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September 25, 2020

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Dear North Carolina Officials,

We call on state leaders to take immediate action protecting workers who put their lives on the line while sustaining North Carolina's largest industries and our food supply. Workers on the frontline of North Carolina's food system have been disproportionately impacted by COVID-19 due to limited workplace protections and enforcement. Over the past six months, workers, advocates, faith leaders, and community members raised concerns about the daily hardships, devastating illnesses, and increasingly, deaths faced by North Carolina's workers while calling on the state to act to protect food worker's health and safety. Since the beginning of this deadly pandemic, North Carolina has prioritized corporate profits and industry relationships over the health of our food workers, their families, and our communities. This must end today.

North Carolina frontline food workers face enormous risks and uncertainty on a daily basis, while employers are not required to meet the most basic public health guidelines. All employers of frontline food workers, including fast-food workers, grocery store workers, farmworkers, and poultry & livestock processing plant workers are not required to perform employee screenings (such as temperature checks, symptom screenings, etc.) before entering the worksite, increasing the possibility of a workplace COVID-19 outbreak. As a result of this lack of government mandate, workplace screenings are not consistently happening. Additionally, many workplaces do not notify employees of outbreaks or perform deep cleanings following outbreaks, and many fail to compensate workers for missed shifts when following COVID-19 exposure quarantine guidance, which workers are entitled to under the Families First Coronavirus Response Act. Since employer notification of workplace COVID-19 cases to their workforce is inconsistent, and workplace training on symptoms, transmission, and protection from retaliation is not required, many frontline workers do not have vital information to determine their level of risk and are disincentivized to self-report symptoms.

North Carolina's farmworkers, including poultry and livestock processing plant workers, their families, and their neighbors are sick and dying from COVID-19. The processing and packing industry has long courted disenfranchised low wage laborers in rural areas. Also, this industry has made a practice of profiting through a history of ignoring workplace safety guidelines at the expense of the health and safety of their workforce.¹ The processing industry boasts one of the highest employee turnover rates of any industry.² With ample notice that their workforce faced an unprecedented risk and deadly exposure at the advent of the pandemic, plant managers threatened to shut out public health officials and obfuscated data from officials.³ Today, more than six months since the COVID-19 pandemic was detected in our state, these essential workers continue to work shoulder-to-shoulder in poorly ventilated indoor facilities in large numbers for hours on end. Today, even after the risk and damage is certain, these employers have failed to implement necessary social distancing and public health measures to protect their employees. This inaction to protect workers has resulted in more than 50

¹ "When We're Dead and Buried, Our Bones Will Keep Hurting". (2019, September 10). Retrieved September 06, 2020, from <https://www.hrw.org/report/2019/09/04/when-were-dead-and-buried-our-bones-will-keep-hurting/workers-rights-under-threat>

² McCracken, C. (2018, October 31). State of the Meat & Poultry Industry Workforce 2018. Retrieved September 06, 2020, from <https://www.provisioneronline.com/articles/106969-state-of-the-meat-poultry-industry-workforce-2018>

³ Michael Grabell, C. (2020, June 12). Emails Reveal Chaos as Meatpacking Companies Fought Health Agencies Over COVID-19 Outbreaks in Their Plants. Retrieved September 06, 2020, from <https://www.propublica.org/article/emails-reveal-chaos-as-meatpacking-companies-fought-health-agencies-over-covid-19-outbreaks-in-their-plants>

workplaces turning into outbreak sites where thousands of employees have tested positive and countless have died.^{4 5}

Farmworkers face extraordinary risks in the field, in the high-density labor camps, and in the transportation operated by their employers, but their access to healthcare and testing is routinely controlled (and impeded) by their employers. While other state governors with far fewer farmworkers announced COVID-19 protections at work and in high-density labor camps and buses, North Carolina continues to invite more and more workers to leave their homes and communities to harvest our crops and pack produce with no plan or requirements in place. To date, workers report not getting access to medical care and testing, little to no information is provided, and no workplace screenings of their co-workers is being conducted, resulting in workers masking symptoms for fear of reprisal by their employers. Farmworker health advocates continue to be turned away from providing testing and care at migrant labor camps, and now Secretary Troxler, in response to a public report of a large-scale outbreak at a Christmas tree farm, has clarified that agricultural employers can require farmworkers who have been exposed to COVID-positive coworkers to continue working.^{6 7}

Mr. Governor, empty promises and your administration's lack of transparency have sown mistrust and we call on you to utilize the tools at your disposal to protect frontline food worker lives. Advocates, faith leaders, and community members met frequently with state leaders' staff over the past six months with the hope that you would issue an Executive Order protecting frontline food workers. Despite your public promise at a Delegates Assembly of the NC Congress of Latino Organizations to deliver an Executive Order on workplace protections for farmworkers and processing workers, no Executive Order has been issued to date. However, you are not alone in your inaction - multiple levels of North Carolina government have failed.

Secretary Mandy Cohen of the North Carolina Department of Health and Human Services (NC DHHS) has failed to require employers to comply with public health guidance to protect workers despite the very broad power to do so under North Carolina's Chapter 130 Communicable Disease Laws. Despite the imminent public health hazard of COVID-19, Secretary Cohen has refused to exercise her authority to enter workplaces to abate the imminent health hazard workers face due to COVID-19, allowing employers to voluntarily comply with

⁴ Kendall, L. (2020, July 1). Revealed: Covid-19 outbreaks at meat-processing plants in US being kept quiet. *The Guardian*. Retrieved September 6, 2020, from <https://www.theguardian.com/environment/2020/jul/01/revealed-covid-19-outbreaks-meat-processing-plants-north-carolina>

⁵ Douglas, L. (2020, April 22). *Mapping Covid-19 outbreaks in the food system*. Retrieved September 6, 2020, from <https://thefern.org/2020/04/mapping-covid-19-in-meat-and-food-processing-plants/>.

⁶ Troxler, S. (2020). [Letter]. Retrieved September 6, 2020, from <https://www.ncagr.gov/disaster/documents/documents/AugCriticalInfrastructureLetter.pdf>

⁷ Sánchez-Guerra, A. (2020, August 18). 112 workers test positive for coronavirus at Alleghany County Christmas tree farm. *News & Observer*. Retrieved September 6, 2020, from <https://www.newsobserver.com/news/coronavirus/article245019545.html>

the law when it suits them. Secretary Cohen has refused to release life-saving public health data, instead opting to defer to employers who have historically demonstrated a harsh indifference to the health of their employees. Secretary Cohen has refused to publicize workplace outbreaks and has decided, in deference to the agricultural industry, to treat the release of outbreak information at migrant farm labor camps differently than every other congregate living facility in the state.⁸ NC DHHS still lacks a comprehensive plan for testing farmworkers, including migrant workers, there is no mobile large-scale testing unit capable of testing labor camp sites housing hundreds of migrant farmworkers, and NC DHHS has failed to address the fact that employers and migrant housing operators routinely refuse migrant health outreach workers access to provide medical care including COVID testing and information to migrant resident workers. Farmworkers are the only population in North Carolina where the state government, in failing to take action, has tacitly endorsed the racist practice of allowing an agricultural employer to control and monitor the medical care and information provided to an individual who works their land.

NC Department of Labor Commissioner Cherie Berry, the official tasked with safeguarding the health & safety of workers within the workplace, has yet to take action within her power to enforce existing workplace health & safety laws. Instead, she has opted to cooperate with industry at the expense of the people she is entrusted to protect. Commissioner Berry has the ability and duty to investigate workplace safety complaints, issue citations and penalties, and more, yet she has not done so. Her inaction flies in the face of the largest occupational health & safety crisis of the last 100 years, as well as, more than 650 complaints in multiple workplaces across the state - reports of no social distancing, insufficient personal protective equipment, and workers being forced to work while sick.⁹ Each day without adoption and meaningful enforcement of workplace safety regulations means devastating consequences for frontline workers, their families, and our communities.

NC Department of Agriculture (NCDOA) Secretary Troxler's actions have further endangered agricultural workers. His recent clarification of agricultural workers as critical infrastructure workers has permitted employers to require workers who have been exposed to COVID-19 to return to work if they are asymptomatic.¹⁰ Despite this increased workplace risk and continued complaints from workers, NCDOA has deferred to companies to keep workplaces open and "operating as fully as they can."¹¹ This focus on corporate cooperation, keeping workplaces open and producing, comes at the expense of workers, as more than 4,100 North

⁸ *COVID-19 Ongoing Outbreaks in Congregate Living Settings: Updated September 4, 2020* (Rep.). (2020, September 4). doi:<https://files.nc.gov/covid/documents/dashboard/Weekly-COVID19-Ongoing-Outbreaks.pdf>

⁹ (2020). Retrieved September 8, 2020, from <https://www.osha.gov/foia/archived-covid-19-data>.

¹⁰ Troxler, S. (2020). [Letter]. Retrieved September 6, 2020, from <https://www.ncagr.gov/disaster/documents/documents/AugCriticalInfrastructureLetter.pdf>

¹¹ Quigley, C. (2020, April 22). COVID-19 outbreaks at NC food processing plants raises food supply chain concerns. Retrieved September 6, 2020, from <https://www.wect.com/2020/04/23/covid-outbreaks-nc-food-processing-plants-raises-food-supply-chain-concerns/>

Carolina workers in the agricultural and food sector have fallen ill.¹² NCDOA must be responsive to people and community safety before the interests of big business and agricultural lobbyists.

Taking into account state leaders' inaction and the sworn duty of their office, we call for Gov. Cooper to issue an Executive Order to protect frontline food workers and for state agencies to establish and enforce safe workplaces protections through:

Workplace Protections

- Companies must maintain at least six feet of distance between workers, implementing strategies such as reducing capacity or production in order to minimize the number of employees in the facility at any one time, telework, staggered shifts, curbside pickup or delivery, etc.
- Employee break rooms should be modified using plastic barriers, signage, etc. to ensure social distancing in these spaces.
- Companies must provide face masks and shields to workers who cannot maintain at least six feet of distance from others at all times; customers in essential businesses (restaurants, grocery stores, etc.) must be required to wear masks.
- Companies must provide frequent opportunities for workers to wash their hands with soap and water; they should also provide hand sanitizer for all workers and gloves for those who request them.
- Companies must regularly disinfect all touched surfaces, and shared equipment should be disinfected prior to another employee's use.
- For indoor work, companies must increase the amount of outside air in their ventilation systems and ensure that their systems comply with the minimum American National Standards Institute (ANSI)/American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standards 62.1 and 62.2 (ASHRAE 2019a, 2019b).

Screenings and Testing

- Companies must screen all workers at the beginning of their shifts for fever (>100.4 degrees Fahrenheit) and symptoms of COVID-19.
- Companies should require workers with fevers or any symptoms of COVID-19 or exposure to others with COVID-19 to self-isolate at home for fourteen days or until they receive a negative COVID-19 test. Additional protections specific to migrant agricultural workers in congregate housing need to be adopted for isolation and quarantine housing.
- Companies should be encouraged to adopt paid sick days or other policies that encourage workers to stay away from work when they are sick or could be sick.

¹² Douglas, L. (2020, April 22). *Mapping Covid-19 outbreaks in the food system*. Retrieved September 6, 2020, from <https://thefern.org/2020/04/mapping-covid-19-in-meat-and-food-processing-plants/>.

- Companies should be prohibited from retaliation against any employee who reports symptoms, tests positive, or reports a possible exposure.
- Companies must encourage any worker who becomes sick during their shift to report it to their supervisor immediately.
- Employers must allow DHHS staff and other clinicians on their property to administer COVID-19 tests and other healthcare procedures.
- Essential workers in especially high-risk settings, such as migrant agricultural workers in congregate housing, should be tested regularly for COVID-19.
- Companies should arrange for COVID testing for their entire workforce whenever there is a confirmed positive COVID-19 test among the workforce.

Communication

- Companies must provide COVID-19 training to all workers in their primary languages, including information on COVID-19 symptoms and transmission, infection control practices, personal protective equipment, how to notify the company of any COVID-19 symptoms or exposure, and how to report unsafe working conditions.
- Companies must place posters in the workplace that encourage social distancing, proper use of personal protective equipment, staying home when sick, cough and sneeze etiquette, and proper hand hygiene practices.
- If an employee tests positive for COVID-19, companies must inform workers who may have been exposed and the local public health department within 24 hours; companies must then follow the CDC Cleaning and Disinfection for Community Facilities Guidelines in order to complete thorough cleaning and disinfection.
- Companies must communicate to their workforce that they will not discriminate against or take any negative action against any employees who refuse to work because the worker has requested that the company take action to correct a dangerous working condition that the worker believes puts them at increased risk of catching COVID.

For the sake of our communities, you must act. North Carolina must change from a culture of corporate cooperation that values profit to one of industry accountability that values people. The time for backroom negotiations with employers has passed. North Carolina urgently needs bold, public action to protect our state. Issue an Executive Order. Enforce the Executive Order. We demand you take action to protect our workers, our families, our farming communities, and the state of North Carolina.

Sincerely,

A Better Balance

A Well-Fed World

Advance Carolina

Agroecology Club at NC State

Alianza Cristiana de Clemmons

Alliance of Baptists

Asociación de Guatemaltecos

Better Food Foundation

Binkley Baptist Church

Black Voters Matter Fund

Brighter Green

Calvary Jail Ministries

Cape Fear River Watch

Carolantic Mobile Home Park

Casa El Salvador

Center for Biological Diversity

Centro de Orientacion Familiar

Chatham County Chapter of NCCLLO

Chatham Organizing for Racial Equity

Chatham Pines Mobile Home Park

Church of the Servant, Episcopal

Church Women United - Raleigh/Wake

Clean Water for North Carolina

College Park: An American Baptist Church

Comunidad de Gracia

El Buen Pastor Episcopal Church

El Divino Salvador

El Elohe Israel

El Pueblo, Inc.

El Vínculo Hispano/The Hispanic Liaison

Enlace Hispano 24 de Marzo
Episcopal Farmworker Ministry
Espiritu de Vida
Eternity Foundation
Factory Farming Awareness Coalition
Farmworker Advocacy Network
Farm Forward
Farm Sanctuary
Farm Worker Ministry Northwest
Feast Down East, Inc.
Fiesta Cristiana UMC
Food & Water Action
Food Animal Concerns Trust
Food Chain Workers Alliance
Food Integrity Campaign
Friends of the Earth U.S.
Good Stewards of Rockingham
Greenbaum Foundation
HEAL Food Alliance
Hispanic Ministry of the Diocese of Charlotte
Iglesia Presbiteriana Enmanuel
Iglesia Cristiana Adonay
Iglesia del Nazareno
Iglesia Misionera Renuevo
Immaculate Conception Catholic Church
Inglesia Dios de Paz
Inglesia Luz de Jesucristo
Inglesia Metodista New Hope
Inglesia Nuevo Comienzo
Inglesia Nuevo Renacer
Inglesia Sin Fronteras

Inglesia Wesleyana
Institute for Agriculture and Trade Policy
Iowa Citizens for Community Improvement
Johns Hopkins Center for a Livable Future
La Nueva Jerusalem
Lakewood Montesory Parents Group
Las Americas Trailer Mobile Estates Owners
Love out Loud
Mercy For Animals
Methodist Federation for Social Action NCC
MountainTrue
Myers Park Baptist Church
National Family Farm Coalition
National Farm to School Network
National Farm Worker Ministry
NC Farmworkers' Project
NC Latino Power
NC Poor People's Campaign
NC Raise Up/Fight for \$15 and a Union
Nehemiah Christian Center
North Carolina Council of Churches
North Carolina Housing Coalition
Northeast Organic Farming Association- Vermont
Northeast Organic Farming Association, Mass. Chapter (NOFA/Mass)
Nuestra Señora de Guadalupe
Orange County Food Council
P-Fast Durham
Peace and Justice Taskforce of Salem Presbytery
Political Director, Poder NC Action
Ravensworth Baptist Church Missions Commission
Rev. Jabe Largen, Faison United Methodist Church

Ridgewood Mobile Home Park
Rio Grande Borderland Ministry
Rural Advancement Foundation International, USA
Saint Thomas More Catholic Church
Siembra NC
Sisters of Loretto/Loretto Community
Sound Rivers
St. Andrews UMC
St. Gabriel Catholic Church
St. John Neumann Catholic Church
St. Paul's Episcopal Church, Cary, NC
St. Vicente de Paul
Student Action with Farmworkers
Sustainable Agriculture Graduate Student Association - NCSU
The Bricio Law Firm, PLLC
The Episcopal Church
The Nicholas Institute for Environmental Policy Solutions at Duke University
The Public Justice Food Project
Tierra Negra Farm
Toxic Free NC
Triangle Friends of Farmworkers
Trinity Presbyterian Church
Tumbuh Global
UNISAL
Unity Fellowship Church Charlotte
Venezolanos en el Triad
Waterkeeper Alliance
Western North Carolina Workers' Center
Wilson Temple UMC Church
Winyah Rivers Alliance
World Animal Protection

