

COVID-19 in the “Poultry Capital of the World”



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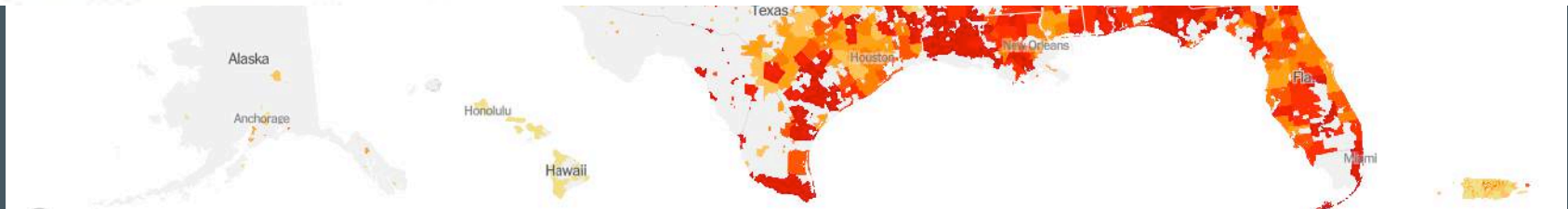
with Professor Dan Danielsen



Hundreds of Georgia's poultry workers have tested positive for COVID-19

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By **Maggie Lee** - April 24, 2020



Triangulating the Significance of Gainesville, GA

Food Industry

The US food system is the country's largest employer - especially in rural areas



Tyson workers on the poultry processing line in Gainesville

COVID-19

Food processing plants are COVID-19 hotspots

BIPOC/Immigrant

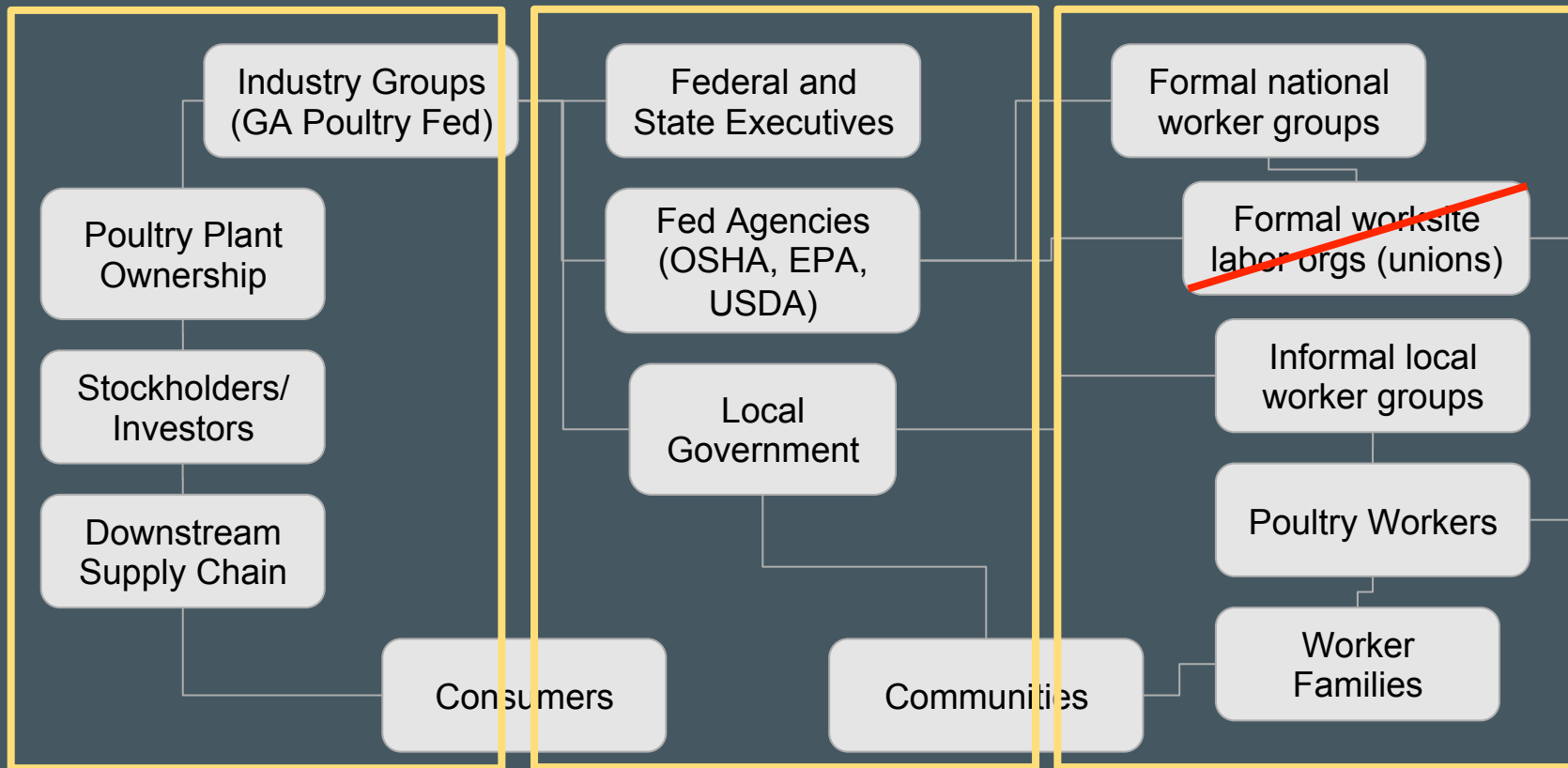
Labor
Food processing labor is predominantly provided by BIPOC & immigrants

Gainesville: Chicken in the Time of Corona

- The poultry industry brings in \$24.6 billion to Georgia's economy and employs 91,400 people.
- Gainesville is the "Poultry Capital of the World:" 5 of the top 10 employers in Gainesville are poultry system intermediaries: slaughterhouses and processing centers
- Estimated 12% undocumented immigrant population, the highest in the country
- Large COVID-19 hotspots
- **Red Flag:** not a single poultry processing plant shut down during the pandemic!



Who Kept Gainesville's Plants Open?



What Power Do These Stakeholders Have?



Power Analysis

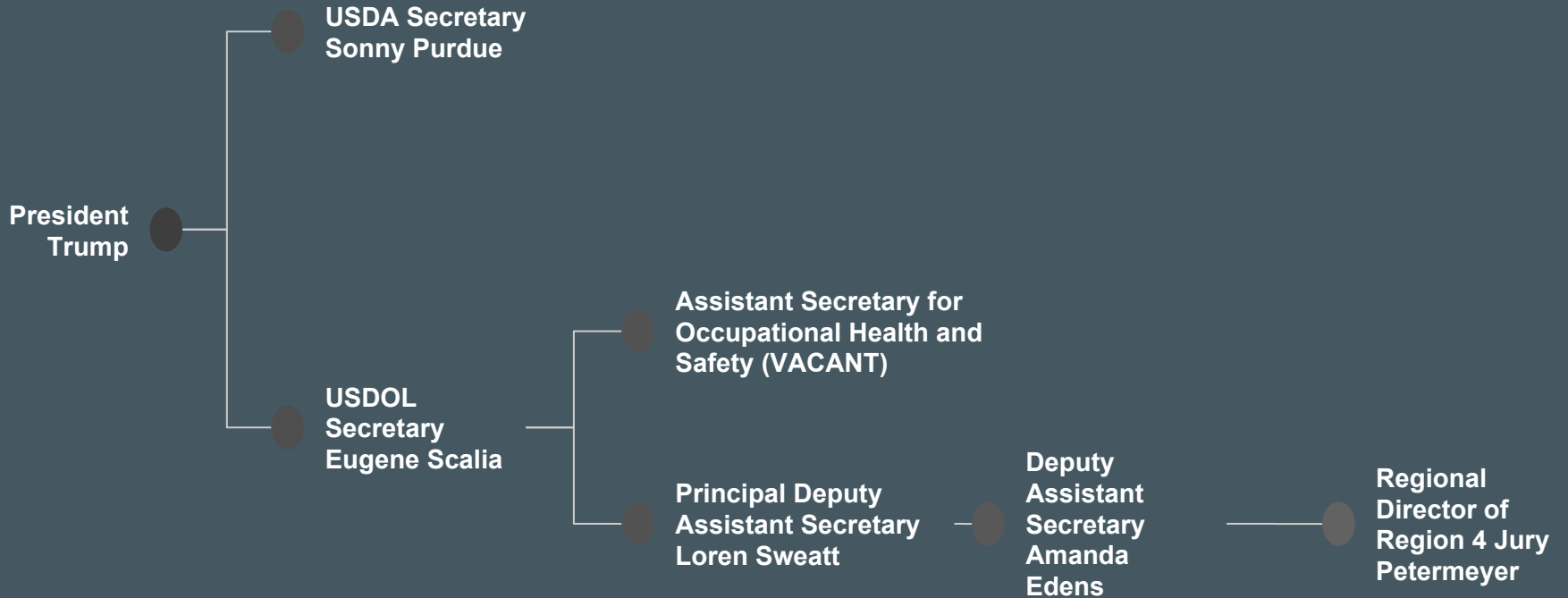
Mapping actors and key legal regimes in three broad categories:

Governmental Authorities

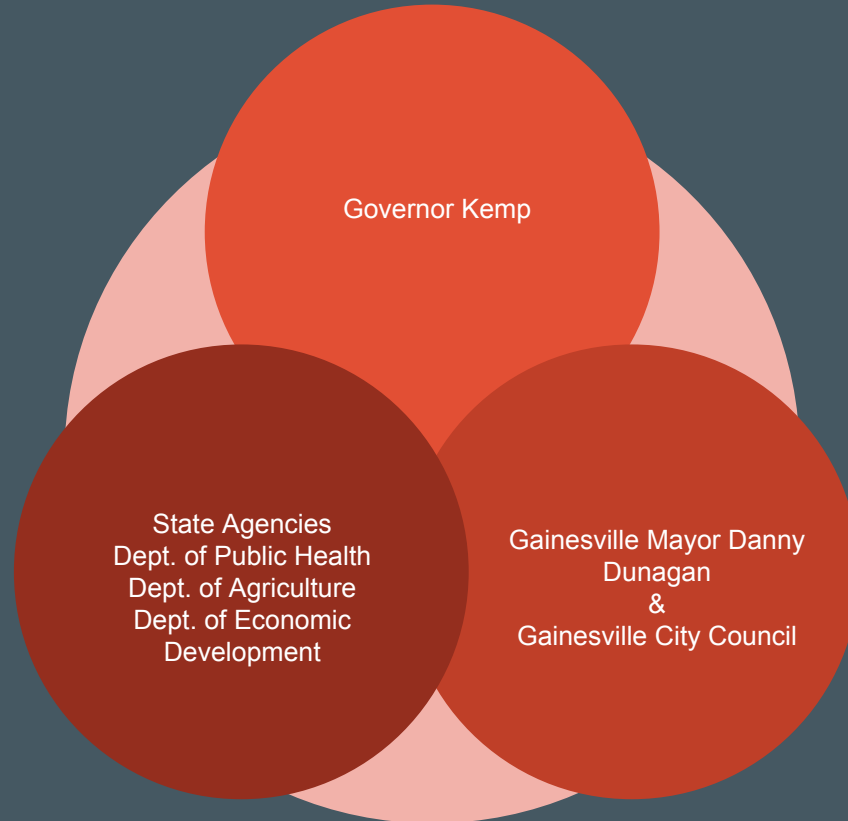
Poultry Processing Corporations

Poultry Workers

Federal Government Stakeholders



State Government Stakeholders



Executive Power: Role of Administrative



Q: What role will USDA play in implementing the President's executive order?

A: If necessary, the Secretary may issue orders under the Executive Order and the Defense Production Act requiring meat and poultry establishments to fulfill their contracts.

Q: Will USDA issue orders with allocations of production on a company-by-company basis or will there, instead, be an industry-wide approach?

A: The issuance of priority orders under the Defense Production Act is an option under active consideration. The USDA does not plan to issue an order to a facility unless necessary. USDA encourages establishments and state and local officials to follow the CDC/OSHA guidance specific to the meat and poultry processing sector to resume or maintain continuity of operations.

Q: Will this be done in the form of an agency rule(s) or guidance? By when?

A: If necessary, USDA will issue an order to a company or an establishment requiring them to fulfill their contracts. Rulemaking is not necessary for USDA to carry out the delegated authorities under the Defense Production Act.

Q: Is there a national testing plan specific to meat and poultry processing plants?

A: Testing strategy and protocol for critical infrastructure, including meat, poultry, and processed egg product facilities, should be developed by each State, based on ongoing guidance from the Department of Health and Human Services (HHS) and CDC.

Q: What kind of resources can or will be made available to meatpacking facilities, to protect plant employees, given the new Executive Order?

A: USDA will continue to work with the White House Task Force, other Federal partners, including HHS, CDC, FEMA, and the Supply Chain Stabilization Task Force, and state, local, and tribal officials to ensure that resource needs are met to keep employees safe and continue operations consistent with the CDC/OSHA guidance.

9 Steps to Reducing Worker Exposure to COVID-19 in Meat, Poultry, and Pork Processing and Packaging Facilities

Keep you and the people working around you safe. Take these steps even if you have no symptoms of COVID-19.

- 1** Stay home if you are sick.
- 2** Maintain at least six feet physical distance between co-workers.
- 3** Avoid group gatherings during work breaks, even if outside.
- 4** Install partitions along the production line to achieve physical distance.
- 5** Avoid sharing equipment and tools. Regularly clean tools and equipment that must be shared.
- 6** Use soap and water for handwashing.
- 7** Wear protective equipment for general safety and to limit the spread of the virus.
- 8** Report any safety and health concerns to your supervisor, or to OSHA.
- 9** Avoid carpooling to and from work, if possible.

Stay current on public health recommendations. For more information, visit www.asha.gov/coronavirus or call 1-800-321-OSHA (6742).

Occupational Safety and Health Administration
www.osha.gov

1-800-321-OSHA (6742)
TTY 1-877-869-5627

Trump, Kemp, and the Role of the Executive

Supporting and supplementing cities, or preemptively passing the buck?

Under Trump's new executive order, "the Secretary of Agriculture shall take all appropriate action under that section to ensure that meat and poultry processors continue operations consistent with the guidance for their operations jointly issued by" the Centers for Disease Control and Prevention (CDC) and the Occupational Safety and Health Administration (OSHA).

Governor Brian Kemp used his executive authority to make his state of Georgia one of the first in the nation to reopen. In a series of Executive Orders, Governor Kemp has sought to preempt the authority of local elected officials from enacting and enforcing municipal mask mandates requiring compliance stricter than the standing, state-set standards.

Trump's Executive Order and the Defense Production Act

The DPA was signed into law by President Harry Truman during the Korean War, and empowers the President to direct private industrial activity to support national defense. This is accomplished by supporting military readiness and emergency preparedness through ensuring availability of critical materials, goods, and services.

- OSHA guidance cites the DPA in asserting that state and local authorities cannot force any such plants to close. OSHA has only issued 2 citations on thousands of complaints.

Industry representatives lobbied for unenforceable OSHA guidelines that provide a safe harbor from state regulation and tort liability for companies that comply with them, but prevent OSHA from citing violations of those guidelines as violations of the general duty clause.



Preemption & COVID-19

Protecting People, Promoting Production, and Political Points

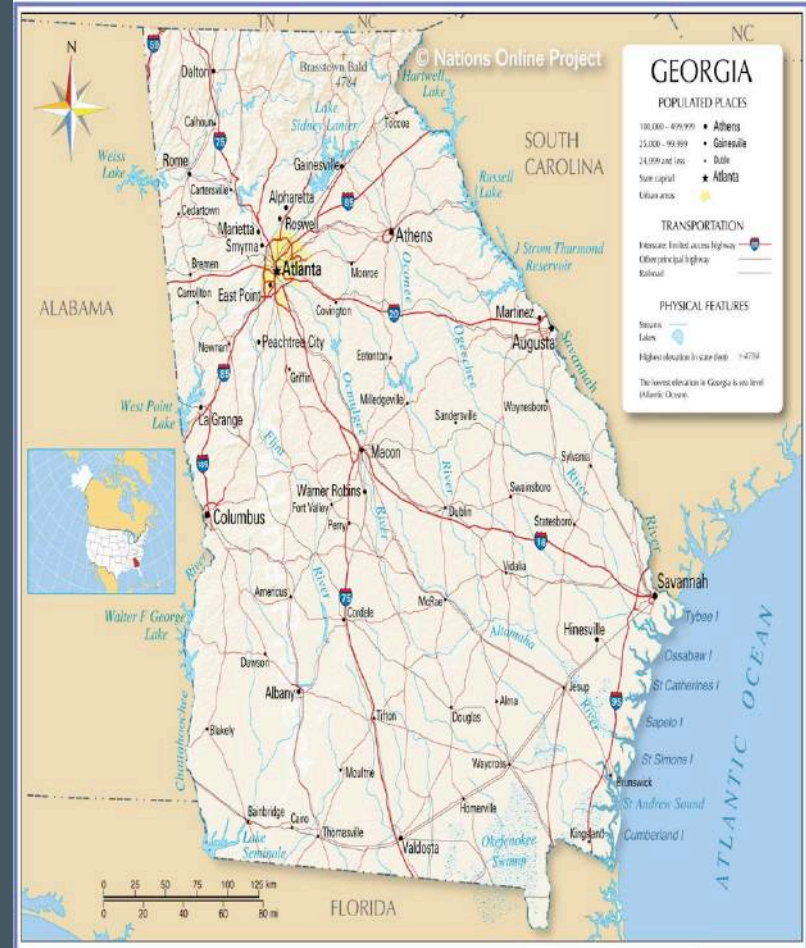
Four major categories of preemption:

Vacuum: An express or de facto regulatory perimeter where only state authorities can set standards.

Floor: A minimum set of regulatory requirements, where local governments have flexibility in using that floor as a platform to enact supplementary standards.

Ceiling: A regulatory regime from which local authorities may not exceed and/or deviate.

Punitive: Capacity to coerce through levying fines,



Power Analysis

Mapping actors and key legal regimes in three broad categories:

Governmental Authorities

Poultry Processing Corporations

Poultry Workers

Pilgrim's Pride

JBS Subsidiary (Brazil)

3rd largest employer in Gainesville

Complete vertical integration from

hatchery to frozen products

1 million birds/ week

Mar-Jac Poultry

Locally owned, regional operations

9th largest employer in town

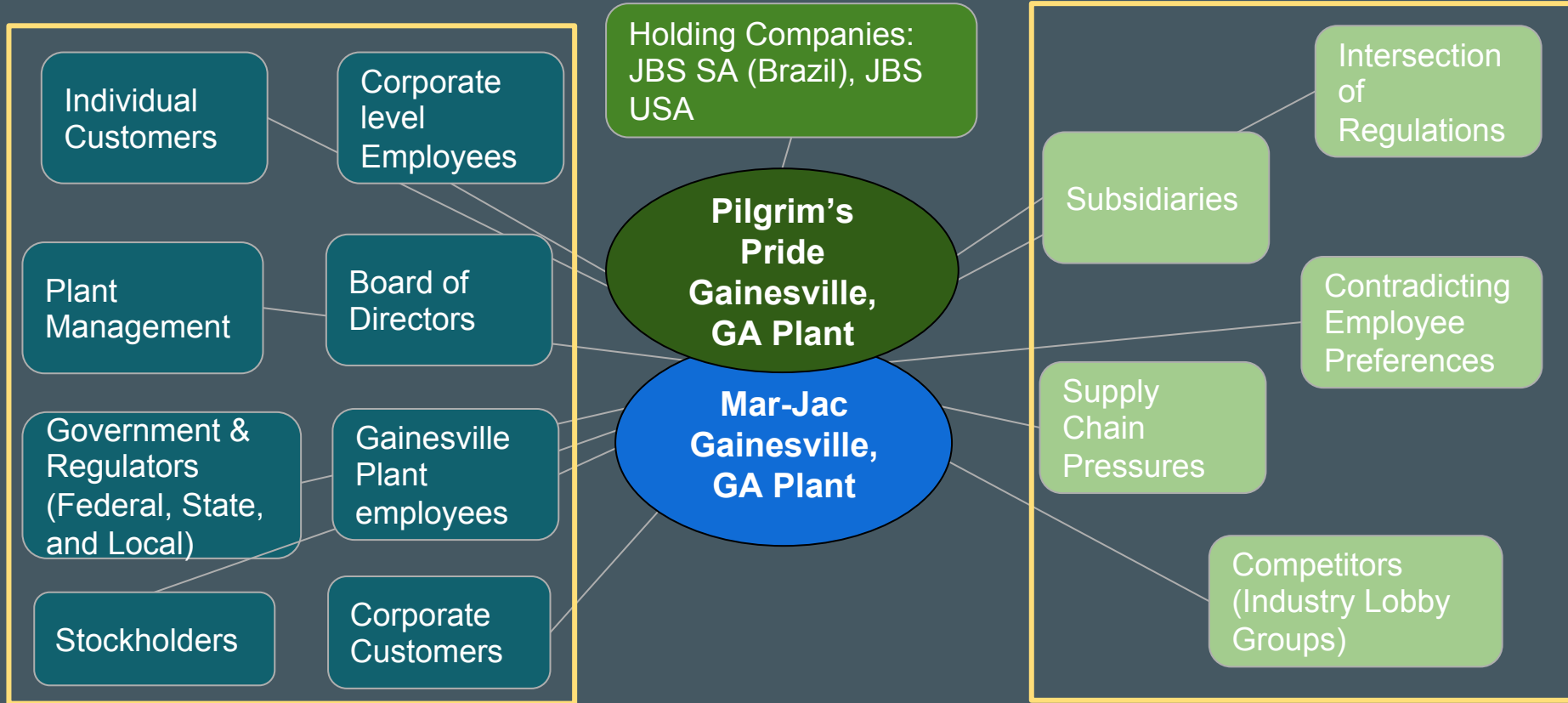
Complete vertical integration

2 million birds/ week

Neither reportedly shuttered or slowed down



Pilgrim's Pride and Mar-Jac Stakeholder Map



A Sordid History of Workplace Violatio

Poultry processing is one of the most dangerous jobs in the U.S with an average of 27 amputations or hospitalizations/day.

- In 2016 alone, JBS/Pilgrim's Pride received \$328,000 in fines for OSHA violations
- Mar-Jac's record in Gainesville is exceptionally poor: **136 OSHA violations and \$505,000 in fines since 1992; 2018 discrimination case awarding back-pay to immigrant workers**

Action to undermine accountability

- Mar-Jac refused an OSHA walkthrough unless the inspector wore a bucket on her head--and successfully defended the case in 2018 in the US Court of Appeals
- History of under-reporting and record-keeping violations

Safe Work Practices in Poultry Processing

Workers in poultry processing plants encounter many hazards, including dangerous equipment, slippery surfaces, high noise levels, repetitive motions, and hazardous chemicals.



The following precautions can help prevent injury or illness:

- Make sure all machines are properly guarded before beginning work.
- Turn off equipment during cleaning or maintenance activities, and always lock or tag out to prevent unintended start-up.
- Keep floors, drains, and surfaces clean, and free of excess meat and fat to prevent slips.
- Wear protective clothing, goggles, hearing protection, respiratory protection, and slip-resistant shoes, when needed.
- Report early signs of repetitive motion injuries to management. These may include: hand pain or numbness; stiff fingers; swelling in the hand, wrist, or forearm; and back or shoulder pain.
- Seek medical attention if you have a scrape or cut to the skin, and if you are bleeding.
- If fluid splashes in eyes, flush with water immediately to prevent infections.

You have the right to speak up about unsafe working conditions **without fear of retaliation.**

For more information:



Creating COVID Hotspots: Line Speed Waivers

"There's absolutely no way that we can social distance within these plants"

Jerald Brooks, Tyson worker in Virginia (from the New York Times)



USDA began issuing waivers increase line speeds in 2012, from 140 to 175 birds/min.

Facilities with health and safety violations are not supposed to receive waivers, but both Gainesville sites researched received first-time or renewed waivers within months of serious violations.

Bypassing Guidelines

“All plants in Georgia are producing, are operating, and our production levels are comparable to pre-COVID-19 levels,” Mike Giles, president of the Georgia Poultry Federation

“The food supply chain is breaking,” John Tyson, chairman of Tyson Foods

We don't know the specific COVID protocols for Gainesville's worksites.

What we do know:

1. Industry executives and elected officials are boasting of normal production.
2. Lobbyists pushed heavily for federal intervention to reopen facilities while states were still “closed.”
3. Poultry facilities installed some PPE infrastructure but rejected CDC guidelines on social distancing.

A Different Path to Justice: FCWA v. Tyson

(2000)

**Food Chain Workers Alliance, Rural
Community Workers Alliance, HEAL
Food Alliance, American Friends Service
Committee – Iowa, Idaho Organization
of Resource Councils, and Forward
Latino,**

Complainants,

v.

**Tyson Foods, Inc., Tyson Fresh Meats,
Inc., Keystone Foods, LLC, JBS USA,
Inc., and Pilgrim's Pride Corp.,**

Respondents.

**COMPLAINT UNDER TITLE VI OF
THE CIVIL RIGHTS ACT OF 1964, 42
U.S.C. §§ 2000d-2000d-7; 7 C.F.R. §§
15.1-15.12**

Complaint to the USDA:

Poultry industry COVID-19 protocols
create unsafe conditions for predominantly
workers of color, constituting racial
discrimination

Power Analysis

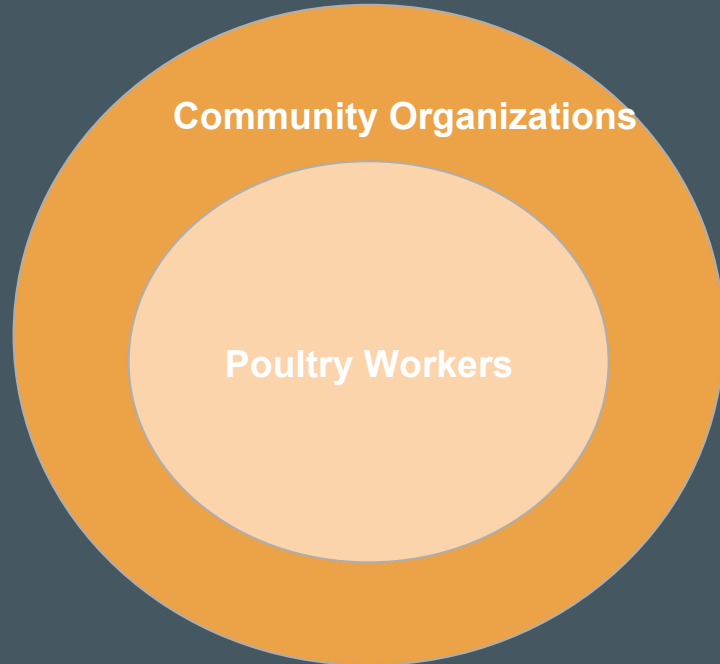
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Stakeholders at the Worker and Community Level



Pre-COVID Working Conditions for Poultry Workers

- Crowded workplaces and break rooms
- Limited to no breaks
- Poor ventilation
- Exposure to chemicals and other harsh fumes
- Expectations to meet extreme production goals at dangerous speeds

Post-COVID Working Conditions for Poultry Workers

- COVID-19 would exaggerate the working conditions in these poultry farms.
- A delayed response on behalf of the employers/owners would have a damaging impact on workers and their families.
 - Resorting to victim blaming
 - Lack of PPE for employees
 - Failing to provide adequate sick leave or pay for sick or scared workers
- The fear of being terminated or going without pay would become a major concern weighed against going into work and contracting COVID-19



Community Efforts

- Poultry workers were forced to mobilize and work with various community organizations to get PPE, testing, and inclusive resources to not only protect themselves, but to gain access to trusted information related to the crisis.
- Hispanic Alliance Georgia
 - Provided information on places hosting food drives and dispensing health guidances
 - Organized Facebook Live event with Spanish-speaking group physician Dr. Antonio Rios
- Northeast Georgia Latino Chamber of Commerce
 - Spearheaded a Gainesville Against Covid-19 task force
 - Organized testing and informational day for both the Latino community and poultry producers

“There are no safeguards in place. There are no protocols.”

“She took matters into her own hands.”



“Feeding America”

“All plants in Georgia are producing [and] are operating and our production levels are comparable to pre COVID-19 levels.”



Emergency and Structural Action

How do we protect workers during this pandemic?

- Establish a comprehensive Emergency Temporary Standard that:
 - Ends line speed waivers
 - Enforces PPE standards by OSHA
 - Enforces hazard pay
 - Includes undocumented workers
 - Enables workers to leave or call in sick
- Expand scope of corporate legal liability to include:
 - Legal presumption that workers who contract COVID-19 were exposed at work
 - Protections for family and household members
- Share food worker stories to inform consumers of labor abuses and the human cost of food

How do we remake these systems?

- Litigation Priorities:
 - Breaking down large market shares, target vertically integrated supply chains in poultry industry using antitrust law
 - Discrimination and disparate impact cases
 - Labor intimidation and retaliation for labor organizing
- State and Local Policy Priorities:
 - Sanctuary policies for undocumented workers in high-exploitation markets
 - Public investment in communities facing monopsonistic labor markets
 - Food procurement systems that certify fair labor practices

Considerations for Future Research

Access to Information and Availability of Data

- Data regarding outbreak numbers and plant protocols are not readily accessible
- Workers may fear retaliation for speaking out or sharing their experience
- We are just now starting to understand the impacts of these policies, and its likely many places will see further COVID cases in the coming weeks and months

Connecting Data → Theory

- Racial Capitalism - how and why is labor historically racialized (in Gainesville, in the industry)?
- World Systems Theory - how can we understand the inner workings of the industry by a broader understanding of systems of exploitation on a global scale?

Thank You

We are happy to answer your questions
in this segment