

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

October 5, 2020

The Honorable Eugene Scalia
Secretary
U.S. Department of Labor
200 Constitution Ave NW
Washington DC 20210

Dear Secretary Scalia:

We are writing regarding the involvement of the Department of Labor (DOL) with 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 may 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 COVID-19 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 responses to the Committee on Education and Labor's requests, Version 1 was cleared internally by two task 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.

CDC Director Redfield has informed Senator Baldwin that his office was in contact with DOL about the Smithfield outbreak during the time that CDC was working on their site visit memorandum. In order to better understand the reasons and process behind the changes from Version 1 and Version 2, and DOL's role in those changes, please provide the following answers and information:

1. Copies of all emails, attachments, and other communications between DOL and CDC or the Department of Agriculture (USDA) regarding any version of the site visit

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).

³ NIOSH responses to Questions for the Record, *Examining the Federal Government's Actions to Protect Workers from COVID-19*, Committee on Education and Labor Workforce Protections Subcommittee Hearing (May 28, 2020).

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- memorandum, including but not limited to emails, memos or phone conversations concerning the April 20 summary or pre-clearance draft of the site visit memorandum.
2. Copies of all emails, attachments, and other communications between Smithfield, its representatives, or any other entity acting on behalf of Smithfield and DOL regarding this site visit memorandum, including but not limited to emails, memos or phone conversations concerning the April 20 summary or pre-clearance draft of the site visit memorandum.
 3. Copies of any reports, notes, summaries, or other descriptions of the in-person visits received or reviewed by DOL concerning the visit that CDC and NIOSH conducted at Smithfield on April 16 and 17.
 4. A list of all the versions of this site visit memorandum or any summaries that were received or reviewed by DOL, including but not limited to the pre-clearance draft that was sent to the South Dakota Department of Health on April 20, Version 1, Version 2, and any other drafts.
 5. Copies of all emails, attachments, and other verbal and written communications between DOL and any other federal agency or the South Dakota Department of Health regarding any version of this site visit memorandum.

Please provide the requested information by October 19, 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