



**WRITTEN STATEMENT OF
ROSE GODINEZ
INTERIM LEGAL DIRECTOR
AMERICAN CIVIL LIBERTIES UNION OF NEBRASKA**

**How the Meatpacking Industry Failed the
Workers Who Feed America**

**Select Subcommittee on the Coronavirus Crisis
U.S. House of Representatives**

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For further information, please contact Rose Godinez, Interim Legal Director, at
rgodinez@aclunebraska.org

Introduction

Chairman Clyburn, Ranking Member Scalise, and Members of the Select Subcommittee, thank you for the opportunity to testify before you. For over 50 years in Nebraska, the American Civil Liberties Union (ACLU) has worked in courts, legislatures, and communities to protect the constitutional and individual rights of all people. With a nationwide network of offices and millions of members and supporters, we take up the toughest civil liberties fights. Beyond one person, party, or side — we the people dare to create a more perfect union.

My name is Rose Godinez, and I am the Interim Legal Director of the ACLU of Nebraska. As both a daughter of former meatpacking workers from Lexington, Nebraska and as a civil rights attorney, I am proud to lead this work for the ACLU of Nebraska. The ACLU of Nebraska has conducted extensive and multifaceted advocacy on this issue because we see it as a clear racial justice, economic justice, and human rights issue. We work in coalition with other civil rights groups to educate and empower communities on issues of racial justice and immigrants' rights, litigate racial discrimination cases, and bring proactive policy reform solutions to the halls of power because people of color and people who are immigrants cannot be excluded from the fundamental protections under our U.S. Constitution.

Recent examples of our work furthering racial justice and immigrants' rights include:

- A lawsuit on behalf of meatpacking plant workers seeking protections against COVID-19 in the workplace.¹
- Rapid legal response in the aftermath of a large-scale immigration raid.²
- Active opposition to the Department of Homeland Security's (DHS) ongoing 287(g) program that invites racially biased policing and the separation of families.³
- A successful settlement in a lawsuit against the Omaha Police Department, defending the free speech rights of Nebraskans calling for racial justice.⁴
- Support for historic state legislation assisting victims of crime who are immigrants gain status through the U and T visa programs.⁵

¹ ACLU, *Alma v. Noah's Ark Processors*, ACLU (Mar. 1, 2021), <https://www.aclu.org/cases/alma-v-noahs-ark-processors>.

² Emily Nitcher, *ACLU Claims ICE mistreated people rounded up in immigration raid*, Omaha World Herald (Aug. 17, 2018), https://www.omaha.com/news/nebraska/aclu-claims-ice-mistreated-people-rounded-up-in-immigration-raid/article_9ab6078d-59f6-5a12-80a2-f8ce5778a759.html; Rose Godinez, *ICE vs. Nebraska Nice: An Account of the Immigration Enforcement Raid in O'Neill*, ACLU Neb. (Aug. 15, 2018), <https://www.aclunebraska.org/en/news/ice-vs-nebraska-nice-account-immigration-enforcement-raid-oneill-1>.

³ Paul Hammel, *Nebraska sheriff's office looks to join Trump's crackdown on illegal immigration*, Omaha World Herald (Nov. 8, 2017), https://www.omaha.com/news/nebraska/nebraska-sheriff-s-officelooks-to-join-trump-s-crackdown/article_e194fe14-c43c-11e7-8b6e-7b50c6aab51c.html; ACLU Neb., *ACLU and Unity in Action Announce Community Empowerment Campaign to Educate Dakota County Residents About 287(G) Agreement*, ACLU Neb. (Nov. 9, 2017), <https://www.aclunebraska.org/en/campaigns/aclu-and-unity-action-announce-community-empowerment-campaign-educate-dakota-county>; ACLU Neb., *Stop 287(G)*, ACLU Neb. (Nov. 9, 2017), <https://www.aclunebraska.org/en/campaigns/stop-287g>.

⁴ Sam Petto, *City Protestors File Settlement Agreement in Federal Lawsuit*, ACLU Neb. (Jan. 7, 2021), <https://www.aclunebraska.org/en/press-releases/city-protesters-file-settlement-agreement-federal-lawsuit>.

⁵ Legis. B. 518 106th Legis. Session (Neb. 2020).

- Consistent advocacy for Dreamers and comprehensive immigration reform.⁶

COVID-19 Pandemic in Nebraska's Meatpacking Plants

During the Spring of 2020, as people all around the world raced to isolate to protect themselves from COVID-19, meatpacking plant workers found themselves exposed, vulnerable and on the front lines of the pandemic. Those who did not lose a family member or friend to COVID, or those who had the privilege to work from home, may have forgotten or overlooked the thousands of workers in the food production and meatpacking industry whose lives were lost. It is important that we recognize that it was not necessary, nor humane, to ask someone to go to work unprotected from COVID and risk their life or the lives of their loved ones simply because they could not afford not to work or because they lacked sick leave.

In April of 2020, COVID had spread across meatpacking plants in states including Iowa, South Dakota, Texas, and Nebraska. Tens of thousands of majority immigrant workers became infected with COVID after being drawn to the Midwest by the demand for labor. In fact, an analysis by *The Guardian* conducted in May of 2020 found that nearly half the counties in the U.S. with the highest per-capita infection rates featured an outbreak related to a meatpacking plant.⁷

The meatpacking plants' crowded processing floors, locker rooms, and cafeterias quickly became vectors for COVID, facilitating its spread to the employees, their families, and the community. Soon, it became clear that the COVID hotspots across Nebraska all had one common denominator: a meatpacking plant.

As of May 2021, over 7,000 meatpacking plant workers in Nebraska had contracted COVID, 256 were hospitalized and 28 had died.⁸

Meatpacking Workers' Advocacy in Nebraska

In April of 2020, then President Trump issued an executive order recognizing meat processing as an essential infrastructure meaning meatpacking workers were deemed essential workers, along with frontline healthcare workers and other first responders.⁹ Though it would be expected that for their service, meatpacking workers would be honored and protected from COVID-19, in many plants, the opposite occurred.

Some meatpacking plants rightly utilized physical barriers, masks, employee health screenings, and other protective measures, but those measures were simply insufficient. At

⁶ ACLU Neb., Thank You, Mayor, For Advocating For Our Dreamers, ACLU Neb. (July 30, 2021), <https://www.aclunebraska.org/en/news/thank-you-mayor-advocating-our-dreamers>.

⁷ Nina Lakhani, *US coronavirus hotspots linked to meat processing plants*, *The Guardian* (May 15, 2020), <https://www.theguardian.com/world/2020/may/15/us-coronavirus-meat-packing-plants-food>.

⁸ Grant Schulte, *Nebraska advances virus protections for meatpacking workers*, *AP News* (May 6, 2021), <https://apnews.com/article/ne-state-wire-nebraska-coronavirus-pandemic-business-health-9e1985e5ef32dee83df9c2b9c799d192>.

⁹ Taylor Telford, Kimberly Kindy, and Jacob Bogage, *Trump orders meat plants to stay open in pandemic*, *The Washington Post* (April 29, 2020), <https://www.washingtonpost.com/business/2020/04/28/trump-meat-plants-dpa/>.

this point, information from public officials had made it undeniably clear that testing, transparency, and physical distancing were critical to fighting the disease in every community and in every workplace. Yet, there had been no reports of plants implementing a testing program or spacing workers six feet apart, or considering changes in line speed or scheduling to facilitate safety in a public health emergency.

Through May of 2020, profit-driven owners of Nebraska meatpacking plants were crowding the lines with workers standing shoulder to shoulder, often without proper PPE, despite the clear health standards to the contrary. By failing to comply with COVID-19 protection guidance, leadership of these businesses invited and ignited the rapid spread of COVID-19 through plants in Nebraska and the communities where they are located.

Health officials became increasingly worried and even called upon the Governor and meatpacking plants to shut down and create plans to protect workers before reopening.¹⁰ Their efforts were thwarted by Governor Pete Ricketts who interceded to allegedly prevent “civil unrest.”¹¹ Our local hospitals and other medical care providers quickly became overwhelmed as COVID-19 cases began to spike.

At the beginning of the pandemic, although most advocates and meatpacking workers knew the outbreaks were flowing from meatpacking plants, we were only able to base these suspicions on anecdotal evidence. We did not have the data to verify this as our state and local government officials were not transparent in alerting the public about which race/ethnicity populations and industries were most affected. This made it difficult for the public to understand where the worst hotspots had been, or to ensure that workforce outbreaks were addressed before they grew worse.

The ACLU and other advocates called on Governor Ricketts and the Nebraska Department of Health and Human Services (NE DHHS) to collect and release aggregate race and ethnicity data of COVID-19 infections and deaths. Additionally, we had to request that local health departments and DHHS translate their media releases and local news on COVID to keep the members of communities with Limited English Proficiency (LEP) informed of the local infection rate and ways to protect themselves. Further, we sent public record requests to gather information on the number of COVID-19 cases linked to meatpacking plants. Then, slowly, some meatpacking plants started publicizing the number of COVID-19 infections linked to their plants to keep community members aware of their COVID prevention efforts and potential outbreaks.

In May of 2020, Governor Ricketts announced that the state would stop providing the public with data on infection rates at specific plants.¹² The lack of uniformity and this obstruction from state officials made this quandary needlessly political and hindered the opportunity to

¹⁰ Michael Grabell, *What Happened When Health Officials Wanted to Close a Meatpacking Plant, but the Governor Said No*, ProPublica (May 7, 2020), <https://www.propublica.org/article/what-happened-when-health-officials-wanted-to-close-a-meatpacking-plant-but-the-governor-said-no>.

¹¹ *Id.*

¹² Michael Corkery et al., *As Meatpacking Plants Reopen, Data About Worker Illness Remains Elusive*, N.Y. Times (May 25, 2020), <https://www.nytimes.com/2020/05/25/business/coronavirus-meatpacking-plants-cases.html>.

provide a sound, swift response that could meet the needs of essential workers and our communities and save lives. It should go without saying that to effectively address this pandemic and direct resources where they were most needed, government officials and entities would need to ensure language accessibility and standardize, collect, and release race and ethnicity data surrounding COVID-19. Without knowing the breadth of how COVID-19 was affecting communities in the state, public health officials, advocates, and members of the public did not have the tools necessary to tackle the inequities this pandemic only exacerbated. Moreover, without providing local public health information in languages prevalent in communities of color, community members could not protect themselves or their neighbors, which thereby resulted in further unnecessary exposure to COVID-19 and devastating health consequences including deaths.

Even without this data, advocates understood that existing health disparities and other social and economic inequities made Black and brown people particularly vulnerable to contracting and dying from COVID-19. While public health officials recommended working from home to stop the spread of the virus, only 20 percent of Black workers and 16 percent of Latinx workers are able to work from home.¹³ Additionally, Black people and immigrants are also more likely to be uninsured and live in communities without access to quality healthcare facilities, leading to disproportionate rates of chronic diseases such as asthma, hypertension, and diabetes.¹⁴ Black and Latina women are overrepresented as essential workers with Latina women making up 22 percent of women grocery store workers and Black women making up 27 percent of women home health aid workers.¹⁵ In addition, people of color are overrepresented in industries that were rapidly laying off workers, leaving many uninsured.¹⁶

Soon, these numbers were no longer just national statistics, but statistics relevant to the people of Nebraska. In fact, at one point during the peak of the pandemic in the summer of 2020, Latinx people were more overrepresented among those dying of COVID-19 in Nebraska than in any other state, according to the COVID-19 Tracking Project. Additionally, Nebraska ranked second across the country in most Latinx overrepresentation in confirmed COVID-19 cases. According to statistics released by NE DHHS in July 2020, despite only comprising 11% of the state's overall population, people who identified as Hispanic accounted for 60% of coronavirus cases

¹³ See *Economic News Release*, U.S. Bureau of Labor Statistics (Sept. 24, 2019), <https://www.bls.gov/news.release/flex2.t01.htm>.

¹⁴ See Reis Thebault, Andrew Ba Tran, & Vanessa Williams, *The Coronavirus Is Infecting and Killing Black Americans at an Alarming High Rate*, Washington Post (April 7, 2020), <https://www.washingtonpost.com/nation/2020/04/07/coronavirus-is-infecting-killing-black-americans-an-alarmingly-high-rate-post-analysis-shows/?arc404=true>.

¹⁵ See *The Wage Gap Has Made Things Worse for Women on the Front Lines of COVID-19*, National Women's Law Center (Mar. 30, 2020), <https://nwlc.org/blog/the-wage-gap-has-made-things-worse-for-women-on-the-front-lines-of-covid-19/>; <https://www.kff.org/racial-equity-and-health-policy/fact-sheet/health-coverage-of-immigrants/>.

¹⁶ See Dan Burns, *How The Coronavirus Job Cuts Played Out by Sector and Demographics*, Reuters (April 4, 2020), <https://www.reuters.com/article/us-health-coronavirus-usa-jobs/how-the-coronavirus-job-cuts-played-out-by-sector-and-demographics-idUSKBN21M0EL> (showing that Asians and Latinos faced the highest rate of increase of unemployment and that the rate of unemployment for Black people is now 65% higher than the rate of unemployment for white people).

in the state — largely due to meatpacking plants’ largely immigrant workforce.¹⁷ This overrepresentation of people of color in COVID-19 cases was and continues to be a racial justice and public health emergency.

Because of the plants’ failure to protect workers, the ACLU turned to advocacy including open records requests and engaging with local health departments with authority to issue directed health measures. Whether it was fear of retaliation or a lack of political will, the departments that most needed to urgently act failed to do so.

We then turned to the Nebraska Department of Labor that employed our state’s Meatpacking Bill of Rights Coordinator, and repeatedly requested that they use their authority to investigate imminent hazards. The department refused to engage.

We turned to the federal agency of OSHA by helping workers and family members file complaints, but instead of addressing or investigating the complaints, the agency simply told the family members to take care and that they were sorry they could not do more.

We also worked in coalition with a diverse group of Nebraska stakeholders to pursue remedies through the state legislature that were ultimately unsuccessful due to significant industry opposition. Governor Ricketts’ political rhetoric additionally contributed to the state’s refusal to pass COVID protection legislation when he sought to blame outbreaks on essential workers’ culture and caused needless confusion about access to vaccinations based on immigration status.¹⁸

ACLU Lawsuit Against Nebraska Meatpacking Plant Calling for COVID-19 Protections

Since state and federal officials failed to protect the meatpacking workers, workers and advocates had no other recourse than to turn to the courts to ensure a safe work environment. We hoped litigation would set standards that could apply to all meatpacking workers.

In December 2020, we filed a lawsuit on behalf of former meatpacking workers against a meatpacking plant in Hastings, Nebraska, seeking to implement basic COVID protections.¹⁹ Nine months after the pandemic hit our state in full force, our lawsuit alleged, workers were still finding themselves without adequate distancing, masks, sick leave, and testing. Workers in the Hastings plant reported the company pressured workers to remain on shift even when they had become symptomatic, failed to replace blood-stained masks during their long shifts, and did nothing to facilitate social distancing inside the plant, let alone to provide accessible testing. Our lawsuit

¹⁷ John Schreier, *Latinos in Nebraska hit disproportionately hard by COVID-19, DHHS data show*, Lincoln J. Star (July 2, 2020, last updated Sept. 3, 2020), https://journalstar.com/lifestyles/health-med-fit/latinos-in-nebraska-hit-disproportionately-hard-by-covid-19-dhhs-data-show/article_cbf98bdb-e9c5-5166-880f-819d96680481.html.

¹⁸ Martha Stoddard, Paul Hammel, Erin Duffy, *Ricketts defends meatpacking plants, says they need to stay open despite coronavirus cases*, (Apr. 24, 2020), https://omaha.com/state-and-regional/ricketts-defends-meatpacking-plants-says-they-need-to-stay-open-despite-coronavirus-cases/article_300eda3a-a3bd-5276-884f-c4e5fb90db5b.html.

¹⁹ ACLU, *ACLU Files Federal Lawsuit Against Nebraska Meatpacking Plant Over Treacherous COVID-19 Conditions*, (Nov. 23, 2020), <https://www.aclu.org/press-releases/aclu-files-federal-lawsuit-against-nebraska-meatpacking-plant-over-treacherous-covid>.

sought to establish that the plant – just like all other plants – needed to implement basic COVID protections including distancing, masks, sick leave, and testing. By failing to implement basic protections, the lawsuit alleged, the plant had become a public nuisance that fostered the spread of the virus throughout Hastings and the broader community.

The stories were shocking. Workers were reporting that the plant only provided one mask for an 8 + hour shift, which quickly became soiled with blood and sweat. As they became soaked, workers would wear the mask underneath their nose or mouth while working shoulder to shoulder and across from workers on the line and less than one foot apart in shared spaces like cafeterias, locker rooms, and hallways. Workers reported they were not being informed about paid leave through the Families First Act, and were not being tested at the plant. These stories mirrored workers’ reports from across the state.

Unfortunately, our case was dismissed on standing because our plaintiffs no longer worked at the plant. No current employee at the plant was willing to step forward as a plaintiff for fear of retaliation and harassment.



Worker Stories from our Lawsuit

(Note: the ACLU is using pseudonyms for workers due to fear of retaliation from management. The accounts below summarize the allegations made in our lawsuit.)

Alma and Antonio: Alma was a worker on the production line at the Hastings plant and was a plaintiff in our lawsuit. After emigrating from Cuba, she was hired to work in the plant a few years ago. It was a tough job. Her hands and wrists often ached from grueling hours spent on the “kill floor” – an enclosed room where cow carcasses are butchered and prepared for cold storage – but it paid decently. She and her husband Antonio, also a plant employee, were raising four children, and the family needed the money.

Like many meatpacking plants, the majority of the plant’s workforce were immigrants, and Alma says that even before COVID-19 emerged she and Antonio were unsettled by the way

management treated them. But things took a sharp turn for the worse when the pandemic began. “People were scared, but [management] made it seem like it wasn’t a big deal,” she said. “The first thing they said was that nobody could miss work. They would say that [COVID-19] was just nonsense. Even when things got more serious, they didn’t care.”

Then, in late April, workers at the plant began to fall ill. Antonio worked closely with a team of two other co-workers on the kill floor. During their shift, the three spent hours standing shoulder-to-shoulder. After one contracted COVID-19 and had to be hospitalized, it wasn't long before Antonio also became symptomatic. "I told my supervisor that my eyes were hurting and that I had symptoms that were getting worse, and he basically told me to f-off and go back to work," he said.

Feverish and ill, Antonio went back to the line and finished his shift. But that night, he grew sicker. To make matters worse, Alma had also begun to feel unwell. The plant wasn't providing COVID-19 testing for its workforce, but the couple had a contact in a local clinic and arranged for tests on their own. The results came back positive for both. For weeks, the couple battled the virus at home, moving into the basement so they could limit contact with their children. "It was really hard because the kids were just upstairs, but we couldn't touch them," Antonio said. At one point, Antonio developed shortness of breath and went to a local hospital, but staff there told him that resources were limited, and they could only treat the sickest patients. In all, the pair was out of work for seven weeks while they fought to recover.

When they returned to work, they discovered they would only be paid for two of the seven weeks they were sick, and at a lower hourly rate. Later, they'd discover that other workers hadn't been paid at all for the time they were sick at home.

Since the couple had been out, the plant had hired a nurse to perform cursory temperature checks of workers, but there was still no on-site testing, even as it became clear that people without fevers could spread the virus. Workers in the cramped, stuffy processing rooms were given masks – but only one per shift. When the masks became soiled with blood and sweat, workers were forced to pull them down below their noses or take them off altogether so they could breathe. In the windowless cafeteria/break room, workers squeezed together at small tables separated by thin, flimsy nylon barriers that provided little protection. The virus continued to spread among the workforce at the plant through April and May. Still, working conditions didn't get better.

Alma says that managers continued to send a clear signal to sick workers that if they missed shifts their jobs would be at risk. At one point in late summer, a colleague was instructed to stay on the line despite a rising fever. When the woman missed the following two days due to her illness, she was nearly fired. Alma managed to convince her manager to keep her on, but it was a warning to the rest of the workforce. An older worker who Antonio was close with died of complications related to COVID-19. "They think that we are like slaves, not workers," Alma said. "You aren't allowed to get sick."

This particular plant seemed to amass a record of failing to follow laws meant to protect workers. In October 2019, a district court in Nebraska found the company in contempt for failing to comply with an order to negotiate in good faith with a local meatpacking union. In its ruling, the court said the plant had illegally attempted to block workers from joining the

union.²⁰ Federal regulators fined the company in 2019 and 2020 for not paying sick leave or securing dangerous equipment.²¹

“What they’re interested in is money,” Alma said. “They want the factory to produce, and they don’t care about the cost.”

Nine months into the pandemic, and in the midst of another alarming rise in infections and deaths, little had changed at the plant. Employees working on the production lines and kill floor remained packed together in close quarters, the company still did not have a testing program in place, sick-leave policies had not been publicly posted, and workers were given only one mask per shift, even when it becomes soaked in sweat and splattered with blood.

Alma and Antonio worked at the plant through the start of Fall. But their working conditions continued to deteriorate. Antonio was eventually fired for missing a single day of work. A month later, Alma decided she had also had enough, and quit.

Both worried for the safety of their former co-workers – who regularly updated them on what was happening since they left – and were frustrated those federal agencies with a mandate to oversee meatpacking plants had not stepped in to help.

“I hope things change and get better there,” she said. “Being an immigrant doesn’t make people animals. They are like you and me – they’re just trying to make a living.”

Worker Stories from Other Plants:

Worker #1

“It’s not safe to walk in the lobby.... In the cafeteria, we stand elbow to elbow because there’s no room. [At] the break time we have just 15 min. We take 5 min to take off our [work clothes] and run, and we come together 200 people at the same time. There’s no distancing. And we don’t have a chance to wash our hands, to eat our food. That’s why I’ve been affected. I’ve been sick. Not just me. And the worst part, a [coworker] friend of mine, he died from Coronavirus. At the beginning the company tried to do something. But now it’s different. They don’t really care about it.

The people are crowded together all the time: in groups coming in to work and out, and in the areas where we are working.

²⁰ *Sawyer v. Noah’s Ark Processors, LLC*, No. 4:19-CV-3016, 2019 WL 5268639 (D. Neb. Oct. 17, 2019), <https://www.courthousenews.com/wp-content/uploads/2019/10/MeatCompany.pdf>.

²¹ U.S. Dep’t of Labor, Occupational Safety & Health Admin., *Citation and Notification of Penalty to Noah’s Ark Processors, LLC* (Jan. 18, 2019), <https://www.dol.gov/sites/dolgov/files/OPA/newsreleases/OSHA20190063.pdf>.

I know the Coronavirus is not a joke. And our bosses, they try all the time to intimidate us.... I want the company to do something. They have to separate the groups during breaks...clean the locker rooms more, and the bathrooms. And use better masks. The kind of masks we use, they're not very good. So please, senators, help us. Do something."

Worker #2:

"We've lost 6 people. [One] gentleman, they made him come to work and tested him...He had COVID symptoms.... they have the quick 15 min test - which is completely unreliable. He tested negative. They made him go to work and 2 days later he died of COVID. That was right before Thanksgiving.

They've put up the plastic dividers -- which do nothing -- because...the way the lines are set up, you're right up against the line, so when you breathe the breath is in front of the dividers anyway, and the blowers blow it right up and down the line in front of everybody else.... So that's just to make them look better. It does nothing to protect us. We're still shoulder to shoulder, elbow to elbow and the breath is still going in front of all of us.

The cafeteria, it's terrible. You have a 15-minute break...and then you have to try to get all your equipment off and get up there, which takes anywhere from 3 to five minutes. Then you have to hurry up and eat, you have to hurry up and go to bathroom, and get back *and* get all your equipment on before the meat gets to you again.... You're running the whole time, so you can't social distance - it's impossible. We don't have enough bathrooms for everybody. And so, everybody's in there in lines....

It just to me shows their cruelty and their neglect to their employees. They really mistreat people...they try to hide it. And they think they can...intimidate them and bully them into doing whatever. And it's not right. And it needs to change. We need laws in place to protect the people."

Worker #3:

"I'm a covid-19 survivor. I'm here to tell you how my employer's delayed response led to more than 700 people infected at the plant. As a result of this, covid-19 has been highly active in my community since the first spike in March.

My struggle and that of many workers began when my employer kept secret the numbers of infections at the plant.... We saw how countless numbers of people were disappearing daily.... The delay in receiving PPE and lack of social distancing resulted in the massive outbreak. Many people died, including 7 of my own coworkers.

Disability benefits were delayed for months and as a consequence I didn't have income until I returned to work. Company nurses pressured us to return to work as quickly as possible and before we were fully recovered.

Line speeds have been significantly increased... Meanwhile we continue to work understaffed.

I feel lucky to be alive even though I continue to have health issues...and trouble breathing. I feel tired, I feel sick, and I feel used. I have been with the company for [many years] and I feel betrayed. Today, senators, I ask you to pass enforceable safety measures for me and my coworkers to be able to perform our job with dignity.”

I am a survivor of COVID and thank God I am here, but I would hope people knew that even though you had covid once you can still get it again.”

Federal Legislation is Necessary to Protect Meatpacking Workers

While the ACLU and several partner organizations have made significant strides to protect meatpacking workers from COVID-19 in Nebraska, we need Congress to examine not only the COVID-related problems that exist in meatpacking plants, but also those problems that were exacerbated by the pandemic. There are four steps Congress can take to protect meatpacking workers and hold meatpacking plants accountable:

First, Congress should enact the Safe Line Speeds in COVID-19 Act. This Act would protect meatpacking workers by preventing line speed increases during the COVID-19 pandemic in meatpacking plants. Moreover, the Act includes an accountability measure to ensure the industry is implementing protections. We would support similar legislation that lasts beyond the pandemic as the meatpacking industry has a well-documented track record of alarmingly high injury rates, often due to the line speeds.²²

²² More than a decade of community, academic, medical, and government studies document the high injury rates and dangerous line speeds and conditions. As just a few examples: Athena K. Ramos et al., “*No somos máquinas*” (*We are not machines*): *Worker perspectives of safety culture in meatpacking plants in the Midwest*, *Am. J. of Indus. Medicine* vol. 64 (2021); Hum. Rts. Watch, “*When We’re Dead and Buried Our Bones Will Keep Hurting*,” (2019), https://www.hrw.org/sites/default/files/report_pdf/us0919_web.pdf; Oxfam, *No Relief: Denial of Bathroom Breaks in the Poultry Industry* (2016), https://s3.amazonaws.com/oxfam-us/www/static/media/files/No_Relief.pdf; U.S. Gov’t Accountability Off., *GAO-16-337, Additional Data Needed to Address Continued Hazards in the Meat and Poultry Industry* (2017), <https://www.gao.gov/assets/gao-16-337.pdf>; Oxfam, *Lives on the Line: The High Human Cost of Chicken*, Oxfam (2015), <https://www.oxfamamerica.org/livesontheline/>; Nat’l Inst. of Occupational Safety and Health, *NIOSH Health Hazard Evaluation of a poultry processing plant*, Ctrs. for Disease Control (2014), <https://www.cdc.gov/niosh/topics/poultry/>; U.S. Dep’t of Agric., Food Safety & Inspection Serv., *Request That Worker Safety Is Protected in Any Rulemaking Related to Line and Work Speeds in the Meat and Poultry Processing*, USDA (Sept. 3, 2013), <https://www.fsis.usda.gov/federal-register/petitions/request-worker-safety-protected-any-rulemaking-related-line-and-work> (Southern Poverty Law Center, Nebraska Appleseed, Heartland Workers Center, and other worker and civil rights organizations filed this petition with FSIS in 2013); S. Poverty L. Ctr. & Ala. Appleseed, *Unsafe at These Speeds* (2013), https://www.splcenter.org/sites/default/files/Unsafe_at_These_Speeds_web.pdf; Midwest Coalition for Hum. Rts., *Always Working Beyond the Capacity of Our Bodies: Meat and Poultry Processing Work Conditions and Human Rights in the Midwest* (2012), <https://neappleseed.org/download/17890/>; Neb. Appleseed, *The Speed Kills You: The Voice of Nebraska’s Meatpacking Workers* (2009), https://neappleseed.org/wp-content/uploads/downloads/2013/01/the_speed_kills_you_100410.pdf; and Hum. Rts. Watch, *Blood, Sweat and Fear: Workers’ Rights in US Meat and Poultry Plants* (2004), <https://www.hrw.org/report/2005/01/24/blood-sweat-and-fear/workers-rights-us-meat-and-poultry-plants>.

Second, for the reasons summarized in this testimony, Congress should call on OSHA to issue an Emergency Temporary Standard for meatpacking workers that includes protections similar to those issued for the healthcare industry (e.g.: PPE, proper ventilation, physical distancing, physical barriers, cleaning and disinfection, screening, paid leave for vaccinations, training, anti-retaliation notices, and recordkeeping).²³

Third, for the reasons summarized in this testimony, Congress should ensure OSHA responds to and investigates complaints made by workers and advocates and should consider adopting a federal requirement that OSHA investigate complaints within 14 days.

Fourth, support comprehensive immigration reform. The reason many meatpacking workers are not before you today, were not willing to be plaintiffs in our lawsuit, and would not testify before our state legislature is because many of them are not U.S. citizens and this makes them vulnerable to retaliation or harassment if they voice complaints about their employer.

We pledge our assistance and cooperation in helping this Committee, and the body, identify and examine COVID-related problems and those pre-existing issues that were exacerbated by the pandemic within meatpacking plants, as well as solutions or remedies. Thank you again for the opportunity to testify on these important issues and look forward to answering any questions.

²³ Occupational Safety & Health Admin., *Fact Sheet: Subpart U – COVID-19 Healthcare ETS* (2021), <https://www.osha.gov/sites/default/files/publications/OSHA4122.pdf>.