



SUPPORTING DATA AND INFORMATION

As of July 6, the Food & Environment Reporting Network reports that there are at least 292 meatpacking plants with confirmed COVID-19 cases. At least 40,081 meatpacking workers tested positive for, and at least 138 meatpacking workers dying from, COVID-19. As of July 7, the Midwest Center for Investigative Reporting documents that Tyson and JBS have the first and second most COVID-19 cases tied to their meat processing facilities, respectively, with a combined total of at least 12,495 positive cases.

Recent data from the Centers for Disease Control and Prevention corroborate this Complaint. On July 7, 2020, the organization Centers for Disease Control and Prevention published data collected through May 31, 2020, analyzed the COVID-19 disparate impact suffered by workers in meat processing facilities, and discussed the measures implemented – or more importantly not implemented – at such facilities. The CDC Disparity Report found that, based on 21 states reporting race and ethnicity data, “Hispanic and Asian workers might be disproportionately affected by COVID-19 in this workplace setting.” The Report does not identify *any* instances of facilities reporting adoption of the minimum 6-foot social distancing measure to protect workers on processing lines

As of June 6, 2020, USDA Secretary Sonny Perdue reported that meat processing plants “are operating more than 95% of their average capacity compared to this time last year.” The New York Times reports that exports of pork and beef have surged during the first four months of 2020 compared to the same period in 2019. In addition, USDA cold storage data through May 31, 2020, shows that the amount of beef and chicken in cold storage increased compared to the same period last year, while the pork inventory represented 74 percent of the amount at the end of May 2019.

According to a recent study, Black, Latino, and Asian workers make up 69.6 percent (25.2, 44.4, and 10, respectively) of frontline workers in meat processing plants, but only 61.9 percent (22.5, 39.4, and 7, respectively) of all meatpacking workers, and 28.7 percent (11.9, 16.8 and 6.6, respectively) of all U.S. workers. Conversely, white workers are underrepresented in frontline meatpacking positions. Although white workers make up 34.5 percent of all meatpacking workers, and 63.5 percent of all U.S. workers, only 19.1 percent of frontline meatpacking workers are white. In addition, over 73 percent of Tyson’s salaried employees are white, and over 58 percent of JBS’s management is white. Racial disparities not only influences who bears the risk of contracting COVID-19 and spreading the virus in meat processing plants, but also who will suffer more from having the illness: Black and Latino people are more likely to suffer seriously from COVID-19 than white people because of social inequities, according to the complaint.

The administrative complaint is filed with the USDA, because Tyson and JBS have received significant sums of public contracts through USDA in fiscal years 2019 and 2020. The USDA’s Agricultural Marketing Service has entered into contracts with the corporations

under several Farm Bill nutritional and Trade Mitigation Program departmental programs, a primary objective of which is to support agricultural jobs and the agricultural economy:

- Tyson received \$165,756,043 in Fiscal Year 2019 and \$109,389,928 to date in 2020
- JBS and its subsidiary Pilgrim's Pride received \$147,643,591 in Fiscal Year 2019 and \$45,774,572 to date in 2020

All corporations that receive federal financial assistance are bound from taking actions that discriminate by Title VI of the Civil Rights Act of 1964, which states that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."