

Regulations in the meat industry weaken as coronavirus pandemic strengthens

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As the coronavirus continues to infect millions across the United States, workplace safety regulations continue to be loosened in the meatpacking industry. In meatpacking plants, as a consequence of the maintenance of production with the support of the United Food and Commercial Workers (UFCW) union and following Trump's invocation of the Defense Production Act to keep the plants running in April, more than 40,000 meat-processing workers have contracted the virus and over 200 have died.

The spread of the virulent disease is the result of the government's policy of "herd immunity," in which the near-complete lack of oversight by the Occupational Safety and Health Administration (OSHA) has played a key role. According to figures from the beginning of October, OSHA issued only 30 citations out of more than 9,000 total complaints, with the highest proposed fine just \$40,482.

This was highlighted in a case filed by workers at a Maid-Rite Specialty Foods plant in Dunmore, Pennsylvania. The suit alleges that OSHA did nothing for weeks after a worker filed a safety complaint in April. The complaint described insufficient precautions taken amid an outbreak at the plant. Other workers filed a similar complaint in May, asserting they were facing "imminent danger" due of the risk of infection.

Imminent danger, as defined by OSHA's website, "means any conditions or practices in a place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately." Given the documented extent of the spread in the meatpacking industry, this criterion is obviously met in the bulk of meatpacking plants nationwide. Given the indications of widespread cover-ups and intimidation designed to keep workers from reporting sick, as shown by a recent

whistleblower case against JBS, the real scale of the disease in meatpacking plants is almost certainly far higher.

"When OSHA finds that conditions pose an 'imminent danger' to workers, it typically intervenes quickly and asks the employer to mitigate the risk," according to a *New York Times* report on the lawsuit. "But in a hearing before a federal judge in late July, a local OSHA official testified that she did not consider the term to be appropriate in the Maid-Rite case."

According to the *Times* report, OSHA's central office had designated all meatpacking facilities to be "medium risk" and the agency would not rush to a formal inspection on an "outlying" issue. In reality, meatpacking plants emerged over the spring and summer as key drivers of the spread of the disease in rural areas of the country. An OSHA area director also confirmed this policy of inaction by noting that, out of nearly 300 coronavirus-related complaints which his office had received at the time, none of the complaints were deemed by the agency to represent an "imminent danger."

OSHA had inspected the Maid-Rite meatpacking plant on July 9, months after the initial complaint, and found that many workers were spaced two or three feet apart without barriers separating them. Standing reality on its head, a Labor Department lawyer said at the hearing that "If anonymous litigants could drag OSHA into court every time they disagreed with the agency's investigatory conclusions, the agency would be severely limited in its ability to carry out its mission," while adding that the agency was still at that time determining the "feasibility of requiring the company to space [workers] farther apart."

On July 29, OSHA forged an alliance with the trade group North American Meat Institute (NAMI), on the

bogus grounds of “collaborating” to ensure sufficient PPE and social distancing measures. In April, NAMI had essentially drafted the language of Trump’s executive order invoking the Defense Production Act to keep meatpacking plants open. NAMI CEO Julie Ann Potts praised the move at the time, declaring the day after the order was issued, “By keeping meat and poultry producers operating, the President’s executive order will help avert hardship for agricultural producers and keep safe, affordable food on the tables of American families.”

OSHA said in the aftermath of its alliance with NAMI, it “recognizes the value of establishing a collaborative relationship to foster safety and health practices and programs to improve American workplaces.” But in reality, OSHA and other regulatory bodies are collaborating with the companies to abolish enforcement.

Experts concede that with “limited resources for inspections,” OSHA “must set priorities according to risk.” An OSHA spokeswoman told *MarketWatch*, “OSHA has pre-existing requirements and standards that not only remain in place and enforceable but also apply to protecting workers from the coronavirus.”

Union officials, along with some company executives have reported that after having contacted OSHA regarding the imminent threat posed by the coronavirus pandemic, OSHA was slow to respond to the reports. After a rewrite of OSHA’s guidelines, the agency now requires only those hospitalizations be reported which occur within 24 hours of exposure, a virtual impossibility. The new wording, according to experts, effectively abolishes the requirement of companies to report hospitalizations.

The elimination of even token oversight has gone forward with the full support of the unions, including the United Food and Commercial Workers union. The union, acting as an enforcer for the corporations, has sought the shutdown of wildcat strikes, most notably in Greeley, Colorado.

On May 14, OSHA had visited a Smithfield plant location Sioux Falls, South Dakota, where more than 3,000 workers are employed, after the plant had closed amid an outbreak, and several workers had died, only to then reopen. In a statement, even Smithfield’s executive vice president and NAMI board member bemoaned the lack of federal oversight, claiming that

they had “repeatedly urged OSHA to commit the time and resources to visit our operations in March and April,” but that “They did not do so.”

However, fraud and criminality were commonplace in the industry long before the coronavirus pandemic. Late last month in Texas, Rean Brooks at the Texas Packing Company pleaded guilty to misleading federal regulators, in a case first launched in 2018, over the storage of an illegal quantity of anhydrous ammonia, exposing workers to the hazardous chemical. Exposure may cause convulsive coughing, painful breathing, pulmonary congestion, blindness, or even death.

According the OSHA’s website, “Refrigerant grade anhydrous ammonia is a clear, colorless liquid or gas, free from visible impurities.” The chemical is used in refrigeration systems at facilities, such as meat processing plants. Court documents reveal that a refrigeration unit containing over 10,000 pounds of the chemical was in violation of OSHA regulations. In 2018, Texas Packing Company was operating its facility with 16,500 pounds of anhydrous ammonia, vastly exceeding the regulatory limit by 6,500 pounds, well over the requirement instructed by a Process Safety Management (PSM) program.

Management at Texas Packing were informed that the implementation of a PSM program would cost nearly \$20,000. In an effort to save the company that expense, the plant falsified records to give the illusion that the plant was in compliance with OSHA’s regulations, exposing workers to potential hazards.

The original fine in this case from 2018 was \$615,640, which is 45 times larger than the maximum citation this year in relation to coronavirus. This only throws into sharper relief OSHA’s deliberate coverup of the spread of infections in the plants.



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