

June 16, 2020

The Honorable Roy A. Cooper III
North Carolina Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

Sent via email

Re: Transparency and Safety of Meat Processing Plant Workers

Dear Governor Cooper:

Thank you for issuing Executive Order 143 “Addressing the Disproportionate Impact of COVID-19 on Communities of Color to address the social, environmental, economic, and health disparities in communities of color that have been exacerbated by the COVID-19 pandemic. Information sharing from the highest level is imperative to North Carolina’s response during this trying time. The undersigned organizations urge the North Carolina Department of Health and Human Services (DHHS) and the North Carolina Department of Environmental Quality (DEQ) to work expeditiously to ensure that **all** race and ethnic demographic data related to COVID-19 tests, cases and fatalities, as well as additional guidance for the protection of critical infrastructure workers, (including meat processing and poultry processing plant employees), be released to the public.

As we deal with the coronavirus threat to our state and across the country, we are increasingly concerned about the impacts of COVID-19 on workers and communities. In particular, we are concerned that lack of transparency, testing, and mandatory safety protocols threaten worker safety, the public’s health, community welfare, and the environment, requiring your immediate intervention.

Communities are experiencing these gaps in effective emergency response especially acutely as they relate to North Carolina’s meat and poultry processing plants. As recently reported by the New York Times, approximately 17,000 meatpacking workers nationally are known to have become infected with the virus as of the week of May 18, 2020.¹ These and other infection numbers are certain to rise in the coming month. Yet, even now the number of workers infected in plants in North Carolina remains elusive – a problem only further compounded by recent reports indicating that neither the meatpackers nor state or local officials are moving towards reducing these gaps in needed public health data.²

Obscuring information about COVID-19 outbreaks in and around meatpacking plants, including by failing to collect the information in the first place, does a disservice to public health and

¹ Michael Corkery, David Yaffe-Bellany, Derek Kravitz, *As Meatpacking Plants Reopen, Data About Worker Illness Remains Elusive*, New York Times (May 25, 2020), <https://www.nytimes.com/2020/05/25/business/coronavirus-meatpacking-plants-cases.html?referringSource=articleShare&referringSource=articleShare>.

² *Id.*

community safety. As a public health expert from Boston University succinctly summarizes, “[a]lerting a community about the number of case in a particular place is a standard public health response” in part because people need this information “to act appropriately if they are exposed,” and to have confidence in the adequacy of their responses to potential exposure.³

Failure to collect and make public information about the spread of COVID-19, and to improve efforts taken to reduce the spread of the disease such as through mandatory testing, is also harmful to the health, safety, and welfare of workers in these plants and the communities in which they live.⁴

Therefore, while we do appreciate your administration’s efforts towards increased transparency during this difficult time, including continued access to demographic, geographic, and other pertinent information on the NC DHHS website– there remains room to improve the manner in which community health and confirmed cases of COVID-19 are addressed, especially in light of the virus’s impact on communities of color and low-income communities who are already being disproportionately impacted.⁵ Indeed, in addition to the environmental impacts, they have been impacted more heavily by COVID-19 with higher rates of disease prevalence and death. As of May 28, 2020, African-Americans make up 22.2% of the population of North Carolina but 31% of confirmed cases, while Latinos are 9.6% of the state’s population, but 36% of the confirmed cases.

We are also concerned that some North Carolinians are further compromised by the jobs that they hold in our economy. The public’s support of transparency and the state’s subsequent release of information may help to remove the fear that many workers feel about going to work. This additional transparency may also help to identify where more actions should be taken to reduce disease and death.

We support the efforts of some of our partners to raise concerns that workers within the meat processing industry are tested and test results are reported in a timely manner. In recent press conferences we were disappointed to hear that DHHS will not release additional information

³ *Id.*

⁴ See, e.g., Letter from Farmworker Advocacy Network to Governor Roy Cooper (May 8, 2020), https://www.ncjustice.org/wp-content/uploads/2020/05/WRP_Poultry-and-Meat-processing-letter-5.8.20.pdf (“Simply put, NC poultry workers are afraid to be at work now because they fear getting sick and getting members of their families and communities sick. They face an impossible choice: between losing their income or risking their lives.”); Lydia Mulvany, Jen Skerritt, Polly Mosendz, James Attwood, *Scared and Sick, U.S. Meat Workers Crowd Into Reopened Plants*, Bloomberg News (May 22, 2020), <https://www.bloomberg.com/news/articles/2020-05-21/scared-and-sick-u-s-meat-workers-crowd-into-reopened-plants>

⁵ Aaron Williams and Adrian Blanco, *How the Coronavirus Exposed Health Disparities in Communities of Color*, Washington Post (May 26, 2020), <https://www.washingtonpost.com/graphics/2020/investigations/coronavirus-race-data-map/>; Kristi Pullen Fedinick, Yukyan Lam, Stacy Woods, Vijay Limaye, *EPA Non-Enforcement Policy Endangers Millions*, Natural Resources Defense Council (Apr. 27, 2020), <https://www.nrdc.org/experts/kristi-pullen-fedinick/epa-non-enforcement-policy-endangers-millions> (summarizing public health research and data linking COVID-19 to disproportionate impacts on communities of color, indigenous communities, and low wealth communities); State Rep. Gilda Cobb-Hunter, *We Can’t Just Order Americans Back to Work Amid COVID-19. Let’s Also Protect Them*, The State (May 23, 2020), https://www.thestate.com/opinion/article242955071.html?fbclid=IwAR2zYI9_0hyISu39IAeznfBsE8tlf5Wcks5gEkzXyIIdhar8fkoOB7Af4Gs (same).

regarding infections of workers in and around these facilities. That lack of transparency is a step backwards during a time when North Carolinians need to know the possibility for transmission in the communities where they live.

President Trump has signed an Executive Order by his authority under the Defense Production Act declaring meat packing plants “critical infrastructure.” This action does nothing to protect the health and safety of the workers essential to processing the meat under this Act. Nor does it limit the authority of state and local governments to take the actions that we are requesting. In stark contrast the Families First Coronavirus Response Act demonstrates congressional intent to support necessary action by employers to protect employees.

We ask that you consider the following changes to provide greater transparency and a safer workplace for workers, their families, their communities, and those in the public who might be affected should they come in contact with an infected, non-diagnosed person.

1. Require public disclosure of the number of all confirmed cases of COVID-19.

To date, NC DHHS has been reluctant to provide the press or the public with numbers of actual infections from all sources. We must have transparency here. Providing numbers of confirmed cases does not violate any HIPAA regulations since the agency is not providing personally protected information about the individuals with positive diagnoses. The department’s responsibility should be to the public and not the industry here. DHHS should create a unifying protocol for collection of COVID-19 data that clinics, hospitals and medical providers across the state would be required to follow. The protocol would include collection of occupation-related data and consideration of occupational risks in diagnosis and treatment. DHHS would report the collected data including both COVID-19 outbreaks and total number of cases by employer and occupation. Having a unified diagnosis, treatment and data collection for COVID-19 occupational hazards would help workers correctly assess the risks they are taking and make informed decisions regarding social distancing and other protective measures.

2. Add information reflecting locations of polluting facilities by zip code.

Additional information about the location of other facilities whose operation can exacerbate the cumulative impacts borne by neighboring communities can help inform the public health response by the government and individual citizens. The information available to the public by zip code is helpful. However, it would be more helpful to add information available for DEQ, DOL, NCDA&CS and other state agencies on locations of facilities regulated by them. This additional information may help to pinpoint areas where communities are most vulnerable and help to assure that needed resources are focused there.

3. Require employers to test ALL employees and require all workers who test positive to self-quarantine for at least 14 days and to test negative before returning to work.

Widespread testing by medical professionals is necessary to know the extent of the infection among people who work in essential industries. A single test provides a snapshot in time, in order for employers to assess the extent of an outbreak employers must offer repeat testing of all employees, including those who are asymptomatic. Without testing all employees there is no way to identify hot spots and pinpoint where to focus resources. Without this action,

communities across the state are vulnerable to outbreaks that could be fatal for their communities.

4. Require employers to provide the appropriate personal protective equipment (PPE) and washing stations and hand sanitizer for all employees.

The Centers for Disease Control guidance recommends that the best way to protect from getting the virus is not to be exposed to the virus. Without the proper testing and notification workers have no way of knowing whether they are being exposed or not. Workers are showing up for work every day without the knowledge of whether they are working next to someone who may be infected. The very least that the industry can do is providing the appropriate personal protective equipment to keep workers as safe as possible from infection.

5. Require employers to follow social distancing guidelines at their facilities.

The Centers for Disease Control guidance recommends that people stay at least six feet apart and avoid large gatherings to avoid spread of the virus. The employees should be separated by an appropriate distance on the processing lines with protective dividers between them to further reduce their exposure and likelihood of contracting the disease. Additionally, any break/eating areas should be spaced to allow for the same social distancing recommendations.

6. Provide sick leave and hazardous pay for any employee working during the coronavirus outbreak.

Employers must institute policies to give employees sick leave should they contract the virus themselves or to care for a family member who contracts the virus. They should not have to be concerned about whether they will be able to support their family if they are not going to work every day. In addition, these workers should be granted hazardous pay as essential workers under the EO designating the meat processing industry as “critical infrastructure.”

7. Encourage different agencies within the state government to work together to address environmental justice issues and COVID-19 response.

Effectively addressing the spreading of COVID-19 to essential workers and their communities requires collaboration of several state departments regulating different aspects of the environmental work. An effective solution requires a taskforce dedicated to protecting meat and poultry workers from COVID-19 exposure with representatives from NCDHHS, NCDOL, NCA&CS, and NCDEQ. Similarly, protecting the health of environmental justice communities from the many toxic exposures they face also requires an environmental justice task force that will facilitate collaboration between different state departments whose policies deeply impact these communities.

Respectfully,

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cc: Secretary Mandy K. Cohen
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