

**Written Testimony of Martin Rosas
United Food and Commercial Workers Local Union 2
Before the House Select Subcommittee on the Coronavirus Crisis
U.S. House of Representatives**

**Regarding
“How the Meat Packing Industry Failed the Workers who Feed America”
October 27, 2021**

Thank you, Chairman Clyburn, and members of the committee for the opportunity to testify about the impact of the coronavirus pandemic on meatpacking and processing workers.

My name is Martin Rosas, and I am a UFCW International Vice President and President of UFCW Union Local Two in Bel Aire, Kansas. The UFCW is America’s largest food and retail union representing 1.3 million hard-working men and women. Our members proudly serve their communities every day in grocery stores, meatpacking, food processing, health care, chemical plants, retail, and senior care facilities. The workers we represent come from every state and congressional district and are Republican, Democrat, and Independent.

I have over 29 years of experience in the labor movement and began my career at the age of 17 in the Cargill beef processing plant, in Dodge City, Kansas. During my years in the plant, I performed numerous jobs in the production area starting in the kill floor of one of the largest beef processing and slaughter facilities in the country. My Local is the largest packing local in the union representing over 17,000 members in Kansas, Oklahoma and Missouri at all the major processing plants including National Beef, Cargill, Triumph, Butterball, Tyson, Seaboard, and Smithfield. The companies in my Local’s jurisdiction represent well over 30 percent of meat processing nationwide. We have representatives inside each of these plants and I have been in all the plants on numerous occasions during the pandemic to see what our members were facing.

Our members have been on the frontlines of this pandemic. In the course of the pandemic, they have finally begun to be recognized as the essential workers they are. That recognition must not come in the form of just words, but with real enforceable health and safety protections and wages and benefits including health care, sick leave and childcare befitting their contribution and enabling them to continue to be valued members of the workforce bringing food to our nation.

The risks the workers faced from this pandemic are real. I am sure you have read accounts of the outbreaks of COVID-19 in the packing plants. Thousands of Local 2 members have contracted COVID-19 in the workplace and sadly too many have died. At Seaboard Foods in Guymon Oklahoma, for example, in a plant of 2,200, over 1,000 workers have had COVID-19 and at least 7 have reportedly died. I can tell you from my conversations with the workers, they are suffering long term consequences of the disease. Due to poor reporting by the companies and resistance by some of the states, we still do not know how many meatpacking workers have become infected or lost their lives due to COVID-19. But we know the number of infected is in the tens of thousands and deaths are in excess of 200. This is an issue of life and death and protecting those who are going to work every day to put food on our table.

In the beginning not enough was being done to protect these essential workers. The harsh reality is that many of the companies were slow to act in the early days of the outbreak, and whatever progress that was achieved was due to the union demanding action. From the beginning we called on the companies to sit down with us to discuss needed protocols. In March and April 2020, we recommended the following urgent safety measures to the meatpacking employers to protect their employees from the COVID-19 pandemic:

- Agree to provide two-weeks of paid leave to any employee who is unable to work either because he or she has been diagnosed with or has a suspected case of COVID-19 or has been told to self-quarantine by a healthcare professional or by their employer. Additionally, extend this coverage to employees caring for a family member or loved one diagnosed with COVID-19.
- Ensure physical distancing in the plants, through staggering employee breaks and lunches, expanding break areas, spreading out workers on the line, and reducing the line speeds.
- Provide COVID-19 testing to employees free of charge. Institute on-site testing to address asymptomatic workers spreading the virus.
- Provide all necessary protective gear, including gloves and masks.
- Provide adequate hand sanitizer and soap throughout the plants, and sufficient time for workers to sanitize.
- Ensure the plants are properly sanitized.
- Make all active full- and part-time employees eligible for employer-sponsored healthcare coverage regardless of length of service.
- Agree to continue to pay all health and welfare contributions for all current employees who received a health and welfare contribution in any of the last three months
- Accommodate employees who fall within the higher-risk population, as defined by the most- recent CDC guidelines, by providing lower-exposure work assignments or paid leave.
- Request for Company to join in a demand to applicable state agencies or officials to provide funding for an Emergency Childcare Fund.
- If no Emergency Childcare fund, agree to a daycare stipend for all employees who, as a result of school closures, will incur either new or additional childcare costs. This stipend would not exceed \$250 per eligible employee per week.

During this time, I personally went into the plants to see what was happening. The demands we identified were not yet in place. People were afraid to go to work. They did not know if the

company was going to protect them. They were afraid to miss work as they did not have sufficient leave benefits and indeed in some plants were penalized for missing work. They were afraid to go to work and be exposed to the virus and bring home the disease to their family members, especially those family members who were most vulnerable. Sadly, those fears became a reality. In Local 2 alone thousands of our members contracted the virus, others brought it home to their families. Most tragically, some lost their lives and others now live with the long-term effect of the COVID-19.

One of my members who died was Alejandro. He was 33 years old and worked at Seaboard. He was told to come back to work or lose his health insurance. He had diabetes so he could not be without health insurance. The company made him believe he would lose his insurance if he didn't come back to work. He came back, contracted COVID-19 and died within two weeks of returning to work.

In April 2020, President Trump issued an executive order invoking the Defense Protection Act. This order gave the companies a green light to put production over worker safety. At a time when the federal government was not requiring any COVID-19 safety measures, the government used its authority to compel the meatpacking plants to stay open. Some companies, such as Seaboard, used the executive order to force workers to come back to work in unsafe conditions.

At the time of the order, Rep. Robert C. "Bobby" Scott (D-Va.) called Trump's order "profoundly disturbing" and called on the White House to harness the DPA for the manufacture of personal protective equipment. "If President Trump orders people to work in meat processing plants but refuses to protect their health and safety," Scott said, "the result will be more preventable illnesses, the tragic deaths of workers across the country, and ultimately, an actual reduction in food production as meat processing plants run out of healthy workers."

Rep. Scott's prediction was unfortunately all too accurate. An order meant to increase meat production actually lowered it, because the companies attempted to ramp up production without the proper safety measures, and unconscionable numbers of workers contracted COVID-19 on the job in unsafe and unsanitary conditions. This then led to a lack of available workers healthy and willing to work in the unsafe plants.

Emboldened by Trump's Executive Order, many companies actually dropped many of their COVID-19 safety measures by July 2020. Face masks were no longer required. Employers encouraged sick employees to come to work with attendance bonuses. Companies, and sadly some of the states also stopped sharing infection numbers with the union, so we don't know the real number of cases. OSHA did not step in to demand the kind of transparency on such illness and deaths in the plants that the law requires.

Indeed, OSHA was missing in action. When we filed complaints, they sent questionnaires to companies, rather than come in person. It seemed their goal was to assess everything remotely, while my members were going into work every day. Though the CDC and OSHA had guidance on paper which if followed could have made a difference it was clear, especially as communicated by OSHA that those guidance documents were voluntary and as a result the

Company's did not feel compelled to comply or train their management to enforce those protections.

Some safety measures instituted by the companies have only provided a false sense of security. Plastic barriers were installed in many plants instead of instituting physical distancing or better ventilation. This was not an adequate solution to stop an airborne disease. In fact, these barriers have often reduced the ventilation and air circulation around the workers.

Through the Union's continued oversight, we have seen some things improve in some of the plants. There is more PPE, more screening and more onsite testing, which revealed the scope of the problem. There were so many asymptomatic workers coming into the plants and further spreading COVID-19. Some plants such as National Beef partnered with the Union for onsite vaccination. We have negotiated with our employers to reopen their contracts in recognition of the value of the workers, and to raise wages by in some instances 4 to 5 dollars, not just for the pandemic but permanently. We also negotiated more vaccine and COVID-19 paid sick leave.

Throughout the pandemic, we hoped there would be a breakthrough such that effective vaccines would become available. The accessibility of vaccines has made an important difference. In many cases the company's vaccination response has been positive - partnering with us to ensure the workers had the needed information about the vaccines and access to them as well. In April 2021, we worked with the Kansas Governor to earmark vaccines for meat packing. As many of you know Tyson Foods has mandated vaccines for its employees and bargained with the Union over sick leave and other health and safety concerns. A week ago, I learned their workforce was already well over 90 percent vaccinated. We have sent information requests out to all our employers to learn their vaccination rates, recognizing we are in three states all of which were below the national goal for vaccines and in some instances where local elected officials were and are working against the goal of full vaccination. We do not have that data yet. We believe that information should be made available to the Union, OSHA and public health officials so further positive efforts can be achieved.

But to be clear--we do not believe vaccines alone are the answer. Other health and safety measures, such as masks, effective ventilation systems and social distancing must be in place as well. It is unclear when we will reach full vaccination levels and currently our nation's meatpacking workers are still working side by side with those who are unvaccinated, and even those who are, who could be carrying the virus placing them at risk of illness and death and again putting their families at risk. Much more must be done to protect these workers and if we are to protect America's food supply.

Meat packing workers continue to be at risk. They have always had some of the most dangerous jobs and COVID-19 has only exacerbated those dangerous conditions. We recognize there is a renewed interest in the wellbeing of these workers and ensuring accountability by employers to provide a safe workplace under the current OSHA and USDA, but these Agencies must be given the support and tools to realize that vision.

To honor and protect these essential workers and thereby protect our food supply, we call on you to take the following actions:

- Instruct OSHA to issue clear, science-based, emergency, and then permanent, enforceable regulations to protect workers from airborne disease such as COVID-19, including updated ventilation standards.
- Provide OSHA necessary funding such that they can train their staff and do real education and onsite investigation by trained OSHA personnel and enforcement in the meatpacking industry, as well as work with unions, worker health and safety committees/councils, and other employee advocates to make safe workplaces a reality.
- Take steps to require the meatpacking industry to provide wages commensurate with the essential nature of these workers' jobs, be it through requirements in contracts or incentives.
- Require sick days and necessary paid leave to ALL workers – not just those whose employers employ less than 500 workers. All workers benefit when those who are sick stay home and do not circulate viruses in the workplace.
- Ensure that employers who benefit from federal dollars adhere to the strictest possible workplace safety standards and provide high-road quality jobs. Take steps to modify language in the Federal Acquisition Regulations, the OMB standards, and USDA's RFP and contract language to hold ALL employers – not just those that provide services but also those that produce goods, such as meat and food products - to such standards..
- Include meatpacking workers and their families when considering infrastructure and social spending initiatives, including childcare and job training.
- A public review of the true numbers of the COVID-19 infections and deaths in the meatpacking industry during the pandemic.
- A public accounting of the vaccination rates in the meatpacking plants.

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

Appendix A

Some relevant articles that have been published about the situation in the meatpacking plants can be found here:

- "Complaint may spur review of meat industry's virus response" Associated Press, April 7, 2021 <https://apnews.com/article/oklahoma-coronavirus-pandemic-4ab5401fbb31a9238f830567188980cc>
- "Meatpackers Union Files Federal Complaint, Alleging Guymon Pork Plant's COVID Response Inadequate" Associated Press, April 8, 2021

<https://www.publicradiotulsa.org/post/meatpackers-union-files-federal-complaint-alleging-guymon-pork-plants-covid-response-inadequate>

- "As Meatpacking Plants Reopen, Data About Worker Illness Remains Elusive" New York Times, May 25, 2020 <https://www.nytimes.com/2020/05/25/business/coronavirus-meatpacking-plants-cases.html>
- "U.S. Meat Plants Are Deadly as Ever, With No Incentive to Change" Bloomberg News, June 18, 2020 <https://www.bloomberg.com/news/features/2020-06-18/how-meat-plants-were-allowed-to-become-coronavirus-hot-spots>
- "How Can Meatpacking Plants Adapt To The Threat Of COVID-19?" NPR, May 9, 2020 <https://www.npr.org/2020/05/09/853216968/how-can-meatpacking-plants-adapt-to-the-threat-of-covid-19>
- "Threat of Sick Workers at US Meat Plants Forces Policy Changes" Bloomberg News, March 20, 2020 <https://www.newsmax.com/newsfront/threat-sick-workers-meat/2020/03/20/id/959268/>
- "What Happens If Workers Cutting Up the Nation's Meat Get Sick?" Pro Publica, March 28, 2020 https://www.propublica.org/article/what-happens-if-workers-cutting-up-the-nations-meat-get-sick?utm_medium=twitter&utm_source=social&utm_campaign=publishtweet#181151
- Meatpacking: Last Week Tonight with John Oliver, HBO, February 21, 2021 (Video) <https://youtu.be/IhO1FcjDMV4>
- "Martin A. Rosas: Plant workers deserve better" Leavenworth Times, April 24, 2020 <https://www.leavenworthtimes.com/opinion/20200424/martin-a-rosas-plant-workers-deserve-better>
- "USDA study shows working conditions in meatpacking plants likely drove coronavirus outbreaks" Investigate MidWest, October 6, 2021 <https://investigatamidwest.org/2021/10/06/usda-study-shows-working-conditions-in-meatpacking-plants-likely-drove-coronavirus-outbreaks>