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Meat Institute: OSHA COVID-19 Citations are Confusing and Revisionist; *Washington Post Misses Real Story on OSHA Citations*

WASHINGTON, DC – The North American Meat Institute (Meat Institute) today said the Washington Post missed the real story regarding confusing and revisionist Occupational and Safety Health Administration’s (OSHA) citations of two meat packing companies related to COVID-19:

Kim Kindy of the Washington Post has written [a story](#) critical of OSHA’s citations of two meat packing plants. We agree OSHA deserves criticism, but for different reasons. OSHA’s citations against Smithfield Foods and JBS Foods are both confusing and revisionist.

Kindy neglects to look at the timeline. Let us review:

April 2-3: President Trump issues [Executive Orders](#) using the Defense Production Act to accelerate production of respirators and ventilators and an order to prevent domestic manufacturers from exporting personal protection equipment. Media begins to report on nationwide shortages of masks and PPE.

April 3: [Centers for Disease Control and Prevention \(CDC\) reverses policy on masks and now recommends face coverings](#) to help stop the spread of the virus.

April 12: Smithfield Sioux Falls plant [closes](#). The company details all of the measures it had already implemented to protect and support employees, “These include mandatory 14-day COVID-19 related quarantines with pay as an uncompromising effort to protect its dedicated employees. The company has also relaxed attendance policies to eliminate any punitive effect for missing work due to COVID-19 diagnosis or quarantine. In addition, Smithfield is taking many measures to minimize its team members’ risks of contracting COVID-19. These

include adding extra hand sanitizing stations, boosting personal protective equipment, continuing to stress the importance of personal hygiene, enhancing cleaning and disinfection, expanding employee health benefits, implementing thermal scanning, increasing social distancing, installing plexiglass and other physical barriers and restricting all nonessential visitors.”

April 9: Food Safety and Inspection Service inspectors are allowed to [make their own face coverings](#) due to difficulty in obtaining masks.

April 13: JBS USA announces [closure](#) of Greeley beef facility. The company details the efforts it had enacted prior to this closure to stop the spread of the virus: “To date, JBS USA has adopted the following safety measures, health protocols and worker benefits at all its facilities: increasing sanitation and disinfection efforts, including whole facility deep-cleaning every day; promoting physical distancing by staggering starts, shifts and breaks, and increasing spacing in cafeterias, break and locker rooms, including plexiglass dividers in key areas; dedicating staff to continuously clean facilities; temperature testing all team members prior to entering our facilities, including the use of hands-free thermometers and thermal imaging testing technology in many locations; providing extra personal protective equipment (PPE), including protective masks that are required to be worn at all times; removing vulnerable populations from our facilities, offering full pay and benefits; requiring sick team members to stay home from work; waiving short-term disability waiting periods; relaxing attendance policies so people don’t come to work sick; providing free 100% preventative care to all team members; offering free LiveHealth Online services that allow for virtual doctor visits at no cost.”

April 14 and 16: CDC National Institute for Occupational Safety and Health (NIOSH) inspects JBS USA Greeley

April 24: JBS USA [re-opens](#) Greeley.

April 26: *15-13 days after* Sioux Falls and Greeley close, [OSHA/CDC issues guidance for meat and poultry processing](#) and recognizes several times it is not possible in every circumstance in a plant for employees to work six feet apart.

On April 28: Solicitor of Labor Kate O’Scannlain and Principal Deputy Assistant Secretary for OSHA Loren Sweatt issues a [Statement of Enforcement Policy](#) regarding Meat and Poultry Processing Facilities which says, *“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.”*

May 7: [CDC inspects Smithfield Sioux Falls](#), and the plant resumes full operation by May 11.

Now, fast forward this timeline to Thursday, September 10, when OSHA issues a [citation](#) from the Sioux Falls office, which is in Region 8. The citation's sole allegation against Smithfield Foods is that employees "were working in close proximity." On Friday, September 11, OSHA's Denver office, also in Region 8, issues a citation to JBS USA with the same allegation of "proximity."

This timeline starts in April, during a time of national and international confusion over which measures were effective in stopping the spread of COVID-19. Not until April 3 did the CDC reverse its guidance and tell people to wear masks. Early in the pandemic, PPE and testing was difficult to obtain and some states, including South Dakota, were not issuing lock down instructions to residents. And not until April 26 did CDC/OSHA release their joint guidance specific to the meat and poultry industry.

But, OSHA's citation faults Smithfield and JBS beginning back on March 22 and March 25 respectively, prior to CDC recommendations to wear a mask, but most important, prior to issuing their own guidelines for the industry.

Moreover, Sioux Falls was shutdown for 29 days within this time period and Greely was closed for 11. If your head is spinning, we understand.

Equally confusing is that OSHA's own citations in the abatement notes say the following regarding six feet between workers: "where feasible."

That acknowledgement also is found in abatement note 2, which begins, "When workers are unable to socially distance at least six feet" and goes on to discuss the use of face shields or coverings, the use of barriers, *etc.* – all of which the companies have done and did for all or most of the time covered by the citation.

The citation's sole allegation is employees worked in close proximity but the CDC/OSHA guidance acknowledged being six feet apart is not always possible and the abatement notes in the citation itself also acknowledge that fact, and offer solutions – which already have been implemented. OSHA stated that companies that adhere to the Guidance need not fear citation, yet this citation exists. Perhaps Region 8 ought to contact the home office.

Kindy and Region 8 have taken the easy way out. It is easy to issue a quick fine and write the story of "big company gets small fine," when in reality, the story is big company faces unprecedented public health crisis, at a time of great unknowns and conflicting advice in an attempt to make the food on which our nation relies.

Meat and poultry companies' first priority is the health and safety of its members. Without the men and women who work in their facilities, they can't operate.

We would like to share our own news, which is most important for workers, for the food supply chain, and for other manufacturers beginning to re-open: the many methods and controls the meat and poultry industry began enacting early in the pandemic work.

According to independent data from the Food and Environment Reporting Network, positive cases of COVID-19 associated with meat and poultry workers [are diminishing](#). But it takes vigilance to maintain that trend and meat and poultry companies will do everything to ensure this trend continues.

The North American Meat Institute is the leading voice for the meat and poultry industry. The Meat Institute's members process the vast majority of U.S. beef, pork, lamb, and poultry, as well as manufacture the equipment and ingredients needed to produce the safest and highest quality meat and poultry products.

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