

# HOW THE MEATPACKING INDUSTRY FAILED THE WORKERS WHO FEED AMERICA

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## HEARING

BEFORE THE  
SELECT SUBCOMMITTEE ON THE CORONAVIRUS  
CRISIS  
OF THE  
COMMITTEE ON OVERSIGHT AND  
REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

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<i>Written opening statements and the written statements of the witnesses are available on the U.S. House of Representatives Document Repository at: docs.house.gov.</i>	

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*Documents entered into the record during this hearing are listed below.*

- \* Majority Staff Report - Coronavirus Infections and Deaths Among Meatpacking Workers at Top Five Companies Were Nearly Three Times Higher than Previous Estimate; submitted by Rep. Foster.
- \* Chart illustrating average reported cases per 100,000 meat and poultry workers per day; submitted by Rep. Miller-Meeks.
- \* Letter - Worker Testimony, Bernarda Lopez (Pseudonym).
- \* Letter - Worker Testimony, Javier Gomez (Pseudonym).
- \* Letter - Worker Testimony, Juan Rodriguez (Pseudonym).

*Documents are available at: docs.house.gov.*



## **HOW THE MEATPACKING INDUSTRY FAILED THE WORKERS WHO FEED AMERICA**

**Wednesday, October 27, 2021**

HOUSE OF REPRESENTATIVES  
COMMITTEE ON OVERSIGHT AND REFORM  
SELECT SUBCOMMITTEE ON THE CORONAVIRUS CRISIS  
*Washington, D.C.*

The subcommittee met, pursuant to notice, at 2:40 p.m., in room 2154, Rayburn House Office Building, and on Zoom. Hon. James E. Clyburn(chairman of the subcommittee) presiding.

Present: Representatives Clyburn, Waters, Maloney, Foster, Raskin, Krishnamoorthi, Scalise, Jordan, Green, and Miller-Meeks.

Chairman CLYBURN. Let me welcome everybody and once again apologize for getting started a little late.

Mr. Whip, I informed everybody that your job and mine is really to count the votes. We don't have any responsibility for when they come.

Mr. SCALISE. If you need some help, let me know.

Chairman CLYBURN. So thank you so much for your indulgence.

Today, our select subcommittee is holding a hybrid hearing, where members have the option of appearing either in person or remotely via Zoom.

For those members appearing in person, let me remind everyone that, pursuant to the guidance from the House Attending Physician, all individuals who are attending in person are required to wear masks.

Let me also make a few reminders about hybrid hearings.

For those members appearing in person, you will be able to see members appearing remotely on the two monitors in front of you. On one monitor, you will see all the members appearing remotely at once in what is known in Zoom as "gallery view." On the other monitor, you will see each person speaking during the hearing when they are speaking, including members who are appearing remotely.

For those members appearing remotely, you can also see each person speaking during the hearing, whether they are in person or remote, as long as you have your Zoom set to "active speaker view." If you have any questions about this, please contact committee staff immediately.

Let me also remind everyone of the House procedures that apply to hybrid hearings.

For members appearing in person, a timer is visible in the room directly in front of you. For those who may be remote, we have a

timer that should be visible on your screen when you are in “thumbnail view” and you have the timer pinned.

For members who may be appearing remotely, a few other reminders: The House rules require that we see you, so please have your cameras turned on at all times, not just when you are speaking. Members who are not recognized should remain muted to minimize background noise and feedback.

I will recognize members verbally, and members retain the right to seek recognition verbally. In regular order, members will be recognized in seniority order for questions.

If you are remote and want to be recognized outside of regular order, you may identify that in several ways. You may use the chat function to send a request, you may send an email to the majority staff, or you may unmute your mic to seek recognition. Obviously, we do not want people talking over each other, so my preference is that members use the chat function or email to facilitate formal verbal recognition. Committee staff will ensure that I am made aware of the request, and I will recognize you.

Now, at the request of the House Recording Studio, I will count down from 10, and the livestream will begin when I get down to one.

[Countdown.]

Chairman CLYBURN. Good afternoon. The committee will come to order.

Without objection, the chair is authorized to declare a recess of the committee at any time.

I now recognize myself for an opening statement.

America’s essential workers have suffered a terrible toll from the coronavirus pandemic, risking their health and even giving their lives to do the jobs that are needed to be done and couldn’t be done remotely.

Perhaps no essential workers have been more struck as hard as those in the meatpacking industry. With long shifts, enclosed workplaces, and crowded conditions, meatpacking plants presented a perfect storm for the coronavirus to spread.

It became clear in the first weeks of the pandemic that this critical industry would be hit particularly hard, but until now we have not had a full sense of how hard meatpacking workers were hit. Most meatpacking companies refused to publicly disclose the full numbers of infections and deaths tied to their plants. This refusal kept workers, their communities, policymakers, and health officials in the dark about the threats to workers and their communities.

The select subcommittee has been investigating the five largest meatpacking companies to discover the true toll. What we have learned is staggering. A select subcommittee staff memorandum released earlier today shows that the true impact of the coronavirus on meatpacking workers at the five companies was close to three times as bad as what was previously known.

Before today, it was estimated that just over 20,000 of the meatpacking workers employed by the five largest meatpacking companies were infected with the coronavirus. The select subcommittee’s investigation found the true number to be nearly 60,000. Before today, it was also estimated that fewer than 100 workers at these five companies had died. The select subcommit-

tee's investigation found the true number to be more than 250. Nearly 60,000 cases and more than 200 deaths just at these five companies.

These infections disproportionately impacted communities of color. A 2020 CDC study found that 87 percent of workers at meat processing plants infected with the coronavirus were racial or ethnic minorities.

Knowing the true scale of these outbreaks is important to understanding what happened to those working in the plants. Outbreaks in meatpacking plants were also drivers of the spread of the virus in their wider communities, leading to additional infections and deaths among those who never set foot in a facility.

Meatpacking companies had a responsibility to do everything they could to keep their workers safe, and these statistics make clear that they fell short. When the pandemic began, meatpacking companies were too slow to respond to worker demands for safer conditions.

While workers fought for greater protections, the large meatpacking conglomerates focused on protecting their profits. The National Economic Council recently found that meat processors have generated record profits during the pandemic at the expense of consumers, farmers, and ranchers. Gross profits for some of the leading beef, poultry, and pork processors have been at record-high levels. These sky-high profits have come at a time when consumers have been paying more to put food on the table and workers have risked their health and safety.

Just as troubling, our investigation found that the Trump administration's response to the outbreaks in meatpacking plants was wholly insufficient. The Federal agency that had a duty to protect workers last year failed to do so. Under the Trump administration, OSHA issued only eight citations and less than \$80,000 in penalties against these companies, despite the infection of tens of thousands of meatpacking workers and the deaths of hundreds. Had the Trump administration acted, these numbers could have been lower.

OSHA's officials recently told the select subcommittee that they were limited in their ability to protect meatpacking workers last year because Trump administration appointees made a—and I quote—"political decision," unquote, not to seek additional authorities that would have allowed the agency to enforce coronavirus safety protocols more forcefully. This is unacceptable.

Any argument that these deadly risks to meatpacking companies were necessary to keep food on the tables of American families is dangerous and wrong. We can and we must keep families fed and keep workers safe.

The Biden administration has stepped up to fight for these workers by strengthening Federal enforcement of worker protections, leading an aggressive national vaccine campaign and, with funds appropriated by Congress, provided up to \$600 per worker in relief payments directly to frontline farmworkers and meatpacking workers who incurred expenses preparing for, preventing exposure to, and responding to the pandemic.

Meatpackers and other essential workers are the foundation of this country. We must get a full accounting of what happened to them during the coronavirus pandemic so we can learn from these

failures how to prevent a tragedy like this from ever happening again.

I now yield to the ranking member for his opening statement.

Mr. SCALISE. Thank you, Mr. Chairman. I appreciate this hearing, appreciate our witnesses for coming to testify.

But I first want to alert my colleagues on the subcommittee to an alarming letter that the National Institutes of Health wrote to Oversight Ranking Member Comer last week. This is a letter that just came out a few days ago.

This letter was in response to the oversight work Republicans have been diligently pursuing to determine the origin of COVID-19. Of course, all the Republicans on this subcommittee have been calling on the majority to hold a hearing on the origins of COVID for over a year. Unfortunately, the majority still refuses to do that.

In this letter, the NIH admits that the EcoHealth Alliance firm that was given over \$50 million in taxpayer-funded grant money since 2014 was, in fact, conducting gain-of-function research at the Wuhan Institute of Virology and, further, the NIH did not approve of that research.

To inform my colleagues on the other side of the aisle, the NIH definition of “gain of function” is any research that modifies a biological agent, like a virus, so that it confers new or enhanced activity to that agent.

NIH required EcoHealth to report any experiment that conferred enhanced activity above 1,000 percent. The NIH told us that EcoHealth conducted just such an experiment, and, further, they said, EcoHealth failed to report this to NIH. It’s all detailed in this letter from the National Institutes of Health.

This is in direct violation of the terms of their multimillion-dollar taxpayer-funded grant. Mr. Chairman, we need to have a hearing on this scandal. And this is laid out by NIH; this isn’t an accusation being made. This is a response from NIH confirming that EcoHealth did this, violated the terms of their multimillion-dollar taxpayer-funded grant and potentially led to the creation of this virus.

In this experiment, EcoHealth took the backbone of a virus that was not known to infect humans and inserted the spike protein, the area of the virus that binds with human cells, of an unknown bat coronavirus. Then they tested its newfound infectivity on humanized mice. The new virus was found to be more active and more lethal in mice than the original virus. EcoHealth conferred it with a new or enhanced activity. Thus, by NIH’s own words, this experiment is gain-of-function research.

Now NIH is trying to hide behind semantics. They’re now saying, well, this experiment did not meet the standards for further NIH review and, therefore, is not gain-of-function. This is a false assertion. Work that requires further review is simply a more dangerous subset of gain-of-function. Research can be gain-of-function without triggering further review.

Interestingly, on October 20, the very day Mr. Comer received this letter, NIH removed the “gain-of-function” definition from their website. I wonder why.



Mr. Chairman, we need a hearing to find out why. These alarming questions are the very reason that this subcommittee exists, to get answers to these serious questions.

If that wasn't enough, EcoHealth's mandatory annual report that disclosed this information was almost two years late—between September 30 of 2019, when EcoHealth's report was due, and August 3 of 2021, when EcoHealth finally reported that they received more than \$21 million in grant funds from American taxpayers that the company may not have received if it had timely disclosed to NIH that it had created a virus that would trigger the cessation of its experiments.

This is a serious financial incentive to lie. This is a bad actor and a bad steward of taxpayer dollars, and I see no reason for the government to continue to work with such a company.

Mr. Chairman, we need to call EcoHealth to come before this committee and explain why these violations of terms of a multi-million-dollar grant, paid for by American taxpayers, actually occurred. We need to do our job and immediately perform congressional oversight into this scandal.

This committee and many others have heard Dr. Fauci and other administration officials say that the U.S. did not fund gain-of-function research at the lab in Wuhan, China. Yet it turns out that this was not accurate, and the NIH is saying that they weren't completely aware of what type of research was going on in Wuhan.

If Dr. Fauci and Dr. Collins were simply unaware, then we should have a hearing on why the Federal Government is not conducting proper oversight into its grant recipients. If Dr. Fauci and Dr. Collins were aware of these experiments and still made those assertions, that would be serious, considering the implications. And, again, we need a hearing to get to the bottom of this, to get answers to these serious allegations that are now confirmed by the National Institutes of Health.

So, again, I'm going to respectfully ask, Mr. Chairman, that we hold a hearing on the origin of COVID-19.

You routinely say that we need to defend public health. We now have evidence of a Federal grant recipient blatantly violating its grant, failing to report this violation, and then delaying their annual report for two years, presumably to avoid NIH scrutiny.

These actions are a direct assault on our public health infrastructure. Anyone who truly cares about defending public health and preparing for the next pandemic would want and demand that we hear from EcoHealth Alliance and Dr. Fauci on this matter. We need to understand who knew what and when they knew it and what other types of experiments are being done at American taxpayer expense.

This is the letter from the National Institutes of Health. I'll be happy to share it with you, Mr. Chairman. But these serious questions deserve answers. This is the committee set up to have these kind of discussions. We have to have a hearing on this, and I would further reiterate that we do just that.

With that, I yield back, Mr. Chairman.

Chairman CLYBURN. Thank you, Mr. Scalise.

I'm pleased today to welcome today's witnesses.

I would first like to welcome Ms. Debbie Berkowitz. Ms. Berkowitz is a worker safety and health policy expert and advocate currently at the Kalmanovitz Initiative for Labor and the Working Poor at Georgetown University.

She was previously the Worker Safety and Health Program director at the National Employment Law Project, working to develop policies to improve conditions for workers in the meat, poultry, and food industry. She has also worked for OSHA, the United Food and Commercial Workers Union, and the AFL-CIO.

I also welcome Ms. Rose Godinez. Ms. Rose Godinez is legal and policy counsel for the American Civil Liberties Union of Nebraska. Ms. Godinez is the daughter of meatpacking plant workers.

She led a lawsuit against beef processors on behalf of meatpacking workers who felt unsafe and sought additional protections during the pandemic. Ms. Godinez is also an advocate for strengthening worker health and safety protections in meatpacking plants in response to the pandemic.

I would like to also welcome Ms. Godinez's parents, Maria and Carlos, who have accompanied her here today from Nebraska. You're welcome as well.

Next, I welcome Mr. Martin Rosas, president of United Food and Commercial Workers Union, District Union Local 2, in Bel Aire, Kansas. Mr. Rosa started his career in 1989 as a worker at the Cargill plant in Dodge City, Kansas, and has spent more than 29 years advocating on behalf of workers in meatpacking plants.

Finally, I would also like to welcome Magaly Licolli—I hope I'm not butchering these names too much—co-founder and executive director of Venceremos, a worker-based organization in Arkansas whose mission is to ensure the human rights of poultry workers and ensure safer working conditions.

Thank you all for taking the time to testify about this critical issue. I look forward to hearing from our panelists today about what we can do to ensure the safety of the workers who keep America fed.

Will our four witnesses please rise and raise your right hands?

Do you swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

You may be seated.

Let the record show that the witnesses answered in the affirmative.

Without objection, your written statements will be made part of the record.

Ms. Berkowitz, you are recognized for five minutes for your opening statement.

**STATEMENT OF DEBBIE BERKOWITZ, PRACTITIONER FELLOW,  
KALMANOVITZ INITIATIVE FOR LABOR AND THE WORKING  
POOR, ON BEHALF OF GEORGETOWN UNIVERSITY**

Ms. BERKOWITZ. Good afternoon, Chairman Clyburn and members of the subcommittee, and thank you for the opportunity to testify today.

In most meat and poultry plants in the United States, thousands of workers, the overwhelming majority of whom are Black, Latino,

and immigrant workers, are crowded together on production lines, working shoulder-to-shoulder, most wielding knives or scissors, going at breakneck speeds, crowded together in lunchrooms, bathrooms, and in locker rooms.

So it was not surprising that COVID-19 began spreading quickly at the start of the pandemic in these plants and workers got really sick and started dying. What is stunning is that, despite CDC recommendations to the public and businesses about using social distancing to slow the spread of COVID, the meat industry decided to thumb their noses at this first recommendation and just keep those crowded conditions in place.

As all other industries operating during the first few months of the pandemic, factories such as Ford and other industries, including supermarkets, retooled and reconfigured to separate workers, the meat industry decided they would not change.

The cost to workers and their communities of this decision is staggering. More workers have died from COVID-19 in the last 18 months in the meat and poultry industry than died from all work-related causes in the industry in the past 15 years. And I bet it's more than that now that we have better numbers.

Once it spread in the plants, this deadly disease spread to the workers' families and to their communities. The National Academy of Sciences published a study that looked at the cost to communities near meat plants and found in excess of between 236,000 and 310,000 COVID cases and 4,300 to 5,200 deaths just as of July 2020. Further, the USDA itself found a tenfold increase of COVID cases in rural communities where the meat plants were located.

Let's be clear: The wildfire spread of COVID among meat and poultry workers was not inevitable. It was preventable. It was a direct result of the meat industry, unlike almost all other industries in the United States, deciding to prioritize their own profits for a few over the health of their workers and their communities.

The meat industry knew what they needed to do to protect workers. This was not rocket science. But the industry failed to implement the measures needed to mitigate the spread of the disease in the plants.

They had been warned over 15 years ago in the Bush Administration that a pandemic like COVID could be coming and would spread rapidly in meat plants and they needed to prepare to make changes to protect workers and their community, but they did not.

Further, the big players in this industry—Tyson, with \$42 billion in revenue in 2020, more than in 2019; Smithfield, with \$16 billion in revenue for 2020; JBS, with \$270 billion in revenue for 2020—used their political muscle with the previous administration to assure that they could get away with failing to mitigate the spread of COVID in their plants.

The USDA repeatedly intervened to pressure local and state health departments to let plants with hundreds of COVID-infected workers and many already dead to keep operating without effective mitigation measures, including the JBS plant in your report.

Terrified meatpacking and poultry workers and their families filed complaints with OSHA, and OSHA refused to inspect the plants, giving them a pass. OSHA totally abandoned their responsibility to protect workers in the last administration.

The meat industry tried to hide the true scope of the work and public health disaster that they had caused. As we've heard here today, they have never published their own data on how many of their workers tested positive. And most states, some pressured by the meat industry, who may have had some data refuse to make any data public. Now we know that the numbers are three times higher than what we thought, and it's staggering.

The industry, from the very beginning, thumbed their noses at the CDC guidance. In February 2020, when CDC recommended social distancing, the former CEO of Smithfield simply said to public officials, "We're not doing this. Social distancing is a nicety for the laptop set."

In March 2020, when CDC recommended that infected and exposed workers self-isolate or quarantine, the industry decided they would not follow these recommendations either. The industry, in fact, incentivized sick workers to come back to work and kept exposed workers in the lines.

When CDC recommended masks, workers were told to use their hair nets or, in Tyson's, to wear sleep eyewear over their faces. By April 15, huge plants were closed because thousands of workers in these plants were sick, overwhelming hospitals.

What was the industry's reaction to the spread of COVID in their plants? It wasn't to protect workers. They ran full-page ads in major newspapers that stunningly announced, "If we have to protect workers, there will be meat shortages."

The industry said they had to choose between feeding us or protecting their workers. That is a false choice. They should have and could have done both. This was about pure corporate greed and the meat industry maintaining their profits at the expense of the workers who fed America.

Thank you.

Chairman CLYBURN. Thank you very much, Ms. Berkowitz.

We will now hear from Ms. Godinez.

Ms. Godinez, you are recognized for five minutes.

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

Ms. GODINEZ. Good afternoon, Chairman Clyburn, members of the select subcommittee. Thank you for the opportunity to testify here today.

I am Rose Godinez. I am the interim legal director at the ACLU OF Nebraska. I am also a proud Latina and daughter of former meatpacking plant workers and relative to many others currently working in the plants.

In this testimony, I am going to cover three topics. First, I will relay what happened inside of meatpacking plants. Next, I will describe the advocacy efforts of meatpacking workers and the ACLU fighting for a safe workplace. Next, I will give you four actions that you in Congress can take to ensure meatpacking workers are safe while facing COVID variants.

I am grateful to be before you today and to have both of my parents, who retired shortly before the pandemic from meatpacking plants, alive and behind me today, particularly because Latinos, immigrants, and meatpacking workers were significantly over-rep-

resented in COVID-19 cases in Nebraska during the peak of the pandemic.

According to Nebraska DHHS, Hispanics accounted for 60 percent of COVID-19 cases last summer despite only comprising 11 percent of the overall state population. This was largely due to the spread in meatpacking plants, whose work force is made up of over 50 percent immigrants.

As of May 2021, over 7,000 meatpacking plant workers contracted COVID, 256 were hospitalized, and 28 have died. This hearing is critical to reflect upon the thousands of workers whose lives were lost during the pandemic and to chart next steps to protect their colleagues who continue to work in the industry.

Beginning with what happened inside meatpacking plants, I will summarize the story of our own plaintiffs in the 2020 lawsuit. Please note that we use pseudonyms for the workers due to fear of retaliation from management.

Alma and Antonio worked on the production line at a Nebraska plant. After emigrating from Cuba, they were hired to work at the plant a few years ago. It was a tough job. Their hands and wrists often ached from grueling hours on the kill floor, but it paid decently.

In late April, after working shoulder-to-shoulder with other workers, Antonio and Alma 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 go back to work," Antonio said.

They arranged for tests on their own. Both resulted positive. They battled COVID for seven weeks and received only pay for two of them and at a lower hourly rate. Later, they discovered that other workers hadn't been paid at all for the time they were sick at home.

When they came back, there was still no onsite testing. Workers continued working in cramped processing rooms and were only given one mask. When the masks became soiled with blood and sweat, workers were forced to pull them down below their nose or take them off completely so they could breathe. In the windowless cafeteria or break rooms, dozens of workers squeezed together around tables, separated by thin, flimsy nylon barriers that provided very little protection.

In December 2020, we filed a lawsuit seeking to establish that the plant needed to implement basic COVID-19 protections. Prior to the lawsuit, we had tried every possible advocacy tool, including turning to the Nebraska Department of Labor, filing OSHA complaints, and attempting to pursue remedies through the Nebraska legislature, which were ultimately unsuccessful due to industry opposition.

Each effort failed to achieve the steps that were needed and necessary to save lives. But we are not giving up hope, because we are here before you.

In closing, I'd like to talk to you about what you can do to protect meatpacking workers, now and into the future.

First, enact the Safe Line Speeds in COVID-19 Act to prevent line-speed increases during the pandemic. We would support similar legislation to go beyond the pandemic, as the meatpacking in-

dustry has a track record of alarmingly high injury rates, often due to the line speeds.

Second, you could call on OSHA to issue an emergency temporary standard similar to that that was issued for the healthcare industry just recently.

Third, ensure OSHA actually responds to and investigates complaints made by workers and advocates, and consider adopting a Federal requirement that OSHA respond during a reasonable amount of time and that, if they should issue citations, that they take effect immediately.

Fourth, support comprehensive immigration reform. The reason you don't see meatpacking workers in front of you today and the reason they hesitated to testify at the Nebraska legislature is simply because they aren't U.S. citizens and they fear retaliation should they voice complaints about their employer.

Thank you again for the opportunity to testify, and I look forward to answering your questions.

Chairman CLYBURN. Well, thank you very much for being here.

We will now hear from Mr. Rosas.

Mr. Rosas, you are recognized for five minutes.

**STATEMENT OF MARTIN ROSAS, PRESIDENT, UNITED FOOD  
AND COMMERCIAL WORKERS LOCAL 2**

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

My name is Martin Rosas. I'm a UFCW International vice president and president of the United Food and Commercial Workers Local 2 in Kansas.

UFCW is America's largest food and retail union, which represent 1.3 million members across this Nation—hardworking men and women in grocery stores, meatpacking plants, and food processing, among other industries. The workers we represent come from every state and congressional district as Republicans, Democrats, and independents.

I have over 30 years of experience in the labor movement, and I began my career in 1989 at the Cargill processing plant in Dodge City, Kansas, as a general worker. My local is the largest packing local in the union, representing over 17,000 members in Kansas, Oklahoma, Missouri, and all major industry players in this industry.

The companies within my jurisdiction represent well over 30 percent of the meat processing nationwide. I have visited most of these plants during this pandemic. Our members remained working on the front lines of this pandemic every single day, even in a time most of us were confused, uncertain, and feared for the well-being of our loved ones.

And finally the workers were recognized as essential. However, this recognition must not come in the form of words but with real, meaningful, enforceable health and safety protections, wages, and benefits, including other health benefits, sick leave, and reliable childcare.

The risks these members face from this pandemic are real. I'm sure you have heard, read, and watched all the outbreaks happen

in these meatpacking plants. The members we represent have contracted in startling numbers COVID-19. So many have died. At Seaboard Foods in Guymon, Oklahoma, for example, in a plant of 2,200, over 1,000 workers contracted the virus and at least seven have died.

My request is not for those who have died but for those hundreds of workers who still suffer the long-term consequences of this disease and to protect those who are going to bring the food to our tables.

In the beginning, not enough was done to protect these essential workers. The harsh reality is that many of these companies were slow to act in the early days of this outbreak, and whatever progress was achieved was because of the union demanding action.

From the beginning, we called on these companies to sit down with us to discuss the much-needed protocols. By early April 2020, we urged the companies to implement safety measures. They have been included in my written testimony in front of you.

During the following months, I personally went into the plants to see what was happening. Some of the demands that we identified were not in place.

These workers were living in fear. They did not know whether these companies were willing to protect them, but they were also afraid to miss work because they don't have sufficient leave benefits. Some of the companies, like Seaboard Foods in Guymon, Oklahoma, which is not named in the report that was provided to you, was threatening employees for missing work, afraid to go to work and to be exposed to this deadly virus and bring it back home. Sadly, some of those became reality.

In April 2020, President Trump issue an executive order invoking the Defense Production Act to give an order to these companies and literally giving a green light to these companies to disregard the well-being and the safety of these workers. At a time when the Federal Government was not requiring any COVID-19 safety measures, the executive order gave the authority to these companies of the meatpacking industry to remain open.

By July 2020, encouraged by Trump's executive order, some of the companies dropped many of their safety measures. The strict use of face masks was no longer enforced. Employers encouraged sick employees to attend work by using attendance bonus programs, knowing the high risk of spreading the virus.

Companies and some states stopped sharing infection numbers with the union, so we did not know the real number. It's why the number was wrong for some of the early assessments. Nevertheless, we went into the field to see the human side of this pandemic, where members were left to work in unsafe and unsanitary working conditions.

One of our members was Alejandro. Alejandro was 33 years of age, working at the Seaboard Foods in Guymon, Oklahoma. He was told to come back to work or lose his insurance. He had diabetes, thus needed his insurance. The company made him believe that he would lose his benefits if he didn't come back to work. He came back to work, and within two weeks he contracted the virus and died from COVID-19.

In the meantime, OSHA did not step in to make the necessary adjustments and implement protocols to protect these workers. Literally, OSHA was missing in action.

Some of the safety measures instituted by some of these companies have been useful, when other ones give just a false sense of security.

The meatpacking workers continue to be at risk and continue to do the most dangerous jobs in this industry. Thereby, to protect the food supply, we call on you, Democrats and Republicans, Members of this body, to take action to give the tools to OSHA and to USDA to protect these workers.

Thank you, sir. And I'm here to answer any questions that you guys might have.

Ms. WATERS. [Presiding.] Thank you very much, Mr. Rosas.

Finally, we will hear from Ms. Licolli.

Ms. Licolli, you are recognized for five minutes.

**STATEMENT OF MAGALY LICOLLI, CO-FOUNDER AND  
EXECUTIVE DIRECTOR, VENCEREMOS**

Ms. LICOLLI. Good afternoon, everyone. My name is Magaly Licolli. I represent Venceremos, a human rights organization in Arkansas that works to ensure the dignity of poultry workers. I'm grateful for the opportunity to testify today.

Having worked directly with numerous poultry workers in Arkansas the past seven years, I've heard firsthand from the very beginning of the pandemic how poultry companies exposed workers to contracting and dying from COVID-19.

When the pandemic hit the U.S. in January 2020, poultry workers immediately knew they were at higher risk for contracting the virus because they work extremely close to each other and without meaningful protections.

Between March and April of last year, there were numerous outbreaks at meat processing plants across the country, leading to over 6,000 cases and 20 deaths among meatpacking workers.

In response to this meat processing crisis, former President Trump issued an executive order declaring that meatpacking plants must stay open during the COVID-19 pandemic.

Despite the government declaring meatpacking workers essential in April of last year, neither the government nor the companies followed through on their public promises to protect workers' health and safety. For example, OSHA never enforced its own COVID-19 guidelines for meat processing companies. Therefore, workers felt completely abandoned and unprotected, as they were unable to file complaints with OSHA that would result in an inspection once they fell sick, and COVID began to spread through meat processing plants and communities.

Tyson Foods, another poultry company, didn't act immediately to prevent the spread of the virus and responded only when their public image began to take a hit, and it was too late for thousands of workers.

The first case of COVID-19 in the U.S. occurred in January 2020. In March, we had to organize calls to action and campaigns targeting Tyson, George's, Simmons, and Cargill demanding essential protections. Workers from Tyson and George's plants in Arkan-



sas organized hundreds of workers to sign worker petitions in rallies outside those plants.

It wasn't until late April, after more than 5,000 cases had developed among meat processing workers, that Tyson finally provided its plant workers with PPE.

However, the response to worker demands and negative press were mostly public relations crisis management, and did little to actually protect workers. For instance, the scanners that Tyson installed to screen workers for COVID were strictly for show, because such devices can't detect asymptomatic cases.

Instead of implementing well-known actual preventive measures as spelled out in CDC guidelines, such as distancing workers, the workers I spoke to said that Tyson complied incompletely or not at all and that any social distancing practices and such measures did not extend to other common areas, such as break rooms and restrooms.

This made it clear that measures that would cost the companies money or slow the output of plants were off the table and further illustrated the low value these companies placed on their workers' lives and well-being.

During that time, we saw the first big COVID outbreaks at various plants throughout Arkansas. I remember receiving many calls from workers letting me know how terrified they were to see how fast their coworkers were getting infected with COVID. The company did nothing to notify workers who had been exposed to COVID, and they did nothing to quarantine those workers.

Soon, the outbreaks spread so quickly that the companies, such as Tyson, lost much of their work force. Their response was to increase line speeds to maintain production levels, cramming workers even more closely together and making conditions more dangerous. Many workers also had to take on jobs and operate equipment that they were not trained for, creating a severe safety hazard.

Poultry workers should have never been put in the position of choosing between their livelihoods and their lives. We should provide humane working conditions, enforcement of safety standards, basic leave, and affordable healthcare for these essential workers.

In addition, the USDA must stop allowing companies to increase line speeds in processing plants and withdraw all existing line speed waivers.

Poultry workers' lives, dignity, and humanity are more important than company profits. It's immoral that companies are able to profit from the injury, suffering, and death of workers, and it must end now.

Thank you so much.

Ms. WATERS. Thank you very much, Ms. Licolli.

I now yield to Mr. Raskin for five minutes for questions.

Mr. RASKIN. Thank you very much, Madam Chair.

I first want to welcome my distinguished constituent, Debbie Berkowitz, who is a nationally renowned expert in the field of occupational safety and health and a passionate advocate for our Nation's workers. It's my great honor to represent her in Congress.

And thank you, Debbie, for all the great work you do.

Last year, while workers faced these epidemic COVID-19 outbreaks, meatpacking companies were raking in record profits. One

of the biggest companies, JBS, reported a 32-percent increase in sales in 2020 and rewarded shareholders with \$2.3 billion in dividends and stock buybacks. Another company, Tyson, spent more than \$675 million on dividends and stock buybacks through the period of the pandemic.

At the same time, at least 59,000 meatpacking workers got COVID-19 during the first year of the pandemic, triple the number that we originally understood, and at least 269 of these 59,000 died from COVID-19.

Mr. Rosas, given the profits of companies like JBS, could companies like these have afforded to protect workers better during the early COVID outbreak period by adjusting line speeds, increasing spacing, or providing workers with better sick leave policies?

Mr. ROSAS. Thank you, Congressman Jamie Raskin.

Absolutely, they can easily prevent most of those problems by slowing the line speed and staggering people's breaks and really provide an adequate social distancing in those plants, and if they would provide workers with meaningful leave of absence.

One of the reasons and one of the problems that we confronted was where the companies were refusing to slow the production lines, putting profits ahead of worker safety and well-being. I definitely believe that can be preventable.

And like I mentioned earlier, one of the biggest challenges that we confronted was, when President Trump invoked the Defense Production Act, some of these employers feel like they got a green light to disregard the human factor into their operations.

Mr. RASKIN. Thank you very much.

Under the last administration—and I remember many members of our committee urging OSHA to act—OSHA actually did little or nothing to protect the workers.

At one JBS plant in Greeley, Colorado, nearly 300 workers tested positive for COVID-19, at least six of them died, in the span of just six months. And OSHA fined the company just over \$15,000, which is less than 1/100,000th of one percent of the money that they paid out in dividends and stock buybacks during that period.

Another large outbreak took place at Smithfield's facility in Sioux Falls, South Dakota, last spring. More than 1,200 workers were infected; at least four died. Six months later, OSHA fined the company just \$13,494.

Ms. Berkowitz, why were the fines against JBS and Smithfield and other meatpackers so small? Do you believe that larger fines would have promoted greater compliance and seriousness about the health of the workers during this period?

Ms. BERKOWITZ. Thank you for the question, Representative Raskin. And I'm delighted to be here with my Congressman.

Totally. OSHA totally abandoned its mission to ensure employers could protect workers in the last administration. And after thousands and thousands of workers got sick in meatpacking and so many died in these plants, OSHA did little more than slap them on their wrist, which, in a way was a signal to the industry, "Don't worry, you're not going to be held accountable for what you did." And it did nothing. And, you know, conditions continued to deteriorate.

I have to tell you that the OSHA law is very weak. And so, when OSHA barely did anything—you know, there are other complaints workers filed, and OSHA didn't even, you know, cite or do an inspection or anything.

Workers can't sue their employer. All they have to protect their worker safety rights is OSHA, and when OSHA fails, they have nothing.

And the other thing that's pretty outrageous is JBS, Smithfield, they are contesting these little citations. And, under the OSHA law, when you contest a citation, you don't have to correct the hazard. And conditions are deteriorating in these plants. And I know of one plant where they tried to file another complaint, but nothing's happened.

So thank you.

Mr. RASKIN. Well, thank you for your work. This is just an absolute scandal and an outrage, that the workers in meatpacking plants have been left exposed like this.

Ms. Licolli, did any of the workers that you worked with ever suffer retaliation from their employers for speaking out about unsafe work environments and conditions?

Ms. LICOLLI. Well, workers in Arkansas began to organize themselves back in March, because—I want to say that most of the workers have preexisting conditions and have developed respiratory problems due to the high exposure of chemicals.

So, back in March, when everybody was sent home, workers had to stay on their lines, so unprotected that they couldn't file any complaints through OSHA. So they began—they didn't have any other option but to fight. And so they began drafting or creating these worker petitions to ask more workers to join.

Tyson, obviously—they had to be very careful because, obviously, organizing inside a non-unionized plant is very dangerous for workers. And, yes, many workers suffer retaliation in terms of, like, workers have to come to work while sick because they get punished for missing work if they get sick.

So all of these preexisting conditions led them to organize because they didn't have any other option. They felt so unprotected during those times. And they keep fighting, because there is no protections right now whatsoever.

And so companies like Tyson and George's, obviously, all the time are intimidating workers to not organize, to not speak up, to not be on the media. Workers cannot testify in front. We always have to protect their identities, their names, where they work, because they are at high risk of being fired for doing this.

Mr. RASKIN. Well, Mr. Chairman, I would just like to say, some of these companies are treating the workers in the plants not much better than the animals that go through them. And this is a scandal. And I wish that OSHA would get back to the job it's assigned to do.

I yield back to you.

Chairman CLYBURN. [Presiding.] Thank you for yielding back.

The chair now recognizes the ranking member.

Mr. SCALISE. Thank you, Mr. Chairman.

It's interesting that OSHA is not a part of this hearing. And I'll reiterate, what we should be having a hearing on is things like this

latest scandal that the National Institutes of Health just confirmed, that you've got EcoHealth Alliance, a company that got millions and millions of taxpayer dollars, very likely violated the very terms of that taxpayer-funded contract by performing gain-of-function research at the lab in Wuhan where many, many scientists have suggested this virus started.

We need to have a hearing on that. We need to get to the bottom of these kinds of allegations of major, major scandals that involve the very genesis of the virus that killed over 700,000 Americans now, millions globally. We still haven't had a hearing on what really went on. And this latest National Institutes of Health letter, just a few days ago, is one more example of why we need to focus on that.

Something else that we hear about every single day from families is the inflation crisis. There's an inflation crisis hitting families right now. We're experiencing record price increases for everything people buy. This is a problem that my Democrat colleagues want to ignore, but, sadly, American families don't have that luxury.

When Democrats in the majority recklessly dumped almost \$2 trillion into the economy this spring, they poured gasoline on this inflationary fire.

If you looked recently at the Consumer Price Index, the latest report just a few days ago showed that prices increased 5.4 percent just in September, compared to the previous September—5.4-percent increase.

To quote The New York Times, quote, "Thanksgiving of 2021 could be the most expensive meal in the history of the holiday." The cost of a turkey in 2019 was \$12.96. This year, it's \$21.76, nearly doubling. Prices for potatoes are up 3-1/2 percent. Canned vegetables are up 3.8 percent. All of the staple items that families are going to be buying, or trying to buy, to have a Thanksgiving dinner with their family are up dramatically.

Energy prices are also through the roof right now. Energy costs overall are up over 40 percent; gasoline, 40 percent. People can't even fill up their cars because their credit cards are being maxed out before their gas tank is filled up.

Unfortunately for the American people, these increases are likely to keep coming. Everybody sees that the inflation they're paying in higher prices is a result of all the increased spending, trillions in new spending, that we've seen this year.

And there's no end in sight. There's still an attempt, as we speak, to try to bring trillions more in new spending to the floor today or tomorrow. We don't know. That's what they're trying to get the votes to pass.

Larry Summers, the former Secretary of the Treasury for President Clinton and the Director of the NEC for President Obama, continues to express increasing alarm at the situation. He recently said, quote, "We're in more danger than we've been during my career of losing control of inflation in the United States."

The White House chief of staff recently retweeted economist Jason Furman when he said that inflation is, quote, a "high-class problem." This is not a high-class problem. In fact, inflation is probably the largest tax increase on middle-and lower-income families. Whether it's someone who works in a meatpacking plant,

someone who drives an Uber, someone who's working a minimum-wage job, inflation is the thing that's hitting them the hardest today.

It's crushing American families that are trying to feed their kids and pay their bills. Prices are rising faster than their paychecks. Inflation is absolutely a tax on everyone but especially the lower-income families in America.

Rather than recognize what those policies have done, it seems like this majority continues to spend trillions more dollars. It's only going to make things worse. When you look at the prices for everything people buy, it keeps going up. And it's going to keep going up if these policies continue.

So I would go back again and just urge, Mr. Chairman, that we have a hearing on the origin of COVID, we have a hearing on this NIH latest scandal that they themselves have exposed, that gain-of-function research happened. EcoHealth Alliance used multimillions of dollars of taxpayer money to fund it, and we see the deadly consequences. We need to have a hearing on this.

And, with that, I yield back the balance of my time.

Chairman CLYBURN. I thank the ranking member for yielding back.

The chair now recognizes Ms. Waters for five minutes.

Ms. WATERS. Thank you very much.

Mr. Chairman, I am so pleased that you're holding this hearing, because, at the height of the pandemic, we were hearing stories about what was happening to many of our essential and frontline workers, but we heard some of the worst stories that were being heard about what was happening in these meatpacking plants.

We heard about people who got sick, and they were told by the owners and managers of these plants that they could not take off, and if they took off from their job, even though they were sick, they would be fired.

And so you had people who were trying to come to work every day, who were sick, but that's all they had, was the earnings from these plants, and if they took off, they would lose the ability to put food on the table.

And so the stories were horrific. And, if I can recall, I think I heard some of these horrific stories not only about the ones we're hearing today but, I believe, in Utah, some of the other states that these stories were coming from.

And so, as I understand it, in a briefing with this select subcommittee, a career OSHA official said that the Trump administration made a political decision not to pursue new authorities to help protect workers.

Ms. Berkowitz, you spent six years as a senior official at OSHA. How would you describe OSHA's response under the Trump administration to the outbreaks in the meatpacking plants?

Chairman CLYBURN. Turn on your—is your mic on?

Ms. BERKOWITZ. Apologies. Thank you, Congresswoman Waters.

OSHA totally abandoned its mission. They went AWOL. They looked the other way. The Secretary of Labor at the time, Eugene Scalia, told OSHA, don't respond to complaints that were coming with inspections. I heard that they didn't even give out N95 res-

pirators for inspectors to be able to do inspections in these plants if they wanted to.

In March, the AFL–CIO and hundreds of different organizations petitioned the agency, March 2020: Just set some requirements, so employers would know what to do. And they refused to set requirements, so that there were no requirements. And, as I said before, you know, workers were left on their own, and it was really a dire and horrible situation.

Ms. WATERS. There was an example given about what happened in Merced County, California, where senior Trump appointees working for the Department of Agriculture intervened on behalf of a meatpacking company in an effort to intimidate the public health division.

Did you hear about that?

Ms. BERKOWITZ. Yes. I heard about it as it was happening. The company called the USDA and said, “Come help us.” And even though it said right on the USDA’s website that they could not keep plants open and local health departments could close the plants, the political appointees at the USDA Food Safety and Inspection Service intervened and basically said, you’ve got to keep these plants open.

They did that—you know, luckily, in California, you had a great attorney general, and the Justice Department there intervened, and the plant was shut down. But, in Illinois—and I believe that plant, the JBS plant, is in your report—the local health department said, “We can’t do anything. USDA said that they are in control.”

It happened in Illinois at a Smithfield plant that actually was closed, and then they called USDA and said, “Tell the health department to let us open.” I remind you, this is without mitigation measures that they were opening up, so it would continue to spread in the plant and into the community.

Ms. WATERS. Wow.

Well, I would just like to do a little bit of a comparison here. We understand the Biden administration is providing \$1.4 billion in pandemic assistance to coronavirus-impacted food workers, distributing up to \$600 per worker in relief payments to frontline meatpacking workers, and mandating crucial vaccines and coronavirus testing of course.

Are you aware of the difference between what was happening in the Trump administration and what is being done now? And what more needs to be done?

Ms. BERKOWITZ. Right. I am very aware. And, hopefully next week, OSHA will be issuing that emergency temporary standard that will affect all meatpacking companies. Either they get a vaccine or they have to be tested, and that is very important.

So this new administration has a lot of work to do, but it’s really, you know, turned the table on what’s been happening.

So thank you.

Ms. WATERS. Thank you so very much.

And I yield back the balance of my time.

Chairman CLYBURN. I thank the gentlelady for yielding back.

The chair now recognizes Dr. Green for five minutes.

Mr. GREEN. Thank you, Mr. Chairman. Good to see you. Thank you for putting this together, and I want to thank the ranking member as well.

Today's hearing is simply an effort to distract from failed economic policies of the Democrat Party.

It was the Democrats who extended the massive unemployment insurance program, incentivizing people not to work. By January 2021, 18.2 million Americans were still receiving unemployment benefits, while 40 percent of the businesses were struggling to fill their jobs.

It was the Democrats who put in place an eviction moratorium, harming thousands of small businesses and retirees and further encouraging people to stay home and not work.

It is the Democrats that are forcing vaccine mandates on private businesses, causing a tremendous number of workers to leave the work force.

And it is the Democrats that have dumped trillions of printed dollars into our economy, causing massive inflation, inflation to hit a 30-year high, and government deficits to skyrocket.

Because of these policies, Americans are having to pay too much money for too little products because there are too few workers.

COVID-19 has impacted every industry. Few businesses have come out unscathed. So let us face head-on the real problems: a work force shortage and a supply chain crisis caused by economically illiterate policies.

But what are the Democrats trying to do? Ram through trillions more in spending with their so-called Build Back Better Act. It's not just meat prices that are going up; everything is becoming more expensive—gas, electricity, milk, clothing, used cars, rental cars, you name it.

The price of lumber has skyrocketed 193 percent, causing the price of a new single-family home to rise \$24,000 since this time last year. That's how inflation works.

It's caused by the government, not the private sector, as evidenced by LBJ's Great Society spending that contributed to the stagflation of the 1970's.

The solution to these problems is not more government interference; it's less. The Federal Government needs to get out of the way and let America's businesses and workers do what they do best. Then we need to stop this reckless spending. Otherwise, we risk repeating the "Great Malaise" of the 1970's or much worse.

Thank you, Mr. Chairman, and I yield.

Chairman CLYBURN. I thank the gentleman for yielding back.

The chair now recognizes Mrs. Maloney for five minutes.

I don't see Mrs. Maloney, so the chair—Chair Maloney?

Mrs. MALONEY. Hi. Mr. Chairman, thank you so much.

Chairman CLYBURN. OK.

Mrs. MALONEY. Can you hear me?

Chairman CLYBURN. Yes, we can hear you now.

Mrs. MALONEY. OK.

Meatpacking facilities were the sites of some of the first and largest outbreaks of the coronavirus in the Nation. Thousands of essential meatpacking workers were infected, falling ill in disproportionately large numbers compared to workers in other indus-

tries. Many of these workers were compelled by their employers to be at work even when they were feeling sick, as we just heard in this testimony.

Ms. Godinez, I understand you represented workers in a lawsuit to address the safety conditions in meatpacking plants. Why did the workers you represented feel so unsafe going to work?

Ms. GODINEZ. Sure. Thank you, Congresswoman.

There are a number of reasons why the workers didn't feel safe, but, first of all, they understood that this was an airborne virus, that, by standing shoulder-to-shoulder, elbow-to-elbow, they were going to contract the virus.

And distancing was not only not available on the line, but it also was not available in the break rooms, in the cafeteria rooms. They have a very limited amount of time to go get in the break room, take off their gear, their protective gear—and I'm not talking about COVID-19 protective gear—in locker rooms where the lockers are stacked on top of each other, you're changing clothes right on top of another worker. And then you go into the cafeteria and you're only separated by a very thin, flimsy barrier, and you're taking off your mask, you're eating right in front of others.

And then the other reason why workers felt unsafe is simply because they kept seeing their coworkers not come back the next day, and sometimes they didn't come back at all, and only discovered that someone had passed away because of a Facebook GoFundMe page.

And, overall, there was a lack of transparency. There was no contact tracing. They didn't know if they had been exposed. They didn't know if they were exposing their children or family members. So they knew they were risking their lives by going into the meatpacking plants, and that was an unnecessary risk.

Mrs. MALONEY. Thank you.

In April 2020, a large coronavirus outbreak at a Smithfield plant in Sioux Falls quickly spilled over into the wider South Dakota community. What began with a few cases among workers ultimately resulted in more than 1,000 cases being linked to this plant. Despite this, leaders in the meatpacking industry refused to admit that their plants were driving infections as late as mid-May 2020.

Ms. Berkowitz, how did meatpacking plants drive coronavirus infection rates into surrounding communities, particularly rural communities?

Ms. BERKOWITZ. Thank you.

You know, we know from the——

Mrs. MALONEY. We can't hear you. Turn on your mic.

Ms. BERKOWITZ. Thank you.

We know from the beginning of this pandemic that workplace exposures were significant drivers of spreading the coronavirus out into the communities. In meatpacking plants, especially in that plant, Smithfield in Sioux Falls, South Dakota, it whipped like wildfire among the workers, and then brought it back home to their family members, who got sick, who infected other people in the community. That's sort of how it happened.

And I want to make it clear that the only reason we even know that this virus was spreading the way it did is that the children of the Smithfield workers and the local union actually started talk-



ing about it to the newspaper. The children of the Smithfield workers actually formed a Facebook group because their parents were too scared to speak out.

And so there have been study after study showing that, you know, the numbers now, which are so staggering, are just the meatpacking workers themselves, but there's an exponential component to what the real effect of the industry's failure to mitigate the spread of COVID in their plants is, with the spread in the community. I mean, rural communities were hit incredibly hard because the meatpacking industries and the hospitals were overwhelmed.

Mrs. MALONEY. Thank you.

And, Mr. Rosas, in April 2020, you called on meatpacking companies to slow their line speeds to guarantee safe social distancing between workers. Why did you make this demand? And did the meatpacking companies comply? Did they respond appropriately to your demand?

Mr. ROSAS. They were open to have a discussion in regards to the line speed, slowing the line speed. However, as soon as President Trump invoked the Defense Production Act on this industry, some of the employers such as Seaboard Foods in Guymon, Oklahoma, which is not mentioned quite often in this whole investigation, they ran top line speeds, they increased the line speeds.

So we don't get a very positive response based on the fact that they feel protected by the administration and the OSHA negligence of protecting its workers.

Mrs. MALONEY. Thank you.

My time has expired, and I yield back. Thank you.

And thank you all for your testimony.

Chairman CLYBURN. I thank the chair for yielding back.

The chair now recognizes Dr. Miller-Meeks for five minutes.

Mrs. MILLER-MEEKS. Thank you, Mr. Chair.

And thank you to the witnesses.

Let me just say that I represent Iowa's Second Congressional District. I'm in a rural area. It is the home to multiple meatpacking plants.

In fact, during the early days of the COVID-19 pandemic, because I was a state senator for these areas, I personally was in contact and toured with individuals from the JBS plant in my hometown of Ottumwa to discuss mitigation strategies. And, also, they were in contact with the Iowa Department of Public Health, and I put them in contact with the Wapello County Public Health, our home county.

This is what they did: screening for symptoms, temperature screening before you entered the plant; testing, COVID-19 testing every week; physical barriers within the plant, which were not flimsy, as the report notes, that if it was temporary plastic, it was until they could get thicker plastics up; social distancing; increased air sanitation and ventilation.

Everyone was provided PPE, which was changed. They increased the number of shifts so that workers could've been spaced out further. They set up tents to have separate cafeterias and then staggered all the shifts for people going to eat in the cafeteria, so separate dining facilities.

They had increased access to medical healthcare services and health benefits, and if they were sick and vulnerable, they were told to not come into work. They also provided education and resources.

And I mention this because one of the things I advised them to do, after reading early on in the pandemic that a salt shaker was the contact source for someone in Italy, also asked them not to have any silverware, plastic silverware, or salt shakers or anything that could be communally touched.

So, Dr. Berkowitz, you focus in your testimony in the early days of the pandemic and the meatpacking industry response. And let's not forget that even experts like Dr. Fauci didn't know what was going on in those early months and guidance was changing daily.

So I just mention that, in April and May, we were already instituting in these meatpacking facilities in my district—they were already issuing mask mandates, temperature screening, testing, PPE.

And so the guidance was changing even with the CDC. And JBS distributed masks to employees in March, prior to it being recommended by the CDC in April. And even Democrats in the U.S. House of Representatives didn't institute a mask mandate until July 2020.

We also did contact tracing. And I spoke with our local county public health. And, if you'll recall, people don't spend 24 hours a day at their workplace; they are at home or in their community. And our contact tracing showed that most of our spread came from in the home or other living conditions or in transportation with carpooling.

Mr. Chairman, I ask unanimous consent that this chart be entered into the record.

Mrs. MILLER-MEEKS. There has been a declining rate of COVID among meat and poultry workers since May 2020. As you can see from this chart, the industry clearly has made significant process in their COVID-19 mitigation strategy, consistently having a lower case average than the U.S. as a whole since last November.

Prior to any vaccine mandate, on March 12 of this year, I administered vaccines at a vaccine clinic at JBS. We vaccinated over 800 employees on that day. And here we are now, in October 2021, with three FDA-approved COVID-19 vaccines produced by the Trump administration's Operation Warp Speed.

And I would like to discuss how the meatpacking industry is working to vaccinate their work force. As I said, I personally administered vaccines. Their vaccination rate as of yesterday is 85 percent, and the JBS plant in Marshalltown was 88 percent. They have reached this rate of vaccination through voluntary programs and providing easy access to employees, not harmful mandates.

Do we know of any other medical conditions for those who unfortunately—and any death is tragic. Do we know of any other medical conditions that would have put them more vulnerable?

Mr. Rosas, do you believe that widespread vaccination is the way out of this pandemic?

Mr. ROSAS. Give me one second, ma'am.

I'm back in the video. Can you guys hear me OK?

Chairman CLYBURN. Yes.

Mr. ROSAS. Not necessarily. I don't believe vaccination is the only way out of this problem.

Mrs. MILLER-MEEKS. OK. Thank you for that.

Mr. ROSAS. We must—

Mrs. MILLER-MEEKS. Many farmers had to euthanize their herds. Do any of you know how many farmers committed suicide? Because that happened in my district when farmers had no place to take their hogs or their beef or their chickens.

From September 2020 to September 2021, the price of bacon has increased 17.6 percent; the price of chicken, 7.6 percent.

We could easily be being a conversation about the massive surge of migrants at the southern border who are not being COVID-19 tested; or the rate of inflation; the supply chain shortages which we have right now, which are not going to get better and I actually have ideas to address. We could be talking about and doing investigations on the botched Afghanistan withdrawal or the origins of COVID-19, which we have already heard from Ranking Member Steve Scalise.

So let me be clear: I support vaccines and have personally administered them in all 24 counties in my district. But, while we face rampant inflation coupled with a labor shortage—we have farmers who had nowhere to take their herds and had to euthanize them and then commit suicide—we must not make it worse. When we do, it is those in the margins, low-income families and rural Americans, who feel it the most.

Thank you so much, Chair. I yield back my time.

Chairman CLYBURN. I thank the gentlelady for yielding back.

The chair now recognizes Mr. Foster for five minutes.

Mr. FOSTER. Thank you, Mr. Chair.

Just first, I would like to respond briefly to my Republican colleagues' fixation on this claim that the NIH somehow funded dangerous research in China that somehow led to the coronavirus outbreak.

First off, Congress has had a hearing on the origins of the coronavirus on July 14 in the Science Committee Investigations and Oversight Committee that I chair, along with Ranking Member Jay Obernolte, who's an example of a thoughtful and deliberate and fact-based Member that has become, unfortunately, increasingly rare on the other side of the aisle. We had a very good hearing, and I urge members to look at the video of that hearing and the transcript.

On this committee, we asked NIH last week if American dollars were used to fund gain-of-function research by EcoHealth Alliance or the Wuhan Institute of Virology, and the answer was an unequivocal "no," in part because the virus under investigation was not capable of infecting humans.

NIH also confirmed, the research focused on a genetically distinct virus which could not be the source of the coronavirus that has impacted the world.

Anyway, there's a lot more to be said there, but the starting point would be the rational discussions we have of this issue on the Science Committee Oversight Subcommittee.

Now, the coronavirus outbreaks have affected meatpacking facilities in almost every part of this country. At one Smithfield plant

in St. Charles, Illinois, just outside my district, previous estimates have put the number of infections in March and April 2020 at 64, including three deaths. However, based on internal company documents obtained by this select subcommittee, we now know that 110 of 519 workers at that plant were infected in just those first two months. That's over 20 percent of the plant.

This select subcommittee's data show that this trend was repeated throughout the country, with numerous meatpacking plants having much higher numbers of infections than previously disclosed.

So, Ms. Berkowitz, why has it been so difficult to get an accurate count of the number of infections and deaths at meatpacking facilities during the pandemic?

Ms. BERKOWITZ. Because there's no Federal agency that's collecting this data. There's no requirement for the industry to submit this data, like, to OSHA. And the industry didn't make its data public. And states that may have had some data based on the testing that was sent to them, many of them didn't make it public.

So I think this is really something for the committee to look at, to give powers to OSHA or the National Institute for Occupational Safety and Health to, sort of, do a look-back on what happened in terms of not being able to get data.

The only data that was collected was for healthcare workers, but for high-risk meat and poultry, the Federal Government did not collect this data.

Mr. FOSTER. And, in your view, was not having an accurate and publicly available count of infections and deaths dangerous to plant workers and their communities?

Ms. BERKOWITZ. Yes, it was very dangerous, because the industry could get away with what we just heard by just, sort of, making up numbers and putting it on a chart and saying, "Look, our numbers are less than everywhere else."

Or what happened was—and some politicians did this as well—is just blame it on, you know, the workers and their exposures at work. But meatpacking requires—they work 10 hours a day, they come home. They are just home; it's not like they go out and party at night. They're exhausted.

So it did really prevent workers from having the tools they needed to really ask for and get better protections.

Mr. FOSTER. Yes. You may know I'm a scientist. And if a scientist stands up and says something that they know is not true, it's a career-ending thing. And apparently it doesn't end the careers of meatpacking CEOs.

Well, thankfully, we have strong and sensible unions, like the UFCW. They're pushing for worker vaccinations, and plants have, as a result, gotten safer.

So I'd like to enter into the record a press release from the UFCW highlighting their 96-percent vaccination rate.

Chairman CLYBURN. Without objection.

Mr. FOSTER. Thank you.

You know, I guess it's a scientific fact that, if our whole country was as sensible as UFCW workers, we would be looking at this pandemic in the rearview mirror and our medical personnel and

our first responders would be enjoying a well-deserved break instead of what they're dealing with.

However, it seems as though the meatpacking plants were caught flatfooted in 2020 with no plan to protect their workers from the virus, although they had been warned about the risks. In 2007, the Federal Government cautioned the food and meat industry that it was, quote, "not a matter of if but a matter of when" the epidemic would occur. And the industry and others like it were instructed to plan for, quote, "the systematic application of infection control and social distancing measures." And these warnings were amplified and repeated by the Department of Labor under President Obama.

So, Ms. Berkowitz, you know, based on the warnings they received, did they do all they could and all they were instructed to do to prepare for a pandemic?

Ms. BERKOWITZ. No. From my experience from talking to workers and local unions and community groups from plants all over the country, companies were flatfooted. They just wanted to keep going the way they were.

I mean, the report 15 years ago said: Stockpile masks. You know, start thinking about how you can—you're going to get—maybe 40 percent of your work force is going to be sick. Spread workers apart. Slow it down.

And, instead, actually, like, 15 meat plants went in—poultry plants—and said, we want to speed up our lines, keep workers closer together.

So, no, they were not prepared. They just thumbed their noses at that report.

Mr. FOSTER. Thank you.

Ms. BERKOWITZ. Thank you.

Mr. FOSTER. My time is gone. I yield back.

Chairman CLYBURN. Thank you, Mr. Foster. If you have some more questions, I'm going to yield to you after I yield. I'll yield you some of my time.

The chair now recognizes Mr. Jordan for five minutes.

Mr. JORDAN. Thank you, Mr. Chairman.

Again, I ask the question, why don't Democrats want to know where this virus started, how this virus started?

You know, think about the important information we learned last week. Peter Daszak with EcoHealth got our tax dollars, American tax money, in a grant. We learned that EcoHealth failed to comply with the grant. They did gain-of-function research and didn't notify us. And they didn't report in general for two years. During that two years when they didn't report, they got 21 million more dollars from the American taxpayer.

This summer, July 23, 2021, the NIH notified Mr. Comer and the Congress that EcoHealth were in compliance with their grant, even though, as I said, they weren't. July 28, 2021, they sent—excuse me. On July 23, 2021, they notified EcoHealth that they weren't in compliance. Five days later is when they sent the letter to Chairman Comer saying, in fact, just the opposite, that EcoHealth had, in fact, done the reporting they were supposed to do.

What did we learn last week? Last week, October 20, 2021, the National Institutes of Health told us: Oh, we were wrong. We were

wrong. They weren't in compliance. Even though they had told us they were, they weren't in compliance.

And, on that same day they told us that, on their website they changed the definition of what gain-of-function research really is.

What I find interesting, too, is last week—no, actually, not last week; two days ago—two days ago, there was an op-ed in the editorial board at The Washington Post—not just an op-ed, the editorial board at The Washington Post said this: Mr. Daszak insists that the laboratory could not be the source of the pandemic, of the virus.

But the final two paragraphs, they say this: Unanswered questions keep emerging about Mr. Daszak and the Wuhan Institute of Virology. Why did he not disclose? Why didn't Mr. Daszak disclose his 2018 proposal to the Defense Advanced Research Projects Agency for research on bat coronaviruses with the WIV and others which called for engineering a modification onto spike proteins of chimeric viruses that would make them infect human cells in a way the pandemic strain in fact did? What does he know about the data bases of viruses the WIV took offline in 2019 and never brought back? Does he know what research the WIV may have done on its own during or after their collaboration? What was being done at the Wuhan Institute of Virology in the months before the pandemic?

Pretty important questions. It would seem to me that the Select Committee on Coronavirus would kind of like answers to those. After all, The Washington Post says we need answers to those.

In fact, here's how they conclude their op-ed. Here's what the editorial board at The Washington Post says: Mr. Daszak must answer these questions before Congress. His grants were Federal funds, and it is entirely appropriate—I would add required—for Congress to insist on accountability and transparency. He might also help the world understand what really happened in Wuhan.

Amen to that. It's not often I agree with The Washington Post editorial board, but they get it. It seems to me the only entity that doesn't get it is the committee in Congress that's supposed to look into the coronavirus, the Select Committee on Coronavirus. Why we won't go after this issue, why we won't bring in Mr. Daszak—that should be our witness.

I think this is an important subject, and I applaud that, but the main focus should be how this thing started so that we never get one of these things again. But for some reason, they don't want to do it.

The gentleman from Illinois talked about a fact-based approach. This is a fact-based approach. I'd like to get the facts. And the one guy that knows it is Mr. Daszak. He was the guy put on the World Health Organization team. He's the guy who misled us for two years, didn't report as he was supposed to under the grant where he got American tax dollars and did gain-of-function, which he was not permitted to do, under that grant proposal. He did all that. Yet Democrats don't seem to want to talk to him.

I'd like to talk to him. I'd like him to be sitting right there at that table where all of us, not just Republicans, but Democrats, could ask him questions too. We might be able to get to the bottom of this.

But this idea that everyone has downplayed the lab leak theory, which to me seems now to be, like, the most likely explanation for how we got this terrible virus—no, they want us to believe it was a bat to a penguin to a hippopotamus to people and all this stuff.

I'd like Mr. Daszak here, and why the majority party won't do it I'll never know. But let's hope—let's hope they do it, particularly in light of everything we learned last week and the fact that the NIH changed the definition of “gain-of-function” last week, the same day they notified us of how EcoHealth had been out of compliance and had been misusing the grant dollars of the hard-working people of this great country.

I yield back.

Chairman CLYBURN. I thank the gentleman for yielding back.

As I promised, I'm going to yield a portion, if not all, of my five minutes to Mr. Foster.

Mr. FOSTER. Yes. It just—you know, I serve on—well, more than two committees, but, you know, it strikes me that there is a mistake that's often made on the other side of the aisle, to mistake speaking falsehoods rapidly for intelligence and truth.

And, you know, when you see things, statements like we just heard, where—

Mr. JORDAN. Will the gentleman yield?

Mr. FOSTER [continuing]. People haven't understood, for example, the elementary difference between human cells and mouse cells with humanized ACE2 receptors, you know, if you're going to talk about scientific issues, at least take the time to understand the—

Mr. JORDAN. Would the gentleman yield?

Mr. FOSTER. No. I have been yielded the time, and it's not mine to—

Mr. JORDAN. Well, I wasn't asking you. I was asking the chairman.

Mr. FOSTER. I'd prefer to just continue on my line of questioning and go back to the subject, actually, of this hearing, though I really—I'd urge anyone interested in this issue to look at the thoughtful discussion that happened on a bipartisan basis in the House Oversight Committee, which will continue to be looking at this issue.

All right. Well, let's see, if we just—well, maybe I'll just try—

Mr. JORDAN. It's a—

Mr. FOSTER [continuing]. To get back to the—

Mr. JORDAN. Mr. Chairman?

Mr. FOSTER [continuing]. Get back to some of the subjects here. Let's see, I'm shuffling my papers here.

OK. You know, it really—if we get back to this issue about, you know, why, despite being warned, you didn't see a response, you know, a response and a preparation ahead of time in the meatpacking industry, you know, is it just the economic issues? You know, are there noneconomic issues? You know, the fact that the workers are, you know, not at the top of the socioeconomic ladder, is that part of it?

Any thoughts on that, of why it seemed to be so uniquely bad in the meatpacking industry?

Ms. BERKOWITZ. I've been doing worker safety and this work for almost 40 years, and I think what's happened over the last 20

years is the industry has gotten a lot more concentrated, so now you have these huge companies that have unlimited resources.

But you also have, sort of, a very terrified work force. I mean, in poultry, only 30 percent is union. But even in some of the plants, workers are too scared to speak out because of retaliation because they are largely refugees, and they're worried if they speak out, they'll lose their job. They're immigrants workers who may know some people with some issues, and they don't want, you know, any trouble.

And so the industry sort of gets away with things because you don't have—you know, like, Amazon has a work force that's willing to speak out, and they don't care if they get fired. It's a very different work force in meatpacking.

I mean, these really are the hardest-working people. They do great jobs. They're proud of what they do. But I couldn't get one meatpacking worker, even a union plant, to speak to the press for the first five months of the pandemic. They were terrified. But I got their children, and then Rose, who's a lawyer and a child, who really stepped up in a big way.

Mr. FOSTER. I see. And the children being citizens?

Ms. BERKOWITZ. Yes.

Mr. FOSTER. Yes. Because that's always the implicit threat in these. You see it in warehouse workers from time to time as well, that, OK, just the fear that, you know, if you speak up, even if you're legal to work, your sister will be deported, or that sort of implicit threat.

And you see it again and again. You see it driving down wages, driving down working conditions. And this is a secondary symptom of that same thing.

Ms. GODINEZ, do you have thoughts on this?

Ms. GODINEZ. Yes. I just wanted to add to the retaliation point, Nebraska Appleseed came out with a report and touched on this retaliation point. And over 80 percent of workers noted that either their supervisor didn't care for their safety and that they strongly disagreed that their supervisors followed company policies.

And then toward your question about why meatpacking plant workers were affected specifically, I just want to highlight that it was people of color, and that's due to existing social and economic inequities.

Only 20 percent of Black and Latinx workers are able to work from home. And we know, obviously, in the meatpacking industry, you're not able to work from home; you're going to risk going to work and exposing yourself.

Additionally, we're also talking about workers that are highly likely to be uninsured. That goes for both Black workers and immigrant workers.

Mr. FOSTER. Thank you.

And I think the lesson we should all draw from this is that, when you have work forces like that, that you have a higher duty to prepare for pandemics to protect those workers, which will fall predominantly—you know, the suffering will fall to them when—

Chairman CLYBURN. The gentleman's time has expired. Thank you so much—well, maybe my time has expired.



I notice that the ranking member is not here, so I'm going to yield to Mr. Jordan—

Mr. JORDAN. Appreciate it, Mr. Chairman.

Chairman CLYBURN [continuing]. So that he may make a closing statement.

Mr. JORDAN. Yes, I appreciate it, Mr. Chairman.

Again, I fail to see why we wouldn't want Mr. Daszak to come in front of this committee. I hope that will be the case.

I would just point out too, the gentleman from Illinois talks about—one of the witnesses at your so-called origin hearing was a signer of the now-infamous Lancet letter, which Dr. Birx told us in a deposition was completely out of step with the science, the individual Stanley Perlman.

And I don't—you know, the gentleman from Illinois and Dr. Fauci are the smartest people on the planet, but I don't pretend to be some scientist, I have never said that. I was just reading from The Washington Post editorial board. I don't know what all that stuff means. All I know is those are pretty darn important questions that we need answers to, and the one guy who can do it is the one guy who lied to us.

Think about this. We had a guy who got American taxpayer money to do research in China on bat coronaviruses. The proposal said, do not do gain-of-function research, and report if you do, and report periodically to the NIH. He did gain-of-function research, didn't report it, and didn't report periodically. And during the timeframe when he failed to do that, he got 21 million more dollars of American tax money.

Now, if that doesn't warrant bringing him and sitting him right there and letting all of us ask questions, including Mr. Foster, I don't know what does. I do not know what does.

And, oh, guess what? It's not just Jim Jordan and Republicans; it's The Washington Post. "Mr. Daszak must answer these questions before Congress." I could not agree more.

It has been a year and a half—more than a year and a half of Americans losing their First Amendment liberties because of all kinds of edicts and mandates from government. We'd at least like to know what started it all. But obviously Mr. Foster doesn't care, and it seems like the chairman of this good committee doesn't care either.

But I would again come back to a fundamental question. There's only one committee, only one select committee that's supposed to look into the coronavirus issue, and it seems to me the first question we'd be most focused on is: How did this thing start?

And now *The Washington Post* agrees with me. Holy cow. Jordan and *The Washington Post* on the same page, Mr. Chairman.

Chairman CLYBURN. That is strange, isn't it?

Mr. JORDAN. You would think Democrats would want to find the answer to that. But no, no, they don't want to do it. They just want to talk about how much smarter they are than the rest of us. OK, fine.

The good folks I represent in west-central Ohio, they may not be as smart as Mr. Foster, but they're good people, and they would like to know how this thing started.

I yield back.

Chairman CLYBURN. Well, thank you very much for yielding back, and I thank you for your closing statement.

I want to thank all of the witnesses for their testimony today.

The coronavirus pandemic caused enormous pain for meatpacking workers and their communities. They were failed by the companies they worked for and by the previous administration. Congress and the Biden administration are committed to remedying those failings. We will continue to act in order to protect the health and safety of meatpacking workers and all workers across the Nation.

The pandemic exposed and exacerbated longstanding problems in our society that have been left unaddressed. Now we have an opportunity to ensure that the working families of America don't just recover from this crisis but they emerge stronger, safer, and more financially secure than ever before. We must not let this opportunity slip away. We must deliver for America's working families.

An important step toward that end is the continuation of the select subcommittee's investigation into the impact of the coronavirus on meatpacking workers. There is more left to learn so that we can better protect them in any future pandemic.

I want to thank all of you once again for being here today.

And, Ms. Godinez, I want to thank your parents for their work on behalf of all those hardworking men and women who have kept Americans fed. Thank you for your commitment to the workers who feed America.

And, with that, this hearing is closed.

[Whereupon, at 4:16 p.m., the subcommittee was adjourned.]