

United States Senate
WASHINGTON, DC 20510

July 1, 2020

Juan R. Luciano
Chairman of the Board of Directors, President and Chief Executive Officer
Archer Daniels Midland Company
77 West Wacker Drive, Suite 4600
Chicago, Illinois 60601

Dear Chairman Luciano:

I am writing to request information about how your company is prioritizing worker safety and taking all steps necessary to prevent potential outbreaks of the coronavirus disease 2019 (COVID-19) at your facilities. Food processing facilities share many of the same characteristics as meatpacking plants, where outbreaks have led to worker deaths and threatened the food supply chain. There have already been outbreaks in over 60 food processing facilities outside the meatpacking industry, with over a third of food processing and dairy facilities reporting at least one confirmed COVID-19 case, per a recent survey.¹ As of June 30, over 3,200 food processing workers have tested positive for COVID-19², and at least 28 have died.³ The true total is likely higher, given that no federal agencies are collecting or reporting this data. The consequences of failing to prevent COVID-19 outbreaks extend beyond the imperative to protect the lives of your workers – they also pose a substantial public health threat to the communities where you operate, and a threat to the food supply chain. Mitigating these threats begins with keeping your workers safe. To that end, I am seeking information about the specific ways you are prioritizing worker health and safety at your facilities, and how you are preparing for or mitigating potential COVID-19-related supply chain shocks.

Food Processors are Failing to Adequately Protect Workers, Despite Having Many of the Same Vulnerabilities as Meat Processors

¹ Bloomberg, “Outbreaks at 60 U.S. Food Plants Raise Specter of More Shortages,” Mike Dorning, June 9, 2020, <https://news.bloomberglaw.com/daily-labor-report/outbreaks-at-60-u-s-food-plants-raise-specter-of-more-shortages>

² “Food and Environment Reporting Network, “Covid-19 shows no sign of slowing among food-system workers,” Leah Douglas, June 22, 2020, <https://thefern.org/2020/06/covid-19-shows-no-sign-of-slowing-among-food-system-workers/>.

³ UFCW, “America’s Largest Food & Retail Union Confirms Growing COVID-19 Impact on Frontline Workers,” June 25, 2020, <http://www.ufcw.org/2020/06/25/covidupdate/>.

Food processing facilities share many characteristics with the meatpackers that have become COVID-19 hotspots⁴, and there are already signs that food processing facilities are failing to adequately account for these vulnerabilities. Your workers may face similar risks of infection and transmission because the “common characteristics among [meat] processing facilities” – such as the “pace and physical demands” of the work and the close quarters of production lines, which “ma[ke] it difficult to maintain a 6-foot distance”⁵ – may also be present in your processing facilities.⁶

As with meatpackers, many workers at other types of food processing facilities lack important protections that place them at higher risk of infection. Reports suggest most food processing workers do not have paid sick leave.⁷ They are more likely to lack health insurance coverage, especially if they are Black or Hispanic.⁸ Wages for food processing workers are consistently low and have decreased over the past few decades.⁹ Over half of food chain workers have worked while sick; over 40% of them did so out of fear of losing their jobs for taking a day off.¹⁰ This “work while sick” culture has already fostered the transmission of COVID-19 in meatpacking plants.¹¹ Failing to provide paid sick leave to your workers in low-wage jobs—who are disproportionately people of color and immigrants¹²—may force them to choose between making ends meet or the health and safety of themselves and their family, furthering the disproportionate impact of COVID-19 on communities of color.

Reports suggest that food processors may not be taking Centers for Disease Control and Prevention (CDC)-recommended precautions to insulate their already-vulnerable workforce from

⁴ Kaiser Family Foundation, “The COVID-19 Outbreak and Food Production Workers: Who is at Risk?,” Samantha Artiga and Matthew Rae, Jun 3, 2020, <https://www.kff.org/coronavirus-covid-19/issue-brief/the-covid-19-outbreak-and-food-production-workers-who-is-at-risk/>.

⁵ Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report, “COVID-19 Among Workers in Meat and Poultry Processing Facilities – 19 States, April 2020,” May 8, 2020 https://www.cdc.gov/mmwr/volumes/69/wr/mm6918e3.htm?s_cid=mm6918e3_w.

⁶ Kaiser Family Foundation, “The COVID-19 Outbreak and Food Production Workers: Who is at Risk?,” Samantha Artiga and Matthew Rae, Jun 3, 2020, <https://www.kff.org/coronavirus-covid-19/issue-brief/the-covid-19-outbreak-and-food-production-workers-who-is-at-risk/>.

⁷ American Public Health Association, “Improving Working Conditions for U.S. Farmworkers and Food Production Workers,” November 2017, <https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2018/01/18/improving-working-conditions>.

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⁹ Economic Policy Institute, “Weak labor protections have put Midwestern food processing workers at risk for coronavirus,” Colin Gordon, Hannah Halbert, and Laura Dresser, April 20, 2020, <https://www.epi.org/blog/weak-labor-protections-have-put-midwestern-food-processing-workers-at-risk-for-coronavirus/>.

¹⁰ Civil Eats, “Food Workers Are on the Frontlines of Coronavirus. They Need Our Support,” Claire Kelloway, March 20, 2020, <https://civileats.com/2020/03/20/op-ed-food-workers-are-on-the-frontlines-of-coronavirus-they-need-our-support/>.

¹¹ USA Today, “Cheap Chicken, Beef Came at a Cost. How American Meat Plants Bred Coronavirus Hot Spots,” Sky Chadde, Kyle Bagenstose, Veronica Martinez Jacobo and Rachel Axon, May 22, 2020, <https://www.usatoday.com/in-depth/news/investigations/2020/05/21/coronavirus-american-chicken-beef-industry-vulnerable-despite-trump/3107636001/>.

¹² Kaiser Family Foundation, “The COVID-19 Outbreak and Food Production Workers: Who is at Risk?,” Samantha Artiga and Matthew Rae, Jun 3, 2020, <https://www.kff.org/coronavirus-covid-19/issue-brief/the-covid-19-outbreak-and-food-production-workers-who-is-at-risk/>.

the threat of COVID-19 outbreaks. Food processors are reportedly failing to adopt policies enabling workers to remain at least six feet apart from one another, both on the production line and in break rooms,¹³ despite CDC recommendations.¹⁴ Some companies continue to house workers in barrack-style dormitories with bunk beds close together.¹⁵ Food supply chain drivers feel unsafe making deliveries because the retailers they deliver to aren't requiring employees to wear masks.¹⁶ Workers at six fruit processing facilities in Yakima County cited over 200 health and safety violations and went on strike after their fellow workers were infected with COVID-19.¹⁷ Worse yet, a recent complaint claims that management retaliated against the workers protesting these unsafe conditions.¹⁸

Despite the substantial risk to workers posed by these conditions, the lack of widespread testing makes it nearly impossible to understand the scope of the outbreaks that have already occurred. According to reports, only 20% of food processing and dairy employees were tested for COVID-19 in May.¹⁹ The absence of centralized reporting implies that what little information is available likely undercounts the scale of the threat.²⁰

Supply Chain Failures Due to Coronavirus Outbreaks Would Disproportionately Harm the Most Vulnerable Americans

In addition to sickening meatpacking workers, COVID-19 outbreaks in the meatpacking industry induced labor shortages and caused supply shocks²¹ and price increases of roughly 20%.²² Your industry is similarly vulnerable: more than half of food and beverage processors surveyed during

¹³ The Oregonian, "Coronavirus Cases Linked to Vancouver Fruit Processor Jumps to 119," Jamie Goldberg, May 28, 2020, <https://www.oregonlive.com/coronavirus/2020/05/coronavirus-cases-linked-to-vancouver-fruit-processor-jumps-to-119.html>.

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¹⁵ TMJ4, "Food Processing Plants See Surge in COVID-19 Cases, Including More than 100 in Darien," Rebecca Klopff, April 30, 2020, <https://www.tmj4.com/news/coronavirus/food-processing-plants-see-surge-in-covid-19-cases-including-more-than-100-in-darien>.

¹⁶ Report from union representing food distributors, June 25, 2020; CT Mirror, "Coronavirus is breaking the food supply chain," April 23, 2020, <https://ctmirror.org/2020/04/23/coronavirus-is-breaking-the-food-supply-chain/>.

¹⁷ In These Times, "The Food Industry's Next Covid-19 Victims: Migrant Farmworkers," Michelle Fawcett and Arun Gupta, June 2, 2020, <https://inthesetimes.com/working/entry/22568/COVID-19-farms-pandemic-essential-workers-undocumented-coronavirus>.

¹⁸ AP, "Workers File Complaint Against Yakima Fruit Packing Plant," May 22, 2020, <https://apnews.com/d84aca7346612e53611809d39daf8dd4>.

¹⁹ Bloomberg, "Outbreaks at 60 U.S. Food Plants Raise Specter of More Shortages," Mike Dorning, June 9, 2020, <https://news.bloomberglaw.com/daily-labor-report/outbreaks-at-60-u-s-food-plants-raise-specter-of-more-shortages>

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²¹ CoBank, "Closed Meat Plants Today Mean Empty Meat Cases this Summer," May 2020, <https://www.cobank.com/-/media/files/ked/animal-protein/closed-meat-plants-today-mean-empty-meat-cases-this-summer-may2020.pdf?la=en&hash=1C30B4FBA43F388CF3B2CE695BD941EB35047A21>.

²² Wall Street Journal, "Meat Plants Reopen, but Burgers Stay Pricey," Jacob Bunge and Jaewon Kang, May 31, 2020, <https://www.wsj.com/articles/meat-plants-reopen-but-burgers-stay-pricey-11590933601>.

the COVID-19 have expressed concern about supply chain challenges.²³ Outbreaks in your facilities could threaten the broader food supply chain by further exacerbating existing labor shortages and reducing plant processing capacity.²⁴ Given the increasing consolidation of your industry, both producers and consumers could be left with limited alternatives, negatively affecting market opportunities for farmers and creating potential shortages for consumers.²⁵ As in meatpacking, reduced production could lead to even higher prices. Already the U.S. food inflation rate is at its highest rate in eight years,²⁶ and USDA is forecasting the largest annual increase in grocery prices since 2011.²⁷

Supply chain failures in your industry would hurt all Americans but would disproportionately harm the most vulnerable Americans and risk further exacerbating the racial disparities of the COVID-19 crisis. A recent survey shows persistently elevated food insecurity, with rates now roughly double what they were before COVID-19.²⁸ Low-income Americans, who already spend about a third of their income on food, are now navigating an economic crisis that heightens their economic vulnerability.²⁹ The combination of higher prices and income uncertainty or loss will place many in even greater financial difficulty at a time when a record number of Americans are already relying on overstretched food banks.³⁰ This burden will not fall equally: Black and Hispanic households are already disproportionately affected by food insecurity.³¹ Food supply chain workers themselves could be doubly impacted by further shortages, as the data show that almost 20% experience food insecurity.³²

Questions

²³ Food Engineering, “Survey: How the Food and Beverage Industry Is Responding to COVID-19,” Casey Laughman, April 20, 2020, <https://www.foodengineeringmag.com/articles/98828-survey-how-the-food-and-beverage-industry-is-responding-to-covid-19>.

²⁴ ProFood World, “Tackling the Labor Shortage,” Maya Norris, December 26, 2019, <https://www.profoodworld.com/processing-equipment/article/21104462/tackling-the-labor-shortage>.

²⁵ Federal Reserve Bank of Kansas City, “Concentration and Consolidation in the U.S. Food Supply Chain: The Latest Evidence and Implications for Consumers, Farmers, and Policymakers,” Tina L. Saitone and Richard J. Sexton, <https://www.kansascityfed.org/~/media/files/publicat/econrev/econrevarchive/2017/si17saitonesexton.pdf>

²⁶ Food and Environment Reporting Network, “Beef prices soar, food inflation is highest in more than eight years,” Chuck Abbot, June 10, 2020, https://thefern.org/ag_insider/beef-prices-soar-food-inflation-is-highest-in-more-than-eight-years/.

²⁷ Food and Environment Reporting Network, “Largest annual increase in grocery prices since 2011,” June 25, 2020, https://thefern.org/ag_insider/largest-annual-increase-in-grocery-prices-since-2011/.

²⁸ Food and Environment Reporting Network, “Survey: Unrelenting food insecurity during pandemic,” Chuck Abbott, June 14, 2020, https://thefern.org/ag_insider/survey-unrelenting-food-insecurity-during-pandemic/.

²⁹ United States Department of Agriculture, Economic Research Service, “Food Spending as a Share of Income Declines as Income Rises,” September 19, 2019, <http://www.ers.usda.gov/data-products/chart-gallery/gallery/chart-detail/?chartId=58372>.

³⁰ The Guardian, “‘A Perfect Storm’: US Facing Hunger Crisis as Demand for Food Banks Soars,” Nina Lakhani, April 2, 2020, <https://www.theguardian.com/environment/2020/apr/02/us-food-banks-coronavirus-demand-unemployment>.

³¹ Family & Community Health, “Examining the Impact of Structural Racism on Food Insecurity: Implications for Addressing Racial/Ethnic Disparities,” April 2019, Angela M. Odoms-Young, <https://doi.org/10.1097/FCH.000000000000183>.

³² Food Chain Workers Alliance, “No Piece of the Pie: U.S. Food Chain Workers in 2016, November 2016, http://foodchainworkers.org/wp-content/uploads/2011/05/FCWA_NoPieceOfThePie_P.pdf

In order to better understand the risk posed to workers and to the food supply chain from the COVID-19 pandemic, I ask that you provide answers to the following questions no later than July 15, 2020:

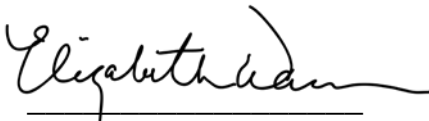
1. Case statistics
 - a. How many facilities does your company own or operate? How many total employees (part-time, and/or full-time) work at these facilities?
 - b. How many total COVID-19 cases have occurred among workers of these facilities, and how many have resulted in fatalities? Please provide this information by facility as well as in aggregate.
2. Testing and reporting
 - a. How many COVID-19 diagnostic tests have been administered to your workers at these facilities? Please provide this information by facility as well as disaggregated by type of test.
 - b. Have you implemented routine COVID-19 testing of employees at your facilities?
 - c. For non-routine testing of employees, what symptoms or other factors are triggers for testing?
 - d. What is your protocol for symptomatic workers during the time period between testing and receiving the results of a test? Are employees paid for the time it takes to be tested?
 - e. Do you notify your employees upon confirmation of cases of COVID-19? Do you notify local and state authorities? Do you notify federal authorities?
3. Health and safety policies
 - a. Have you made any changes to your policies to address the risks of COVID-19? If so, please describe the policy changes in detail, along with the timing of any changes.
 - b. What policies are in place to respond to a worker being exposed to or being infected with COVID-19?
 - c. Have you taken steps to physically re-configure the workplace and work processes to avoid transmission of COVID-19 (i.e., installing plastic barriers or shields between work stations, non-touch controls for doors, etc.)? If so, please list each step and the approximate cost to your company.
 - d. Do you have adequate personal protective equipment (PPE) for your workers, and if not, what steps are you taking to procure the necessary equipment?
 - e. Do you require your employees to wear masks, gloves, or other PPE at all times, and if so, do you provide them at no charge?
 - f. Have you modified your transportation or commuting policies and accommodations to reduce potential transmission between workers? If so, how?
 - g. Have you modified any housing or living accommodations you provide to your employees to reduce potential transmission between workers? If so, how?

- h. Do you provide COVID-19-related educational materials in languages that can be understood by your workers?
 - i. To what extent have you implemented existing state and federal safety guidelines in your facilities?
 - i. To what extent have you incorporated the CDC’s guidance for meat and poultry processors in your food processing plants?³³ Which of these standards have you met, and which have you not implemented?
 - ii. Do you operate in a state with mandatory health and safety standards for food processors, and if so, which of these standards have you met? Which have you not implemented?
 - iii. Do you operate in a state with voluntary health and safety standards for food processors, and if so, which of these standards have you met? Which have you not implemented?
4. Leave policies
- a. What are your company’s protocols when a worker has been exposed to COVID-19, or has a household member test positive for COVID-19?
 - b. Do you currently offer paid sick leave to your employees?
 - i. What are the terms and conditions of this leave policy? Please include
 - 1. How many days of paid sick leave are offered;
 - 2. The circumstances for which employees can use this paid leave;
 - 3. Eligibility for paid sick leave, and whether it is available to all employees (full time or part time);
 - 4. How paid sick leave accrues for all employees;
 - 5. If employees receive full pay while taking paid sick leave;
 - 6. Any requirements for accessing paid sick leave, including whether it requires a confirmed COVID-19 diagnosis or any documentation;
 - ii. When did you begin offering this policy?
 - iii. Have you made any changes to this policy during the pandemic (for example, allowing employees to access the maximum days of paid sick leave immediately, regardless of employment tenure, if sick days accrue over time)?
 - c. Do you currently offer paid family and medical leave to your employees?
 - i. What are the terms and conditions of this leave policy? Please include:
 - 1. How many days of paid leave are offered;

³³ Centers for Disease Control and Prevention, “Interim Guidance from CDC and the Occupational Safety and Health Administration (OSHA),” June 18, 2020, <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/meat-poultry-processing-workers-employers.html>.

2. The circumstances for which employees can use this paid leave, including whether it can be used to care for dependents of any age or other family members;
 3. Eligibility for paid leave, and whether it is available to all employees;
 4. How paid leave accrues for employees;
 5. If employees receive full pay while taking paid leave;
 6. Any requirements for accessing paid leave, including whether it requires any documentation;
 - ii. When did you begin offering this policy?
 - iii. Have you made any changes to this policy during the pandemic?
 - d. What accommodations, if any, have you made to provide your employees with access to childcare during the pandemic?
5. Impact on food supply chain
- a. Has COVID-19 had any impact on your production process to date?
 - b. Have you developed contingency plans in the case of an outbreak in your plant(s)?
 - c. Have you at any time during the COVID-19 crisis been unable to meet domestic demand?
 - d. Approximately what percentage of your production was exported in 2019? What percentage has been exported in the most recent three-month period?

Sincerely,



Elizabeth Warren
United States Senator



Jeffrey A. Merkley
United States Senator



Cory A. Booker
United States Senator

United States Senate
WASHINGTON, DC 20510

July 1, 2020

James Quincey
Chairman and Chief Executive Officer
The Coca-Cola Company
1 Coca Cola Plz NW
Atlanta, GA 30313

Dear Chairman Quincey:

I am writing to request information about how your company is prioritizing worker safety and taking all steps necessary to prevent potential outbreaks of the coronavirus disease 2019 (COVID-19) at your facilities. Food processing facilities share many of the same characteristics as meatpacking plants, where outbreaks have led to worker deaths and threatened the food supply chain. There have already been outbreaks in over 60 food processing facilities outside the meatpacking industry, with over a third of food processing and dairy facilities reporting at least one confirmed COVID-19 case, per a recent survey.¹ As of June 30, over 3,200 food processing workers have tested positive for COVID-19², and at least 28 have died.³ The true total is likely higher, given that no federal agencies are collecting or reporting this data. The consequences of failing to prevent COVID-19 outbreaks extend beyond the imperative to protect the lives of your workers – they also pose a substantial public health threat to the communities where you operate, and a threat to the food supply chain. Mitigating these threats begins with keeping your workers safe. To that end, I am seeking information about the specific ways you are prioritizing worker health and safety at your facilities, and how you are preparing for or mitigating potential COVID-19-related supply chain shocks.

Food Processors are Failing to Adequately Protect Workers, Despite Having Many of the Same Vulnerabilities as Meat Processors

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Food processing facilities share many characteristics with the meatpackers that have become COVID-19 hotspots⁴, and there are already signs that food processing facilities are failing to adequately account for these vulnerabilities. Your workers may face similar risks of infection and transmission because the “common characteristics among [meat] processing facilities” – such as the “pace and physical demands” of the work and the close quarters of production lines, which “ma[ke] it difficult to maintain a 6-foot distance”⁵– may also be present in your processing facilities.⁶

As with meatpackers, many workers at other types of food processing facilities lack important protections that place them at higher risk of infection. Reports suggest most food processing workers do not have paid sick leave.⁷ They are more likely to lack health insurance coverage, especially if they are Black or Hispanic.⁸ Wages for food processing workers are consistently low and have decreased over the past few decades.⁹ Over half of food chain workers have worked while sick; over 40% of them did so out of fear of losing their jobs for taking a day off.¹⁰ This “work while sick” culture has already fostered the transmission of COVID-19 in meatpacking plants.¹¹ Failing to provide paid sick leave to your workers in low-wage jobs—who are disproportionately people of color and immigrants¹²—may force them to choose between making ends meet or the health and safety of themselves and their family, furthering the disproportionate impact of COVID-19 on communities of color.

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the threat of COVID-19 outbreaks. Food processors are reportedly failing to adopt policies enabling workers to remain at least six feet apart from one another, both on the production line and in break rooms,¹³ despite CDC recommendations.¹⁴ Some companies continue to house workers in barrack-style dormitories with bunk beds close together.¹⁵ Food supply chain drivers feel unsafe making deliveries because the retailers they deliver to aren't requiring employees to wear masks.¹⁶ Workers at six fruit processing facilities in Yakima County cited over 200 health and safety violations and went on strike after their fellow workers were infected with COVID-19.¹⁷ Worse yet, a recent complaint claims that management retaliated against the workers protesting these unsafe conditions.¹⁸

Despite the substantial risk to workers posed by these conditions, the lack of widespread testing makes it nearly impossible to understand the scope of the outbreaks that have already occurred. According to reports, only 20% of food processing and dairy employees were tested for COVID-19 in May.¹⁹ The absence of centralized reporting implies that what little information is available likely undercounts the scale of the threat.²⁰

Supply Chain Failures Due to Coronavirus Outbreaks Would Disproportionately Harm the Most Vulnerable Americans

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²² Wall Street Journal, "Meat Plants Reopen, but Burgers Stay Pricey," Jacob Bunge and Jaewon Kang, May 31, 2020, <https://www.wsj.com/articles/meat-plants-reopen-but-burgers-stay-pricey-11590933601>.

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Supply chain failures in your industry would hurt all Americans but would disproportionately harm the most vulnerable Americans and risk further exacerbating the racial disparities of the COVID-19 crisis. A recent survey shows persistently elevated food insecurity, with rates now roughly double what they were before COVID-19.²⁸ Low-income Americans, who already spend about a third of their income on food, are now navigating an economic crisis that heightens their economic vulnerability.²⁹ The combination of higher prices and income uncertainty or loss will place many in even greater financial difficulty at a time when a record number of Americans are already relying on overstretched food banks.³⁰ This burden will not fall equally: Black and Hispanic households are already disproportionately affected by food insecurity.³¹ Food supply chain workers themselves could be doubly impacted by further shortages, as the data show that almost 20% experience food insecurity.³²

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 - ii. Do you operate in a state with mandatory health and safety standards for food processors, and if so, which of these standards have you met? Which have you not implemented?
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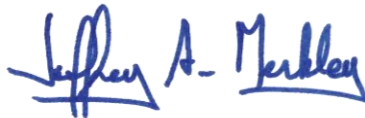
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 - c. Have you at any time during the COVID-19 crisis been unable to meet domestic demand?
 - d. Approximately what percentage of your production was exported in 2019? What percentage has been exported in the most recent three-month period?

Sincerely,



Elizabeth Warren
United States Senator



Jeffrey A. Merkley
United States Senator



Cory A. Booker
United States Senator

United States Senate
WASHINGTON, DC 20510

July 1, 2020

Miguel Patricio
Chief Executive Officer
Kraft Heinz
200 E Randolph St #7600
Chicago, IL 60601

Dear Mr. Patricio:

I am writing to request information about how your company is prioritizing worker safety and taking all steps necessary to prevent potential outbreaks of the coronavirus disease 2019 (COVID-19) at your facilities. Food processing facilities share many of the same characteristics as meatpacking plants, where outbreaks have led to worker deaths and threatened the food supply chain. There have already been outbreaks in over 60 food processing facilities outside the meatpacking industry, with over a third of food processing and dairy facilities reporting at least one confirmed COVID-19 case, per a recent survey.¹ As of June 30, over 3,200 food processing workers have tested positive for COVID-19², and at least 28 have died.³ The true total is likely higher, given that no federal agencies are collecting or reporting this data. The consequences of failing to prevent COVID-19 outbreaks extend beyond the imperative to protect the lives of your workers – they also pose a substantial public health threat to the communities where you operate, and a threat to the food supply chain. Mitigating these threats begins with keeping your workers safe. To that end, I am seeking information about the specific ways you are prioritizing worker health and safety at your facilities, and how you are preparing for or mitigating potential COVID-19-related supply chain shocks.

Food Processors are Failing to Adequately Protect Workers, Despite Having Many of the Same Vulnerabilities as Meat Processors

¹ Bloomberg, “Outbreaks at 60 U.S. Food Plants Raise Specter of More Shortages,” Mike Dorning, June 9, 2020, <https://news.bloomberglaw.com/daily-labor-report/outbreaks-at-60-u-s-food-plants-raise-specter-of-more-shortages>

² “Food and Environment Reporting Network, “Covid-19 shows no sign of slowing among food-system workers,” Leah Douglas, June 22, 2020, <https://thefern.org/2020/06/covid-19-shows-no-sign-of-slowing-among-food-system-workers/>.

³ UFCW, “America’s Largest Food & Retail Union Confirms Growing COVID-19 Impact on Frontline Workers,” June 25, 2020, <http://www.ufcw.org/2020/06/25/covidupdate/>.

Food processing facilities share many characteristics with the meatpackers that have become COVID-19 hotspots⁴, and there are already signs that food processing facilities are failing to adequately account for these vulnerabilities. Your workers may face similar risks of infection and transmission because the “common characteristics among [meat] processing facilities” – such as the “pace and physical demands” of the work and the close quarters of production lines, which “ma[ke] it difficult to maintain a 6-foot distance”⁵– may also be present in your processing facilities.⁶

As with meatpackers, many workers at other types of food processing facilities lack important protections that place them at higher risk of infection. Reports suggest most food processing workers do not have paid sick leave.⁷ They are more likely to lack health insurance coverage, especially if they are Black or Hispanic.⁸ Wages for food processing workers are consistently low and have decreased over the past few decades.⁹ Over half of food chain workers have worked while sick; over 40% of them did so out of fear of losing their jobs for taking a day off.¹⁰ This “work while sick” culture has already fostered the transmission of COVID-19 in meatpacking plants.¹¹ Failing to provide paid sick leave to your workers in low-wage jobs—who are disproportionately people of color and immigrants¹²—may force them to choose between making ends meet or the health and safety of themselves and their family, furthering the disproportionate impact of COVID-19 on communities of color.

Reports suggest that food processors may not be taking Centers for Disease Control and Prevention (CDC)-recommended precautions to insulate their already-vulnerable workforce from

⁴ Kaiser Family Foundation, “The COVID-19 Outbreak and Food Production Workers: Who is at Risk?,” Samantha Artiga and Matthew Rae, Jun 3, 2020, <https://www.kff.org/coronavirus-covid-19/issue-brief/the-covid-19-outbreak-and-food-production-workers-who-is-at-risk/>.

⁵ Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report, “COVID-19 Among Workers in Meat and Poultry Processing Facilities – 19 States, April 2020,” May 8, 2020 https://www.cdc.gov/mmwr/volumes/69/wr/mm6918e3.htm?s_cid=mm6918e3_w.

⁶ Kaiser Family Foundation, “The COVID-19 Outbreak and Food Production Workers: Who is at Risk?,” Samantha Artiga and Matthew Rae, Jun 3, 2020, <https://www.kff.org/coronavirus-covid-19/issue-brief/the-covid-19-outbreak-and-food-production-workers-who-is-at-risk/>.

⁷ American Public Health Association, “Improving Working Conditions for U.S. Farmworkers and Food Production Workers,” November 2017, <https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2018/01/18/improving-working-conditions>.

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⁹ Economic Policy Institute, “Weak labor protections have put Midwestern food processing workers at risk for coronavirus,” Colin Gordon, Hannah Halbert, and Laura Dresser, April 20, 2020, <https://www.epi.org/blog/weak-labor-protections-have-put-midwestern-food-processing-workers-at-risk-for-coronavirus/>.

¹⁰ Civil Eats, “Food Workers Are on the Frontlines of Coronavirus. They Need Our Support,” Claire Kelloway, March 20, 2020, <https://civileats.com/2020/03/20/op-ed-food-workers-are-on-the-frontlines-of-coronavirus-they-need-our-support/>.

¹¹ USA Today, “Cheap Chicken, Beef Came at a Cost. How American Meat Plants Bred Coronavirus Hot Spots,” Sky Chadde, Kyle Bagenstose, Veronica Martinez Jacobo and Rachel Axon, May 22, 2020, <https://www.usatoday.com/in-depth/news/investigations/2020/05/21/coronavirus-american-chicken-beef-industry-vulnerable-despite-trump/3107636001/>.

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the threat of COVID-19 outbreaks. Food processors are reportedly failing to adopt policies enabling workers to remain at least six feet apart from one another, both on the production line and in break rooms,¹³ despite CDC recommendations.¹⁴ Some companies continue to house workers in barrack-style dormitories with bunk beds close together.¹⁵ Food supply chain drivers feel unsafe making deliveries because the retailers they deliver to aren't requiring employees to wear masks.¹⁶ Workers at six fruit processing facilities in Yakima County cited over 200 health and safety violations and went on strike after their fellow workers were infected with COVID-19.¹⁷ Worse yet, a recent complaint claims that management retaliated against the workers protesting these unsafe conditions.¹⁸

Despite the substantial risk to workers posed by these conditions, the lack of widespread testing makes it nearly impossible to understand the scope of the outbreaks that have already occurred. According to reports, only 20% of food processing and dairy employees were tested for COVID-19 in May.¹⁹ The absence of centralized reporting implies that what little information is available likely undercounts the scale of the threat.²⁰

Supply Chain Failures Due to Coronavirus Outbreaks Would Disproportionately Harm the Most Vulnerable Americans

In addition to sickening meatpacking workers, COVID-19 outbreaks in the meatpacking industry induced labor shortages and caused supply shocks²¹ and price increases of roughly 20%.²² Your industry is similarly vulnerable: more than half of food and beverage processors surveyed during

¹³ The Oregonian, "Coronavirus Cases Linked to Vancouver Fruit Processor Jumps to 119," Jamie Goldberg, May 28, 2020, <https://www.oregonlive.com/coronavirus/2020/05/coronavirus-cases-linked-to-vancouver-fruit-processor-jumps-to-119.html>.

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¹⁵ TMJ4, "Food Processing Plants See Surge in COVID-19 Cases, Including More than 100 in Darien," Rebecca Klopff, April 30, 2020, <https://www.tmj4.com/news/coronavirus/food-processing-plants-see-surge-in-covid-19-cases-including-more-than-100-in-darien>.

¹⁶ Report from union representing food distributors, June 25, 2020; CT Mirror, "Coronavirus is breaking the food supply chain," April 23, 2020, <https://ctmirror.org/2020/04/23/coronavirus-is-breaking-the-food-supply-chain/>.

¹⁷ In These Times, "The Food Industry's Next Covid-19 Victims: Migrant Farmworkers," Michelle Fawcett and Arun Gupta, June 2, 2020, <https://inthesetimes.com/working/entry/22568/COVID-19-farms-pandemic-essential-workers-undocumented-coronavirus>.

¹⁸ AP, "Workers File Complaint Against Yakima Fruit Packing Plant," May 22, 2020, <https://apnews.com/d84aca7346612e53611809d39daf8dd4>.

¹⁹ Bloomberg, "Outbreaks at 60 U.S. Food Plants Raise Specter of More Shortages," Mike Dorning, June 9, 2020, <https://news.bloomberglaw.com/daily-labor-report/outbreaks-at-60-u-s-food-plants-raise-specter-of-more-shortages>

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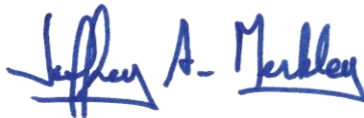
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Cory A. Booker
United States Senator

United States Senate
WASHINGTON, DC 20510

July 1, 2020

Grant F. Reid
Chief Executive Officer
Mars, Incorporated
6885 Elm Street
McLean, Virginia, United States

Dear Mr. Reid:

I am writing to request information about how your company is prioritizing worker safety and taking all steps necessary to prevent potential outbreaks of the coronavirus disease 2019 (COVID-19) at your facilities. Food processing facilities share many of the same characteristics as meatpacking plants, where outbreaks have led to worker deaths and threatened the food supply chain. There have already been outbreaks in over 60 food processing facilities outside the meatpacking industry, with over a third of food processing and dairy facilities reporting at least one confirmed COVID-19 case, per a recent survey.¹ As of June 30, over 3,200 food processing workers have tested positive for COVID-19², and at least 28 have died.³ The true total is likely higher, given that no federal agencies are collecting or reporting this data. The consequences of failing to prevent COVID-19 outbreaks extend beyond the imperative to protect the lives of your workers – they also pose a substantial public health threat to the communities where you operate, and a threat to the food supply chain. Mitigating these threats begins with keeping your workers safe. To that end, I am seeking information about the specific ways you are prioritizing worker health and safety at your facilities, and how you are preparing for or mitigating potential COVID-19-related supply chain shocks.

Food Processors are Failing to Adequately Protect Workers, Despite Having Many of the Same Vulnerabilities as Meat Processors

¹ Bloomberg, “Outbreaks at 60 U.S. Food Plants Raise Specter of More Shortages,” Mike Dorning, June 9, 2020, <https://news.bloomberglaw.com/daily-labor-report/outbreaks-at-60-u-s-food-plants-raise-specter-of-more-shortages>

² “Food and Environment Reporting Network, “Covid-19 shows no sign of slowing among food-system workers,” Leah Douglas, June 22, 2020, <https://thefern.org/2020/06/covid-19-shows-no-sign-of-slowing-among-food-system-workers/>.

³ UFCW, “America’s Largest Food & Retail Union Confirms Growing COVID-19 Impact on Frontline Workers,” June 25, 2020, <http://www.ufcw.org/2020/06/25/covidupdate/>.

Food processing facilities share many characteristics with the meatpackers that have become COVID-19 hotspots⁴, and there are already signs that food processing facilities are failing to adequately account for these vulnerabilities. Your workers may face similar risks of infection and transmission because the “common characteristics among [meat] processing facilities” – such as the “pace and physical demands” of the work and the close quarters of production lines, which “ma[ke] it difficult to maintain a 6-foot distance”⁵– may also be present in your processing facilities.⁶

As with meatpackers, many workers at other types of food processing facilities lack important protections that place them at higher risk of infection. Reports suggest most food processing workers do not have paid sick leave.⁷ They are more likely to lack health insurance coverage, especially if they are Black or Hispanic.⁸ Wages for food processing workers are consistently low and have decreased over the past few decades.⁹ Over half of food chain workers have worked while sick; over 40% of them did so out of fear of losing their jobs for taking a day off.¹⁰ This “work while sick” culture has already fostered the transmission of COVID-19 in meatpacking plants.¹¹ Failing to provide paid sick leave to your workers in low-wage jobs—who are disproportionately people of color and immigrants¹²—may force them to choose between making ends meet or the health and safety of themselves and their family, furthering the disproportionate impact of COVID-19 on communities of color.

Reports suggest that food processors may not be taking Centers for Disease Control and Prevention (CDC)-recommended precautions to insulate their already-vulnerable workforce from

⁴ Kaiser Family Foundation, “The COVID-19 Outbreak and Food Production Workers: Who is at Risk?,” Samantha Artiga and Matthew Rae, Jun 3, 2020, <https://www.kff.org/coronavirus-covid-19/issue-brief/the-covid-19-outbreak-and-food-production-workers-who-is-at-risk/>.

⁵ Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report, “COVID-19 Among Workers in Meat and Poultry Processing Facilities – 19 States, April 2020,” May 8, 2020 https://www.cdc.gov/mmwr/volumes/69/wr/mm6918e3.htm?s_cid=mm6918e3_w.

⁶ Kaiser Family Foundation, “The COVID-19 Outbreak and Food Production Workers: Who is at Risk?,” Samantha Artiga and Matthew Rae, Jun 3, 2020, <https://www.kff.org/coronavirus-covid-19/issue-brief/the-covid-19-outbreak-and-food-production-workers-who-is-at-risk/>.

⁷ American Public Health Association, “Improving Working Conditions for U.S. Farmworkers and Food Production Workers,” November 2017, <https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2018/01/18/improving-working-conditions>.

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⁹ Economic Policy Institute, “Weak labor protections have put Midwestern food processing workers at risk for coronavirus,” Colin Gordon, Hannah Halbert, and Laura Dresser, April 20, 2020, <https://www.epi.org/blog/weak-labor-protections-have-put-midwestern-food-processing-workers-at-risk-for-coronavirus/>.

¹⁰ Civil Eats, “Food Workers Are on the Frontlines of Coronavirus. They Need Our Support,” Claire Kelloway, March 20, 2020, <https://civileats.com/2020/03/20/op-ed-food-workers-are-on-the-frontlines-of-coronavirus-they-need-our-support/>.

¹¹ USA Today, “Cheap Chicken, Beef Came at a Cost. How American Meat Plants Bred Coronavirus Hot Spots,” Sky Chadde, Kyle Bagenstose, Veronica Martinez Jacobo and Rachel Axon, May 22, 2020, <https://www.usatoday.com/in-depth/news/investigations/2020/05/21/coronavirus-american-chicken-beef-industry-vulnerable-despite-trump/3107636001/>.

¹² Kaiser Family Foundation, “The COVID-19 Outbreak and Food Production Workers: Who is at Risk?,” Samantha Artiga and Matthew Rae, Jun 3, 2020, <https://www.kff.org/coronavirus-covid-19/issue-brief/the-covid-19-outbreak-and-food-production-workers-who-is-at-risk/>.

the threat of COVID-19 outbreaks. Food processors are reportedly failing to adopt policies enabling workers to remain at least six feet apart from one another, both on the production line and in break rooms,¹³ despite CDC recommendations.¹⁴ Some companies continue to house workers in barrack-style dormitories with bunk beds close together.¹⁵ Food supply chain drivers feel unsafe making deliveries because the retailers they deliver to aren't requiring employees to wear masks.¹⁶ Workers at six fruit processing facilities in Yakima County cited over 200 health and safety violations and went on strike after their fellow workers were infected with COVID-19.¹⁷ Worse yet, a recent complaint claims that management retaliated against the workers protesting these unsafe conditions.¹⁸

Despite the substantial risk to workers posed by these conditions, the lack of widespread testing makes it nearly impossible to understand the scope of the outbreaks that have already occurred. According to reports, only 20% of food processing and dairy employees were tested for COVID-19 in May.¹⁹ The absence of centralized reporting implies that what little information is available likely undercounts the scale of the threat.²⁰

Supply Chain Failures Due to Coronavirus Outbreaks Would Disproportionately Harm the Most Vulnerable Americans

In addition to sickening meatpacking workers, COVID-19 outbreaks in the meatpacking industry induced labor shortages and caused supply shocks²¹ and price increases of roughly 20%.²² Your industry is similarly vulnerable: more than half of food and beverage processors surveyed during

¹³ The Oregonian, "Coronavirus Cases Linked to Vancouver Fruit Processor Jumps to 119," Jamie Goldberg, May 28, 2020, <https://www.oregonlive.com/coronavirus/2020/05/coronavirus-cases-linked-to-vancouver-fruit-processor-jumps-to-119.html>.

¹⁴ Centers for Disease Control and Prevention, "Interim Guidance from CDC and the Occupational Safety and Health Administration (OSHA)," June 18, 2020, <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/meat-poultry-processing-workers-employers.html>.

¹⁵ TMJ4, "Food Processing Plants See Surge in COVID-19 Cases, Including More than 100 in Darien," Rebecca Klopff, April 30, 2020, <https://www.tmj4.com/news/coronavirus/food-processing-plants-see-surge-in-covid-19-cases-including-more-than-100-in-darien>.

¹⁶ Report from union representing food distributors, June 25, 2020; CT Mirror, "Coronavirus is breaking the food supply chain," April 23, 2020, <https://ctmirror.org/2020/04/23/coronavirus-is-breaking-the-food-supply-chain/>.

¹⁷ In These Times, "The Food Industry's Next Covid-19 Victims: Migrant Farmworkers," Michelle Fawcett and Arun Gupta, June 2, 2020, <https://inthesetimes.com/working/entry/22568/COVID-19-farms-pandemic-essential-workers-undocumented-coronavirus>.

¹⁸ AP, "Workers File Complaint Against Yakima Fruit Packing Plant," May 22, 2020, <https://apnews.com/d84aca7346612e53611809d39daf8dd4>.

¹⁹ Bloomberg, "Outbreaks at 60 U.S. Food Plants Raise Specter of More Shortages," Mike Dorning, June 9, 2020, <https://news.bloomberglaw.com/daily-labor-report/outbreaks-at-60-u-s-food-plants-raise-specter-of-more-shortages>

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²¹ CoBank, "Closed Meat Plants Today Mean Empty Meat Cases this Summer," May 2020, <https://www.cobank.com/-/media/files/ked/animal-protein/closed-meat-plants-today-mean-empty-meat-cases-this-summer-may2020.pdf?la=en&hash=1C30B4FBA43F388CF3B2CE695BD941EB35047A21>.

²² Wall Street Journal, "Meat Plants Reopen, but Burgers Stay Pricey," Jacob Bunge and Jaewon Kang, May 31, 2020, <https://www.wsj.com/articles/meat-plants-reopen-but-burgers-stay-pricey-11590933601>.

the COVID-19 have expressed concern about supply chain challenges.²³ Outbreaks in your facilities could threaten the broader food supply chain by further exacerbating existing labor shortages and reducing plant processing capacity.²⁴ Given the increasing consolidation of your industry, both producers and consumers could be left with limited alternatives, negatively affecting market opportunities for farmers and creating potential shortages for consumers.²⁵ As in meatpacking, reduced production could lead to even higher prices. Already the U.S. food inflation rate is at its highest rate in eight years,²⁶ and USDA is forecasting the largest annual increase in grocery prices since 2011.²⁷

Supply chain failures in your industry would hurt all Americans but would disproportionately harm the most vulnerable Americans and risk further exacerbating the racial disparities of the COVID-19 crisis. A recent survey shows persistently elevated food insecurity, with rates now roughly double what they were before COVID-19.²⁸ Low-income Americans, who already spend about a third of their income on food, are now navigating an economic crisis that heightens their economic vulnerability.²⁹ The combination of higher prices and income uncertainty or loss will place many in even greater financial difficulty at a time when a record number of Americans are already relying on overstretched food banks.³⁰ This burden will not fall equally: Black and Hispanic households are already disproportionately affected by food insecurity.³¹ Food supply chain workers themselves could be doubly impacted by further shortages, as the data show that almost 20% experience food insecurity.³²

Questions

²³ Food Engineering, “Survey: How the Food and Beverage Industry Is Responding to COVID-19,” Casey Laughman, April 20, 2020, <https://www.foodengineeringmag.com/articles/98828-survey-how-the-food-and-beverage-industry-is-responding-to-covid-19>.

²⁴ ProFood World, “Tackling the Labor Shortage,” Maya Norris, December 26, 2019, <https://www.profoodworld.com/processing-equipment/article/21104462/tackling-the-labor-shortage>.

²⁵ Federal Reserve Bank of Kansas City, “Concentration and Consolidation in the U.S. Food Supply Chain: The Latest Evidence and Implications for Consumers, Farmers, and Policymakers,” Tina L. Saitone and Richard J. Sexton, <https://www.kansascityfed.org/~/-/media/files/publicat/econrev/econrevarchive/2017/si17saitonesexton.pdf>

²⁶ Food and Environment Reporting Network, “Beef prices soar, food inflation is highest in more than eight years,” Chuck Abbot, June 10, 2020, https://thefern.org/ag_insider/beef-prices-soar-food-inflation-is-highest-in-more-than-eight-years/.

²⁷ Food and Environment Reporting Network, “Largest annual increase in grocery prices since 2011,” June 25, 2020, https://thefern.org/ag_insider/largest-annual-increase-in-grocery-prices-since-2011/.

²⁸ Food and Environment Reporting Network, “Survey: Unrelenting food insecurity during pandemic,” Chuck Abbott, June 14, 2020, https://thefern.org/ag_insider/survey-unrelenting-food-insecurity-during-pandemic/.

²⁹ United States Department of Agriculture, Economic Research Service, “Food Spending as a Share of Income Declines as Income Rises,” September 19, 2019, <http://www.ers.usda.gov/data-products/chart-gallery/gallery/chart-detail/?chartId=58372>.

³⁰ The Guardian, “‘A Perfect Storm’: US Facing Hunger Crisis as Demand for Food Banks Soars,” Nina Lakhani, April 2, 2020, <https://www.theguardian.com/environment/2020/apr/02/us-food-banks-coronavirus-demand-unemployment>.

³¹ Family & Community Health, “Examining the Impact of Structural Racism on Food Insecurity: Implications for Addressing Racial/Ethnic Disparities,” April 2019, Angela M. Odoms-Young, <https://doi.org/10.1097/FCH.000000000000183>.

³² Food Chain Workers Alliance, “No Piece of the Pie: U.S. Food Chain Workers in 2016, November 2016, http://foodchainworkers.org/wp-content/uploads/2011/05/FCWA_NoPieceOfThePie_P.pdf

In order to better understand the risk posed to workers and to the food supply chain from the COVID-19 pandemic, I ask that you provide answers to the following questions no later than July 15, 2020:

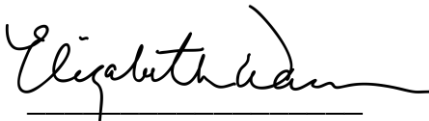
1. Case statistics
 - a. How many facilities does your company own or operate? How many total employees (part-time, and/or full-time) work at these facilities?
 - b. How many total COVID-19 cases have occurred among workers of these facilities, and how many have resulted in fatalities? Please provide this information by facility as well as in aggregate.
2. Testing and reporting
 - a. How many COVID-19 diagnostic tests have been administered to your workers at these facilities? Please provide this information by facility as well as disaggregated by type of test.
 - b. Have you implemented routine COVID-19 testing of employees at your facilities?
 - c. For non-routine testing of employees, what symptoms or other factors are triggers for testing?
 - d. What is your protocol for symptomatic workers during the time period between testing and receiving the results of a test? Are employees paid for the time it takes to be tested?
 - e. Do you notify your employees upon confirmation of cases of COVID-19? Do you notify local and state authorities? Do you notify federal authorities?
3. Health and safety policies
 - a. Have you made any changes to your policies to address the risks of COVID-19? If so, please describe the policy changes in detail, along with the timing of any changes.
 - b. What policies are in place to respond to a worker being exposed to or being infected with COVID-19?
 - c. Have you taken steps to physically re-configure the workplace and work processes to avoid transmission of COVID-19 (i.e., installing plastic barriers or shields between work stations, non-touch controls for doors, etc.)? If so, please list each step and the approximate cost to your company.
 - d. Do you have adequate personal protective equipment (PPE) for your workers, and if not, what steps are you taking to procure the necessary equipment?
 - e. Do you require your employees to wear masks, gloves, or other PPE at all times, and if so, do you provide them at no charge?
 - f. Have you modified your transportation or commuting policies and accommodations to reduce potential transmission between workers? If so, how?
 - g. Have you modified any housing or living accommodations you provide to your employees to reduce potential transmission between workers? If so, how?

- h. Do you provide COVID-19-related educational materials in languages that can be understood by your workers?
 - i. To what extent have you implemented existing state and federal safety guidelines in your facilities?
 - i. To what extent have you incorporated the CDC’s guidance for meat and poultry processors in your food processing plants?³³ Which of these standards have you met, and which have you not implemented?
 - ii. Do you operate in a state with mandatory health and safety standards for food processors, and if so, which of these standards have you met? Which have you not implemented?
 - iii. Do you operate in a state with voluntary health and safety standards for food processors, and if so, which of these standards have you met? Which have you not implemented?
4. Leave policies
- a. What are your company’s protocols when a worker has been exposed to COVID-19, or has a household member test positive for COVID-19?
 - b. Do you currently offer paid sick leave to your employees?
 - i. What are the terms and conditions of this leave policy? Please include
 - 1. How many days of paid sick leave are offered;
 - 2. The circumstances for which employees can use this paid leave;
 - 3. Eligibility for paid sick leave, and whether it is available to all employees (full time or part time);
 - 4. How paid sick leave accrues for all employees;
 - 5. If employees receive full pay while taking paid sick leave;
 - 6. Any requirements for accessing paid sick leave, including whether it requires a confirmed COVID-19 diagnosis or any documentation;
 - ii. When did you begin offering this policy?
 - iii. Have you made any changes to this policy during the pandemic (for example, allowing employees to access the maximum days of paid sick leave immediately, regardless of employment tenure, if sick days accrue over time)?
 - c. Do you currently offer paid family and medical leave to your employees?
 - i. What are the terms and conditions of this leave policy? Please include:
 - 1. How many days of paid leave are offered;

³³ Centers for Disease Control and Prevention, “Interim Guidance from CDC and the Occupational Safety and Health Administration (OSHA),” June 18, 2020, <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/meat-poultry-processing-workers-employers.html>.

2. The circumstances for which employees can use this paid leave, including whether it can be used to care for dependents of any age or other family members;
 3. Eligibility for paid leave, and whether it is available to all employees;
 4. How paid leave accrues for employees;
 5. If employees receive full pay while taking paid leave;
 6. Any requirements for accessing paid leave, including whether it requires any documentation;
 - ii. When did you begin offering this policy?
 - iii. Have you made any changes to this policy during the pandemic?
 - d. What accommodations, if any, have you made to provide your employees with access to childcare during the pandemic?
5. Impact on food supply chain
- a. Has COVID-19 had any impact on your production process to date?
 - b. Have you developed contingency plans in the case of an outbreak in your plant(s)?
 - c. Have you at any time during the COVID-19 crisis been unable to meet domestic demand?
 - d. Approximately what percentage of your production was exported in 2019? What percentage has been exported in the most recent three-month period?

Sincerely,



Elizabeth Warren
United States Senator



Jeffrey A. Merkley
United States Senator



Cory A. Booker
United States Senator

United States Senate
WASHINGTON, DC 20510

July 1, 2020

Dirk Van de Put
Chairman & Chief Executive Officer
Mondelez International
3 Parkway N #300
Deerfield, IL 60015

Dear Chairman Van de Put:

I am writing to request information about how your company is prioritizing worker safety and taking all steps necessary to prevent potential outbreaks of the coronavirus disease 2019 (COVID-19) at your facilities. Food processing facilities share many of the same characteristics as meatpacking plants, where outbreaks have led to worker deaths and threatened the food supply chain. There have already been outbreaks in over 60 food processing facilities outside the meatpacking industry, with over a third of food processing and dairy facilities reporting at least one confirmed COVID-19 case, per a recent survey.¹ As of June 30, over 3,200 food processing workers have tested positive for COVID-19², and at least 28 have died.³ The true total is likely higher, given that no federal agencies are collecting or reporting this data. The consequences of failing to prevent COVID-19 outbreaks extend beyond the imperative to protect the lives of your workers – they also pose a substantial public health threat to the communities where you operate, and a threat to the food supply chain. Mitigating these threats begins with keeping your workers safe. To that end, I am seeking information about the specific ways you are prioritizing worker health and safety at your facilities, and how you are preparing for or mitigating potential COVID-19-related supply chain shocks.

Food Processors are Failing to Adequately Protect Workers, Despite Having Many of the Same Vulnerabilities as Meat Processors

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Food processing facilities share many characteristics with the meatpackers that have become COVID-19 hotspots⁴, and there are already signs that food processing facilities are failing to adequately account for these vulnerabilities. Your workers may face similar risks of infection and transmission because the “common characteristics among [meat] processing facilities” – such as the “pace and physical demands” of the work and the close quarters of production lines, which “ma[ke] it difficult to maintain a 6-foot distance”⁵– may also be present in your processing facilities.⁶

As with meatpackers, many workers at other types of food processing facilities lack important protections that place them at higher risk of infection. Reports suggest most food processing workers do not have paid sick leave.⁷ They are more likely to lack health insurance coverage, especially if they are Black or Hispanic.⁸ Wages for food processing workers are consistently low and have decreased over the past few decades.⁹ Over half of food chain workers have worked while sick; over 40% of them did so out of fear of losing their jobs for taking a day off.¹⁰ This “work while sick” culture has already fostered the transmission of COVID-19 in meatpacking plants.¹¹ Failing to provide paid sick leave to your workers in low-wage jobs—who are disproportionately people of color and immigrants¹²—may force them to choose between making ends meet or the health and safety of themselves and their family, furthering the disproportionate impact of COVID-19 on communities of color.

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Despite the substantial risk to workers posed by these conditions, the lack of widespread testing makes it nearly impossible to understand the scope of the outbreaks that have already occurred. According to reports, only 20% of food processing and dairy employees were tested for COVID-19 in May.¹⁹ The absence of centralized reporting implies that what little information is available likely undercounts the scale of the threat.²⁰

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²² Wall Street Journal, "Meat Plants Reopen, but Burgers Stay Pricey," Jacob Bunge and Jaewon Kang, May 31, 2020, <https://www.wsj.com/articles/meat-plants-reopen-but-burgers-stay-pricey-11590933601>.

the COVID-19 have expressed concern about supply chain challenges.²³ Outbreaks in your facilities could threaten the broader food supply chain by further exacerbating existing labor shortages and reducing plant processing capacity.²⁴ Given the increasing consolidation of your industry, both producers and consumers could be left with limited alternatives, negatively affecting market opportunities for farmers and creating potential shortages for consumers.²⁵ As in meatpacking, reduced production could lead to even higher prices. Already the U.S. food inflation rate is at its highest rate in eight years,²⁶ and USDA is forecasting the largest annual increase in grocery prices since 2011.²⁷

Supply chain failures in your industry would hurt all Americans but would disproportionately harm the most vulnerable Americans and risk further exacerbating the racial disparities of the COVID-19 crisis. A recent survey shows persistently elevated food insecurity, with rates now roughly double what they were before COVID-19.²⁸ Low-income Americans, who already spend a about a third of their income on food, are now navigating an economic crisis that heightens their economic vulnerability.²⁹ The combination of higher prices and income uncertainty or loss will place many in even greater financial difficulty at a time when a record number of Americans are already relying on overstretched food banks.³⁰ This burden will not fall equally: Black and Hispanic households are already disproportionately affected by food insecurity.³¹ Food supply chain workers themselves could be doubly impacted by further shortages, as the data show that almost 20% experience food insecurity.³²

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²³ Food Engineering, “Survey: How the Food and Beverage Industry Is Responding to COVID-19,” Casey Laughman, April 20, 2020, <https://www.foodengineeringmag.com/articles/98828-survey-how-the-food-and-beverage-industry-is-responding-to-covid-19>.

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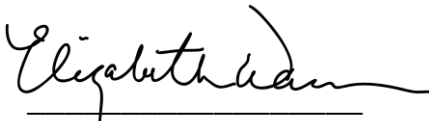
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 - a. How many facilities does your company own or operate? How many total employees (part-time, and/or full-time) work at these facilities?
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 - b. What policies are in place to respond to a worker being exposed to or being infected with COVID-19?
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 - d. Do you have adequate personal protective equipment (PPE) for your workers, and if not, what steps are you taking to procure the necessary equipment?
 - e. Do you require your employees to wear masks, gloves, or other PPE at all times, and if so, do you provide them at no charge?
 - f. Have you modified your transportation or commuting policies and accommodations to reduce potential transmission between workers? If so, how?
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- h. Do you provide COVID-19-related educational materials in languages that can be understood by your workers?
 - i. To what extent have you implemented existing state and federal safety guidelines in your facilities?
 - i. To what extent have you incorporated the CDC’s guidance for meat and poultry processors in your food processing plants?³³ Which of these standards have you met, and which have you not implemented?
 - ii. Do you operate in a state with mandatory health and safety standards for food processors, and if so, which of these standards have you met? Which have you not implemented?
 - iii. Do you operate in a state with voluntary health and safety standards for food processors, and if so, which of these standards have you met? Which have you not implemented?
4. Leave policies
- a. What are your company’s protocols when a worker has been exposed to COVID-19, or has a household member test positive for COVID-19?
 - b. Do you currently offer paid sick leave to your employees?
 - i. What are the terms and conditions of this leave policy? Please include
 - 1. How many days of paid sick leave are offered;
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 - 3. Eligibility for paid sick leave, and whether it is available to all employees (full time or part time);
 - 4. How paid sick leave accrues for all employees;
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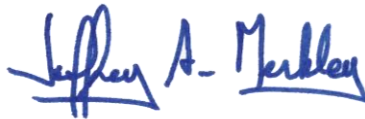
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2. The circumstances for which employees can use this paid leave, including whether it can be used to care for dependents of any age or other family members;
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 5. If employees receive full pay while taking paid leave;
 6. Any requirements for accessing paid leave, including whether it requires any documentation;
 - ii. When did you begin offering this policy?
 - iii. Have you made any changes to this policy during the pandemic?
 - d. What accommodations, if any, have you made to provide your employees with access to childcare during the pandemic?
5. Impact on food supply chain
- a. Has COVID-19 had any impact on your production process to date?
 - b. Have you developed contingency plans in the case of an outbreak in your plant(s)?
 - c. Have you at any time during the COVID-19 crisis been unable to meet domestic demand?
 - d. Approximately what percentage of your production was exported in 2019? What percentage has been exported in the most recent three-month period?

Sincerely,



Elizabeth Warren
United States Senator



Jeffrey A. Merkley
United States Senator



Cory A. Booker
United States Senator

United States Senate
WASHINGTON, DC 20510

July 1, 2020

Ramon L. Laguarta
Chairman and Chief Executive Officer
PepsiCo
700 Anderson Hill Road
Purchase, NY 10577

Dear Chairman Laguarta,

I am writing to request information about how your company is prioritizing worker safety and taking all steps necessary to prevent potential outbreaks of the coronavirus disease 2019 (COVID-19) at your facilities. Food processing facilities share many of the same characteristics as meatpacking plants, where outbreaks have led to worker deaths and threatened the food supply chain. There have already been outbreaks in over 60 food processing facilities outside the meatpacking industry, with over a third of food processing and dairy facilities reporting at least one confirmed COVID-19 case, per a recent survey.¹ As of June 30, over 3,200 food processing workers have tested positive for COVID-19², and at least 28 have died.³ The true total is likely higher, given that no federal agencies are collecting or reporting this data. The consequences of failing to prevent COVID-19 outbreaks extend beyond the imperative to protect the lives of your workers – they also pose a substantial public health threat to the communities where you operate, and a threat to the food supply chain. Mitigating these threats begins with keeping your workers safe. To that end, I am seeking information about the specific ways you are prioritizing worker health and safety at your facilities, and how you are preparing for or mitigating potential COVID-19-related supply chain shocks.

Food Processors are Failing to Adequately Protect Workers, Despite Having Many of the Same Vulnerabilities as Meat Processors

¹ Bloomberg, “Outbreaks at 60 U.S. Food Plants Raise Specter of More Shortages,” Mike Dorning, June 9, 2020, <https://news.bloomberglaw.com/daily-labor-report/outbreaks-at-60-u-s-food-plants-raise-specter-of-more-shortages>

² “Food and Environment Reporting Network, “Covid-19 shows no sign of slowing among food-system workers,” Leah Douglas, June 22, 2020, <https://thefern.org/2020/06/covid-19-shows-no-sign-of-slowing-among-food-system-workers/>.

³ UFCW, “America’s Largest Food & Retail Union Confirms Growing COVID-19 Impact on Frontline Workers,” June 25, 2020, <http://www.ufcw.org/2020/06/25/covidupdate/>.

Food processing facilities share many characteristics with the meatpackers that have become COVID-19 hotspots⁴, and there are already signs that food processing facilities are failing to adequately account for these vulnerabilities. Your workers may face similar risks of infection and transmission because the “common characteristics among [meat] processing facilities” – such as the “pace and physical demands” of the work and the close quarters of production lines, which “ma[ke] it difficult to maintain a 6-foot distance”⁵– may also be present in your processing facilities.⁶

As with meatpackers, many workers at other types of food processing facilities lack important protections that place them at higher risk of infection. Reports suggest most food processing workers do not have paid sick leave.⁷ They are more likely to lack health insurance coverage, especially if they are Black or Hispanic.⁸ Wages for food processing workers are consistently low and have decreased over the past few decades.⁹ Over half of food chain workers have worked while sick; over 40% of them did so out of fear of losing their jobs for taking a day off.¹⁰ This “work while sick” culture has already fostered the transmission of COVID-19 in meatpacking plants.¹¹ Failing to provide paid sick leave to your workers in low-wage jobs—who are disproportionately people of color and immigrants¹²—may force them to choose between making ends meet or the health and safety of themselves and their family, furthering the disproportionate impact of COVID-19 on communities of color.

Reports suggest that food processors may not be taking Centers for Disease Control and Prevention (CDC)-recommended precautions to insulate their already-vulnerable workforce from

⁴ Kaiser Family Foundation, “The COVID-19 Outbreak and Food Production Workers: Who is at Risk?,” Samantha Artiga and Matthew Rae, Jun 3, 2020, <https://www.kff.org/coronavirus-covid-19/issue-brief/the-covid-19-outbreak-and-food-production-workers-who-is-at-risk/>.

⁵ Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report, “COVID-19 Among Workers in Meat and Poultry Processing Facilities – 19 States, April 2020,” May 8, 2020 https://www.cdc.gov/mmwr/volumes/69/wr/mm6918e3.htm?s_cid=mm6918e3_w.

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⁷ American Public Health Association, “Improving Working Conditions for U.S. Farmworkers and Food Production Workers,” November 2017, <https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2018/01/18/improving-working-conditions>.

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⁹ Economic Policy Institute, “Weak labor protections have put Midwestern food processing workers at risk for coronavirus,” Colin Gordon, Hannah Halbert, and Laura Dresser, April 20, 2020, <https://www.epi.org/blog/weak-labor-protections-have-put-midwestern-food-processing-workers-at-risk-for-coronavirus/>.

¹⁰ Civil Eats, “Food Workers Are on the Frontlines of Coronavirus. They Need Our Support,” Claire Kelloway, March 20, 2020, <https://civileats.com/2020/03/20/op-ed-food-workers-are-on-the-frontlines-of-coronavirus-they-need-our-support/>.

¹¹ USA Today, “Cheap Chicken, Beef Came at a Cost. How American Meat Plants Bred Coronavirus Hot Spots,” Sky Chadde, Kyle Bagenstose, Veronica Martinez Jacobo and Rachel Axon, May 22, 2020, <https://www.usatoday.com/in-depth/news/investigations/2020/05/21/coronavirus-american-chicken-beef-industry-vulnerable-despite-trump/3107636001/>.

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the threat of COVID-19 outbreaks. Food processors are reportedly failing to adopt policies enabling workers to remain at least six feet apart from one another, both on the production line and in break rooms,¹³ despite CDC recommendations.¹⁴ Some companies continue to house workers in barrack-style dormitories with bunk beds close together.¹⁵ Food supply chain drivers feel unsafe making deliveries because the retailers they deliver to aren't requiring employees to wear masks.¹⁶ Workers at six fruit processing facilities in Yakima County cited over 200 health and safety violations and went on strike after their fellow workers were infected with COVID-19.¹⁷ Worse yet, a recent complaint claims that management retaliated against the workers protesting these unsafe conditions.¹⁸

Despite the substantial risk to workers posed by these conditions, the lack of widespread testing makes it nearly impossible to understand the scope of the outbreaks that have already occurred. According to reports, only 20% of food processing and dairy employees were tested for COVID-19 in May.¹⁹ The absence of centralized reporting implies that what little information is available likely undercounts the scale of the threat.²⁰

Supply Chain Failures Due to Coronavirus Outbreaks Would Disproportionately Harm the Most Vulnerable Americans

In addition to sickening meatpacking workers, COVID-19 outbreaks in the meatpacking industry induced labor shortages and caused supply shocks²¹ and price increases of roughly 20%.²² Your industry is similarly vulnerable: more than half of food and beverage processors surveyed during

¹³ The Oregonian, "Coronavirus Cases Linked to Vancouver Fruit Processor Jumps to 119," Jamie Goldberg, May 28, 2020, <https://www.oregonlive.com/coronavirus/2020/05/coronavirus-cases-linked-to-vancouver-fruit-processor-jumps-to-119.html>.

¹⁴ Centers for Disease Control and Prevention, "Interim Guidance from CDC and the Occupational Safety and Health Administration (OSHA)," June 18, 2020, <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/meat-poultry-processing-workers-employers.html>.

¹⁵ TMJ4, "Food Processing Plants See Surge in COVID-19 Cases, Including More than 100 in Darien," Rebecca Klopff, April 30, 2020, <https://www.tmj4.com/news/coronavirus/food-processing-plants-see-surge-in-covid-19-cases-including-more-than-100-in-darien>.

¹⁶ Report from union representing food distributors, June 25, 2020; CT Mirror, "Coronavirus is breaking the food supply chain," April 23, 2020, <https://ctmirror.org/2020/04/23/coronavirus-is-breaking-the-food-supply-chain/>.

¹⁷ In These Times, "The Food Industry's Next Covid-19 Victims: Migrant Farmworkers," Michelle Fawcett and Arun Gupta, June 2, 2020, <https://inthesetimes.com/working/entry/22568/COVID-19-farms-pandemic-essential-workers-undocumented-coronavirus>.

¹⁸ AP, "Workers File Complaint Against Yakima Fruit Packing Plant," May 22, 2020, <https://apnews.com/d84aca7346612e53611809d39daf8dd4>.

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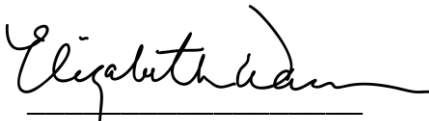
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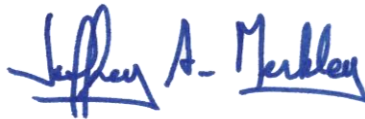
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 3. Eligibility for paid leave, and whether it is available to all employees;
 4. How paid leave accrues for employees;
 5. If employees receive full pay while taking paid leave;
 6. Any requirements for accessing paid leave, including whether it requires any documentation;
 - ii. When did you begin offering this policy?
 - iii. Have you made any changes to this policy during the pandemic?
 - d. What accommodations, if any, have you made to provide your employees with access to childcare during the pandemic?
5. Impact on food supply chain
- a. Has COVID-19 had any impact on your production process to date?
 - b. Have you developed contingency plans in the case of an outbreak in your plant(s)?
 - c. Have you at any time during the COVID-19 crisis been unable to meet domestic demand?
 - d. Approximately what percentage of your production was exported in 2019? What percentage has been exported in the most recent three-month period?

Sincerely,



Elizabeth Warren
United States Senator



Jeffrey A. Merkley
United States Senator



Cory A. Booker
United States Senator