

Citing Trump's executive order keeping meatpacking plants open, Stampede Meat files suit against shutdown order by New Mexico government

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Stampede Meat, an Illinois-based meat processor, is suing the state of New Mexico after state health officials ordered a two-week closure of the Sunland Park processing plant due to an outbreak of coronavirus.

The Sunland Park plant is one of eight businesses to be targeted for closure by the New Mexico Health Department, including a Walmart supercenter. New Mexico has 57,547 cases of coronavirus and 1,144 deaths. Doña Ana County, where the Stampede plant is located, has 8,960 cases and 116 deaths.

The Sunland Park plant employs more than 550 workers. According to Maddy Hayden, the state's Environment Department spokeswoman, 100 workers have tested positive for the disease since the beginning of the pandemic. In other words, the virus is significantly more widespread in the plant than in the surrounding community, with 18 percent of the workforce at Stampede Meat infected compared to 4 percent in Doña Ana County.

On November 3, a New Mexico health official wrote a letter to Stampede Meat citing six positive test results for COVID-19 from the dates October 23-27, compelling the official to give the order that the plant shut production for two weeks. The letter cites Section 15 of the department's Public Health Order, mandating the "closure of certain business entities that receive four (4) or more rapid responses within a rolling fourteen (14) day period."

The New Mexico Department of Health's code clearly states: "Any "food and drink establishment," "close-contact business," "place of lodging," "retail

space," or other business that poses a significant public health risk, as determined by the Department of Health, must close for a period of two weeks following the occurrence of four (4) or more rapid responses within a fourteen (14) day period. For purposes of this directive, rapid responses will be counted on a rolling basis."

In its district court filing, Stampede Meat asked the judge to throw out the order, complaining that millions of pounds of meat would be lost. On Tuesday, District Judge Martha Vazquez denied the company's motion to resume production but also gave an order to the state to respond to Stampede's complaint by Monday.

The logic of Stampede's court complaint was utterly anti-democratic, arguing that President Donald Trump's April 28 executive order under the Defense Production Act to require all meat packing and processing facilities to remain in operation during the pandemic supersedes all directives issued by state regulatory agencies.

"The new Stampede closure order puts Stampede Meat in the potential dilemma of having to determine whether it will comply with defendants' state-issued directive, or whether it should comply with the plain meaning (and superior) order from the president of the United States to comply with federal regulations and stay open, providing critical resources for the nation's food supply," the company argued in a court filing. Closure of the Sunland Park plant for two weeks would result in "irreparable harm" and that "millions of pounds of meat would need to be destroyed."

The executive order itself was the result of intense collaboration with meatpacking industry executives and

lobby groups. Before it was issued, Tyson Foods and Smithfield Foods falsely warned of potential shortages in the event of plant closures. According to subsequent press reports, the executive order itself was largely lifted from a draft prepared by the North American Meat Institute, an industry lobby group.

Threatening economic and social blackmail, the company further argued that “Stampede Meat’s loss of business will force it to reduce its workforce and reduce employment opportunities for the surrounding community.” It added: “Allowing the Department of Health to ignore the President’s Executive Order and close Stampede Meat and other meat and poultry processing companies will lead to similar food shortages and rationing.”

The company dismissed the notion that the facility was a public health risk on the spurious grounds that “Stampede Meat is a private facility, closed to the public, and enforces strict distancing, personal protective equipment, and other measures to maximize safety.” In reality, roughly 20 percent of its workforce has been infected.

Throughout the pandemic, meatpacking plants have served as major transmission vectors for the spread of the virus into broader communities. Over the spring and summer, some of the highest per-capita infection rates were in rural areas such as Dougherty County, Georgia that host large meat processing plants. The response of federal and state governments has been to collaborate with companies to cover up the spread and effectively immunize them from any consequences. As of last month, OSHA issued citations to only 30 employers out of a total of 9,000 complaints. According to the Food and Environment Reporting Network (FERN), more than 48,000 meatpacking employees have tested positive for COVID-19 and 245 have died.



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