

US workplace safety agency issues toothless COVID “guidance,” while Biden continues Trump's designation of meatpacking as “critical infrastructure”

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On Friday, the US Occupational Safety and Health Administration (OSHA) issued a new guidance on the mitigation of COVID infection in workplaces.

The new rules, which vary little from those in place during the Trump administration, are merely suggestions and do not carry the force of law. As the OSHA guidance notes, it “is not a standard or regulation, and it creates no new legal obligations.” Adding for emphasis, “The recommendations are advisory in nature, informational in content.”

President Biden had requested OSHA develop new COVID safety standards. The move was a feeble attempt to cover up the “herd immunity” policy of the government aimed at forcing the reopening of schools and workplaces even as the virus spreads out of control. The Biden administration has pledged no more lockdowns to ensure that workers remain on the job producing profits to shore up Wall Street.

Needless to say, the OSHA standards do not call for the shutdown of nonessential industries, including schools, that are likely to become vectors of virus transmission.

The companies have little to fear from the Biden administration. Federal enforcement of health and safety standards is virtually non-existent after decades in which both Republican and Democratic administrations have gutted the budgets of government safety agencies and prevented them from imposing meaningful penalties, even for the most serious violations.

Despite a flurry of new executive orders reversing the Trump administration’s policies, Biden has decided to

keep in place an order by Trump to designate the meatpacking industry “critical infrastructure” under the Defense Production Act. The language of Trump’s order was largely written by the North American Meat Institute, an employers group.

The meatpacking companies have seized on this designation to push back against lockdown orders by local governments, as well as employee lawsuits against unsafe conditions at the plants that have resulted so far in at least 270 deaths. Over 56,000 meatpacking workers have so far tested positive for COVID, according to the Food and Environmental Reporting Network.

However, given the sporadic character of the data, gleaned mostly from local news reports, this is almost certainly a significant undercount. In some plants more than half of the workforce have already been infected by the end of the initial surge last spring.

In the midst of the pandemic, OSHA re-wrote its COVID reporting requirements to essentially give employers a blank check to cover up infections. In October OSHA rescinded a fine for a Georgia nursing home for failure to report the hospitalization of six employees. Under the OSHA-revised wording on its website, it states that employers must only report a hospitalization if it occurs within 24 hours of a worker being exposed to the virus on the job, a virtual impossibility given the lengthy incubation period of the virus.

Trump’s initial declaration of meatpacking as a “critical” industry in April came amid rising worker sickouts and protests against unsafe and unsanitary

conditions. The low paid, largely immigrant workforce at meatpacking plants labor in close quarters, making social distancing impossible. Trump's executive order was specifically aimed at protecting corporate management from any consequences of its neglect of basic safety and sanitation standards.

For their part the unions, such as the United Food and Commercial Workers (UFCW), have sided with the employers, suppressed strikes and helped management cover up deaths and infections. As of Monday, the UFCW had not issued a statement on the Biden administration's refusal to rescind the critical infrastructure designation.

Furthermore, meatpacking plants are vectors for community transmission of COVID. The failure to check the spread of the virus in the plants led to widespread infections and high death rates, according to reports. An early outbreak at the Smithfield pork factory in Sioux Falls, South Dakota helped spread the virus throughout the local community.

In a call Friday, OSHA officials noted the negative reaction to the failure of the Biden administration to rescind Trump's executive order but said that its significance had been "overread" by critics.

In another face-saving gesture, a Democratic-led House panel is looking into the enforcement of OSHA guidelines at meatpacking plants during the first year of the pandemic. OSHA only issued \$3.9 million in COVID-related fines for workplace infractions and only \$80,000 at meatpacking plants.

The largest fine levied by OSHA so far during the pandemic was \$13,494 against Smithfield Foods, issued after 1,300 workers at the company's Sioux Falls, South Dakota meatpacking plant tested positive for the virus. Forty-three were hospitalized, and four died between March 22 and June 16. The \$13,494 fine compares to the company's \$11.9 billion revenue in 2020.

On Monday, Democratic Congressman James Clyburn, who heads the House Select Subcommittee on the Coronavirus Crisis, sent a letter to Tyson Foods Inc., Smithfield Foods and JBS USA asking for information on the spread of the coronavirus at their facilities and what safety measures are in place.

In response to criticisms that the new OSHA guidelines largely mirrored those in place under the Trump administration, Biden officials claimed the new

rules eliminated the "pyramid of risk" that recommended different levels of protection for certain workers. OSHA senior advisor Ann Rosenthal said, "We think that everybody should be protected, not that some workers should be more protected than others."

Even if OSHA were to implement tighter safety standards, the agency is vastly underfunded and understaffed, making systematic enforcement impossible. There are approximately 1,850 OSHA inspectors responsible for 130 million workers at some 8 million worksites, or one inspector for every 70,000 workers and 4,324 work locations. The Biden administration claims that it plans to increase the number of inspectors but has not provided a number or a dollar amount.

Less than two weeks into his term, Biden has made it clear that the complete subordination of all concerns over health and safety to the profit drive of big business continues. Whether it is teachers, meatpacking workers, autoworkers, health care worker or logistic workers, thousands of lives are being sacrificed daily on the altar of Wall Street.

The defense of safe working conditions requires the independent initiative of workers through the construction of rank-and-file safety committees in every workplace. The aim of these committees is to link up workers across the US and internationally to demand measures to contain the virus, including the shutdown of nonessential industries and support to laid off workers and small businesses. This goes hand in hand with the fight for a socialist program to end the subordination of all social life to the drive for profit.



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