

May 7, 2021

Office of Information and Regulatory Affairs
Executive Office of the President
Room 10202
New Executive Office Building
Washington, DC 20006

Re: E.O. 12866 Meeting 1218-AD36 - Subpart U – Emergency Temporary Standard – COVID-19

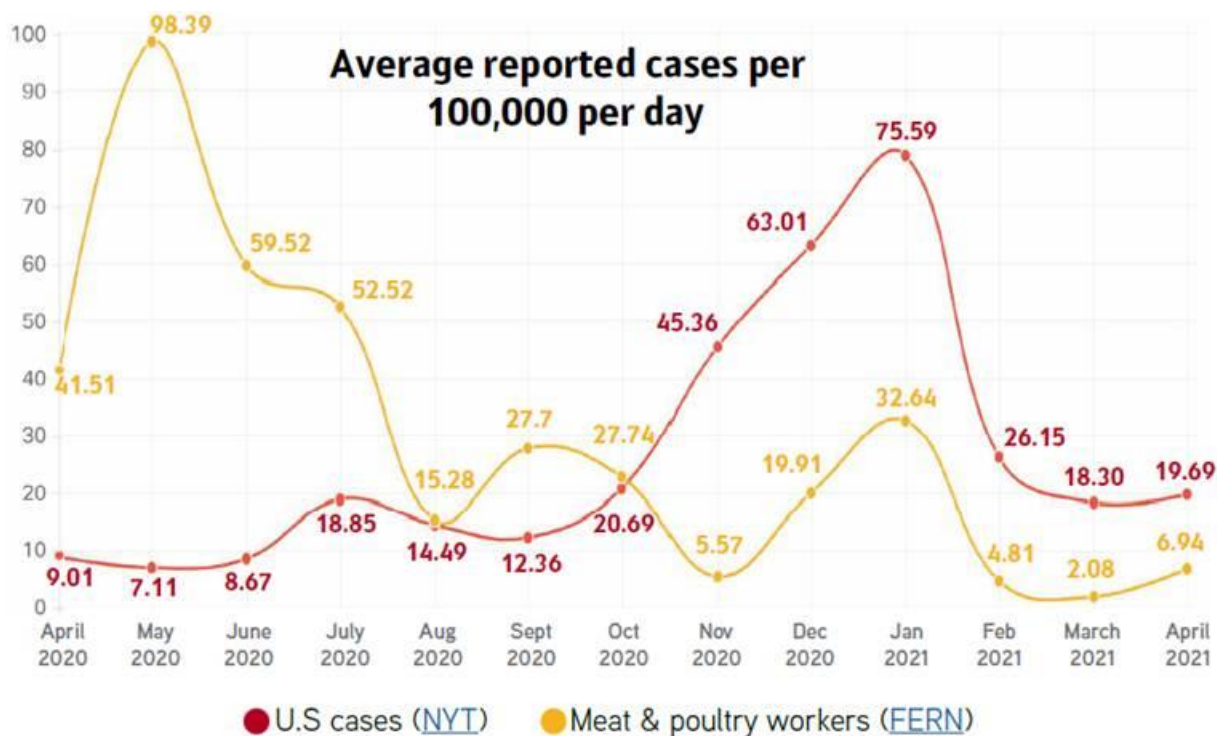
To Whom it May Concern:

As a follow-up to the conversation held May 6, 2021, the North American Meat Institute (NAMI or the Meat Institute) submits the following information for your consideration regarding the above-referenced docket. The Meat Institute is the nation's oldest and largest trade association representing packers and processors of beef, pork, lamb, veal, turkey, and processed meat products and NAMI member companies account for more than 95 percent of United States output of these products. The Meat Institute provides regulatory, scientific, legislative, public relations, and educational services to the meat and poultry packing and processing industry.

As the Office of Information and Regulatory Affairs (OIRA) considers the above-referenced proposed Emergency Temporary Standard (ETS), the Meat Institute respectfully submits such an ETS is unnecessary when analyzing the issue through the lens of the totality of today's circumstances and not those of last year. Although a careful analysis of the facts shows an ETS is unnecessary, should the decision be to move forward with the proposal, it is imperative that an ETS afford companies the flexibility seen in OSHA/CDC guidance, including OSHA's January 29 updated guidance, and the found in the ETSs in effect in several states. Failure to provide that flexibility will have dire consequences for the meat industry and the broader agricultural community.

The OSHA/CDC Guidance Documents Work.

The COVID-19 pandemic presented challenges to every industry, including the meat industry. However, once companies had improved access to personal protective equipment (PPE) and were able to implement more effectively worker safety protocols and practices, including OSHA/CDC guidance issued on April 26, the incidence of infections fell, and fell precipitously. See the chart below.



This data, although imperfect, makes the case the protocols and procedures implemented by the meat industry work – a fact that cuts against the need for an ETS.

An ETS also is unnecessary because the industry already is doing everything it can to protect workers. NAMI conducted a survey earlier this year, with more than 250 meat processing facilities employing more than 150,000 employees responding. The results show extremely high rates of implementation of measures that meet or exceed public health guidance:

- 100% have completed COVID-19 hazard assessment & have designated COVID-19 coordinator;
- 98% require face coverings;
- 100% have implemented one or more entry screening measures and controls;
- 98% have changed leave policies to increase flexibility;
- 90% installed physical barriers where possible in food production areas;
- 70% slow production lines when needed;
- 100% offer training and education materials on COVID-19 symptoms and prevention; and
- 100% have increased sanitation and disinfection practices.

These results show plants are following CDC/OSHA guidance and are the reason there are very few COVID-19 cases in plants today.

Should it be decided that an Emergency Temporary Standard will issue, it is imperative the concept of “if feasible” or “if possible” be incorporated.

As the information above shows, mandating six feet distancing is unnecessary for systems to be effective. Indeed, the April 2020 OSHA/CDC guidance and the updated guidance OSHA issued on January 29 recognize six feet of spacing cannot always be achieved. Although the January 29 guidance acknowledges the importance of physical distancing in communal work areas, it also references installing barriers where such distancing is not possible. Specifically, the guidance provides “At fixed workstations where workers are not able to remain at least six feet away from other people, transparent shields or other solid barriers (e.g., plexiglass, flexible strip curtains) should be installed to separate workers from other people.”¹

States that have developed ETSs similarly recognize the need for flexibility. Virginia’s standard, which is now permanent, recognizes meat processing as a medium risk industry and incorporates “to the extent feasible” concept throughout its provision for the industry. Likewise, Michigan uses the phrase “if possible” throughout. Even California, with its onerous reporting and notification provisions, in its Model COVID-19 Prevention Program says “Where possible, we ensure at least six feet of physical distancing at all times in our workplace by ...”²

Worker safety is of paramount importance in the meat industry, which is why the Meat Institute identified it as a “noncompetitive issue” many years ago. In doing so, companies were encouraged to share best practices, which has led to the significant drop in the industry’s injury rates. Given the efficacy of the existing protocols and systems, it is unclear how much more beneficial mandating six-foot distancing, as some have contended the ETS should do, will be. More certain, however, are the significant adverse economic consequences for livestock producers, meat processors of all sizes, and the agricultural community generally, should mandatory distancing result in slower line speeds. Existing programs, coupled with the industry’s substantial efforts in encouraging and assisting the workforce in getting vaccinated, eliminates any reason to think mandatory six feet distancing is necessary.

NAMI appreciates the opportunity to discuss this important proposal and submit this additional information. Please contact me if you have questions.

Respectfully submitted,



Mark Dopp
Senior Vice President, Regulatory & Scientific Affairs,
and General Counsel
North American Meat Institute

¹ <https://www.osha.gov/coronavirus/safework>

² <https://www.dir.ca.gov/dosh/coronavirus/ETS.html>

The Meat & Poultry Industry & COVID-19



Despite unprecedented challenges and virtually uncontrolled community spread across the United States, comprehensive COVID-19 programs and preventions in meat facilities dramatically reduced case rates for meatpacking workers since the spring of 2020. **COVID-19 infection rates in the sector are now nearly two-thirds lower than in the general population and more than 90% lower than at the May 2020 peak in the sector.**

Independent scientific research and plummeting case rates confirm the sector's comprehensive protections work. Combining universal masking and physical barriers reduced cases significantly in 62% of meat facilities studied by the University of Nebraska. Research published in the Lancet found that distancing of 3 feet and use of facemasks each reduce transmission by about 80%, and use of eye protection reduces transmission by about 65%.

Meat Institute members are committed to continuing these successful measures and moving forward to vaccinate front-line meat and poultry workers as soon as possible. Many meat companies can even assist in vaccine distribution for all Americans.

\$1.5 billion+

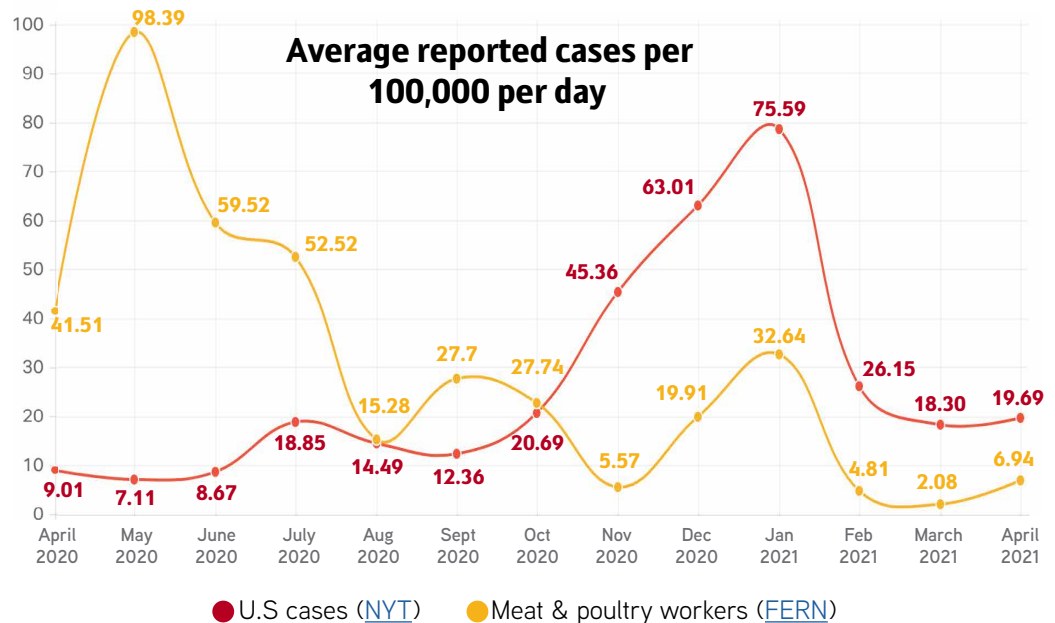
Spent on COVID prevention, protections, and employee support

100%

- COVID-19 hazard assessment
 - COVID-19 coordinator
 - Enhanced sanitation
- Entry screening/controls
 - Education on symptoms/prevention

25,000+

Employees on paid leave due to illness, quarantine, plant closure or high-risk status



Key protections include



Temperature checks & health screenings before and during shifts



Face masks, face shields and PPE



Enhanced sanitation in break rooms, lunch rooms, etc.



Physical distancing where possible; physical barriers between work spaces



On-demand testing, including testing as a monitoring tool



Increased access to health services, preventive care, and promoting vaccine readiness



State-of-the-art air sanitation and ventilation systems



Information for workers on safe practices at work, at home, and in the community

Meat Institute members implemented multilayered COVID-19 protections that meet or exceed public health guidance, with near-universal coverage and confidence in controls.

COVID-19 measures include but are not limited to:

Screening: Workers are screened for fever, symptoms, and exposures before entering the workplace, and temperatures are checked during shifts.

Testing: Workers have access to on-demand testing, and random testing of asymptomatic workers is used as a monitoring tool.

Physical barriers: Facilities have installed new physical barriers that separate work spaces and also are installed, for example, in break rooms and cafeterias.

Distancing: Facilities have added outdoor break and cafeteria spaces, installed physical distancing markers, established one-way traffic patterns, staggered shifts and/or breaks and taken additional measures to increase physical distancing and minimize gathering points.

Air sanitation & ventilation: Facilities installed state-of-the-art air sanitation and ventilation systems, including UV germicidal air sanitation, plasma air technology, and HEPA high-performance air filtration systems.

Personal protective equipment (PPE): Facilities provide face masks, face shields, and other personal protective equipment.

Surface sanitation: Facilities conduct enhanced sanitation using detergents and sanitizers proven to kill the coronavirus.

Increased access to medical services & health benefits: Companies are increasing on-site medical services for workers and their families, increasing access to digital doctor visits, and increasing preventive health care and insurance benefits.

Keeping sick & vulnerable workers out of the workplace: Facilities are providing paid leave and benefits for vulnerable, quarantined, and sick workers.

Education & resources: Meat Institute members have provided workers with information about practices to help prevent COVID-19 infection in the workplace, at home, and as they go about their daily lives. Resources have been provided in at least 14 languages to meet our diverse workforce's needs, including through printed materials and in digital communications.

\$1.5 billion in comprehensive controls reversed the pandemic's trajectory and protected frontline meat and poultry workers, even as infections have continued to surge throughout the United States. Any revised COVID-19 guidance for the meat industry must consider the success of measures implemented to date and urgently prioritize vaccination as the next step for long-term protection of worker safety.

COVID-19 programs and protocols implemented since spring 2020 work, as demonstrated by the publicly available data. Effective measures have protected frontline workers, while keeping Americans' refrigerators full and our farm economy working.

Should the Department of Labor's Occupational Safety and Health Administration (OSHA) determine additional guidance or an emergency temporary standard is necessary, OSHA should follow the example of states who have implemented such standards, including allowing physical distancing to be implemented if feasible and allowing use of other infection controls where physical distancing is not feasible.

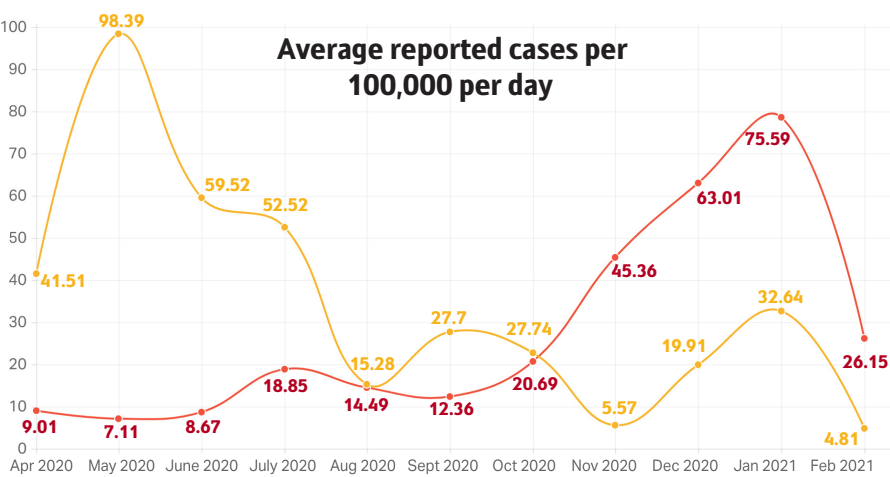
Today's focus should be on getting essential meat and poultry workers vaccinated quickly and efficiently, as the Meat Institute and the United Food and Commercial Workers International Union have consistently advocated, including in a [joint letter](#) to all 50 U.S. governors.

For more information, please visit www.NAMICovidFacts.com

COVID-19 prevention measures in meat facilities



Despite the pandemic’s early toll in the sector, more than \$1.5 billion in comprehensive COVID-19 protection measures that met or exceeded public health guidance dramatically decreased case rates throughout the latter half of 2020 and into 2021. As of February 21, 2021, average new case rates for meat and poultry workers are more than four times lower than in the general population, and 95% lower than at the pandemic’s peak impact in the sector in May 2020.

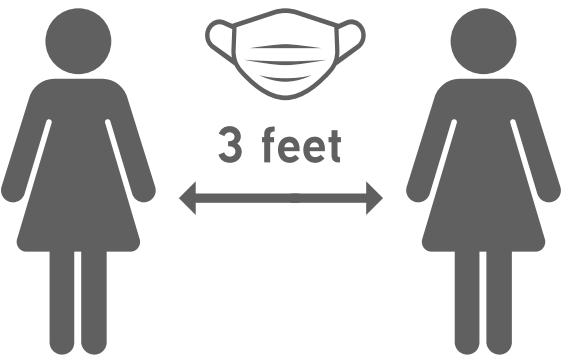


The dramatic and sustained reduction in COVID-19 case rates can be attributed to the tremendous efforts of the meat and poultry industry to implement multilayered COVID-19 controls, largely based on guidance from the Centers for Disease Control and Prevention (CDC) and the Occupational Safety and Health Administration (OSHA).

- U.S cases ([NYT](#))
- Meat & poultry workers ([FERN](#))

The Meat Institute in February 2021 surveyed more than 250 facilities employing more than 150,000 employees across all sectors of the meat and poultry industry and found extremely high implementation of measures that meet or exceed public health guidance and which independent research confirms significantly reduce COVID-19 transmission.

100% have completed COVID-19 hazard assessment & have designated COVID-19 coordinator	100% have implemented one or more entry screening measures and controls	100% offer training and education materials on COVID-19 symptoms and prevention	90% installed physical barriers where possible in food production areas
98% require face coverings	98% have changed leave policies to increase flexibility	100% have increased sanitation and disinfection practices	70% slow production lines at times



Research released February 22 by the University of Nebraska Medical Center showed that the combination of universal masking and physical barriers reduced cases significantly in 62% of meat facilities studied.

An analysis published in the Lancet in June found that distancing of three feet and use of facemasks each reduce transmission by about 80%, and use of eye protection reduces transmission by about 65%.