

Congress of the United States
Washington, D.C. 20515

September 28, 2020

The Honorable Alex M. Azar II
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dr. Robert R. Redfield
Director
Centers for Disease Control and Prevention
1600 Clifton Road
Atlanta, Georgia 30329

Dr. John Howard
Director
National Institute for Occupational Safety and Health
395 E Street, SW, Suite 9200
Washington, DC 20201

Dear Secretary Azar, Dr. Redfield, and Dr. Howard:

We are writing regarding the Centers for Disease Control and Prevention's (CDC) site visit memorandum and recommendations to the Smithfield Foods Sioux Falls Pork Plant (Smithfield) during April 2020.

As you know, in response to a major COVID-19 outbreak at Smithfield, the South Dakota Department of Health (SD-DOH) requested CDC assistance in the form of an Epi-Aid in order to develop recommendations to reduce transmission of COVID-19 among the plant's workers. The CDC and the National Institute for Occupational Safety and Health (NIOSH) conducted several in-person visits to Smithfield in April of this year, and on April 22, 2020, the CDC issued a site visit memorandum and recommendations to Smithfield to help reduce SARS-CoV-2 infections among its employees.¹ After it came to our attention that CDC issued a Version 1 of this document before issuing Version 2 on April 22, 2020, Representative Adams requested—and NIOSH recently provided—a copy of Version 1.² The date on Version 1 was April 21, 2020, one day before Version 2 was issued.

According to NIOSH's August 26 responses to the Committee on Education and Labor's Questions for the Record from the May 28 hearing on "Examining the Federal Government's Actions to Protect Workers from COVID-19," Version 1 was cleared internally by two task

¹ Strategies to reduce COVID-19 transmission at the Smithfield Foods Sioux Falls Pork Plant, CDC (April 22, 2020).

² Strategies to reduce COVID-19 transmission at the Smithfield Foods Sioux Falls Pork Plant, CDC (April 21, 2020).

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forces within the CDC team before CDC subsequently replaced it with Version 2.³ A comparison of the two versions shows several differences, including phrases like “if feasible,” “consider,” and “if possible” that appear to weaken the recommendations.

Earlier this week, Dr. Redfield testified before the Senate Committee on Health, Education, Labor, and Pensions that the changes were made simply to clarify that the recommendations were advisory and not regulatory requirements, although other CDC Epi-Aids do not include similar weakening phrases. He also testified that he had no contact with the Department of Agriculture (USDA), the White House, or Smithfield about this matter, which seems to contradict CDC officials who have confirmed an April 22 phone call between the CDC Director and the USDA Secretary.

In order to better understand the reasons and process behind the changes from Version 1 to Version 2, please provide the following answers and information:

1. Copies of any reports, notes, summaries, daily situation reports or other descriptions related to the in-person visits or development of the site visit memorandum that CDC and NIOSH conducted at Smithfield on April 16 and 17, including any communications between the CDC Director’s office and any members of the CDC Response team.
2. A list of all the versions of this site visit memorandum, including but not limited to the pre-clearance draft or summary that were sent to the South Dakota Department of Health on or before April 20, Version 1, Version 2, and any other drafts. Please provide copies of each version in this list.
3. Copies of all emails, attachments, and other communications between the South Dakota Department of Health and HHS, CDC, NIOSH, and/or the USDA regarding this site visit memorandum, including but not limited to any emails on or before April 20 with the pre-clearance draft of the site visit memorandum, or report summary, attached.
4. Copies of all emails, attachments, and other communications between Smithfield and HHS, CDC, and/or NIOSH regarding this site visit memorandum, including but not limited to the email on or before April 20 with the South Dakota Department of Health attached.
5. Copies of all emails, attachments, and other communications between the Smithfield union members or officials and HHS, CDC, NIOSH, and/or USDA regarding this site visit memorandum, including but not limited to the email on April 20 with the pre-clearance draft of the site visit memorandum, or report summary attached.
6. A detailed explanation, including documentation, of CDC’s process for partnering with requestors of Epi-Aids, including an explanation of the guidelines for how and when outside parties (such as Smithfield executives) are to be included in the process. Please also state when this process was put in place at CDC and whether and how it has been modified since 2016.

³ NIOSH responses to Questions for the Record, *Examining the Federal Government’s Actions to Protect Workers from COVID-1*, Committee on Education and Labor Workforce Protections Subcommittee Hearing (May 28, 2020).

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7. A list of the task forces or offices within CDC that cleared Version 1 of the site visit memorandum.
8. A list of the changes made to the pre-clearance draft, or report summary, that was sent to the South Dakota Department of Health on April 20 and the sources of each of those changes.
9. A list of the changes made to Version 1 and the sources of each of those changes.

Please provide the requested information by October 12, 2020.

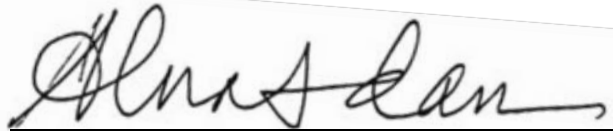
If you have any questions, please contact Cathy Yu at (202) 225-9721 or cathy.yu@mail.house.gov. Please direct all official correspondence to the Committee's Clerk, Mariah Mowbray, at Mariah.Mowbray@mail.house.gov.

Thank you for your prompt attention to this matter, and we look forward to your response.

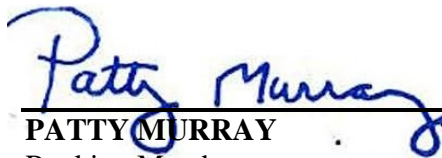
Sincerely,



ROBERT C. "BOBBY" SCOTT
Chairman
Committee on Education and Labor



ALMA S. ADAMS, PH.D.
Chair
Subcommittee on Workforce Protections



PATTY MURRAY
Ranking Member
Committee on Health, Education, Labor, and
Pensions



TAMMY BALDWIN
Ranking Member
Subcommittee on Employment and Workplace
Safety