J. EOP/OMB; Aguilar, Brenda L. EOP/OMB; Thallam, Satya P. EOP/OMB; Mancini, Dominic J. EOP/OMB; Dawkins, Laura M - ASP; ONeill, Stephen - OBPA, Washington, DC; Zito, Mark - OBPA, Washington, DC; York, Kent - OBPA, Washington, DC; Newsome, Shawna - OSEC, Washington, DC; Adcock, Rebeckah - OSEC, Washington, DC
Subject:	RE: (DOL/CDC/USDA) Meat Packing Guidances
Date:	Monday, April 20, 2020 2:48:30 PM

USDA, too.

Thanks

From: Swirsky, Stephanie - ASP <Swirsky.Stephanie@dol.gov>
Sent: Monday, April 20, 2020 2:30 PM
To: Hirsch, Quinn N. EOP/OMB <Quinn.N.Hirsch@omb.eop.gov>; Beal, Mary Dee - OSEC, Washington, DC <MaryDee.Beal@usda.gov>; Perry, Andrew - OBPA, Washington, DC <andrew.perry@usda.gov>; Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov>; McGowan, Robert (Kyle) (CDC/OD/OCS) <omc2@cdc.gov>; Horska, Katerina (HHS/IOS) <Katerina.Horska@hhs.gov>; Hawkins, Jamar (HHS/OS) <jamar.hawkins@hhs.gov>; Edens, Mandy - OSHA <Edens.Mandy@dol.gov>; Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>; Delaney, Lisa (CDC/NIOSH/OD) <lkd2@cdc.gov>; Houry, Debra E. (CDC/DDNID/NCIPC/OD) <vjz7@cdc.gov>; Clark, Cynthia K. (CDC/OD/OCS) <cfc8@cdc.gov>
Cc: Tatham, Steph J. EOP/OMB <Stephanie_J_Tatham@omb.eop.gov>; Aguilar, Brenda L. EOP/OMB <Brenda_Aguilar@omb.eop.gov>; Thallam, Satya P. EOP/OMB <Satya.P.Thallam@omb.eop.gov>; Mancini, Dominic J. EOP/OMB <Dominic_J._Mancini@omb.eop.gov>; Dawkins, Laura M - ASP <Dawkins.Laura.M@dol.gov>; ONeill, Stephen - OBPA, Washington, DC <Stephen.ONeill@usda.gov>; Zito, Mark - OBPA, Washington, DC <mark.zito@usda.gov>; York, Kent - OBPA, Washington, DC <kent.york@usda.gov>; Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>; Adcock, Rebeckah - OSEC, Washington, DC <Rebeckah.Adcock@usda.gov>
Subject: RE: (DOL/CDC/USDA) Meat Packing Guidances

Labor can do 4:30

Stephanie Swirsky
Deputy Assistant Secretary for Policy
U.S. Department of Labor
202/693-(b) (6) (direct)
(b) (6) (mobile)
Swirsky.stephanie@dol.gov

From: Hirsch, Quinn N. EOP/OMB <Quinn.N.Hirsch@omb.eop.gov>
Sent: Monday, April 20, 2020 2:04 PM
To: Beal, Mary Dee - OSEC, Washington, DC <MaryDee.Beal@usda.gov>; Perry, Andrew - OBPA, Washington, DC <andrew.perry@usda.gov>; Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov>; McGowan, Robert (Kyle) (CDC/OD/OCS) <omc2@cdc.gov>;

Swirsky, Stephanie - ASP <Swirsky.Stephanie@dol.gov>; Horska, Katerina (HHS/IOS) <Katerina.Horska@hhs.gov>; Hawkins, Jamar (HHS/OS) <jamar.hawkins@hhs.gov>; Edens, Mandy - OSHA <Edens.Mandy@dol.gov>; Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>; Delaney, Lisa (CDC/NIOSH/OD) <lkd2@cdc.gov>; Houry, Debra E. (CDC/DDNID/NCIPC/OD) <vjz7@cdc.gov>; Clark, Cynthia K. (CDC/OD/OCS) <cfc8@cdc.gov>
Cc: Tatham, Steph J. EOP/OMB <Stephanie_J_Tatham@omb.eop.gov>; Aguilar, Brenda L. EOP/OMB <Brenda_Aguilar@omb.eop.gov>; Thallam, Satya P. EOP/OMB <Satya.P.Thallam@omb.eop.gov>; Mancini, Dominic J. EOP/OMB <Dominic_J._Mancini@omb.eop.gov>; Dawkins, Laura M - ASP <Dawkins.Laura.M@dol.gov>; ONeill, Stephen - OBPA, Washington, DC <Stephen.ONeill@usda.gov>; Zito, Mark - OBPA, Washington, DC <mark.zito@usda.gov>; York, Kent - OBPA, Washington, DC <kent.york@usda.gov>; Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>; Adcock, Rebeckah - OSEC, Washington, DC <Rebeckah.Adcock@usda.gov>
Subject: RE: (DOL/CDC/USDA) Meat Packing Guidances

All,
We think it would be productive to have a call. Please advise if your key participants can do a 4:30 interagency call. If so, OIRA will send an invite.
Thanks,
Q

From: Beal, Mary Dee - OSEC, Washington, DC <MaryDee.Beal@usda.gov>
Sent: Monday, April 20, 2020 1:45 PM
To: Perry, Andrew - OBPA, Washington, DC <andrew.perry@usda.gov>; Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov>; McGowan, Robert (Kyle) (CDC/OD/OCS) <omc2@cdc.gov>; Swirsky, Stephanie - ASP <Swirsky.Stephanie@dol.gov>; Hirsch, Quinn N. EOP/OMB <Quinn.N.Hirsch@omb.eop.gov>; Horska, Katerina (HHS/IOS) <Katerina.Horska@hhs.gov>; Hawkins, Jamar (HHS/OS) <jamar.hawkins@hhs.gov>; Edens, Mandy - OSHA <Edens.Mandy@dol.gov>; Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>; Delaney, Lisa (CDC/NIOSH/OD) <lkd2@cdc.gov>; Houry, Debra E. (CDC/DDNID/NCIPC/OD) <vjz7@cdc.gov>; Clark, Cynthia K. (CDC/OD/OCS) <cfc8@cdc.gov>
Cc: Tatham, Steph J. EOP/OMB <Stephanie_J_Tatham@omb.eop.gov>; Aguilar, Brenda L. EOP/OMB <Brenda_Aguilar@omb.eop.gov>; Thallam, Satya P. EOP/OMB <Satya.P.Thallam@omb.eop.gov>; Mancini, Dominic J. EOP/OMB <Dominic_J._Mancini@omb.eop.gov>; Dawkins, Laura M - ASP <Dawkins.Laura.M@dol.gov>; ONeill, Stephen - OBPA, Washington, DC <Stephen.ONeill@usda.gov>; Zito, Mark - OBPA, Washington, DC <mark.zito@usda.gov>; York, Kent - OBPA, Washington, DC <kent.york@usda.gov>; Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>; Adcock, Rebeckah - OSEC, Washington, DC <Rebeckah.Adcock@usda.gov>
Subject: RE: (DOL/CDC/USDA) Meat Packing Guidances

Thanks Andrew. Here are our edits to OSHA doc as well.

(b) (5) [redacted] We are happy to engage in further discussion with folks copied here and our team.

From: Perry, Andrew - OBPA, Washington, DC <andrew.perry@usda.gov>
Sent: Monday, April 20, 2020 1:41 PM
To: Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov>; McGowan, Robert (Kyle) (CDC/OD/OCS) <omc2@cdc.gov>; Swirsky, Stephanie - ASP <Swirsky.Stephanie@dol.gov>; Hirsch, Quinn N. EOP/OMB <Quinn.N.Hirsch@omb.eop.gov>; Horska, Katerina (HHS/IOS) <Katerina.Horska@hhs.gov>; Hawkins, Jamar (HHS/OS) <jamar.hawkins@hhs.gov>; Edens, Mandy - OSHA <Edens.Mandy@dol.gov>; Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>; Delaney, Lisa (CDC/NIOSH/OD) <lkd2@cdc.gov>; Houry, Debra E. (CDC/DDNID/NCIPC/OD) <vjz7@cdc.gov>; Clark, Cynthia K. (CDC/OD/OCS) <cfc8@cdc.gov>
Cc: Tatham, Steph J. EOP/OMB <Stephanie_J_Tatham@omb.eop.gov>; Aguilar, Brenda L. EOP/OMB <Brenda_Aguilar@omb.eop.gov>; Thallam, Satya P. EOP/OMB <Satya.P.Thallam@omb.eop.gov>; Mancini, Dominic J. EOP/OMB <Dominic_J._Mancini@omb.eop.gov>; Dawkins, Laura M - ASP <Dawkins.Laura.M@dol.gov>; ONeill, Stephen - OBPA, Washington, DC <Stephen.ONeill@usda.gov>; Zito, Mark - OBPA, Washington, DC <mark.zito@usda.gov>; York, Kent - OBPA, Washington, DC <kent.york@usda.gov>; Newsome, Shawna - OSEC, Washington, DC <Shawna.Newsome@usda.gov>; Beal, Mary Dee - OSEC, Washington, DC <MaryDee.Beal@usda.gov>; Adcock, Rebeckah - OSEC, Washington, DC <Rebeckah.Adcock@usda.gov>
Subject: RE: (DOL/CDC/USDA) Meat Packing Guidances

Good afternoon everyone,

Adding USDA's team and forwarding the attached comments for DOL's consideration.

Thanks,
Andrew

From: Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov>
Sent: Monday, April 20, 2020 1:20 PM
To: McGowan, Robert (Kyle) (CDC/OD/OCS) <omc2@cdc.gov>; Swirsky, Stephanie - ASP <Swirsky.Stephanie@dol.gov>; Hirsch, Quinn N. EOP/OMB <Quinn.N.Hirsch@omb.eop.gov>; Horska, Katerina (HHS/IOS) <Katerina.Horska@hhs.gov>; Hawkins, Jamar (HHS/OS) <jamar.hawkins@hhs.gov>; Perry, Andrew - OBPA, Washington, DC <andrew.perry@usda.gov>; Edens, Mandy - OSHA <Edens.Mandy@dol.gov>; Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>; Delaney, Lisa (CDC/NIOSH/OD) <lkd2@cdc.gov>; Houry, Debra E. (CDC/DDNID/NCIPC/OD) <vjz7@cdc.gov>; Clark, Cynthia K. (CDC/OD/OCS) <cfc8@cdc.gov>
Cc: Tatham, Steph J. EOP/OMB <Stephanie_J_Tatham@omb.eop.gov>; Aguilar, Brenda L. EOP/OMB <Brenda_Aguilar@omb.eop.gov>; Thallam, Satya P. EOP/OMB <Satya.P.Thallam@omb.eop.gov>; Mancini, Dominic J. EOP/OMB <Dominic_J._Mancini@omb.eop.gov>; Dawkins, Laura M - ASP <Dawkins.Laura.M@dol.gov>
Subject: RE: (DOL/CDC/USDA) Meat Packing Guidances

(b) (5) [redacted]

(b) (5) [redacted]

If OMB has specific concerns, it would be helpful for us to hear those so that we can identify areas where we need to harmonize.

Others, feel free to weigh in if there seem to be sticking points from your perspectives. We would like to keep these document moving quickly, because of urgent need in the field.

From: McGowan, Robert (Kyle) (CDC/OD/OCS) <omc2@cdc.gov>
Sent: Monday, April 20, 2020 1:12 PM
To: Swirsky, Stephanie - ASP <Swirsky.Stephanie@dol.gov>; Hirsch, Quinn N. EOP/OMB <Quinn.N.Hirsch@omb.eop.gov>; Horska, Katerina (HHS/IOS) <Katerina.Horska@hhs.gov>; Hawkins, Jamar (HHS/OS) <jamar.hawkins@hhs.gov>; Perry, Andrew - OBPA, Washington, DC <andrew.perry@usda.gov>; Edens, Mandy - OSHA <Edens.Mandy@dol.gov>; Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov>; Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>; Delaney, Lisa (CDC/NIOSH/OD) <lkd2@cdc.gov>; Houry, Debra E. (CDC/DDNID/NCIPC/OD) <vjz7@cdc.gov>; Clark, Cynthia K. (CDC/OD/OCS) <cfc8@cdc.gov>
Cc: Tatham, Steph J. EOP/OMB <Stephanie_J_Tatham@omb.eop.gov>; Aguilar, Brenda L. EOP/OMB <Brenda_Aguilar@omb.eop.gov>; Thallam, Satya P. EOP/OMB <Satya.P.Thallam@omb.eop.gov>; Mancini, Dominic J. EOP/OMB <Dominic_J._Mancini@omb.eop.gov>; Dawkins, Laura M - ASP <Dawkins.Laura.M@dol.gov>
Subject: RE: (DOL/CDC/USDA) Meat Packing Guidances

Adding the CDC team.

From: Swirsky, Stephanie - ASP <Swirsky.Stephanie@dol.gov>
Sent: Monday, April 20, 2020 1:06 PM
To: Hirsch, Quinn N. EOP/OMB <Quinn.N.Hirsch@omb.eop.gov>; Horska, Katerina (HHS/IOS) <Katerina.Horska@hhs.gov>; Hawkins, Jamar (HHS/OS) <jamar.hawkins@hhs.gov>; Perry, Andrew - OBPA, Washington, DC <andrew.perry@usda.gov>; McGowan, Robert (Kyle) (CDC/OD/OCS) <omc2@cdc.gov>; Edens, Amanda (CDC dol.gov) <edens.mandy@dol.gov>; Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov>; Sweatt, Loren E. - OSHA <Sweatt.Loren.E@dol.gov>
Cc: Tatham, Steph J. EOP/OMB <Stephanie_J_Tatham@omb.eop.gov>; Aguilar, Brenda L. EOP/OMB <Brenda_Aguilar@omb.eop.gov>; Thallam, Satya P. EOP/OMB <Satya.P.Thallam@omb.eop.gov>; Mancini, Dominic J. EOP/OMB <Dominic_J._Mancini@omb.eop.gov>; Dawkins, Laura M - ASP <Dawkins.Laura.M@dol.gov>
Subject: RE: (DOL/CDC/USDA) Meat Packing Guidances

Adding the OSHA team..

Stephanie Swirsky
Deputy Assistant Secretary for Policy
U.S. Department of Labor
202/693-(b) (6) (direct)
(b) (6) (mobile)
Swirsky.stephanie@dol.gov

From: Hirsch, Quinn N. EOP/OMB <Quinn.N.Hirsch@omb.eop.gov>
Sent: Monday, April 20, 2020 12:58 PM
To: Swirsky, Stephanie - ASP <Swirsky.Stephanie@dol.gov>; Katerina Horska <katerina.horska@hhs.gov>; Hawkins, Jamar (HHS/OS) <jamar.hawkins@hhs.gov>; Perry, Andrew - OBPA, Washington, DC <andrew.perry@usda.gov>; omc2@cdc.gov
Cc: Tatham, Steph J. EOP/OMB <Stephanie_J_Tatham@omb.eop.gov>; Aguilar, Brenda L. EOP/OMB <Brenda_Aguilar@omb.eop.gov>; Thallam, Satya P. EOP/OMB <Satya.P.Thallam@omb.eop.gov>; Mancini, Dominic J. EOP/OMB <Dominic_J._Mancini@omb.eop.gov>
Subject: (DOL/CDC/USDA) Meat Packing Guidances

Hey all,

(b) (5)

Please advise if this is a plan that all agencies involved are amenable to.

Thank you,
Q

Quinn N. Hirsch, MPH
Office of Information and Regulatory Affairs
Work: (202) 395-(b) (6) | Mobile: (b) (6)
Quinn.n.hirsch@omb.eop.gov
(she/her/hers)

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Public Citizen v. Department of Labor
No. 1:20-cv-02495-EGS (D.D.C.)

October 2021 Record Release

DOL Chart of Fully-Withheld Records (version attached to email from Glass to Pulver (Oct. 6, 2021))

Document No. 10

From:	Levinson, Andrew - OSHA
To:	Bamford, George; Rubini, Jeffrey H. EOP/NSC; Edens, Mandy - OSHA; Pillai, Satish K. (CDC/DDID/NCEZID/DPEI); Patel, Anita (CDC/DDID/NCIRD/OD); Brown, Christopher K. - OSHA; Schwartz, Erica (HHS/OASH); Lee, James J (CDRH) (FDA/CDRH); Agler, Heather L (FDA/CDRH); Cooper, Daniela H; D"Alessandro, Maryann M. (CDC/NIOSH/NPPTL); Jennison, Peter J. EOP/NSC; Jonas, Seth H. EOP/NSC
Cc:	LeeAnne Jackson; Colby, Michelle - OHS, Washington, DC; Lawver, Christopher J. - OSHA; COMPTON, TAYLOR (CTR); Martin, John D
Subject:	RE: URGENT PPE recommendations for food/ag sector workers
Date:	Tuesday, March 31, 2020 8:49:35 AM
Attachments:	image001.png

Hi George,

(b) (5)
[redacted]

Andy

Andrew Levinson, MPH
Deputy Director
OSHA Standards and Guidance



www.osha.gov/safeandsound
www.osha.gov/safeandsoundweek

From: Bamford, George <George.Bamford@hq.dhs.gov>
Sent: Tuesday, March 31, 2020 7:02 AM
To: Rubini, Jeffrey H. EOP/NSC <Jeffrey.H.Rubini@(b) (6) [redacted] Edens, Mandy - OSHA <Edens.Mandy@dol.gov>; Pillai, Satish K. (CDC/DDID/NCEZID/DPEI) <vig8@cdc.gov>; Patel, Anita (CDC/DDID/NCIRD/OD) <bop1@cdc.gov>; Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov>; Schwartz, Erica (HHS/OASH) <Erica.Schwartz@hhs.gov>; Lee, James J (CDRH) (FDA/CDRH) <James.J.Lee@fda.hhs.gov>; Agler, Heather L (FDA/CDRH) <Heather.Agler@fda.hhs.gov>; Cooper, Daniela H <CooperDH@state.gov>; D'Alessandro, Maryann M. (CDC/NIOSH/NPPTL) <bpj5@cdc.gov>; Levinson, Andrew - OSHA <Levinson.Andrew@dol.gov>; Jennison, Peter J. EOP/NSC <Peter.J.Jennison@(b) (6) [redacted] >; Jonas, Seth H. EOP/NSC <Seth.H.Jonas@(b) (6) [redacted] >
Cc: LeeAnne Jackson <LeeAnne.Jackson@fda.hhs.gov>; Colby, Michelle - OHS, Washington, DC <michelle.colby@usda.gov>; Lawver, Christopher J. - OSHA <Lawver.Christopher.J@dol.gov>; COMPTON, TAYLOR (CTR) <taylor.compton@associates.cisa.dhs.gov>; Martin, John D <John.D.Martin@cisa.dhs.gov>

Subject: RE: URGENT PPE recommendations for food/ag sector workers

Good morning.

Jeff: Thanks for connecting me with this group.

All: My name is George Bamford and I am the current Director of the Food Supply Chain Task Force.
(b) (5) [redacted]

Thank you.

George Bamford
Director, Food Supply Chain Task Force
(b) (6) [redacted]
George.bamford@hq.dhs.gov

From: Rubini, Jeffrey H. EOP/NSC <Jeffrey.H.Rubini@(b) (6) [redacted]>
Sent: Monday, March 30, 2020 2:40 PM
To: Edens, Mandy - OSHA <Edens.Mandy@dol.gov>; Pillai, Satish K. (CDC/DDID/NCEZID/DPEI) <vig8@cdc.gov>; Patel, Anita (CDC/DDID/NCIRD/OD) <bop1@cdc.gov>; Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov>; Schwartz, Erica (HHS/OASH) <Erica.Schwartz@hhs.gov>; Lee, James J (CDRH) (FDA/CDRH) <James.J.Lee@fda.hhs.gov>; Agler, Heather L (FDA/CDRH) <Heather.Agler@fda.hhs.gov>; Cooper, Daniela H <CooperDH@state.gov>; D'Alessandro, Maryann M. (CDC/NIOSH/NPPTL) <bpj5@cdc.gov>; Levinson, Andrew - OSHA <Levinson.Andrew@dol.gov>; Jennison, Peter J. EOP/NSC <Peter.J.Jennison@(b) (6) [redacted]>; Jonas, Seth H. EOP/NSC <Seth.H.Jonas@(b) (6) [redacted]>; Bamford, George <George.Bamford@hq.dhs.gov>
Subject: RE: URGENT PPE recommendations for food/ag sector workers

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact your component SOC with questions or concerns.

Introducing George Bamford who's working food/ag sector issues. (b) (5) [redacted]

Best,
Jeff

From: Pillai, Satish K. (CDC/DDID/NCEZID/DPEI) <vig8@cdc.gov>
Sent: Friday, March 27, 2020 11:14 AM
To: Rubini, Jeffrey H. EOP/NSC <Jeffrey.H.Rubini@(b) (6) >; Patel, Anita (CDC/DDID/NCIRD/OD) <bop1@cdc.gov>; Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov>; Schwartz, Erica (HHS/OASH) <Erica.Schwartz@hhs.gov>; Lee, James J (CDRH) (FDA/CDRH) <James.J.Lee@fda.hhs.gov>; Agler, Heather L (FDA/CDRH) <Heather.Agler@fda.hhs.gov>; Cooper, Daniela H <CooperDH@state.gov>; D'Alessandro, Maryann M. (CDC/NIOSH/NPPTL) <bpj5@cdc.gov>; Edens, Mandy - OSHA <Edens.Mandy@dol.gov>
Subject: RE: URGENT PPE recommendations for food/ag sector workers

Hi Jeff – (b) (5)

[redacted]

From: Rubini, Jeffrey H. EOP/NSC <Jeffrey.H.Rubini@(b) (6) >
Sent: Friday, March 27, 2020 11:01 AM
To: Pillai, Satish K. (CDC/DDID/NCEZID/DPEI) <vig8@cdc.gov>; Patel, Anita (CDC/DDID/NCIRD/OD) <bop1@cdc.gov>; Brown, Christopher K. - OSHA <Brown.Christopher.K@dol.gov>; Schwartz, Erica (HHS/OASH) <Erica.Schwartz@hhs.gov>; Lee, James J (CDRH) (FDA/CDRH) <James.J.Lee@fda.hhs.gov>; Agler, Heather L (FDA/CDRH) <Heather.Agler@fda.hhs.gov>; Cooper, Daniela H <CooperDH@state.gov>; D'Alessandro, Maryann M. (CDC/NIOSH/NPPTL) <bpj5@cdc.gov>; Edens, Amanda (CDC dol.gov) <edens.mandy@dol.gov>
Subject: URGENT PPE recommendations for food/ag sector workers

Greetings,

(b) (5) [redacted]

[redacted]

Best,
Jeff

Jeffrey H. Rubini
Director for Response Policy
National Security Council
(b) (6) [redacted]
Jeffrey.H.Rubini@(b) (6) [redacted]

Public Citizen v. Department of Labor
No. 1:20-cv-02495-EGS (D.D.C.)

October 2021 Record Release

DOL Chart of Fully-Withheld Records (version attached to email from Glass to Pulver (Oct. 6, 2021))

Document No. 27

ORDER OF THE HEALTH OFFICER OF THE COUNTY OF MERCED
DIRECTING FOSTER FARMS POULTRY PROCESSING PLANT
IN LIVINGSTON, CA TO RESPOND TO CURRENT OUTBREAKS AT THE LIVINGSTON COMPLEX AND COMPLY WITH OTHER DIRECTIVES OF THIS ORDER

DATE OF ORDER: August 26 , 2020

WHEREAS, the worldwide pandemic of COVID-19 disease, also known as "novel coronavirus" has infected over 7,500 Merced County residents and has resulted in the death of 112 Merced County residents.

WHEREAS, over 800 residents in the City of Livingston, located in Merced County, have been infected with COVID-19.

WHEREAS, there is significant evidence of increasing transmission of COVID-19 within the County of Merced and surrounding counties, placing a measurable strain on the local healthcare systems.

WHEREAS, according to the Meat and Poultry Processing Workers and Employers Interim Guidance from CDC and the Occupational Safety and Health Administration (OSHA), meat and poultry processing facilities are particularly vulnerable to COVID-19 infections due to working conditions. These conditions include prolonged, close contact with coworkers on the production line.

WHEREAS, Foster Poultry Farms maintains a poultry processing facility located in the City of Livingston.

WHEREAS, the California Department of Public Health has defined an outbreak in a congregate employment setting as three (3) or more cases of laboratory confirmed COVID-19 in employees not linked outside of the workplace.

WHEREAS, the Foster Farms complex at Livingston consists of multiple buildings on the same campus. Foster Farms first experienced an outbreak of COVID-19 at their Livingston facility on June 29, 2020, the first known case dated to June 9, 2020. As of the date of this Order, the initial outbreak is ongoing and outbreaks are widespread throughout multiple separate buildings at the Livingston facility. One department at the facility currently has an active outbreak that has affected 105 workers and other departments have active outbreaks affecting over 20 workers. Of the approximate 2,600 workers at the Livingston facility, 13.7 percent of the workforce has received a positive test result based on worker self-reporting. Most concerning is that these current testing figures do not accurately represent the extent of outbreak at the facility as universal testing has not been accomplished within the timeline necessary to accurately identify the extent of the outbreak.

WHEREAS, since April 24, 2020, the Merced County Department of Public Health (MCDPH) has received report of 358 confirmed cases of COVID-19 and eight (8) deaths attributed to COVID-19 linked to workers from the Foster Farms Livingston facility. Five (5) of the eight (8) deaths occurred in a hospital located outside of Merced County, illustrating the serious impact of the Foster Farms outbreak on healthcare systems and the community-at-large in California.

WHEREAS, in the past month, Foster Farms has experienced an increase of 214 reported cases of COVID-19 positive workers and six (6) deaths. Weekly reports from Foster Farms indicate the outbreak has continued since the initial reported outbreak on June 29, 2020.

WHEREAS, to-date, there has been insufficient timely testing of Foster Farms workers to assess the true extent of cases at the facility. Without accurate information on the number of cases, it is not possible to properly identify workers who require testing and/or quarantine because of exposure to the virus. This is hampered by the difficulty of testing and monitoring a growing temporary workforce. Hospital data on current hospitalizations and mortality has been slowly reported to MCDPH, further complicating decisive interventions that would allow a safe production process to continue at the facility.

WHEREAS, the Merced County Health Officer issued Directives to Foster Farms on August 5, 2020 and August 11, 2020, providing specific direction on testing requirements and other measures to control the spread of COVID-19 within the Livingston building. In summary, these Directives required immediate COVID PCR testing of all permanent, volunteer, and temporary employees who share air within a facility that has an outbreak (three or more individuals within the same building). Once an outbreak is initiated within a building, the outbreak is not considered resolved until the building reports zero additional cases for two consecutive weeks, or until universal testing of the building within the previous three (3) day period, reveals less than 1% positivity rate within the workforce.

WHEREAS, in response to the previous Merced County Health Officer Directives, Foster Farms has not implemented the required universal testing of the entire Livingston Complex, as directed. Over the three-week period since the August 5, 2020 directive was issued, the spread of disease within the facility has not been contained and active outbreaks continue to spread, creating a public nuisance as defined by California Penal Code 370 and Civil Code 3479, and posing a great risk to the health and safety of Merced County residents and the surrounding counties. Given the current epidemiological data, the slowness in testing workers, and the time necessary to complete comprehensive contact tracing and quarantine those who are exposed, partial closure of the facility for timely, universal testing of all workers and sanitation is necessary.

WHEREAS, based on the increasing number of positive COVID-19 cases at the Foster Farms Livingston Facility, the mounting death rates, the delay in implementation of a comprehensive testing scheme, the need for comprehensive contact tracing and quarantine of those exposed, decisive intervention is essential to control the COVID-19 outbreak. It is imperative that the Merced County Health Officer issue this Order to protect and preserve the health of workers at the Facility and residents of Merced County, surrounding counties, and the State of California.

Under the authority of California Health and Safety Code Sections 101040, 101085, 120175; California Government Code Sections 8610, 8630, and 8634; Article XI of the California Constitution; Title 17 California Code of Regulations Section 2501; and Merced County Code Chapter 2.72, the Health Officer of the County of Merced ("Health Officer") Orders Foster Poultry Farms A Corp (Foster Farms):

1. **Livingston Plant (including, but not limited to, Food Service Operations, Livingston Plant 1, Livingston Plant 2, Livingston Retail Packaging, Livingston Weigh and Price, and Livingston Rotis Room)** located at 843 Davis St., Livingston, CA 95334: To cease all operations within twelve (12) hours of issuance of this Order including any and all on-site manufacturing, transportation, processing, food service, packing, administrative, and/or other similar operations within Livingston Plant for the purposes of deep cleaning and testing all workers (permanent, temporary, contract, volunteer, and other) for clearance (as defined as two (2) negative PCR COVID-19 tests taken at least three (3) days but no more than seven (7) days apart), and implementing other measures in compliance with this Order. Foster Farms is further required to direct its agents, employees, officers, and others acting on its behalf, as well as subsidiaries, affiliates, and other entities controlled by Foster Farms, in such a manner as to ensure the closure of the entire Livingston Plant and that Livingston Plant on-site operations cease and resume only in accordance with this Order.
    a. Once Foster Farms accomplishes the requirements of this Section to the satisfaction of the Merced County Public Health Officer and/or Health Officer designee (MCDPH contact), Foster Farms may be able to resume operations at the Livingston Plant facility.
    b. No worker may return to work at the Livingston Plant until they have received two (2) negative PCR COVID-19 tests taken at least three (3) days but no more than seven (7) days apart.

2. **NCDC 2** located at 843 Davis St., Livingston, CA 95334: will be allowed to remain open and operational despite active outbreak status due to the ability to maintain at least six (6) foot social distancing within the workplace and a lower worker density within the facility, if:
    a. Foster Farms enforces 6 feet of social distancing between workers at NCDC 2;
    b. The current break room(s) are closed and Foster Farms provides an alternative, appropriate break space that can accommodate and ensure social distancing (that is actively monitored); and
    c. Foster Farms to provides food provisions, accommodating dietary needs to its workers to preventing the need for kitchen facilities for all workers with the facility until outbreak is cleared from NCDC 2 facility;
    d. Items 2(b)-(c) shall remain in place until the facility is cleared, defined as <1% positivity rate of the entire workforce at the NCDC 2, tested same day, for 2 rounds of testing, three (3) days apart. If testing positivity rate is greater than 1%, testing must be continued every three (3) days until outbreak is cleared.

3. **All Other Facilities** located at 843 Davis St., Livingston, CA 95334 and 1000 Davis St., Livingston, CA 95334: can remain open and operational, if:
    a. All employees (permanent, temporary, contract, volunteer, and other) are tested immediately and every seven (7) days thereafter until Livingston Complex is cleared from outbreak. If testing positivity rate is greater than 1%, testing must be increased to every three (3) days.

4. Conduct a terminal cleaning of the entirety of the Livingston Complex through a qualified cleaning agency either during facility closure or within seven (7) days of the issuance of this Order. Ensure that high-traffic areas and high-touch areas are disinfected following CDC guidelines:
https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html and
https://www.cdc.gov/coronavirus/2019-ncov/community/pdf/REopening_America_Guidance.pdf.

5. The following COVID-19 line lists of data, at a minimum and as required by MCDPH, shall be reported to the MCDPH contact directly in a format determined by MCDPH and at intervals determined by MCDPH, but at no time less often than two times each week on Tuesdays and Fridays by 12:00PM:
    a. Worker full name, date of birth, gender, race, phone number, county of residence, job title, location in facility/assigned department, unit/shift (e.g., day, night, swing), if the individual works in another facility/location and name of the other facility, positive test date, last day worked, symptom start date (note if asymptomatic), testing location, if worker was tested due to part of mandated response testing, type of test used (e.g., PCR, antigen), return to work date, if worker was hospitalized due to illness, hospitalization date, if worker died due to illness (if yes, immediately e-mail the MCDPH contact), date of death, number of close contacts sent home/teleworking due to exposure, and if the case was a close contact to another index/case in the facility.
    b. The full laboratory testing line list data (including on-site testing), at a minimum, shall be reported to the MCDPH contact directly in a format and at intervals determined by MCDPH, including worker full name, date of birth, phone number, address of residence, county of residence, test result, and test date. Submission via the CalREDIE system alone will not be accepted.

6. Immediately upon issuance of this Order, a COVID-19 Mitigation Plan for the entire Livingston Complex is required to be prepared and submitted to and approved by the MCDPH contact and shall include continued proper COVID-19 worker medical screening, symptom-based testing, and testing of new hires and temporary workers, including the following:
    a. Permanent employees, temporary workers, contract workers, and/or volunteers that present with a positive COVID-19 test result shall be sent home from work for the required quarantine period and follow MCDPH, California Department of Public Health (CDPH), and CDC requirements and guidance. Workers who refuse or are unable to be tested as directed by MCDPH should be quarantined at home for 14 days, and shall not be allowed to work during the isolation period as defined by CDC:
    https://www.cdc.gov/coronavirus/2019-ncov/hcp/disposition-in-home-patients.html.
    b. Workplace contact tracing shall be conducted by Foster Farms within 24 hours of notification of a positive employee. Close contacts, is defined as being within six

(6) feet for more than 15 minutes during the case's infectious period to positive workers. Close contacts shall be sent home from work for a 14-day quarantine period. The infectious period begins 48 hours prior to development of symptoms. For the purposes of contact tracing of individual who were asymptomatic and tested positive, the infectious period commences 48 hours prior to the day the sample was collected.

c. Temporary workers, permanent employees, contract employees, and/or volunteers will not be allowed to begin work without submitting proof to Foster Farms of a COVID-19 negative point-of-care antigen or PCR test result dated same day before start of work up to 48 hours before the start date.
d. Symptom-based testing is required when a permanent employee, temporary worker, contract worker, and/or volunteer presents with any one of the COVID-19 symptoms described by the CDC in the following guidance: https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html. Immediately upon notice to or observation by Foster Farms of any one of the COVID-19 symptoms by any worker at the site, testing of the worker shall immediately occur by either PCR or point-of-care antigen testing, or other Health Officer approved testing method, and results shall be obtained within 24-48 hours.
e. When there is a COVID-19 outbreak of three (3) permanent employees, temporary workers, contract workers, and/or volunteers in any building, or area that shares the same air supply, all individuals who had worked in the area during the potential outbreak period (within 48 hours prior to the onset of symptoms of a positive employee throughout the duration of the outbreak) must be tested for COVID-19 by PCR immediately and every seven (7) days thereafter until the building reports zero additional cases for two consecutive weeks, or until universal testing of the building reveals less than 1% positivity rate within the workforce.
f. The employer is responsible for ensuring all workers, including temporary workers, permanent employees, contract employees, and/or volunteers, are offered and provided COVID-19 testing at no cost to the employee.

7. As soon as practical, but no less than 14 days of issuance of this Order, expand the on-site Occupational Health program and clinic, consisting of a designated licensed medical or nursing professional and liaison for MCDPH to ensure and oversee proper COVID-19 worker medical screening processes, contact tracing, case investigation and referral to health care provider as needed, accurate data collection and reporting of all workers tested, reporting of all COVID-19 positive results regardless of county of residence, immediate notification of COVID-19 related hospitalizations to the MCDPH contact and CalOSHA, immediate reporting of COVID-19 related deaths to the MCDPH contact and CalOSHA, data quality assurance verification protocol, and the implementation of adequate COVID-19 surveillance testing and reporting to the MCDPH contact, as approved by MCDPH. These requirements are subject to review and supervision by MCDPH to ensure adequate procedures and practices are implemented.

8. Foster Farms management shall ensure that all employees be informed of testing requirements, outbreaks that occur, areas affected, and trained on safety requirements, in English, Spanish, and Punjabi, working with the union as applicable.

9. Provide proper face coverings at no cost to all contract employees, permanent employees, temporary workers, and/or volunteers prior to each shift, and if a replacement is needed during a shift, and require use as directed in the Merced County Health Officer Order.

10. Foster Farms shall follow all State Orders, including State COVID-19 Industry Guidance for Food Packing and Processing: https://files.covid19.ca.gov/pdf/guidance-food-packing--en.pdf.

11. This Order is issued in accordance with, and incorporates by reference, the: March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom; March 12, 2020 Executive Order N-25-20 and March 19, 2020 Executive Order N-33-20, each issued by Governor Newsom ordering all state residents to heed any orders and guidance of state and local public health officials with respect to COVID-19; May 4, 2020 Executive Order N-60-20 issued by Governor Newsom ordering various protocols and reaffirming the existing authority of local health officers to establish public health measures that are more restrictive or additional to statewide directives; Government Code section 8567(a); the March 13, 2020 Declaration of Local Health Emergency in Merced County pursuant to Health and Safety Code section 101080; the March 13, 2020 Proclamation of Local Emergency pursuant to Government Code section 8630 and Merced County Code section 2.72.060; the March 16, 2020 Resolutions of the Board of Supervisors of the County of Merced ratifying the Local Emergency and Local Health Emergency; and the California Department of Public Health, Cal/OSHA, and the California Department of Food and Agriculture jointly issued Industry Guidance for Food Packing and Processing updated on July 29, 2020 and any future dated updates.

12. Violation of this Order by Foster Farms is a misdemeanor punishable by fines up to $1,000 per day, imprisonment of 90 days, or both. Violation also subjects Foster Farms to civil enforcement actions including injunctive relief, attorneys' fees and costs. A violation of this Order constitutes a public nuisance. (Health and Safety Code Sections 120275 and 120295; Penal Code Sections 19 and 370; Government Code Sections 25132 and 8665; Merced County Code 2.72.100)

13. Pursuant to Government Code Sections 26602 and 41601 and Health and Safety Code Sections 101029, the Health Officer requests that the Sheriff and all chiefs of police in the County ensure compliance with and enforce this Order.

14. Copies of this Order shall promptly be: (1) made available at the County Administration Building at 2222 M Street, Merced, California 95340; (2) and provided to any member of the public requesting a copy of this Order.

SO ISSUED AND ORDERED:

Salvador Sandoval

Salvador Sandoval, MD, MPH
Merced County Health Officer

Dated: August 26, 2020
Time: 2025 hr

NOTICE OF RIGHTS

1. If you object to this order, you have a right to arrange for your own legal representative.
2. You have a right to also file for judicial relief to seek release from the order.
3. All requests to contact the County Health Officer will be through Merced County Department of Public Health at 209-381-1203 during normal business hours.

Salvador Sandoval

Salvador Sandoval, MD, MPH
Merced County Health Officer

Dated: August 26, 2020
2025 hr.

Public Citizen v. Department of Labor
No. 1:20-cv-02495-EGS (D.D.C.)

October 2021 Record Release

DOL Chart of Fully-Withheld Records (version attached to email from Glass to Pulver (Oct. 6, 2021))

Document No. 31

(Also encompassing duplicate Document No. 36)

U.S. Department of Labor

Occupational Safety and Health Administration
SIOUX FALLS AREA OFFICE
4404 South Technology Drive
Sioux Falls, SD 57106

April 7, 2020

Ken Winter
Smithfield Foods
1400 North Weber Avenue
Sioux Falls, SD 57103

RE: OSHA Complaint No. 1566977

Dear Mr. Winter:

On April 7, 2020, the Occupational Safety and Health Administration (OSHA) received a notice of alleged workplace hazard(s) at your worksite at:

1400 North Weber Avenue
Sioux Falls, SD 57103

We notified you by telephone of these alleged hazards on April 7, 2020. The specific nature of the alleged hazards is as follows:

1) The employer has not instituted additional precautions/procedures for employees to assist in preventing employee exposure to the COVID-19 virus. Precautions/procedures to include, but not limited to, CDC/OSHA recommendations. Contrary to Section 5(a)(1) of the OSH Act of 1970.

We have not determined whether the hazards, as alleged, exist at your workplace, and we do not intend to conduct an inspection at this time. However, because allegations of violations and/or hazards have been made, we request that you immediately investigate the alleged conditions and make any necessary corrections or modifications. Please advise me in writing, no later than **April 14, 2020,** of the results of your investigation. You must provide supporting documentation of your findings. This includes any applicable measurements or monitoring results; photographs/video that you believe would be helpful; and a description of any corrective action you have taken or are in the process of taking, including documentation of the corrected condition. Please feel free to contact the office at (605) 361-9566 if you have any questions or concerns.

This letter is not a citation or a notification of proposed penalty which, according to the Occupational Safety and Health Act, may be issued only after an inspection or investigation of the workplace. It is our goal to assure that hazards are promptly identified and eliminated. Please take immediate corrective action where needed. **If we do not receive a response from you by April 14, 2020 indicating that appropriate action has been taken or that no hazard exists and why, an OSHA inspection will be conducted.** An inspection may include a review of the following: injury and illness records, hazard communication, personal protective equipment, emergency action or response, bloodborne pathogens, confined space entry, lockout/tagout, and related safety and health issues.

Please also be aware that OSHA conducts random inspections to verify that corrective actions asserted by the employer have actually been taken.

If you need assistance in resolving the issues alleged in this complaint, you may contact the OSHA on-site consultation service. This program offers free and confidential assistance to small and medium-sized businesses in all states across the country, with priority given to high-hazard worksites. If necessary, a consultant will visit your workplace and assess the validity of the complaint item(s). In addition, you will be provided with methods of correcting the hazard, where applicable. To discuss or request these services, contact the consultation project in your respective state. In South Dakota, the consultation program can be reached at the following address and phone number:

SDSU Engineering Extension / South Dakota OSHA Consultation Program
Jerome J. Lohr College of Engineering
Box 2219, Crothers Engineering Hall 316
Brookings, SD 57007
(605) 688-4101
http://www.sdstate.edu/engr/extension/index.cfm

Also, please find a copy of the OSHA pamphlet, "FREE Safety and Health Consultation Services" for your use in English or Spanish.

You are requested to post a copy of this letter where it will be readily accessible for review by all of your employees, and to return a copy of the signed Certificate of Posting (Attachment A) to this office. In addition, you are requested to provide a copy of this letter and your response to a representative of any recognized employee union or safety committee that exist at your facility. Failure to do this may result in an on-site inspection. The complainant has been furnished a copy of this letter and will be advised of your response. Section 11(c) of the Occupational Safety and Health Act provides protection for employees against discrimination because of their involvement in protected safety and health activity.

If you have any questions regarding this matter, please contact our office. The contact information is listed on the first page of this document. Your interest in the safety and health of your employees is appreciated.

Sincerely,



For Sheila Stanley
Area Director

Attachment A

CERTIFICATE OF POSTING
OSHA NOTIFICATION OF ALLEGED HAZARD(S)

Employer Name: Smithfield Foods
Complaint Number: 1566977

Date of Posting: _____

Date Copy Given to an Employee Representative: _____

On behalf of the employer, I certify that, on _____[FILL IN DATE], a copy of the complaint letter received from the Occupational Safety and Health Administration (OSHA) was posted in a place where it is readily accessible for review by all employees, or near such location where the violation occurred, and such notice has been given to each authorized representative of affected employees, if any. This notice was or will be posted for a minimum of ten (10) days or until the hazardous conditions referenced in the letter are corrected.

_____
Signature

_____
Title

_____

Public Citizen v. Department of Labor
No. 1:20-cv-02495-EGS (D.D.C.)

October 2021 Record Release

DOL Chart of Fully-Withheld Records (version attached to email from Glass to Pulver (Oct. 6, 2021))

Document No. 32

Smithfield.
Good food. Responsibly.®

Smithfield Foods
1400 North Weber Avenue
Sioux Falls, SD 57103

4/13/2020

Sheila Stanley
Occupational Safety and Health Administration
SIOUX FALLS AREA OFFICE
4404 South Technology Drive
Sioux Falls, SD 57106

Re: OSHA Activity No. 1566977

Dear Ms. Stanley,

This letter is in response to the correspondence OSHA Activity No. 1566977, received from your office on April 7, 2020. Please consider this our response to your letter. The specific nature of the allegations are as follows;

> *Complaint Item #1. The employer has not instituted additional precautions/procedures for employees to assist in preventing employee exposure to the COVID-19 virus. Precautions/procedures to include, but not limited to, CDC/OSHA recommendations. Contrary to Section 5(a)(1) of the OSH Act of 1970.*

Smithfield Foods is considered a critical infrastructure operating facility in the food and agriculture industry, as defined by the U.S. Department of Homeland Security. As such, our workers are needed to maintain the continuity of our processing functions. We have instituted practices consistent with those communicated by the Centers for Disease Control (CDC) and OSHA. To assist in protecting personnel we have taken the following steps;

- We have communicated to employees to watch for symptoms of COVID-19 including fever, cough, and shortness of breath;
- We have instructed employees to stay home if sick based on the symptoms above, if they have exposure to someone diagnosed with COVID-19, or have been to a location or area with widespread ongoing community spread such as Level 3 Travel Health Notice countries;
- We have communicated steps to protect self and others, through covering coughs and sneezes, with a tissue or use the inside of elbow, and to throw used tissues in the trash;
- We have promoted frequent and thorough hand washing and/or provided alcohol-based sanitizing solution; and,
- Personnel self-identified with potential elevated risk are allowed to work from home or stay home.

We have communicated these protective measures verbally to employees in one-on-one communications and in department meetings. In addition to verbal communications, we have signage and postings reiterating the information and also through a message from our Company CEO which plays continuously on our televisions in the break rooms. In addition to the steps noted above, we have limited all non-essential visitors to our facility.

Due to the nature of our business, employees in food production areas already are issued and wear nitrile gloves to prevent the spread of germs as part of their required attire. This PPE was in place prior to COVID-19. All employees washing and sanitizing their hands multiple times daily also is part of our pre-existing normal required work practices, but we have reiterated and emphasized the importance of these steps in our communications during this pandemic. We have also added sanitizer stations, both inside and outside the plant.

These infection management steps are monitored by management and quality assurance personnel and non-management employees are encouraged to monitor themselves and others as well, consistent with our policy that safety is everyone's job.

We encouraged employees to use cloth masks and have also made dust masks and surgical mask available if requested. We have implemented protocols for thermal screenings at employee entrances, and actions to take if an employee screens with an elevated temperature. Protocols also include social distancing and required PPE for personnel while conducting the screenings. Our employees have been instructed to stay home if sick. The Company is sending anyone home that becomes sick at work.

To assist with social distancing, we are staggering lunches and breaks, installed Plexiglas barriers to various areas such as Health Services, HR windows, mechanical store room, plant store room, cafeteria checkout counters, and main guard shack, etc. We have also added table dividers in lunch rooms and hung dividers on productions lines where 6 foot distance cannot be maintained and repositioned office spaces in the administration building for distancing and limited access to others. We have stressed the importance of social distancing and are continuously evaluating for additional measures to assist with social distancing while maintaining food production as an essential business.

Our production facility undergoes regular cleaning and sanitation by our in-house sanitation crew. Soon after news of COVID-19 broke, we began additional cleaning and disinfecting of frequently touched surfaces in welfare and common areas of our facility with cleaning solutions identified by the CDC for this purpose. This

additional cleaning is completed multiple times throughout each day. Areas cleaned and disinfected outside the production areas include but are not limited to the following;

Common Areas:

- Countertops, microwave control panel, copy machine control panel, tables, sink, faucets, all door handles (Offices, Restrooms, Entrance Doors) and handrails on all stairwells including maintenance and stockyards

Breakrooms:

- Countertops, microwave control panels, time clock control panels, tables, all door panels and handles (Entrances to Breakroom, Production, Restrooms and Locker Room Doors), all light switch covers, all vending machine controls and door handles

Lobbies:

- Door handles and counters

Offices:

- Copy machine control panels, light switch covers, office door handles, and conference room tables,

Restrooms:

- Sinks, faucets appliances, appliance handles, and door handles

Locker Rooms:

- Locker room door handles and benches

Additional deep cleaning and disinfection is occurring in these areas on weekends.

At Smithfield Foods – Sioux Falls, we are committed to the health and wellbeing of our employees. We are confident that the measures we've taken are assisting at protecting our employees. If you have further questions, or we can be of further assistance, please contact us.

Respectfully,

(b) (6), (b) (7)(C)

Mark Wiggs
General Manager

(b) (6), (b) (7)(C)

Ken Winter
Director, EHS

Public Citizen v. Department of Labor
No. 1:20-cv-02495-EGS (D.D.C.)

October 2021 Record Release

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Document No. 33

Smithfield®

Good food. Responsibly.®

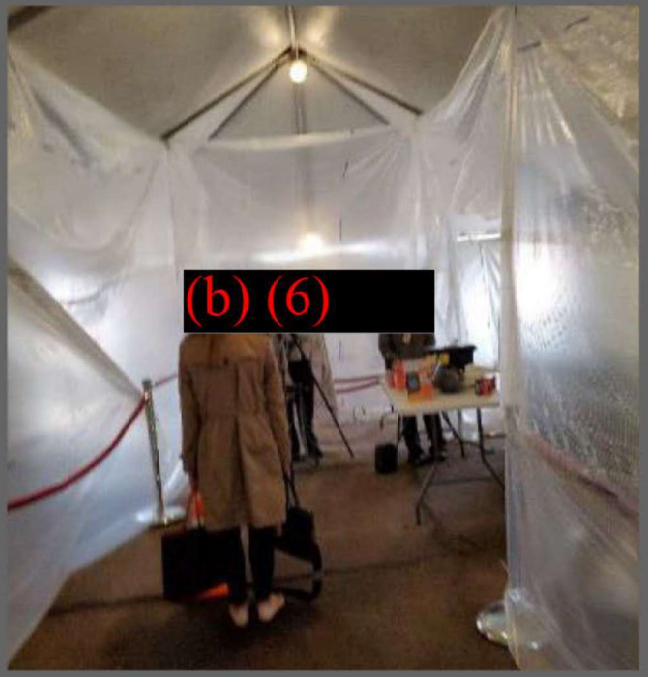
Sioux Falls

3016





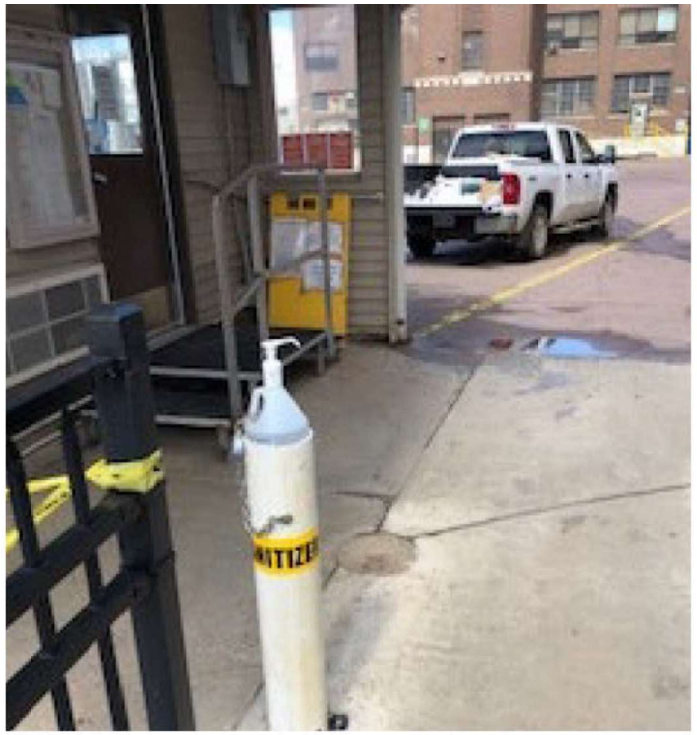


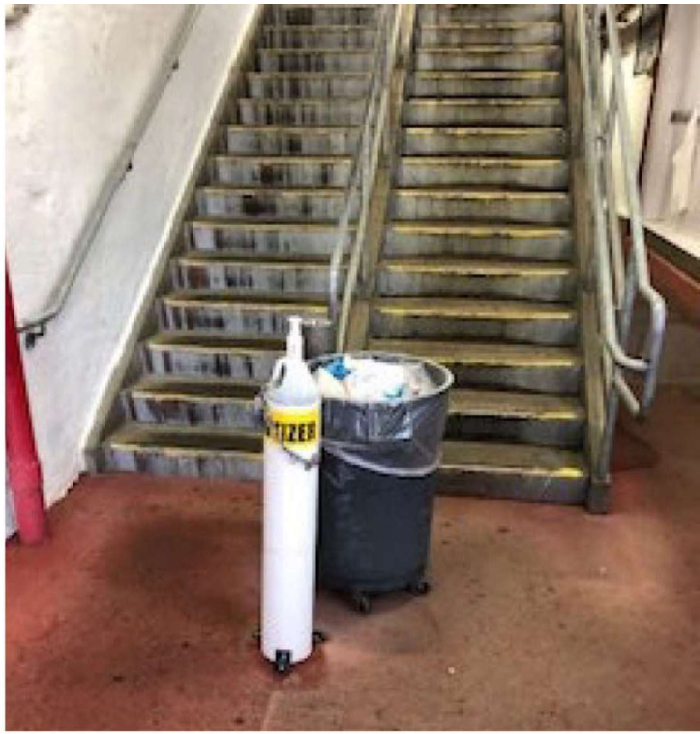


Temperature Checks

3017







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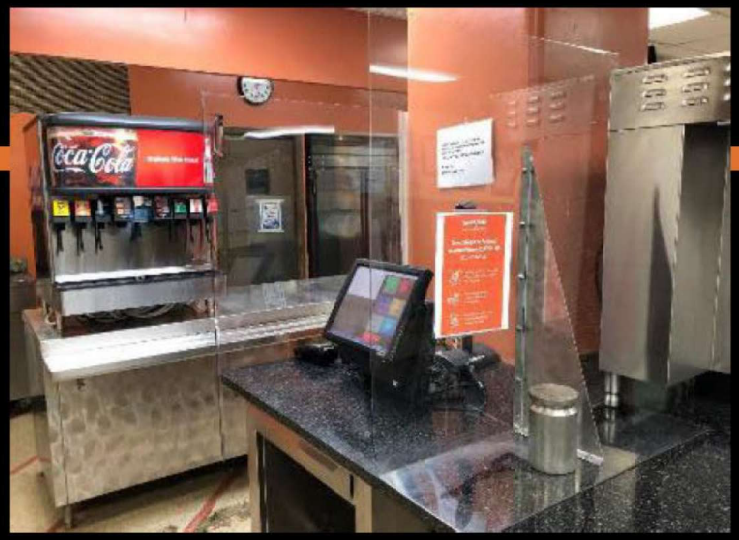
Sanitizer Stations

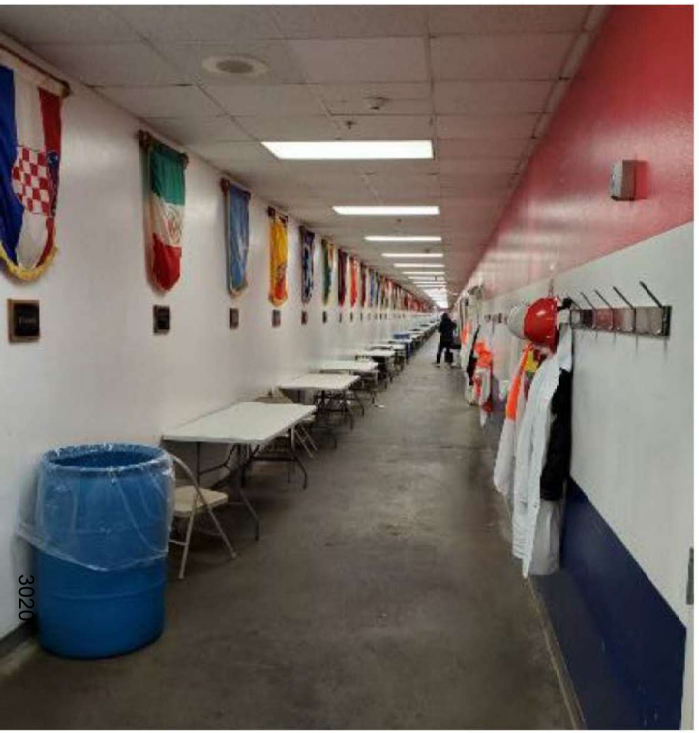


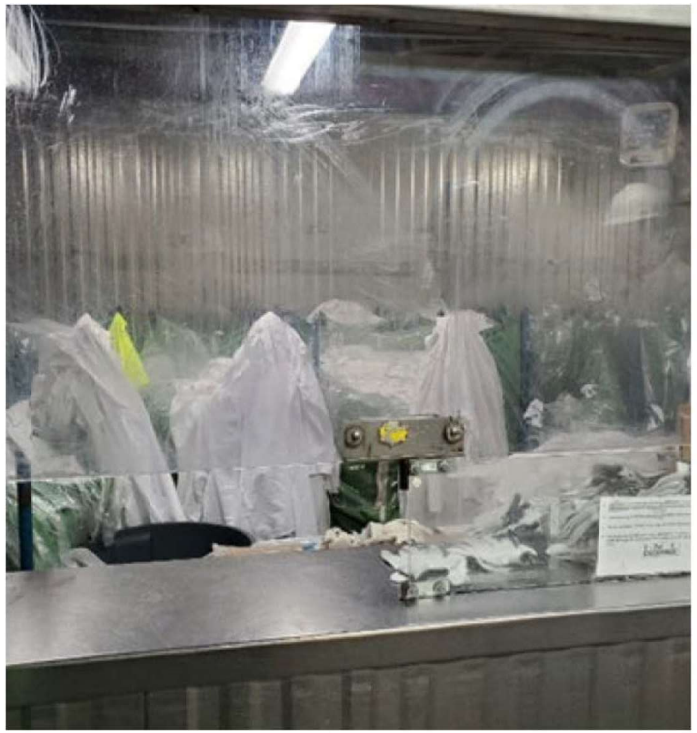






Social Distancing







Social Distancing

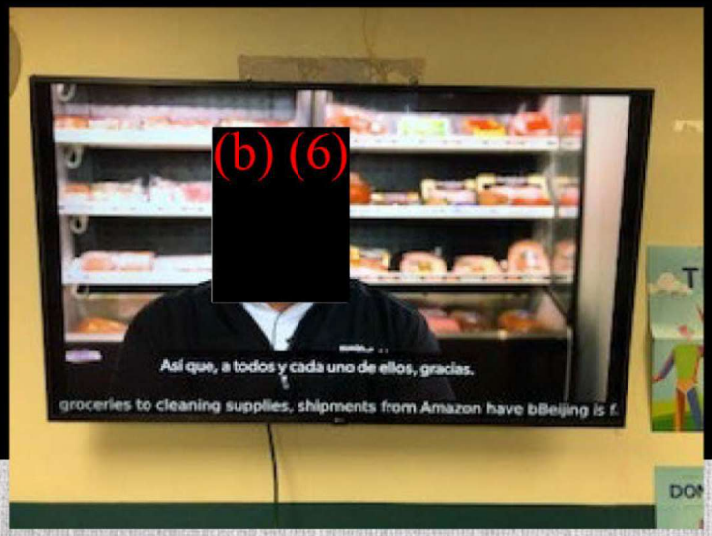
(b) (4)

Social Distancing

Signage / Posters / Communications





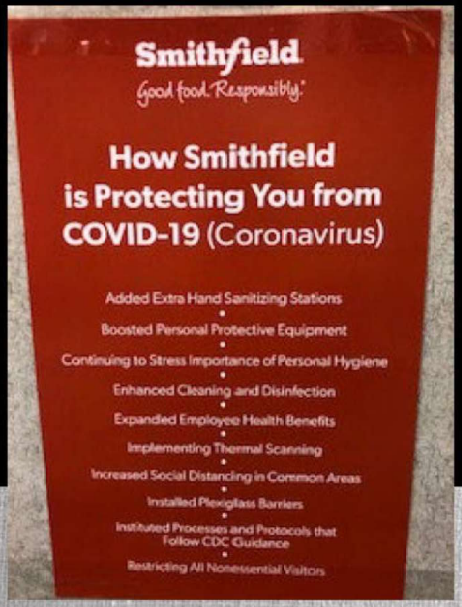


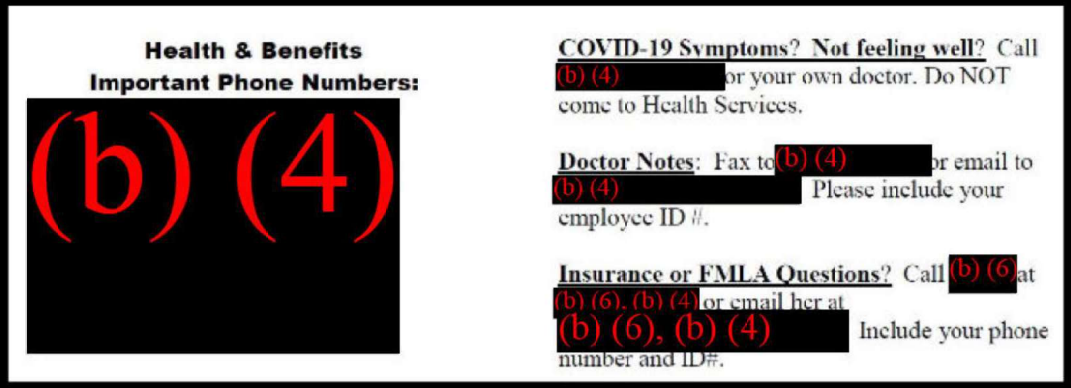




3022

Signage / Posters / Communications













Personal Protective Equipment

Public Citizen v. Department of Labor
No. 1:20-cv-02495-EGS (D.D.C.)

October 2021 Record Release

DOL Chart of Fully-Withheld Records (version attached
to
email from Glass to Pulver (Oct. 6, 2021))

Document No. 34

THE NEW MOLECULE FOR FOOD SAFETY!

A NEW GENERATION OF PROTECTION

pure



THE ONLY ONE

- *Fast Kill Times*
- *GRAS Status as Contact Biocide*
- *Can Be Used Safely in the Presence of Workers and Customers*
- *Eliminates Bacteria, Virus and Fungi*
- *24-Hour Residual Protection*
- *Odorless, No Skin Irritation, Non-flammable*
- *No Rinse Required*
- *Ideal for Use in Food Processing, Food Preparation and Hospitality*



40 CODE OF FEDERAL REGULATIONS (CFR) 180.940(a)

Historically, sanitizers were regulated by the FDA under 21 CFR 178.1010. The authority to regulate the use of sanitizers on food equipment and utensils was transferred to the US EPA by the 1996 Food Quality Protection Act (FQPA).

In 40 CFR 180.940(a) the EPA exempts electrically generated silver ions, stabilized in citric acid as silver dihydrogen citrate, not to exceed 50 ppm, from the requirements of a tolerance when used in accordance with Good Manufacturing Practices as an ingredient in an antimicrobial pesticide (sanitizer) formulation, provided that the formulation is applied on a semi-permanent or permanent food contact surface with adequate drainage before contact with food.

PROTECT YOUR COMPANY AND YOUR REPUTATION WITH CONFIDENCE

POWERED BY SDC Ag+

Comparison Table

DESCRIPTION	CHLORINE DIOXIDE	BLEACH	QUAT	PERACETIC ACID	IODOPHORE	PURE HARD SURFACE
ACTIVE INGREDIENT	Chlorine Dioxide (2%) Concentrate [concentrate contains 3.35% sodium chlorite]	Sodium hypochlorite (5-20%) Concentrate	Quaternary Ammonium Chloride Concentrate (4-10%) or RTU (0.02%)	Peroxyacetic Acid (15%) Concentrate	Iodine (1-5%) Concentrate	*Silver Ions (0.003%) as silver dihydrogen citrate (SDC) stabilized with citric acid (4.846%) RTU*
SIGNAL WORD/HMS	Concentrate: Warning/ Concentrate: 1,0,1	Concentrate: Danger/ Concentrate: 3,0,0;	Concentrate: Danger; RTU: Caution/ Concentrate: 3,0,0; RTU: 1,0,0	Concentrate: Danger/ Concentrate: 3,0,0	Concentrate: Danger/ Concentrate: 3,0,0	*None/ 0,0,0*
PRECAUTIONARY STATEMENTS	Corrosive: Hazard to humans and domestic animals. Harmful if swallowed; May cause irritation. Avoid contact with eyes.	Corrosive: Hazard to humans and domestic animals. Harmful or fatal if swallowed. Contact can cause severe irritation, burns, eye or lung damage, blindness, death. Avoid contact with eyes, skin, clothing, inhalation of vapors, mist or gas.	Corrosive: Hazard to humans and domestic animals. Causes irreversible eye damage and burns. Harmful if inhaled, swallowed or absorbed through the skin. Avoid contact with eyes, skin or clothing. Avoid breathing spray mist.	Corrosive: Hazard to humans and domestic animals. Causes irreversible eye damage and burns. Avoid contact with eyes, skin or clothing.	Corrosive: Hazard to humans and domestic animals. Causes eye or skin damage. Harmful or fatal if swallowed. Causes skin and eye burns. Avoid contact with eyes, skin or clothing.	*Not required*
COMMENTS	Requires activation prior to use	Corrosive to metal surfaces		Strong oxidizing agent	Staining on some surfaces.	*GRAS Status as Contact Biocide*
RESIDUAL PROTECTION	None	None	None	None	None	*24-hours*
VARIOUS END USE DILUTION OPTIONS AND INSTRUCTIONS - SANITIZATION	Sanitize Hard, Non-Porous, Food Contact Surfaces • Use Dilution: 50 - 200 ppm available chlorine dioxide • Contact Time: Thoroughly Wet for 1 minute	Sanitize Hard, Non-Porous, Food Contact Surfaces • Use Dilution: 200 – 600 ppm available chlorine • Contact Time: Thoroughly Wet for 2 minutes	Sanitize Hard, Non-Porous, Food Contact Surfaces • Use Dilution: 200 ppm available active quaternary ammonium chloride • Contact Time: Thoroughly Wet for 1 minute	Sanitize Hard, Non-Porous, Food Contact Surfaces • Use Dilution: 200 ppm peroxyacetic acid • Contact Time: Thoroughly Wet for 1-2 minutes	Sanitize Hard, Non-Porous, Food Contact Surfaces • Use Dilution: 12.5 - 25 ppm titratable iodine • Contact Time: Thoroughly Wet for 2 minutes	*Sanitize Hard, Non-Porous, Food Contact Surfaces* *• Use Dilution: 30 ppm Silver Ion (RTU)* *• Contact Time: Thoroughly Wet for 1 minute*
VARIOUS END USE DILUTION OPTIONS AND INSTRUCTIONS - DISINFECTION	Disinfect Hard, Non-Porous Surfaces • Use Dilution: 500 ppm available chlorine dioxide	Disinfect Hard, Non-Porous Surfaces • Use Dilution: 600 ppm available chlorine	Disinfect Hard, Non-Porous Surfaces • Use Dilution: 660 – 1000 ppm active quaternary	Disinfect Hard, Non-Porous Surfaces • Use Dilution: 800 ppm peroxyacetic acid	• Disinfect Hard, Non-Porous Surfaces • Use Dilution: Not specified on Master Label	*Disinfect Hard, Non-Porous Surfaces* *• Use Dilution: 30 ppm silver ion (RTU)*
ORGANISM	DISINFECTANT KILL TIMES/DILUTION[1]	DISINFECTANT KILL TIMES/DILUTION[2]	DISINFECTANT KILL TIMES/DILUTION[3]	DISINFECTANT KILL TIMES/DILUTION[4]	DISINFECTANT KILL TIMES/DILUTION[5]	*DISINFECTANT KILL TIMES/DILUTION[6]*
ESCHERICHIA COLI	Not specified on Master Label	Not specified on Master Label	10 minutes/660 ppm	Not specified on Master Label	Not specified on Master Label	*2 minutes/30 ppm*
PSEUDOMONAS AERUGINOSA	10 minutes/500 ppm	Not specified on Master Label	10 minutes/660 ppm	Not specified on Master Label	Not specified on Master Label	*30 seconds/30 ppm*
SALMONELLA ENTERICA	Not specified on Master Label	Not specified on Master Label	10 minutes/660 ppm	10 minutes/800 ppm	Not specified on Master Label	*30 seconds/30 ppm*
LISTERIA MONOCYTOGENES	Not specified on Master Label	Not specified on Master Label	10 minutes/660 ppm	Not specified on Master Label	Not specified on Master Label	*2 minutes/30 ppm*
STAPHYLOCOCCUS AUREUS	10 minutes/500 ppm	Not specified on Master Label	10 minutes/660 ppm	10 minutes/800 ppm	Not specified on Master Label	*2 minutes/30 ppm*
CAMPYLOBACTER JEJUNI	Not specified on Master Label	Not specified on Master Label	Not specified on Master Label	Not specified on Master Label	Not specified on Master Label	*2 minutes/30 ppm*
MURINE NOROVIRUS	Not specified on Master Label	Not specified on Master Label	Not specified on Master Label	10 minutes/800 ppm	Not specified on Master Label	*60 seconds/30 ppm*
NOROVIRUS (FELINE CALICIVIRUS)	Not specified on Master Label	Not specified on Master Label	Not specified on Master Label	Not specified on Master Label	Not specified on Master Label	*60 seconds/30 ppm*

EPA Reg strat on Nos.:1. 9804-1; 2. 148-628 and 875-47; 3. 5736-61 and 6836-180; 4. 875-107, 1043-120 and 1043-119; 5. 875-183 and 1677-89; 6. 72977-5; *Compar son based on master abe s as of June 2011.

For more information contact PURE Bioscience:

telephone: 619.596.8600 web: www.purebio.com

PURE B osc ence, Inc. deve ops and markets techno ogy-based b osc ence products that prov de so ut ons to numerous g oba hea th cha enges. PURE's propr etary h gh efficacy/ ow tox c ty b osc ence techno og es, nc ud ng ts s ver d hydrogen c trate-based ant m crob a s, represent nnovat ve advances n d verse markets and ead today's g oba trend toward ndustry and consumer use of "green" products wh e prov d ng compet t ve advantages n efficacy and safety. Patented SDC s an e ectro yt ca y generated source of stab zed on c s ver, wh ch formu ates we w th other compounds. As a p atform techno ogy, SDC s d st ngu shed from compet tors n the marketp ace because of ts super or efficacy, reduced tox c ty and the nab ty of bacter a to form a res stance to t. PURE s headquartered n E Cajon, Ca forn a (San D ego metropo tan area). Add t ona nformat on on PURE s ava ab e at www.pureb o.com.

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No. 1:20-cv-02495-EGS (D.D.C.)

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Document No. 35

ZEE COMPANY
A Member of The Vincit Group

3029

PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS

DANGER. Corrosive. Causes irreversible eye damage and skin burns. Harmful if swallowed, inhaled or absorbed through the skin. Avoid breathing spray mist. Do not get in eyes, on skin or on clothing. Wear goggles or face shield and rubber gloves and protective clothing when handling. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove contaminated clothing and wash clothing before reuse.

ENVIRONMENTAL HAZARDS

This product is toxic to fish and aquatic invertebrates. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product into sewer systems without previously notifying the local sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of the EPA.

GENERAL DISINFECTION PERFORMANCE: This product kills the following bacteria in 10 minutes at 1.75 oz. per 5 gal. of water (260 ppm active) on hard, non-porous surfaces: *Salmonella enterica, Staphylococcus aureus*

NON-FOOD CONTACT SANITIZING PERFORMANCE: This product is an effective one-step non-food contact sanitizer in 3 minutes at 1 oz. per 5 gal. of water (150 ppm active) and 5% soil on hard, non-porous surfaces against: *Staphylococcus aureus, Klebsiella pneumoniae*

FOOD CONTACT SANITIZING PERFORMANCE: This product is an effective food contact sanitizer in 1 minute at 1 oz. per 4 gal. of 500 ppm hard water (200 ppm active) on hard, non-porous surfaces: *Aeromonas hydrophila, Campylobacter jejuni, Clostridium perfringens-vegetative, Escherichia coli, Escherichia coli* O111 H8, *Escherichia coli* O157 H7, *Escherichia coli* O45:K+ H-, *Escherichia coli* O103:K+ H8, *Escherichia coli* O121 K+ H10, *Escherichia coli* O26 H11, Enterococcus faecalis Vancomycin Resistant, *Enterobacter sakazakii, Listeria monocytogenes, Klebsiella pneumoniae, Salmonella enterica, Salmonella enteritidis, Salmonella typhi, Shigella dysenteriae, Shigella sonnei, Staphylococcus aureus, Staphylococcus aureus* Methicillin Resistant, *Streptococcus pyogenes, Yersinia enterocolitica*

This product is an effective food contact sanitizer in 1 minute at 0.75 oz. per 4 gal. of 300 ppm hard water (150 ppm active) on hard, non-porous surfaces: *Escherichia coli, Staphylococcus aureus*

This product is an effective food contact sanitizer in 1 minute at 2 oz. per 4 gal. of 1000 ppm hard water (400 ppm active) on hard, non-porous surfaces: *Escherichia coli, Staphylococcus aureus*

MILDEWSTATIC PERFORMANCE: This product controls the following mold in 10 minutes at 3 oz. per 5 gal. of water (450 ppm active) and 5% soil on hard, non-porous surfaces: *Aspergillus niger*

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

Before using this product, food products and packaging materials must be removed from the room or carefully protected.

FOR USE AS A CLEANER/GENERAL DISINFECTANT ON HARD, NON-POROUS SURFACES: Pre-clean surfaces. Apply use solution of 1.75 oz. of this product per 5 gal. of water (260 ppm active) (or equivalent use dilution) to hard, non-porous surfaces with a sponge, brush, cloth, mop, by immersion, auto scrubber, mechanical spray device. For spray applications, spray 6-8 inches from surface. Do not breathe spray. Treated surfaces must remain wet for 10 minutes. Allow to air dry. Prepare a fresh solution daily or when visibly dirty.

MOLD/MILDEW: Prepare use solution by adding 3 oz. of this product per 5 gal. of water. Apply use solution to hard, non-porous surfaces for 10 minutes which will effectively inhibit the growth of mold and mildew and their odors. Repeat treatment every seven days, or more often if new growth appears.

FOGGING IN FOOD PREMISES

ALL SURFACES MUST BE CLEANED AND DISINFECTED IN ACCORDANCE WITH LABEL DIRECTIONS PRIOR TO FOGGING.

DIRECTIONS FOR FOGGING IN DAIRIES, BEVERAGE AND FOOD PROCESSING PLANTS: Prior to fogging, food products and packaging material must be removed from the room or carefully protected. After disinfecting, fog desired areas using 1 quart per 1000 cubic feet of room area with a solution containing 1.5 oz. of product per gal. of water (1,200 ppm active) (or equivalent use dilution). Wear a dust mist respirator when mixing the use solution and pouring it into the fogging apparatus. Vacate the area of all personnel during fogging and for a minimum of 2 hours after fogging and a minimum of 4 air exchanges (ACH) per hour in the facility. All food contact surfaces must be sanitized with an EPA approved food contact sanitizer solution prior to use. All food contact surfaces must be thoroughly rinsed with potable water prior to sanitizing. **Note:** The fog generated is irritating to the eyes, skin and mucous membranes. Under no circumstances must a room or building be entered by anyone within two hours of the actual fogging and a minimum of 4 air exchanges (ACH) per hour in the facility. If the building must be entered, then the individuals entering the building must wear a self-contained respirator approved by NIOSH/MSHA, goggles, long sleeves and long pants.

FOGGING IN POULTRY HOUSES

ALL SURFACES MUST BE CLEANED AND DISINFECTED IN ACCORDANCE WITH LABEL DIRECTIONS PRIOR TO FOGGING.

TREATMENT OF HATCHERY ROOMS USING FOGGING DEVICES: Remove all animals and feed from premises, vehicles and enclosures. Remove all litter and manure from floors, walls and surfaces of the room to be treated. Empty all troughs, racks and other feeding and watering appliances. Thoroughly clean all surfaces with soap or detergent and rinse with water. Close room off so fog is confined to room to be treated. Mix 140 oz. of this product per 2.5 gal. of water (or equivalent use dilution). Wear a dust mist respirator when mixing the use solution and pouring it into the fogging apparatus. Insert the nozzle of the fogger through a suitable opening into the room. With the setting in maximum output, fog for one minute for each 4000 cubic feet of space in the room. **Under no circumstances will a room be entered by anyone within 2 hours of actual fogging and a minimum of 4 air exchanges (ACH) per hour in the facility.** When fogging is completed ventilate buildings and other closed spaces. Do not house animals or employ equipment until treatment has been absorbed or dried. Thoroughly clean all treated surfaces with soap or detergent and rinse with water. **Note:** The fog generated is irritating to the eyes, skin and mucous membranes. Under no circumstances must a room or building be entered by anyone within two hours of the actual fogging and a minimum of 4 air exchanges (ACH) per hour in the facility. If the building must be entered, then the individuals entering the building must wear a self-contained respirator approved by NIOSH/MSHA, goggles, long sleeves and long pants.

NON-FOOD CONTACT SANITIZING DIRECTIONS

NON-FOOD CONTACT SANITIZING: Pre-clean heavily soiled surfaces. Add 1 oz. of this product per 5 gal. of water (150 ppm active). Apply solution to hard, non-porous surfaces with a sponge, brush, cloth, mop, by immersion, auto scrubber, mechanical spray device. For spray applications, spray 6-8 inches from surface. Do not breathe spray. Treated surfaces must remain wet for 3 minutes. Prepare a fresh solution daily or when visibly dirty.

S.S. 4 QUAT

Disinfectant - Sanitizer - Mildewstat
With Organic Soil Tolerance For Food Handling and Process Areas.

ACTIVE INGREDIENTS:

Alkyl (50% C14, 40% C12, 10% C16) Dimethyl Benzyl Ammonium Chloride	4.0%
Octyl Decyl Dimethyl Ammonium Chloride	3.0%
Didecyl Dimethyl Ammonium Chloride	1.5%
Dioctyl Dimethyl Ammonium Chloride	1.5%
OTHER INGREDIENTS:	90.0%
TOTAL:	100.0%

KEEP OUT OF REACH OF CHILDREN

DANGER PELIGRO

See left panel for additional precautionary statements.

SI USTED NO ENTIENDE LA ETIQUETA, BUSQUE A ALGUIEN PARA QUE SE LA EXPLIQUE A USTED EN DETALLE.

IF YOU DO NOT UNDERSTAND THE LABEL, FIND SOMEONE TO EXPLAIN IT TO YOU IN DETAIL.

FIRST AID

In case of emergency, call a poison control center or doctor for treatment advice. Have the product container or label with you when calling a poison control center or doctor, or going for treatment.

IF IN EYES: Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.

IF ON SKIN: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes.

IF SWALLOWED: Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by a poison control center or doctor. Do not give anything by mouth to an unconscious person. Call a poison control center or doctor immediately for treatment advice.

IF INHALED: Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth, if possible.

NOTE TO PHYSICIAN: Probable mucosal damage may contraindicate the use of gastric lavage.

ZEE COMPANY, INC.
4146 South Creek Road, Chattanooga, TN 37406
E.P.A. Reg. No. 10324-117-12446 • E.P.A. Est. No. 12446-TN-01

NET CONTENTS:
☐5 Gallons ☐55 Gallons ☐275 Gallons

E-15

SHOE BATH SANITIZER DIRECTIONS: To prevent cross contamination from area to area and the packaging and storage areas of food plants, shoe baths containing one inch of freshly made sanitizing solution must be placed at all entrances to buildings, hatcheries and at all the entrances to the production and packaging rooms. Scrape waterproof shoes and place in a 1 oz. of this product per 5 gal. of water (or equivalent use dilution) (150 ppm active) use solution for 3 minutes prior to entering area. Prepare a fresh solution daily or when visibly dirty.

(For food processing or other facilities that have installed entryway sanitizing systems.)

ENTRYWAY SANITIZING SYSTEMS: To prevent cross contamination from area to area, set the system to deliver 1.25 – 2.5 oz. of this product per 2.5 gal. of water (or equivalent use dilution) (400-800 ppm active) of sanitizing solution. The spray/foam must cover the entire path of the doorway. Set the system so that a continuous wet blanket of sanitizer solution is delivered to the floor. Do not mix other foam additives with the sanitizing solution.

FOOD CONTACT SANITIZING DIRECTIONS

Prior to application, remove gross food particles and soil by a pre-flush or pre-scrape and when necessary, presoak. Then thoroughly wash or flush objects with a good detergent or compatible cleaner, followed by a potable water rinse before applications of the sanitizing solution.

FOOD CONTACT SANITIZING DILUTION TABLE : To prepare a 150, 200, 300 or 400 ppm active solution use the following dilution table. Prepare the correct dilution rate based upon the appropriate use site.

FOOD CONTACT SANITIZING DILUTION TABLE

Active solution	1 gallon	4 gallons	10 gallons	20 gallons
150 ppm	0.19 oz.	0.75 oz.	1.92 oz.	3.84 oz.
200 ppm	0.25 oz.	1.0 oz.	2.5 oz.	5.0 oz.
300 ppm	0.375 oz.	1.5 oz.	3.75 oz.	7.5 oz.
400 ppm	0.50 oz.	2.0 oz.	5.0 oz.	10.0 oz.

FOOD CONTACT SANITIZING PERFORMANCE FOR DAIRY PROCESSING EQUIPMENT AND FOOD PROCESSING EQUIPMENT, UTENSILS AND OTHER HARD, NON-POROUS FOOD CONTACT SURFACES IN FOOD PROCESSING LOCATIONS, MEAT PLANTS, BAKERIES, CANNERIES, BEVERAGE PLANTS DIRECTIONS (REGULATED BY 40 CFR sec 180.940(a)(c)):

Immerse pre-cleaned glassware, dishes, silverware, cooking utensils and other similar size food processing equipment in a solution of 0.75-2 oz. of this product per 4 gal. of water (0.19-0.5 oz. per gal. of water) (150-400 ppm active quat) (or equivalent use dilution) for at least 1 minute. Allow sanitized surfaces to adequately drain before contact with food. Do not rinse. For articles too large for immersing, apply a use solution of 0.75-2 oz. of this product per 4 gal. of water (0.19-0.5 oz. per gal. of water) (150-400 ppm active quat) (or equivalent use dilution) to sanitize hard, non-porous food contact surfaces with a brush, cloth, mop, sponge, auto scrubber, mechanical spray device. For spray applications, spray 6-8 inches from surface. Do not breathe spray. Surfaces must remain wet for at least 1 minute. Allow sanitized surfaces to adequately drain before contact with food. Do not rinse. Prepare a fresh solution daily or when visibly dirty. For mechanical application, use solution must not be reused for sanitizing applications but may be used for other purposes such as cleaning.

SANITIZING EGG SHELLS INTENDED FOR FOOD DIRECTIONS: To sanitize previously cleaned food-grade eggs in shell egg and egg product processing plants, spray with a solution of 0.75-2 oz. of this product per 4 gal. of water (0.19-0.5 oz. per gal. of water) (150-400 ppm active quat) (or equivalent use dilution) of this product. The solution must be warmer than the eggs, but not to exceed 130 F. Wet eggs thoroughly and allow solution to drain. Eggs sanitized with this product must be subjected to a potable water rinse only if they are to be broken immediately for use in the manufacture of egg products. Eggs must be reasonably dry before casing or breaking. The solution must not be re-used for sanitizing eggs.

Note: Only clean, whole eggs can be sanitized. Dirty, cracked or punctured eggs cannot be sanitized.

FOR TREATMENT OF MEAT AND POULTRY OR FRUIT AND VEGETABLE CONVEYORS: Remove gross food particles and excess soil by a pre-flush or pre-scrape. Wash with a good detergent or compatible cleaner. Rinse equipment thoroughly with potable water and then rinse equipment with a sanitizing solution. During processing apply 0.75-2 oz. of this product per 4 gal. of water (0.19-0.5 oz. per gal. of water) (150-400 ppm active quat) (or equivalent use dilution) of this product to conveyors with suitable feeding equipment. Do not allow this solution to be sprayed directly on food. Controlled volumes of sanitizer are applied to return portion of conveyor through nozzles so located as to permit maximum drainage of sanitizer from equipment and to prevent puddles on top of belt. During interruptions in operation, apply solution using coarse spray equipment to peelers, collators, slicers and saws, and other non-porous conveyor equipment. Allow surfaces to remain wet for at least 1 minute. Conveyors and other equipment must be free of product when applying this coarse spray.

STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage and disposal.

PESTICIDE STORAGE: Store only in original container. Keep this product under locked storage sufficient to make it inaccessible to children or persons unfamiliar with its proper use.

PESTICIDE DISPOSAL: Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture or rinsate is a violation of Federal Law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste Representative at the nearest EPA Regional Office for guidance.

CONTAINER HANDLING:

For non-refillable containers equal to or less than 5 gal.

Non-Refillable Container. Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Fill the container ¼ full with water and recap. Shake for 10 seconds. Drain for 10 seconds after the flow begins to drip. Follow Pesticide Disposal instructions for rinsate disposal. Repeat this procedure two more times. Then offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration.

For non-refillable containers greater than 5 gal

Non-Refillable Container. Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Fill the container ¼ full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip back and forth several times. Turn the container over onto its other end and tip back and forth several times. Follow Pesticide Disposal instructions for rinsate disposal. Repeat this procedure two more times. Then offer for recycling if available or puncture and dispose of in a sanitary land ill, or by incineration.

LS5A E-15

FOR SECONDARY CONTAINER USE ONLY

Public Citizen v. Department of Labor
No. 1:20-cv-02495-EGS (D.D.C.)

October 2021 Record Release

DOL Chart of Fully-Withheld Records (version attached to email from Glass to Pulver (Oct. 6, 2021))

Document No. 37

U.S. Department of Labor
Occupational Safety and Health Administration
1391 Speer Blvd, Suite 210
Denver, CO 80204

Citation and Notification of Penalty

To:
JBS Foods, Inc., dba Swift Beef Company
800 N. 8TH AVENUE
Greeley, CO 80631

Inspection Number: 1475131
Inspection Date(s): 05/11/2020 - 08/31/2020
Issuance Date: 09/11/2020

Inspection Site:
800 N. 8TH AVENUE
Greeley, CO 80631

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970 (the Act). The penalties listed herein are based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violations cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violations cited herein have been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period by calling (303) 844-5285. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citations and/or penalties.

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove, and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citations and/or proposed penalties within 15 working days after receipt, the citations and the proposed penalties will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "**OSHA**" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of $25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide ***abatement certification*** to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that ***abatement documentation*** is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an

employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.

U.S. Department of Labor
Occupational Safety and Health Administration

NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 09/11/2020. The conference will be held by telephone or at the OSHA office located at 1391 Speer Blvd, Suite 210, Denver, CO 80204 on _____ at _____.

Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1475131

Company Name: JBS Foods, Inc., dba Swift Beef Company
Inspection Site: 800 N. 8TH AVENUE, Greeley, CO 80631
Issuance Date: 09/11/2020

List the specific method of correction for each item on this citation in this package that does not read "Corrected during Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 1391 Speer Blvd, Suite 210, Denver, CO 80204.**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____
_____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____
_____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____
_____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____
_____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____
_____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____
_____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

_____	_____
Signature	Date
_____	_____
Typed or Printed Name	Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than $10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review

Citation and Notification of Penalty

Company Name: JBS Foods, Inc., dba Swift Beef Company
Inspection Site: 800 N. 8TH AVENUE, Greeley, CO 80631

Citation 1 Item 1 Type of Violation: **Serious**

OSH ACT of 1970 Section (5)(a)(1): The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were working in close proximity to each other and were exposed to SARS-CoV-2, the virus that causes Coronavirus Disease 2019 (COVID-19):

(a) **JBS Foods, Inc. dba Swift Beef Company at 800 N. 8th Avenue in Greeley, CO:** On or about and at times prior to March 25, 2020, the employer did not develop or implement timely and effective measures to mitigate the exposures to the hazard of SARS-CoV-2, the virus that causes Coronavirus Disease 2019 (COVID-19). Employees throughout the establishment worked in close proximity to each other during the COVID-19 pandemic exposing them to the hazard of contracting COVID-19. Hundreds of employees contracted the virus and developed symptoms ranging from mild irritation to severe illnesses that resulted in at least 51 hospitalizations and six fatalities due to COVID-19 related illnesses. As of July 30, 2020, the employer had 290 confirmed positive cases at the establishment.

Among other methods, recognized and feasible means of abatement for this hazard include:

1. Establish, implement, and enforce a social distancing program on the fabrication floor and in break areas that allow for at least a six-foot distance between workers where feasible;

2. When workers are unable to socially distance at least six feet from one another, implement protective measures such as barriers between work stations, face coverings, and face shields on the fabrication floor and in break areas and communicate the purpose and correct usage of such measures;

3. The use of symptom screening prior to allowing employees to enter the establishment and in the onsite clinic; and

4. The employer should work with state, local, tribal and/or territorial health officials to facilitate the identification of other exposed and potentially exposed employees at the establishment.

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

Citation and Notification of Penalty

Company Name: JBS Foods, Inc., dba Swift Beef Company
Inspection Site: 800 N. 8TH AVENUE, Greeley, CO 80631

ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/29/2020
Proposed Penalty:	$13,494.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

Citation and Notification of Penalty

Company Name: JBS Foods, Inc., dba Swift Beef Company
Inspection Site: 800 N. 8TH AVENUE, Greeley, CO 80631

Citation 2 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1904.35(b)(iii): A copy of the OSHA 300 Log required in 1904.29(a) was not provided upon request to an employee, former employee, personal representative, or authorized employee representative by the end of the next business day:

(a) **JBS Foods, Inc. dba Swift Beef Company at 800 N 8th Ave in Greeley, CO:** On or about May 19, 2020, a copy of the OSHA 300 Log required in 1904.29(a) was not provided upon request to an employee, former employee, personal representative, or authorized employee representative by the end of the next business day. An employee representative from the UFCW Local 7 requested a copy of the OSHA 300 Log(s) on May 19, 2020. The employer did not provide a copy of the OSHA 300 Log(s) to an authorized employee representative until June 22, 2020.

Abatement Note: Abatement certification is required for this item (see enclosed "Certification of Corrective Action Worksheet").

Date By Which Violation Must be Abated: 10/29/2020
Proposed Penalty: $2,121.00

Amanda Kupper

Amanda Kupper
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration
1391 Speer Blvd, Suite 210
Denver, CO 80204

INVOICE / DEBT COLLECTION NOTICE

Company Name:	**JBS Foods, Inc., dba Swift Beef Company**
Inspection Site:	**800 N. 8TH AVENUE, Greeley, CO 80631**
Issuance Date:	**09/11/2020**

Summary of Penalties for Inspection Number: 1475131

Citation 1, Serious	**$13,494.00**
Citation 2, Other-than-Serious	**$2,121.00**
TOTAL PROPOSED PENALTIES	**$15,615.00**

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "**OSHA**" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of $25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed

account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is two percent (2%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.

AManda Kupper

Amanda Kupper

Area Director

September 11, 2020

Date