

United States Senate
WASHINGTON, DC 20510

July 1, 2020

Alfonso Fanjul
Chief Executive Officer
Florida Crystals Corporation
One North Clematis Street, Suite 200.
West Palm Beach, FL 33401

Dear Mr. Fanjul:

I am writing to request information about how your company is prioritizing worker safety and taking all reasonable steps to prevent potential outbreaks of the coronavirus disease 2019 (COVID-19) among agricultural workers. The nature of farm work places workers at unique risk of COVID-19 infection and transmission, and reports indicate farms are becoming a vector for COVID-19 outbreaks.¹ There have already been outbreaks in farms across the country—now, as harvest season begins, the significant threat of agricultural work creating a hotspot for the spread of COVID-19 among farmworkers is even greater. The consequences of employers' failure to prevent COVID-19 outbreaks extend beyond the imperative to protect the lives of their workers – they also pose a substantial public health threat to the communities where they operate and a threat to the food supply chain. Mitigating these threats begins with keeping workers – who are disproportionately people of color² – safe. To that end, I am seeking information about the specific ways you are protecting worker health and safety at your establishments and how you are preparing for or mitigating potential supply chain shocks.

There is already evidence that farms are experiencing outbreaks – and that infections are spreading among farmworkers at an alarming pace.³ The Food and Environment Reporting Network has mapped COVID-19 outbreaks at 55 farms and production facilities as of June 30, 2020. Over 3,400 farmworkers have tested positive, and at least two have died.⁴ While testing remains limited, farms that are testing are reporting infection rates of up to 50%-100%⁵, which

¹ Food and Environment Reporting Network, "COVID-19 Is Spreading among Farmworkers, and It May Get Worse," Leah Douglas, June 2, 2020, <https://thefern.org/2020/06/covid-19-is-spreading-among-farmworkers-and-it-may-get-worse/>.

² Megan Horst, "How Racism Has Shaped the American Farming Landscape," Jan 25, 2020, <https://www.eater.com/2019/1/25/18197352/american-farming-racism-us-agriculture-history>.

³ Food and Environment Reporting Network, "COVID-19 Is Spreading among Farmworkers, and It May Get Worse," Leah Douglas, June 2, 2020, <https://thefern.org/2020/06/covid-19-is-spreading-among-farmworkers-and-it-may-get-worse/>.

⁴ "Food and Environment Reporting Network, "Mapping Covid-19 outbreaks in the food system," Leah Douglas, updated June 30, 2020, <https://thefern.org/2020/04/mapping-covid-19-in-meat-and-food-processing-plants/>.

⁵ WTVC, "Rhea Co. Farm Leader Says All of Their Nearly 200 Employees Have Virus, Only 3 Symptomatic," Sam Luther, May 26, 2020, <https://newschannel9.com/news/local/rhea-co-farm-leader-says-all-of-their-nearly-200-employees-have-virus-only-3-symptomatic>.

are among the highest in the country.⁶ Already, these outbreaks among agricultural workforces have elevated infection rates for entire counties,⁷ and cases could continue to spread as the United States enters the peak of the summer harvest season⁸. Roughly a quarter of the nation's 2.5 million agricultural workers, move across the country with the harvest,⁹ and over 250,000 may enter the country as temporary workers under the H-2A agricultural visa program this year.¹⁰

Agricultural Work Exposes Workers to Extreme Risk of Infection and Transmission

Despite often working outdoors, farmworkers are frequently exposed to prolonged close contact both on their work sites and also in employer-managed transportation and housing that increases their risk of infection and transmission.¹¹ The unsanitary, barrack-like conditions that many employers maintain in the housing that they are required to provide to their workers makes self-isolation effectively impossible, increasing farmworkers' risk of contracting or spreading coronavirus.¹² Employers also transport workers to and from the fields in packed buses or vans, without facilitating social distancing.¹³ The exposure to pesticides and toxic chemicals common in field work contributes to higher rates of respiratory illness for farmworkers, which increases the danger of COVID-19 infection.¹⁴

In addition, despite the hazardous nature of farm work, less than half of all farmworkers have health insurance and few have access to paid leave.¹⁵ When combined with the chronically low wages paid to farmworkers—farmworkers' wage rates remain among the lowest in the nation

⁶ Civil Eats, "As Hundreds of Farmworkers Test Positive for COVID-19, Many Remain Unprotected," Gosia Wozniacka, May 13, 2020, <https://civileats.com/2020/05/13/as-hundreds-of-farmworkers-test-positive-for-covid-19-many-remain-unprotected/>.

⁷ *Id.*

⁸ Bloomberg, "Every Single Worker Has COVID at One U.S. Farm on Eve of Harvest, Mike Dorning and Jen Skerritt, May 29, 2020, <https://www.bloomberg.com/news/articles/2020-05-29/every-single-worker-has-covid-at-one-u-s-farm-on-eve-of-harvest>.

⁹ Politico, "In absence of federal action, farm workers' coronavirus cases spike," Liz Crampton, June 9, 2020, <https://www.politico.com/news/2020/06/09/farm-workers-coronavirus-309897>.

¹⁰ U.S. Department of Labor, Office of Foreign Labor Certification, "H-2A Temporary Agricultural Labor Certification Program - Selected Statistics, FY 2019," https://www.foreignlaborcert.doleta.gov/pdf/PerformanceData/2019/H-2A_Selected_Statistics_FY2019_Q4.pdf

¹¹ CDC, "Interim Guidance from CDC and the U.S. Department of Labor – Exposure Risk Among Agricultural Workers and Employers," June 1, 2020, <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-agricultural-workers.html>.

¹² Farmworker Justice, "No Way to Treat a Guest: Why The H-2A Agricultural Visa Program Fails U.S. and Foreign Workers," Etan Newman, 2011, <https://www.farmworkerjustice.org/sites/default/files/documents/7.2.a.6%20fwj.pdf>; NPR, "Farm Workers Can't Keep Their Distance, And Can't Get Into The U.S. To Work," Sarah Gonzalez, March 27, 2020, <https://www.npr.org/2020/03/27/822728385/farm-workers-cant-keep-their-distance-and-cant-get-into-the-u-s-to-work>.

¹³ New York Times, "What Happens If America's 2.5 Million Farmworkers Get Sick?," Greg Asbed, April 3, 2020, <https://www.nytimes.com/2020/04/03/opinion/coronavirus-farm-workers.html>.

¹⁴ Center for American Progress, "Protecting Farmworkers From Coronavirus and Securing the Food Supply," Zoe Willingham and Silva Mathema, April 23, 2020, <https://www.americanprogress.org/issues/economy/reports/2020/04/23/483488/protecting-farmworkers-coronavirus-securing-food-supply/>.

¹⁵ *Id.*

and their poverty rates are high¹⁶—this means many simply cannot afford to get sick.¹⁷ Farmworkers also lack legal protections afforded to most other workers that would help them secure better pay and working conditions, like the federally-protected right to organize and entitlement to overtime pay.¹⁸ The majority of farmworkers are immigrants and nearly half are undocumented, placing many in an especially precarious position.¹⁹ Even before this pandemic, many farm operators relying on immigrant workers to carry out this hazardous work with low-pay and in dangerous conditions reported a tight labor market, with 56% of farmers surveyed by the California Farm Bureau reporting inadequate numbers of workers.²⁰

Reports suggest that many farms are not taking adequate precautions to provide farmworkers with necessary information in a language they understand and insulate their already-vulnerable workforce from the threat of COVID-19 outbreaks. Some farms have taken additional steps to help workers stay healthy, such as growers with collective bargaining agreements with the United Farm Workers and those in the Equitable Food Initiative²¹ and the Fair Food Program²² that pay their workers for their time while being tested and set up spaces for farmworkers to isolate. However, such policies appear to be the exception.²³ Most reports indicate that farms are failing to ensure that workers are able to work six feet apart from one another. At a New York farm where the producer-provided housing they placed four workers to a room (two per bed, in motels), half of the 340 workers tested positive.²⁴ Advocates report that the majority of North Carolina farmworkers “live in barracks with up to 120 workers sharing approximately four toilets and four showers.”²⁵ Some companies are reportedly threatening workers with job losses if they miss work and belittling workers who express concern for COVID-19’s health risks,

¹⁶ Findings from the National Agricultural Workers Survey (NAWS) 2015-2016: A Demographic and Employment Profile of United States Farmworkers. Research Report No. 13. January 2018, p. 50, https://www.doleta.gov/naws/research/docs/NAWS_Research_Report_13.pdf.

¹⁷ Bloomberg, “Farms Could See Shortage of Protective Gear Amid COVID-19 Needs,” March 26, 2020, <https://news.bloomberglaw.com/environment-and-energy/farms-could-see-shortage-of-protective-gear-amid-covid-19-needs>.

¹⁸ Center for American Progress, “Protecting Farmworkers From Coronavirus and Securing the Food Supply,” Zoe Willingham and Silva Mathema, April 23, 2020, <https://www.americanprogress.org/issues/economy/reports/2020/04/23/483488/protecting-farmworkers-coronavirus-securing-food-supply/>.

¹⁹ New York Times, “Farmworkers, Mostly Undocumented, Become ‘Essential’ During Pandemic,” Miriam Jordan, April 2, 2020, <https://www.nytimes.com/2020/04/02/us/coronavirus-undocumented-immigrant-farmworkers-agriculture.html>.

²⁰ The Counter, “California Farmers Face Ongoing Labor Shortage, Survey Shows,” H. Claire Brown, May 6, 2019, <https://thecounter.org/california-farm-labor-shortage-survey/>.

²¹ Equitable Food Initiative, “Responding to the Coronavirus Pandemic,” June 3, 2020, <https://equitablefood.org/coronavirus/>.

²² Salon, “The Highest Coronavirus Infection Rate in the World’: Florida Farmworkers in Peril,” Seth Holmes, May 31, 2020, <https://www.salon.com/2020/05/31/farmworkers-are-dying-covid-19-cases-are-spiking-and-the-food-system-is-in-peril/>.

²³ New York Times, “Farmworkers, Mostly Undocumented, Become ‘Essential’ During Pandemic,” Miriam Jordan, April 2, 2020, <https://www.nytimes.com/2020/04/02/us/coronavirus-undocumented-immigrant-farmworkers-agriculture.html>.

²⁴ In These Times, “The Food Industry’s Next COVID-19 Victims: Migrant Farmworkers,” Michelle Fawcett and Arun Gupta, June 2, 2020, <https://inthesetimes.com/working/entry/22568/COVID-19-farms-pandemic-essential-workers-undocumented-coronavirus>.

²⁵ *Id.*

leading workers who are sick to continue to work.²⁶ At a large farm in Florida, where at least one worker has died from COVID-19 complications, the founder has denounced COVID-19 as “the largest government and media hoax in history.”²⁷

The lack of comprehensive testing at farms suggests that the known cases of COVID-19 among farmworkers only reflect a fraction of the scope of the disease’s spread.²⁸ The absence of centralized reporting compounds the problem. One company’s failure to report and respond to an initial outbreak among seasonal workers led to a second outbreak that spread among other workers.²⁹ As the United States enters peak harvest season, the absence of mandatory standards on farmworker safety against COVID-19 is particularly worrisome.³⁰

Failure to Adequately Protect Farm Workers From COVID-19 Threatens the Food Supply Chain

Widespread outbreaks among farm workers could have a devastating impact on the food supply chain. Experienced, skilled, highly productive workers who must leave their jobs due to illness or quarantine are not easily replaced. Their absence could substantially impact production by forcing farms to shut down or reduce operations. This would reduce food production and further disrupt the rest of the food supply chain.³¹ Illnesses among farmworkers could in this way negatively affect food prices and availability, as in the meat processing industry where COVID-19-induced shutdowns prompted price increases of roughly 20% for consumers.³² Already the

²⁶ The Oregonian, “Second coronavirus outbreak hits Townsend Farms, but the state never disclosed the first,” Brad Schmidt and Kale Williams, May 28, 2020, <https://www.oregonlive.com/coronavirus/2020/05/coronavirus-outbreak-hits-townsend-farms-in-fairview.html>; Civil Eats, “As Hundreds of Farmworkers Test Positive for COVID-19, Many Remain Unprotected,” Gosia Wozniacka, May 13, 2020, <https://civileats.com/2020/05/13/as-hundreds-of-farmworkers-test-positive-for-covid-19-many-remain-unprotected/>.

²⁷ Salon, “The Highest Coronavirus Infection Rate in the World’: Florida Farmworkers in Peril,” Seth Holmes, May 31, 2020, <https://www.salon.com/2020/05/31/farmworkers-are-dying-covid-19-cases-are-spiking-and-the-food-system-is-in-peril/>.

²⁸ Civil Eats, “As Hundreds of Farmworkers Test Positive for COVID-19, Many Remain Unprotected,” Gosia Wozniacka, May 13, 2020, <https://civileats.com/2020/05/13/as-hundreds-of-farmworkers-test-positive-for-covid-19-many-remain-unprotected/>.

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³⁰ Bloomberg, “Every Single Worker Has COVID at One U.S. Farm on Eve of Harvest, Mike Dorning and Jen Skerritt, May 29, 2020, <https://www.bloomberg.com/news/articles/2020-05-29/every-single-worker-has-covid-at-one-u-s-farm-on-eve-of-harvest>.

³¹ Center for American Progress, “Protecting Farmworkers From Coronavirus and Securing the Food Supply,” Zoe Willingham and Silva Mathema, April 23, 2020, <https://www.americanprogress.org/issues/economy/reports/2020/04/23/483488/protecting-farmworkers-coronavirus-securing-food-supply/>.

³² CoBank, “Closed Meat Plants Today Mean Empty Meat Cases this Summer,” May 2020, <https://www.cobank.com/-/media/files/ked/animal-protein/closed-meat-plants-today-mean-empty-meat-cases-this-summer-may2020.pdf?la=en&hash=1C30B4FBA43F388CF3B2CE695BD941EB35047A21>

U.S. food inflation rate is at its highest rate in eight years,³³ and USDA is forecasting the largest annual increase in grocery prices since 2011.³⁴

While a supply chain shock would harm all Americans, the burden will not fall equally. Low-income Americans spend a about a third of their income on food, and are seeing their own income erode, too.³⁵ A recent survey shows persistently elevated food insecurity, with rates now roughly double what they were before COVID-19.³⁶ Black and Hispanic households already disproportionately experience food insecurity.³⁷ The combination of higher prices and income uncertainty or job loss for many Americans will place families in even greater financial difficulty at a time when a record number of Americans are already forced to rely on overstretched food banks.³⁸ Farmworkers themselves will be doubly impacted by further shortages, as the data show that they experience among the highest rates of food insecurity, with 1 in 6 having to rely on the Supplemental Nutrition Assistance Program (SNAP) to get by.³⁹

Questions

In order to better understand the risk posed to farmworkers and to the food supply chain, I ask that you provide answers to the following questions no later than July 15, 2020:

1. Case statistics
 - a. How many farms or facilities does your company own or operate?
 - b. How many total farmworkers (seasonal, part-time, and/or full-time) work at these farms or facilities?
 - c. How many total COVID-19 cases have occurred among workers at these farms or facilities? Please provide this information by farm/facility as well as in aggregate.

³³ Food and Environment Reporting Network, “Beef prices soar, food inflation is highest in more than eight years,” Chuck Abbot, June 10, 2020, https://thefern.org/ag_insider/beef-prices-soar-food-inflation-is-highest-in-more-than-eight-years/.

³⁴ Food and Environment Reporting Network, “Largest annual increase in grocery prices since 2011,” June 25, 2020, https://thefern.org/ag_insider/largest-annual-increase-in-grocery-prices-since-2011/.

³⁵ United States Department of Agriculture, Economic Research Service, “Food Spending as a Share of Income Declines as Income Rises,” September 19, 2019, <http://www.ers.usda.gov/data-products/chart-gallery/gallery/chart-detail/?chartId=58372>.

³⁶ Food and Environment Reporting Network, “Survey: Unrelenting food insecurity during pandemic,” Chuck Abbott, June 14, 2020, https://thefern.org/ag_insider/survey-unrelenting-food-insecurity-during-pandemic/.

³⁷ Family & Community Health, “Examining the Impact of Structural Racism on Food Insecurity: Implications for Addressing Racial/Ethnic Disparities,” April 2019, Angela M. Odoms-Young, <https://doi.org/10.1097/FCH.000000000000183>.

³⁸ The Guardian, “A Perfect Storm’: US Facing Hunger Crisis as Demand for Food Banks Soars,” Nina Lakhani, April 2, 2020, <https://www.theguardian.com/environment/2020/apr/02/us-food-banks-coronavirus-demand-unemployment>.

³⁹ Center for American Progress, “Congress Must Strengthen SNAP To Support Essential Workers During the Coronavirus Crisis,” Areeba Haider, June 11, 2020, <https://www.americanprogress.org/issues/poverty/news/2020/06/11/486187/congress-must-strengthen-snap-support-essential-workers-coronavirus-crisis/>; Social Work and Public Health, “Migrant and Seasonal Farmworker Food Insecurity: Prevalence, Impact, Risk Factors, and Coping Strategies,” Elizabeth Kiehne and Natasha Mendoza, 2015, <https://pubmed.ncbi.nlm.nih.gov/25923396/>.

- i. How many of these cases have resulted in hospitalizations?
 - ii. How many of these cases have resulted in fatalities, including in cases where workers may have contracted COVID-19 at a farm, facility, or worker-managed housing but then died in a hospital or other off-site location?
- 2. Testing and reporting
 - a. How many COVID-19 diagnostic tests have been administered to your workers at these farms/facilities? Please provide this information by farm/facility as well as in aggregate.
 - b. Have you implemented routine COVID-19 testing of workers at your farms/facilities?
 - c. For non-routine testing of workers, what symptoms or other factors are triggers for testing?
 - d. Do you conduct rapid-testing of temporary seasonal workers upon their arrival?
 - e. What is your protocol for symptomatic workers during the time period between testing and receiving the results of a test?
 - f. What are your company's protocols when a worker has been exposed to COVID-19, or has a household member test positive for COVID-19?
 - g. Are workers paid for the time it takes to be tested?
 - h. Do you notify your workers upon confirmation of cases of COVID-19? Do you notify local and state authorities? Do you notify federal authorities?
 - i. If you directly or indirectly employ H-2A visa holders, in addition to notifying the relevant county or state health department, are you notifying the appropriate Consulate that their citizens have tested positive for COVID-19?
- 3. Health and safety policies
 - a. In the *Coronavirus Aid, Relief, and Economic Security Act*, Congress provided agricultural producers with \$23.5 billion as part of Emergency Appropriations for Coronavirus Health Response and Agency Operations.⁴⁰ How were these funds used to mitigate the spread of COVID-19 in the agricultural sector and improve the housing, working, and transportation conditions of farmworkers?
 - b. Have you made any changes to your policies to address the risks of COVID-19? If so, please describe the policy changes in detail, along with the timing of any changes.
 - c. Have you taken steps to physically re-configure work processes to avoid transmission of COVID-19?
 - d. Have you modified your transportation or commuting policies and accommodations to reduce potential transmission between workers? If so, how?
 - e. Have you modified any housing or living accommodations you provide to your workers to reduce potential transmission between workers? If so, how?

⁴⁰ Coronavirus Aid, Relief, and Economic Security Act, H.R. 748, <https://www.congress.gov/bill/116th-congress/house-bill/748/text>.

- f. Do you provide COVID-19-related educational materials in languages that can be understood by your workers?
 - g. Do you have adequate personal protective equipment (PPE) for your workers, and if not, what steps are you taking to procure the necessary equipment?
 - h. Do you require your workers to wear masks, gloves, or other PPE at all times, and if so, do you provide them at no charge?
 - i. Do you provide your workers with access to shade and water breaks to protect against other health risks associated with farm work such as heat stroke? If so, does the way shade and water is provided allow for social distancing – with workers able to maintain six feet apart while all still in the shade during breaks?
 - j. To what extent have you implemented existing state and federal safety guidelines in your facilities? Which policies have you not implemented?
 - i. To what extent have you incorporated the Centers for Disease Control and Prevention and the U.S. Department of Labor Interim COVID-19 Guidance for Agricultural Employers and Workers in your farms?⁴¹ Which of these standards have you met, and which have you not implemented?
 - ii. Do you operate in a state with mandatory health and safety standards for farmworkers, and if so, which of these standards have you met? Which have you not implemented?
 - iii. Do you operate in a state with voluntary health and safety standards for farmworkers, and if so, which of these standards have you met? Which have you not implemented?
 - k. Are you engaging with non-governmental organizations who provide services to farmworkers? If so, which organizations and to what extent?
4. Leave policies
- a. Congress passed COVID-19 response packages that expand emergency paid sick leave and family leave for essential critical infrastructure workers, including farmworkers. What are you doing to inform employees of their rights to paid sick leave and family leave?
 - b. Do you currently offer paid sick leave to your workers?
 - i. What are the terms and conditions of this leave policy? Please include
 - 1. How many days of paid sick leave are offered;
 - 2. The circumstances for which workers can use this paid leave;
 - 3. Eligibility for paid sick leave, and whether it is available to all workers
 - 4. How paid sick leave accrues for workers;
 - 5. If workers receive full pay while taking paid sick leave;

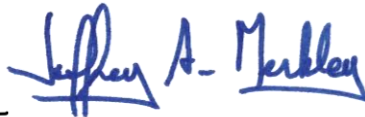
⁴¹ Centers for Disease Control and Prevention, “Interim Guidance from CDC and the U.S. Department of Labor,” <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-agricultural-workers.html>.

6. Any requirements for accessing paid sick leave, including whether it requires a confirmed COVID-19 diagnosis or any documentation;
 - ii. When did you begin offering this policy?
 - iii. Have you made any changes to this policy during the pandemic? (For example, allowing workers to access the maximum days of paid sick leave immediately, regardless of employment tenure, if sick days accrue over time)
 - c. Do you currently offer paid family and medical leave to your workers?
 - i. What are the terms and conditions of this leave policy? Please include:
 1. How many days of paid leave are offered;
 2. The circumstances for which workers can use this paid leave, including whether it can be used to care for dependents of any age or other family members;
 3. Eligibility for paid leave, and whether it is available to all workers;
 4. How paid leave accrues for workers;
 5. If workers receive full pay while taking paid leave;
 6. Any requirements for accessing paid leave, including whether it requires any documentation;
 - ii. When did you begin offering this policy?
 - iii. Have you made any changes to this policy during the pandemic?
 - d. What accommodations, if any, have you made to provide your workers with access to childcare during the pandemic?
5. Impact on food supply chain
- a. Has COVID-19 had any impact on your growing or production process to date?
 - b. Would a significant COVID-19 outbreak have an adverse impact on your growing or production process? Please provide a summary of potential risks.
 - c. Have you developed contingency plans in the case of an outbreak in your farms or facilities?
 - d. Have you communicated with major processors or purchasers of your products about the impact that a labor shortage could have on your production capacity?

Sincerely,



Elizabeth Warren
United States Senator



Jeffrey A. Merkley
United States Senator



Cory A. Booker
United States Senator

United States Senate
WASHINGTON, DC 20510

July 1, 2020

Jeff Hansen
President and Chief Executive Officer
Iowa Select Farms
5034 Grand Ridge Drive
West Des Moines, IA 50265

Dear President Hansen:

I am writing to request information about how your company is prioritizing worker safety and taking all reasonable steps to prevent potential outbreaks of the coronavirus disease 2019 (COVID-19) among agricultural workers. The nature of farm work places workers at unique risk of COVID-19 infection and transmission, and reports indicate farms are becoming a vector for COVID-19 outbreaks.¹ There have already been outbreaks in farms across the country—now, as harvest season begins, the significant threat of agricultural work creating a hotspot for the spread of COVID-19 among farmworkers is even greater. The consequences of employers' failure to prevent COVID-19 outbreaks extend beyond the imperative to protect the lives of their workers – they also pose a substantial public health threat to the communities where they operate and a threat to the food supply chain. Mitigating these threats begins with keeping workers – who are disproportionately people of color² – safe. To that end, I am seeking information about the specific ways you are protecting worker health and safety at your establishments and how you are preparing for or mitigating potential supply chain shocks.

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⁴ "Food and Environment Reporting Network, "Mapping Covid-19 outbreaks in the food system," Leah Douglas, updated June 30, 2020, <https://thefern.org/2020/04/mapping-covid-19-in-meat-and-food-processing-plants/>.

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are among the highest in the country.⁶ Already, these outbreaks among agricultural workforces have elevated infection rates for entire counties,⁷ and cases could continue to spread as the United States enters the peak of the summer harvest season⁸. Roughly a quarter of the nation's 2.5 million agricultural workers, move across the country with the harvest,⁹ and over 250,000 may enter the country as temporary workers under the H-2A agricultural visa program this year.¹⁰

Agricultural Work Exposes Workers to Extreme Risk of Infection and Transmission

Despite often working outdoors, farmworkers are frequently exposed to prolonged close contact both on their work sites and also in employer-managed transportation and housing that increases their risk of infection and transmission.¹¹ The unsanitary, barrack-like conditions that many employers maintain in the housing that they are required to provide to their workers makes self-isolation effectively impossible, increasing farmworkers' risk of contracting or spreading coronavirus.¹² Employers also transport workers to and from the fields in packed buses or vans, without facilitating social distancing.¹³ The exposure to pesticides and toxic chemicals common in field work contributes to higher rates of respiratory illness for farmworkers, which increases the danger of COVID-19 infection.¹⁴

In addition, despite the hazardous nature of farm work, less than half of all farmworkers have health insurance and few have access to paid leave.¹⁵ When combined with the chronically low wages paid to farmworkers—farmworkers' wage rates remain among the lowest in the nation

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⁷ *Id.*

⁸ Bloomberg, "Every Single Worker Has COVID at One U.S. Farm on Eve of Harvest, Mike Dorning and Jen Skerritt, May 29, 2020, <https://www.bloomberg.com/news/articles/2020-05-29/every-single-worker-has-covid-at-one-u-s-farm-on-eve-of-harvest>.

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¹⁰ U.S. Department of Labor, Office of Foreign Labor Certification, "H-2A Temporary Agricultural Labor Certification Program - Selected Statistics, FY 2019," https://www.foreignlaborcert.doleta.gov/pdf/PerformanceData/2019/H-2A_Selected_Statistics_FY2019_Q4.pdf

¹¹ CDC, "Interim Guidance from CDC and the U.S. Department of Labor – Exposure Risk Among Agricultural Workers and Employers," June 1, 2020, <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-agricultural-workers.html>.

¹² Farmworker Justice, "No Way to Treat a Guest: Why The H-2A Agricultural Visa Program Fails U.S. and Foreign Workers," Etan Newman, 2011, <https://www.farmworkerjustice.org/sites/default/files/documents/7.2.a.6%20fwj.pdf>; NPR, "Farm Workers Can't Keep Their Distance, And Can't Get Into The U.S. To Work," Sarah Gonzalez, March 27, 2020, <https://www.npr.org/2020/03/27/822728385/farm-workers-cant-keep-their-distance-and-cant-get-into-the-u-s-to-work>.

¹³ New York Times, "What Happens If America's 2.5 Million Farmworkers Get Sick?," Greg Asbed, April 3, 2020, <https://www.nytimes.com/2020/04/03/opinion/coronavirus-farm-workers.html>.

¹⁴ Center for American Progress, "Protecting Farmworkers From Coronavirus and Securing the Food Supply," Zoe Willingham and Silva Mathema, April 23, 2020, <https://www.americanprogress.org/issues/economy/reports/2020/04/23/483488/protecting-farmworkers-coronavirus-securing-food-supply/>.

¹⁵ *Id.*

and their poverty rates are high¹⁶—this means many simply cannot afford to get sick.¹⁷ Farmworkers also lack legal protections afforded to most other workers that would help them secure better pay and working conditions, like the federally-protected right to organize and entitlement to overtime pay.¹⁸ The majority of farmworkers are immigrants and nearly half are undocumented, placing many in an especially precarious position.¹⁹ Even before this pandemic, many farm operators relying on immigrant workers to carry out this hazardous work with low-pay and in dangerous conditions reported a tight labor market, with 56% of farmers surveyed by the California Farm Bureau reporting inadequate numbers of workers.²⁰

Reports suggest that many farms are not taking adequate precautions to provide farmworkers with necessary information in a language they understand and insulate their already-vulnerable workforce from the threat of COVID-19 outbreaks. Some farms have taken additional steps to help workers stay healthy, such as growers with collective bargaining agreements with the United Farm Workers and those in the Equitable Food Initiative²¹ and the Fair Food Program²² that pay their workers for their time while being tested and set up spaces for farmworkers to isolate. However, such policies appear to be the exception.²³ Most reports indicate that farms are failing to ensure that workers are able to work six feet apart from one another. At a New York farm where the producer-provided housing they placed four workers to a room (two per bed, in motels), half of the 340 workers tested positive.²⁴ Advocates report that the majority of North Carolina farmworkers “live in barracks with up to 120 workers sharing approximately four toilets and four showers.”²⁵ Some companies are reportedly threatening workers with job losses if they miss work and belittling workers who express concern for COVID-19’s health risks,

¹⁶ Findings from the National Agricultural Workers Survey (NAWS) 2015-2016: A Demographic and Employment Profile of United States Farmworkers. Research Report No. 13. January 2018, p. 50, https://www.doleta.gov/naaws/research/docs/NAWS_Research_Report_13.pdf.

¹⁷ Bloomberg, “Farms Could See Shortage of Protective Gear Amid COVID-19 Needs,” March 26, 2020, <https://news.bloomberglaw.com/environment-and-energy/farms-could-see-shortage-of-protective-gear-amid-covid-19-needs>.

¹⁸ Center for American Progress, “Protecting Farmworkers From Coronavirus and Securing the Food Supply,” Zoe Willingham and Silva Mathema, April 23, 2020, <https://www.americanprogress.org/issues/economy/reports/2020/04/23/483488/protecting-farmworkers-coronavirus-securing-food-supply/>.

¹⁹ New York Times, “Farmworkers, Mostly Undocumented, Become ‘Essential’ During Pandemic,” Miriam Jordan, April 2, 2020, <https://www.nytimes.com/2020/04/02/us/coronavirus-undocumented-immigrant-farmworkers-agriculture.html>.

²⁰ The Counter, “California Farmers Face Ongoing Labor Shortage, Survey Shows,” H. Claire Brown, May 6, 2019, <https://thecounter.org/california-farm-labor-shortage-survey/>.

²¹ Equitable Food Initiative, “Responding to the Coronavirus Pandemic,” June 3, 2020, <https://equitablefood.org/coronavirus/>.

²² Salon, “The Highest Coronavirus Infection Rate in the World’: Florida Farmworkers in Peril,” Seth Holmes, May 31, 2020, <https://www.salon.com/2020/05/31/farmworkers-are-dying-covid-19-cases-are-spiking-and-the-food-system-is-in-peril/>.

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leading workers who are sick to continue to work.²⁶ At a large farm in Florida, where at least one worker has died from COVID-19 complications, the founder has denounced COVID-19 as “the largest government and media hoax in history.”²⁷

The lack of comprehensive testing at farms suggests that the known cases of COVID-19 among farmworkers only reflect a fraction of the scope of the disease’s spread.²⁸ The absence of centralized reporting compounds the problem. One company’s failure to report and respond to an initial outbreak among seasonal workers led to a second outbreak that spread among other workers.²⁹ As the United States enters peak harvest season, the absence of mandatory standards on farmworker safety against COVID-19 is particularly worrisome.³⁰

Failure to Adequately Protect Farm Workers From COVID-19 Threatens the Food Supply Chain

Widespread outbreaks among farm workers could have a devastating impact on the food supply chain. Experienced, skilled, highly productive workers who must leave their jobs due to illness or quarantine are not easily replaced. Their absence could substantially impact production by forcing farms to shut down or reduce operations. This would reduce food production and further disrupt the rest of the food supply chain.³¹ Illnesses among farmworkers could in this way negatively affect food prices and availability, as in the meat processing industry where COVID-19-induced shutdowns prompted price increases of roughly 20% for consumers.³² Already the

²⁶ The Oregonian, “Second coronavirus outbreak hits Townsend Farms, but the state never disclosed the first,” Brad Schmidt and Kale Williams, May 28, 2020, <https://www.oregonlive.com/coronavirus/2020/05/coronavirus-outbreak-hits-townsend-farms-in-fairview.html>; Civil Eats, “As Hundreds of Farmworkers Test Positive for COVID-19, Many Remain Unprotected,” Gosia Wozniacka, May 13, 2020, <https://civileats.com/2020/05/13/as-hundreds-of-farmworkers-test-positive-for-covid-19-many-remain-unprotected/>.

²⁷ Salon, “The Highest Coronavirus Infection Rate in the World’: Florida Farmworkers in Peril,” Seth Holmes, May 31, 2020, <https://www.salon.com/2020/05/31/farmworkers-are-dying-covid-19-cases-are-spiking-and-the-food-system-is-in-peril/>.

²⁸ Civil Eats, “As Hundreds of Farmworkers Test Positive for COVID-19, Many Remain Unprotected,” Gosia Wozniacka, May 13, 2020, <https://civileats.com/2020/05/13/as-hundreds-of-farmworkers-test-positive-for-covid-19-many-remain-unprotected/>.

²⁹ The Oregonian, “Second coronavirus outbreak hits Townsend Farms, but the state never disclosed the first,” Brad Schmidt and Kale Williams, May 28, 2020, <https://www.oregonlive.com/coronavirus/2020/05/coronavirus-outbreak-hits-townsend-farms-in-fairview.html>

³⁰ Bloomberg, “Every Single Worker Has COVID at One U.S. Farm on Eve of Harvest, Mike Dorning and Jen Skerritt, May 29, 2020, <https://www.bloomberg.com/news/articles/2020-05-29/every-single-worker-has-covid-at-one-u-s-farm-on-eve-of-harvest>.

³¹ Center for American Progress, “Protecting Farmworkers From Coronavirus and Securing the Food Supply,” Zoe Willingham and Silva Mathema, April 23, 2020, <https://www.americanprogress.org/issues/economy/reports/2020/04/23/483488/protecting-farmworkers-coronavirus-securing-food-supply/>.

³² CoBank, “Closed Meat Plants Today Mean Empty Meat Cases this Summer,” May 2020, <https://www.cobank.com/-/media/files/ked/animal-protein/closed-meat-plants-today-mean-empty-meat-cases-this-summer-may2020.pdf?la=en&hash=1C30B4FBA43F388CF3B2CE695BD941EB35047A21>

U.S. food inflation rate is at its highest rate in eight years,³³ and USDA is forecasting the largest annual increase in grocery prices since 2011.³⁴

While a supply chain shock would harm all Americans, the burden will not fall equally. Low-income Americans spend a about a third of their income on food, and are seeing their own income erode, too.³⁵ A recent survey shows persistently elevated food insecurity, with rates now roughly double what they were before COVID-19.³⁶ Black and Hispanic households already disproportionately experience food insecurity.³⁷ The combination of higher prices and income uncertainty or job loss for many Americans will place families in even greater financial difficulty at a time when a record number of Americans are already forced to rely on overstretched food banks.³⁸ Farmworkers themselves will be doubly impacted by further shortages, as the data show that they experience among the highest rates of food insecurity, with 1 in 6 having to rely on the Supplemental Nutrition Assistance Program (SNAP) to get by.³⁹

Questions

In order to better understand the risk posed to farmworkers and to the food supply chain, I ask that you provide answers to the following questions no later than July 15, 2020:

1. Case statistics
 - a. How many farms or facilities does your company own or operate?
 - b. How many total farmworkers (seasonal, part-time, and/or full-time) work at these farms or facilities?
 - c. How many total COVID-19 cases have occurred among workers at these farms or facilities? Please provide this information by farm/facility as well as in aggregate.

³³ Food and Environment Reporting Network, “Beef prices soar, food inflation is highest in more than eight years,” Chuck Abbot, June 10, 2020, https://thefern.org/ag_insider/beef-prices-soar-food-inflation-is-highest-in-more-than-eight-years/.

³⁴ Food and Environment Reporting Network, “Largest annual increase in grocery prices since 2011,” June 25, 2020, https://thefern.org/ag_insider/largest-annual-increase-in-grocery-prices-since-2011/.

³⁵ United States Department of Agriculture, Economic Research Service, “Food Spending as a Share of Income Declines as Income Rises,” September 19, 2019, <http://www.ers.usda.gov/data-products/chart-gallery/gallery/chart-detail/?chartId=58372>.

³⁶ Food and Environment Reporting Network, “Survey: Unrelenting food insecurity during pandemic,” Chuck Abbott, June 14, 2020, https://thefern.org/ag_insider/survey-unrelenting-food-insecurity-during-pandemic/.

³⁷ Family & Community Health, “Examining the Impact of Structural Racism on Food Insecurity: Implications for Addressing Racial/Ethnic Disparities,” April 2019, Angela M. Odoms-Young, <https://doi.org/10.1097/FCH.000000000000183>.

³⁸ The Guardian, “A Perfect Storm’: US Facing Hunger Crisis as Demand for Food Banks Soars,” Nina Lakhani, April 2, 2020, <https://www.theguardian.com/environment/2020/apr/02/us-food-banks-coronavirus-demand-unemployment>.

³⁹ Center for American Progress, “Congress Must Strengthen SNAP To Support Essential Workers During the Coronavirus Crisis,” Areeba Haider, June 11, 2020, <https://www.americanprogress.org/issues/poverty/news/2020/06/11/486187/congress-must-strengthen-snap-support-essential-workers-coronavirus-crisis/>; Social Work and Public Health, “Migrant and Seasonal Farmworker Food Insecurity: Prevalence, Impact, Risk Factors, and Coping Strategies,” Elizabeth Kiehne and Natasha Mendoza, 2015, <https://pubmed.ncbi.nlm.nih.gov/25923396/>.

- i. How many of these cases have resulted in hospitalizations?
 - ii. How many of these cases have resulted in fatalities, including in cases where workers may have contracted COVID-19 at a farm, facility, or worker-managed housing but then died in a hospital or other off-site location?
- 2. Testing and reporting
 - a. How many COVID-19 diagnostic tests have been administered to your workers at these farms/facilities? Please provide this information by farm/facility as well as in aggregate.
 - b. Have you implemented routine COVID-19 testing of workers at your farms/facilities?
 - c. For non-routine testing of workers, what symptoms or other factors are triggers for testing?
 - d. Do you conduct rapid-testing of temporary seasonal workers upon their arrival?
 - e. What is your protocol for symptomatic workers during the time period between testing and receiving the results of a test?
 - f. What are your company's protocols when a worker has been exposed to COVID-19, or has a household member test positive for COVID-19?
 - g. Are workers paid for the time it takes to be tested?
 - h. Do you notify your workers upon confirmation of cases of COVID-19? Do you notify local and state authorities? Do you notify federal authorities?
 - i. If you directly or indirectly employ H-2A visa holders, in addition to notifying the relevant county or state health department, are you notifying the appropriate Consulate that their citizens have tested positive for COVID-19?
- 3. Health and safety policies
 - a. In the *Coronavirus Aid, Relief, and Economic Security Act*, Congress provided agricultural producers with \$23.5 billion as part of Emergency Appropriations for Coronavirus Health Response and Agency Operations.⁴⁰ How were these funds used to mitigate the spread of COVID-19 in the agricultural sector and improve the housing, working, and transportation conditions of farmworkers?
 - b. Have you made any changes to your policies to address the risks of COVID-19? If so, please describe the policy changes in detail, along with the timing of any changes.
 - c. Have you taken steps to physically re-configure work processes to avoid transmission of COVID-19?
 - d. Have you modified your transportation or commuting policies and accommodations to reduce potential transmission between workers? If so, how?
 - e. Have you modified any housing or living accommodations you provide to your workers to reduce potential transmission between workers? If so, how?

⁴⁰ Coronavirus Aid, Relief, and Economic Security Act, H.R. 748, <https://www.congress.gov/bill/116th-congress/house-bill/748/text>.

- f. Do you provide COVID-19-related educational materials in languages that can be understood by your workers?
 - g. Do you have adequate personal protective equipment (PPE) for your workers, and if not, what steps are you taking to procure the necessary equipment?
 - h. Do you require your workers to wear masks, gloves, or other PPE at all times, and if so, do you provide them at no charge?
 - i. Do you provide your workers with access to shade and water breaks to protect against other health risks associated with farm work such as heat stroke? If so, does the way shade and water is provided allow for social distancing – with workers able to maintain six feet apart while all still in the shade during breaks?
 - j. To what extent have you implemented existing state and federal safety guidelines in your facilities? Which policies have you not implemented?
 - i. To what extent have you incorporated the Centers for Disease Control and Prevention and the U.S. Department of Labor Interim COVID-19 Guidance for Agricultural Employers and Workers in your farms?⁴¹ Which of these standards have you met, and which have you not implemented?
 - ii. Do you operate in a state with mandatory health and safety standards for farmworkers, and if so, which of these standards have you met? Which have you not implemented?
 - iii. Do you operate in a state with voluntary health and safety standards for farmworkers, and if so, which of these standards have you met? Which have you not implemented?
 - k. Are you engaging with non-governmental organizations who provide services to farmworkers? If so, which organizations and to what extent?
4. Leave policies
- a. Congress passed COVID-19 response packages that expand emergency paid sick leave and family leave for essential critical infrastructure workers, including farmworkers. What are you doing to inform employees of their rights to paid sick leave and family leave?
 - b. Do you currently offer paid sick leave to your workers?
 - i. What are the terms and conditions of this leave policy? Please include
 - 1. How many days of paid sick leave are offered;
 - 2. The circumstances for which workers can use this paid leave;
 - 3. Eligibility for paid sick leave, and whether it is available to all workers
 - 4. How paid sick leave accrues for workers;
 - 5. If workers receive full pay while taking paid sick leave;

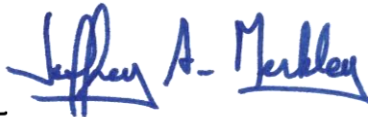
⁴¹ Centers for Disease Control and Prevention, “Interim Guidance from CDC and the U.S. Department of Labor,” <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-agricultural-workers.html>.

- 6. Any requirements for accessing paid sick leave, including whether it requires a confirmed COVID-19 diagnosis or any documentation;
 - ii. When did you begin offering this policy?
 - iii. Have you made any changes to this policy during the pandemic? (For example, allowing workers to access the maximum days of paid sick leave immediately, regardless of employment tenure, if sick days accrue over time)
 - c. Do you currently offer paid family and medical leave to your workers?
 - i. What are the terms and conditions of this leave policy? Please include:
 - 1. How many days of paid leave are offered;
 - 2. The circumstances for which workers can use this paid leave, including whether it can be used to care for dependents of any age or other family members;
 - 3. Eligibility for paid leave, and whether it is available to all workers;
 - 4. How paid leave accrues for workers;
 - 5. If workers receive full pay while taking paid leave;
 - 6. Any requirements for accessing paid leave, including whether it requires any documentation;
 - ii. When did you begin offering this policy?
 - iii. Have you made any changes to this policy during the pandemic?
 - d. What accommodations, if any, have you made to provide your workers with access to childcare during the pandemic?
5. Impact on food supply chain
- a. Has COVID-19 had any impact on your growing or production process to date?
 - b. Would a significant COVID-19 outbreak have an adverse impact on your growing or production process? Please provide a summary of potential risks.
 - c. Have you developed contingency plans in the case of an outbreak in your farms or facilities?
 - d. Have you communicated with major processors or purchasers of your products about the impact that a labor shortage could have on your production capacity?

Sincerely,



Elizabeth Warren
United States Senator



Jeffrey A. Merkley
United States Senator



Cory A. Booker
United States Senator

United States Senate
WASHINGTON, DC 20510

July 1, 2020

James W. Boswell
Chief Executive Officer
J.G. Boswell Company
27905 S. Dairy Avenue
Corcoran, CA 93212

Dear Mr. Boswell:

I am writing to request information about how your company is prioritizing worker safety and taking all reasonable steps to prevent potential outbreaks of the coronavirus disease 2019 (COVID-19) among agricultural workers. The nature of farm work places workers at unique risk of COVID-19 infection and transmission, and reports indicate farms are becoming a vector for COVID-19 outbreaks.¹ There have already been outbreaks in farms across the country—now, as harvest season begins, the significant threat of agricultural work creating a hotspot for the spread of COVID-19 among farmworkers is even greater. The consequences of employers' failure to prevent COVID-19 outbreaks extend beyond the imperative to protect the lives of their workers – they also pose a substantial public health threat to the communities where they operate and a threat to the food supply chain. Mitigating these threats begins with keeping workers – who are disproportionately people of color² – safe. To that end, I am seeking information about the specific ways you are protecting worker health and safety at your establishments and how you are preparing for or mitigating potential supply chain shocks.

There is already evidence that farms are experiencing outbreaks – and that infections are spreading among farmworkers at an alarming pace.³ The Food and Environment Reporting Network has mapped COVID-19 outbreaks at 55 farms and production facilities as of June 30, 2020. Over 3,400 farmworkers have tested positive, and at least two have died.⁴ While testing remains limited, farms that are testing are reporting infection rates of up to 50%-100%⁵, which

¹ Food and Environment Reporting Network, "COVID-19 Is Spreading among Farmworkers, and It May Get Worse," Leah Douglas, June 2, 2020, <https://thefern.org/2020/06/covid-19-is-spreading-among-farmworkers-and-it-may-get-worse/>.

² Megan Horst, "How Racism Has Shaped the American Farming Landscape," Jan 25, 2020, <https://www.eater.com/2019/1/25/18197352/american-farming-racism-us-agriculture-history>.

³ Food and Environment Reporting Network, "COVID-19 Is Spreading among Farmworkers, and It May Get Worse," Leah Douglas, June 2, 2020, <https://thefern.org/2020/06/covid-19-is-spreading-among-farmworkers-and-it-may-get-worse/>.

⁴ "Food and Environment Reporting Network, "Mapping Covid-19 outbreaks in the food system," Leah Douglas, updated June 30, 2020, <https://thefern.org/2020/04/mapping-covid-19-in-meat-and-food-processing-plants/>.

⁵ WTVC, "Rhea Co. Farm Leader Says All of Their Nearly 200 Employees Have Virus, Only 3 Symptomatic," Sam Luther, May 26, 2020, <https://newschannel9.com/news/local/rhea-co-farm-leader-says-all-of-their-nearly-200-employees-have-virus-only-3-symptomatic>.

are among the highest in the country.⁶ Already, these outbreaks among agricultural workforces have elevated infection rates for entire counties,⁷ and cases could continue to spread as the United States enters the peak of the summer harvest season⁸. Roughly a quarter of the nation's 2.5 million agricultural workers, move across the country with the harvest,⁹ and over 250,000 may enter the country as temporary workers under the H-2A agricultural visa program this year.¹⁰

Agricultural Work Exposes Workers to Extreme Risk of Infection and Transmission

Despite often working outdoors, farmworkers are frequently exposed to prolonged close contact both on their work sites and also in employer-managed transportation and housing that increases their risk of infection and transmission.¹¹ The unsanitary, barrack-like conditions that many employers maintain in the housing that they are required to provide to their workers makes self-isolation effectively impossible, increasing farmworkers' risk of contracting or spreading coronavirus.¹² Employers also transport workers to and from the fields in packed buses or vans, without facilitating social distancing.¹³ The exposure to pesticides and toxic chemicals common in field work contributes to higher rates of respiratory illness for farmworkers, which increases the danger of COVID-19 infection.¹⁴

In addition, despite the hazardous nature of farm work, less than half of all farmworkers have health insurance and few have access to paid leave.¹⁵ When combined with the chronically low wages paid to farmworkers—farmworkers' wage rates remain among the lowest in the nation

⁶ Civil Eats, "As Hundreds of Farmworkers Test Positive for COVID-19, Many Remain Unprotected," Gosia Wozniacka, May 13, 2020, <https://civileats.com/2020/05/13/as-hundreds-of-farmworkers-test-positive-for-covid-19-many-remain-unprotected/>.

⁷ *Id.*

⁸ Bloomberg, "Every Single Worker Has COVID at One U.S. Farm on Eve of Harvest, Mike Dorning and Jen Skerritt, May 29, 2020, <https://www.bloomberg.com/news/articles/2020-05-29/every-single-worker-has-covid-at-one-u-s-farm-on-eve-of-harvest>.

⁹ Politico, "In absence of federal action, farm workers' coronavirus cases spike," Liz Crampton, June 9, 2020, <https://www.politico.com/news/2020/06/09/farm-workers-coronavirus-309897>.

¹⁰ U.S. Department of Labor, Office of Foreign Labor Certification, "H-2A Temporary Agricultural Labor Certification Program - Selected Statistics, FY 2019," https://www.foreignlaborcert.doleta.gov/pdf/PerformanceData/2019/H-2A_Selected_Statistics_FY2019_Q4.pdf

¹¹ CDC, "Interim Guidance from CDC and the U.S. Department of Labor – Exposure Risk Among Agricultural Workers and Employers," June 1, 2020, <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-agricultural-workers.html>.

¹² Farmworker Justice, "No Way to Treat a Guest: Why The H-2A Agricultural Visa Program Fails U.S. and Foreign Workers," Etan Newman, 2011, <https://www.farmworkerjustice.org/sites/default/files/documents/7.2.a.6%20fwj.pdf>; NPR, "Farm Workers Can't Keep Their Distance, And Can't Get Into The U.S. To Work," Sarah Gonzalez, March 27, 2020, <https://www.npr.org/2020/03/27/822728385/farm-workers-cant-keep-their-distance-and-cant-get-into-the-u-s-to-work>.

¹³ New York Times, "What Happens If America's 2.5 Million Farmworkers Get Sick?," Greg Asbed, April 3, 2020, <https://www.nytimes.com/2020/04/03/opinion/coronavirus-farm-workers.html>.

¹⁴ Center for American Progress, "Protecting Farmworkers From Coronavirus and Securing the Food Supply," Zoe Willingham and Silva Mathema, April 23, 2020, <https://www.americanprogress.org/issues/economy/reports/2020/04/23/483488/protecting-farmworkers-coronavirus-securing-food-supply/>.

¹⁵ *Id.*

and their poverty rates are high¹⁶—this means many simply cannot afford to get sick.¹⁷ Farmworkers also lack legal protections afforded to most other workers that would help them secure better pay and working conditions, like the federally-protected right to organize and entitlement to overtime pay.¹⁸ The majority of farmworkers are immigrants and nearly half are undocumented, placing many in an especially precarious position.¹⁹ Even before this pandemic, many farm operators relying on immigrant workers to carry out this hazardous work with low-pay and in dangerous conditions reported a tight labor market, with 56% of farmers surveyed by the California Farm Bureau reporting inadequate numbers of workers.²⁰

Reports suggest that many farms are not taking adequate precautions to provide farmworkers with necessary information in a language they understand and insulate their already-vulnerable workforce from the threat of COVID-19 outbreaks. Some farms have taken additional steps to help workers stay healthy, such as growers with collective bargaining agreements with the United Farm Workers and those in the Equitable Food Initiative²¹ and the Fair Food Program²² that pay their workers for their time while being tested and set up spaces for farmworkers to isolate. However, such policies appear to be the exception.²³ Most reports indicate that farms are failing to ensure that workers are able to work six feet apart from one another. At a New York farm where the producer-provided housing they placed four workers to a room (two per bed, in motels), half of the 340 workers tested positive.²⁴ Advocates report that the majority of North Carolina farmworkers “live in barracks with up to 120 workers sharing approximately four toilets and four showers.”²⁵ Some companies are reportedly threatening workers with job losses if they miss work and belittling workers who express concern for COVID-19’s health risks,

¹⁶ Findings from the National Agricultural Workers Survey (NAWS) 2015-2016: A Demographic and Employment Profile of United States Farmworkers. Research Report No. 13. January 2018, p. 50, https://www.doleta.gov/naaws/research/docs/NAWS_Research_Report_13.pdf.

¹⁷ Bloomberg, “Farms Could See Shortage of Protective Gear Amid COVID-19 Needs,” March 26, 2020, <https://news.bloomberglaw.com/environment-and-energy/farms-could-see-shortage-of-protective-gear-amid-covid-19-needs>.

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¹⁹ New York Times, “Farmworkers, Mostly Undocumented, Become ‘Essential’ During Pandemic,” Miriam Jordan, April 2, 2020, <https://www.nytimes.com/2020/04/02/us/coronavirus-undocumented-immigrant-farmworkers-agriculture.html>.

²⁰ The Counter, “California Farmers Face Ongoing Labor Shortage, Survey Shows,” H. Claire Brown, May 6, 2019, <https://thecounter.org/california-farm-labor-shortage-survey/>.

²¹ Equitable Food Initiative, “Responding to the Coronavirus Pandemic,” June 3, 2020, <https://equitablefood.org/coronavirus/>.

²² Salon, “The Highest Coronavirus Infection Rate in the World’: Florida Farmworkers in Peril,” Seth Holmes, May 31, 2020, <https://www.salon.com/2020/05/31/farmworkers-are-dying-covid-19-cases-are-spiking-and-the-food-system-is-in-peril/>.

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²⁴ In These Times, “The Food Industry’s Next COVID-19 Victims: Migrant Farmworkers,” Michelle Fawcett and Arun Gupta, June 2, 2020, <https://inthesetimes.com/working/entry/22568/COVID-19-farms-pandemic-essential-workers-undocumented-coronavirus>.

²⁵ *Id.*

leading workers who are sick to continue to work.²⁶ At a large farm in Florida, where at least one worker has died from COVID-19 complications, the founder has denounced COVID-19 as “the largest government and media hoax in history.”²⁷

The lack of comprehensive testing at farms suggests that the known cases of COVID-19 among farmworkers only reflect a fraction of the scope of the disease’s spread.²⁸ The absence of centralized reporting compounds the problem. One company’s failure to report and respond to an initial outbreak among seasonal workers led to a second outbreak that spread among other workers.²⁹ As the United States enters peak harvest season, the absence of mandatory standards on farmworker safety against COVID-19 is particularly worrisome.³⁰

Failure to Adequately Protect Farm Workers From COVID-19 Threatens the Food Supply Chain

Widespread outbreaks among farm workers could have a devastating impact on the food supply chain. Experienced, skilled, highly productive workers who must leave their jobs due to illness or quarantine are not easily replaced. Their absence could substantially impact production by forcing farms to shut down or reduce operations. This would reduce food production and further disrupt the rest of the food supply chain.³¹ Illnesses among farmworkers could in this way negatively affect food prices and availability, as in the meat processing industry where COVID-19-induced shutdowns prompted price increases of roughly 20% for consumers.³² Already the

²⁶ The Oregonian, “Second coronavirus outbreak hits Townsend Farms, but the state never disclosed the first,” Brad Schmidt and Kale Williams, May 28, 2020, <https://www.oregonlive.com/coronavirus/2020/05/coronavirus-outbreak-hits-townsend-farms-in-fairview.html>; Civil Eats, “As Hundreds of Farmworkers Test Positive for COVID-19, Many Remain Unprotected,” Gosia Wozniacka, May 13, 2020, <https://civileats.com/2020/05/13/as-hundreds-of-farmworkers-test-positive-for-covid-19-many-remain-unprotected/>.

²⁷ Salon, “The Highest Coronavirus Infection Rate in the World’: Florida Farmworkers in Peril,” Seth Holmes, May 31, 2020, <https://www.salon.com/2020/05/31/farmworkers-are-dying-covid-19-cases-are-spiking-and-the-food-system-is-in-peril/>.

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³¹ Center for American Progress, “Protecting Farmworkers From Coronavirus and Securing the Food Supply,” Zoe Willingham and Silva Mathema, April 23, 2020, <https://www.americanprogress.org/issues/economy/reports/2020/04/23/483488/protecting-farmworkers-coronavirus-securing-food-supply/>.

³² CoBank, “Closed Meat Plants Today Mean Empty Meat Cases this Summer,” May 2020, <https://www.cobank.com/-/media/files/ked/animal-protein/closed-meat-plants-today-mean-empty-meat-cases-this-summer-may2020.pdf?la=en&hash=1C30B4FBA43F388CF3B2CE695BD941EB35047A21>

U.S. food inflation rate is at its highest rate in eight years,³³ and USDA is forecasting the largest annual increase in grocery prices since 2011.³⁴

While a supply chain shock would harm all Americans, the burden will not fall equally. Low-income Americans spend a about a third of their income on food, and are seeing their own income erode, too.³⁵ A recent survey shows persistently elevated food insecurity, with rates now roughly double what they were before COVID-19.³⁶ Black and Hispanic households already disproportionately experience food insecurity.³⁷ The combination of higher prices and income uncertainty or job loss for many Americans will place families in even greater financial difficulty at a time when a record number of Americans are already forced to rely on overstretched food banks.³⁸ Farmworkers themselves will be doubly impacted by further shortages, as the data show that they experience among the highest rates of food insecurity, with 1 in 6 having to rely on the Supplemental Nutrition Assistance Program (SNAP) to get by.³⁹

Questions

In order to better understand the risk posed to farmworkers and to the food supply chain, I ask that you provide answers to the following questions no later than July 15, 2020:

1. Case statistics
 - a. How many farms or facilities does your company own or operate?
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³³ Food and Environment Reporting Network, “Beef prices soar, food inflation is highest in more than eight years,” Chuck Abbot, June 10, 2020, https://thefern.org/ag_insider/beef-prices-soar-food-inflation-is-highest-in-more-than-eight-years/.

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³⁵ United States Department of Agriculture, Economic Research Service, “Food Spending as a Share of Income Declines as Income Rises,” September 19, 2019, <http://www.ers.usda.gov/data-products/chart-gallery/gallery/chart-detail/?chartId=58372>.

³⁶ Food and Environment Reporting Network, “Survey: Unrelenting food insecurity during pandemic,” Chuck Abbott, June 14, 2020, https://thefern.org/ag_insider/survey-unrelenting-food-insecurity-during-pandemic/.

³⁷ Family & Community Health, “Examining the Impact of Structural Racism on Food Insecurity: Implications for Addressing Racial/Ethnic Disparities,” April 2019, Angela M. Odoms-Young, <https://doi.org/10.1097/FCH.000000000000183>.

³⁸ The Guardian, “A Perfect Storm’: US Facing Hunger Crisis as Demand for Food Banks Soars,” Nina Lakhani, April 2, 2020, <https://www.theguardian.com/environment/2020/apr/02/us-food-banks-coronavirus-demand-unemployment>.

³⁹ Center for American Progress, “Congress Must Strengthen SNAP To Support Essential Workers During the Coronavirus Crisis,” Areeba Haider, June 11, 2020, <https://www.americanprogress.org/issues/poverty/news/2020/06/11/486187/congress-must-strengthen-snap-support-essential-workers-coronavirus-crisis/>; Social Work and Public Health, “Migrant and Seasonal Farmworker Food Insecurity: Prevalence, Impact, Risk Factors, and Coping Strategies,” Elizabeth Kiehne and Natasha Mendoza, 2015, <https://pubmed.ncbi.nlm.nih.gov/25923396/>.

- i. How many of these cases have resulted in hospitalizations?
 - ii. How many of these cases have resulted in fatalities, including in cases where workers may have contracted COVID-19 at a farm, facility, or worker-managed housing but then died in a hospital or other off-site location?
- 2. Testing and reporting
 - a. How many COVID-19 diagnostic tests have been administered to your workers at these farms/facilities? Please provide this information by farm/facility as well as in aggregate.
 - b. Have you implemented routine COVID-19 testing of workers at your farms/facilities?
 - c. For non-routine testing of workers, what symptoms or other factors are triggers for testing?
 - d. Do you conduct rapid-testing of temporary seasonal workers upon their arrival?
 - e. What is your protocol for symptomatic workers during the time period between testing and receiving the results of a test?
 - f. What are your company's protocols when a worker has been exposed to COVID-19, or has a household member test positive for COVID-19?
 - g. Are workers paid for the time it takes to be tested?
 - h. Do you notify your workers upon confirmation of cases of COVID-19? Do you notify local and state authorities? Do you notify federal authorities?
 - i. If you directly or indirectly employ H-2A visa holders, in addition to notifying the relevant county or state health department, are you notifying the appropriate Consulate that their citizens have tested positive for COVID-19?
- 3. Health and safety policies
 - a. In the *Coronavirus Aid, Relief, and Economic Security Act*, Congress provided agricultural producers with \$23.5 billion as part of Emergency Appropriations for Coronavirus Health Response and Agency Operations.⁴⁰ How were these funds used to mitigate the spread of COVID-19 in the agricultural sector and improve the housing, working, and transportation conditions of farmworkers?
 - b. Have you made any changes to your policies to address the risks of COVID-19? If so, please describe the policy changes in detail, along with the timing of any changes.
 - c. Have you taken steps to physically re-configure work processes to avoid transmission of COVID-19?
 - d. Have you modified your transportation or commuting policies and accommodations to reduce potential transmission between workers? If so, how?
 - e. Have you modified any housing or living accommodations you provide to your workers to reduce potential transmission between workers? If so, how?


⁴⁰ Coronavirus Aid, Relief, and Economic Security Act, H.R. 748, <https://www.congress.gov/bill/116th-congress/house-bill/748/text>.

- f. Do you provide COVID-19-related educational materials in languages that can be understood by your workers?
 - g. Do you have adequate personal protective equipment (PPE) for your workers, and if not, what steps are you taking to procure the necessary equipment?
 - h. Do you require your workers to wear masks, gloves, or other PPE at all times, and if so, do you provide them at no charge?
 - i. Do you provide your workers with access to shade and water breaks to protect against other health risks associated with farm work such as heat stroke? If so, does the way shade and water is provided allow for social distancing – with workers able to maintain six feet apart while all still in the shade during breaks?
 - j. To what extent have you implemented existing state and federal safety guidelines in your facilities? Which policies have you not implemented?
 - i. To what extent have you incorporated the Centers for Disease Control and Prevention and the U.S. Department of Labor Interim COVID-19 Guidance for Agricultural Employers and Workers in your farms?⁴¹ Which of these standards have you met, and which have you not implemented?
 - ii. Do you operate in a state with mandatory health and safety standards for farmworkers, and if so, which of these standards have you met? Which have you not implemented?
 - iii. Do you operate in a state with voluntary health and safety standards for farmworkers, and if so, which of these standards have you met? Which have you not implemented?
 - k. Are you engaging with non-governmental organizations who provide services to farmworkers? If so, which organizations and to what extent?
4. Leave policies
- a. Congress passed COVID-19 response packages that expand emergency paid sick leave and family leave for essential critical infrastructure workers, including farmworkers. What are you doing to inform employees of their rights to paid sick leave and family leave?
 - b. Do you currently offer paid sick leave to your workers?
 - i. What are the terms and conditions of this leave policy? Please include
 - 1. How many days of paid sick leave are offered;
 - 2. The circumstances for which workers can use this paid leave;
 - 3. Eligibility for paid sick leave, and whether it is available to all workers
 - 4. How paid sick leave accrues for workers;
 - 5. If workers receive full pay while taking paid sick leave;

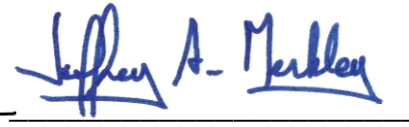
⁴¹ Centers for Disease Control and Prevention, “Interim Guidance from CDC and the U.S. Department of Labor,” <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-agricultural-workers.html>.

- 6. Any requirements for accessing paid sick leave, including whether it requires a confirmed COVID-19 diagnosis or any documentation;
 - ii. When did you begin offering this policy?
 - iii. Have you made any changes to this policy during the pandemic? (For example, allowing workers to access the maximum days of paid sick leave immediately, regardless of employment tenure, if sick days accrue over time)
 - c. Do you currently offer paid family and medical leave to your workers?
 - i. What are the terms and conditions of this leave policy? Please include:
 - 1. How many days of paid leave are offered;
 - 2. The circumstances for which workers can use this paid leave, including whether it can be used to care for dependents of any age or other family members;
 - 3. Eligibility for paid leave, and whether it is available to all workers;
 - 4. How paid leave accrues for workers;
 - 5. If workers receive full pay while taking paid leave;
 - 6. Any requirements for accessing paid leave, including whether it requires any documentation;
 - ii. When did you begin offering this policy?
 - iii. Have you made any changes to this policy during the pandemic?
 - d. What accommodations, if any, have you made to provide your workers with access to childcare during the pandemic?
5. Impact on food supply chain
- a. Has COVID-19 had any impact on your growing or production process to date?
 - b. Would a significant COVID-19 outbreak have an adverse impact on your growing or production process? Please provide a summary of potential risks.
 - c. Have you developed contingency plans in the case of an outbreak in your farms or facilities?
 - d. Have you communicated with major processors or purchasers of your products about the impact that a labor shortage could have on your production capacity?

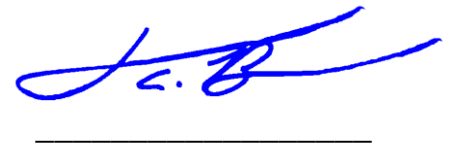
Sincerely,



Elizabeth Warren
United States Senator



Jeffrey A. Merkley
United States Senator



Cory A. Booker
United States Senator

United States Senate
WASHINGTON, DC 20510

July 1, 2020

Garrett Lofto
President and Chief Executive Officer
J.R. Simplot Company
999 W Main St
Boise, ID, 83702

Dear President Lofto:

I am writing to request information about how your company is prioritizing worker safety and taking all reasonable steps to prevent potential outbreaks of the coronavirus disease 2019 (COVID-19) among agricultural workers. The nature of farm work places workers at unique risk of COVID-19 infection and transmission, and reports indicate farms are becoming a vector for COVID-19 outbreaks.¹ There have already been outbreaks in farms across the country—now, as harvest season begins, the significant threat of agricultural work creating a hotspot for the spread of COVID-19 among farmworkers is even greater. The consequences of employers' failure to prevent COVID-19 outbreaks extend beyond the imperative to protect the lives of their workers – they also pose a substantial public health threat to the communities where they operate and a threat to the food supply chain. Mitigating these threats begins with keeping workers – who are disproportionately people of color² – safe. To that end, I am seeking information about the specific ways you are protecting worker health and safety at your establishments and how you are preparing for or mitigating potential supply chain shocks.

There is already evidence that farms are experiencing outbreaks – and that infections are spreading among farmworkers at an alarming pace.³ The Food and Environment Reporting Network has mapped COVID-19 outbreaks at 55 farms and production facilities as of June 30, 2020. Over 3,400 farmworkers have tested positive, and at least two have died.⁴ While testing remains limited, farms that are testing are reporting infection rates of up to 50%-100%⁵, which

¹ Food and Environment Reporting Network, "COVID-19 Is Spreading among Farmworkers, and It May Get Worse," Leah Douglas, June 2, 2020, <https://thefern.org/2020/06/covid-19-is-spreading-among-farmworkers-and-it-may-get-worse/>.

² Megan Horst, "How Racism Has Shaped the American Farming Landscape," Jan 25, 2020, <https://www.eater.com/2019/1/25/18197352/american-farming-racism-us-agriculture-history>.

³ Food and Environment Reporting Network, "COVID-19 Is Spreading among Farmworkers, and It May Get Worse," Leah Douglas, June 2, 2020, <https://thefern.org/2020/06/covid-19-is-spreading-among-farmworkers-and-it-may-get-worse/>.

⁴ "Food and Environment Reporting Network, "Mapping Covid-19 outbreaks in the food system," Leah Douglas, updated June 30, 2020, <https://thefern.org/2020/04/mapping-covid-19-in-meat-and-food-processing-plants/>.

⁵ WTVC, "Rhea Co. Farm Leader Says All of Their Nearly 200 Employees Have Virus, Only 3 Symptomatic," Sam Luther, May 26, 2020, <https://newschannel9.com/news/local/rhea-co-farm-leader-says-all-of-their-nearly-200-employees-have-virus-only-3-symptomatic>.

are among the highest in the country.⁶ Already, these outbreaks among agricultural workforces have elevated infection rates for entire counties,⁷ and cases could continue to spread as the United States enters the peak of the summer harvest season⁸. Roughly a quarter of the nation's 2.5 million agricultural workers, move across the country with the harvest,⁹ and over 250,000 may enter the country as temporary workers under the H-2A agricultural visa program this year.¹⁰

Agricultural Work Exposes Workers to Extreme Risk of Infection and Transmission

Despite often working outdoors, farmworkers are frequently exposed to prolonged close contact both on their work sites and also in employer-managed transportation and housing that increases their risk of infection and transmission.¹¹ The unsanitary, barrack-like conditions that many employers maintain in the housing that they are required to provide to their workers makes self-isolation effectively impossible, increasing farmworkers' risk of contracting or spreading coronavirus.¹² Employers also transport workers to and from the fields in packed buses or vans, without facilitating social distancing.¹³ The exposure to pesticides and toxic chemicals common in field work contributes to higher rates of respiratory illness for farmworkers, which increases the danger of COVID-19 infection.¹⁴

In addition, despite the hazardous nature of farm work, less than half of all farmworkers have health insurance and few have access to paid leave.¹⁵ When combined with the chronically low wages paid to farmworkers—farmworkers' wage rates remain among the lowest in the nation

⁶ Civil Eats, "As Hundreds of Farmworkers Test Positive for COVID-19, Many Remain Unprotected," Gosia Wozniacka, May 13, 2020, <https://civileats.com/2020/05/13/as-hundreds-of-farmworkers-test-positive-for-covid-19-many-remain-unprotected/>.

⁷ *Id.*

⁸ Bloomberg, "Every Single Worker Has COVID at One U.S. Farm on Eve of Harvest, Mike Dorning and Jen Skerritt, May 29, 2020, <https://www.bloomberg.com/news/articles/2020-05-29/every-single-worker-has-covid-at-one-u-s-farm-on-eve-of-harvest>.

⁹ Politico, "In absence of federal action, farm workers' coronavirus cases spike," Liz Crampton, June 9, 2020, <https://www.politico.com/news/2020/06/09/farm-workers-coronavirus-309897>.

¹⁰ U.S. Department of Labor, Office of Foreign Labor Certification, "H-2A Temporary Agricultural Labor Certification Program - Selected Statistics, FY 2019," https://www.foreignlaborcert.doleta.gov/pdf/PerformanceData/2019/H-2A_Selected_Statistics_FY2019_Q4.pdf

¹¹ CDC, "Interim Guidance from CDC and the U.S. Department of Labor – Exposure Risk Among Agricultural Workers and Employers," June 1, 2020, <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-agricultural-workers.html>.

¹² Farmworker Justice, "No Way to Treat a Guest: Why The H-2A Agricultural Visa Program Fails U.S. and Foreign Workers," Etan Newman, 2011, <https://www.farmworkerjustice.org/sites/default/files/documents/7.2.a.6%20fwj.pdf>; NPR, "Farm Workers Can't Keep Their Distance, And Can't Get Into The U.S. To Work," Sarah Gonzalez, March 27, 2020, <https://www.npr.org/2020/03/27/822728385/farm-workers-cant-keep-their-distance-and-cant-get-into-the-u-s-to-work>.

¹³ New York Times, "What Happens If America's 2.5 Million Farmworkers Get Sick?," Greg Asbed, April 3, 2020, <https://www.nytimes.com/2020/04/03/opinion/coronavirus-farm-workers.html>.

¹⁴ Center for American Progress, "Protecting Farmworkers From Coronavirus and Securing the Food Supply," Zoe Willingham and Silva Mathema, April 23, 2020, <https://www.americanprogress.org/issues/economy/reports/2020/04/23/483488/protecting-farmworkers-coronavirus-securing-food-supply/>.

¹⁵ *Id.*

and their poverty rates are high¹⁶—this means many simply cannot afford to get sick.¹⁷ Farmworkers also lack legal protections afforded to most other workers that would help them secure better pay and working conditions, like the federally-protected right to organize and entitlement to overtime pay.¹⁸ The majority of farmworkers are immigrants and nearly half are undocumented, placing many in an especially precarious position.¹⁹ Even before this pandemic, many farm operators relying on immigrant workers to carry out this hazardous work with low-pay and in dangerous conditions reported a tight labor market, with 56% of farmers surveyed by the California Farm Bureau reporting inadequate numbers of workers.²⁰

Reports suggest that many farms are not taking adequate precautions to provide farmworkers with necessary information in a language they understand and insulate their already-vulnerable workforce from the threat of COVID-19 outbreaks. Some farms have taken additional steps to help workers stay healthy, such as growers with collective bargaining agreements with the United Farm Workers and those in the Equitable Food Initiative²¹ and the Fair Food Program²² that pay their workers for their time while being tested and set up spaces for farmworkers to isolate. However, such policies appear to be the exception.²³ Most reports indicate that farms are failing to ensure that workers are able to work six feet apart from one another. At a New York farm where the producer-provided housing they placed four workers to a room (two per bed, in motels), half of the 340 workers tested positive.²⁴ Advocates report that the majority of North Carolina farmworkers “live in barracks with up to 120 workers sharing approximately four toilets and four showers.”²⁵ Some companies are reportedly threatening workers with job losses if they miss work and belittling workers who express concern for COVID-19’s health risks,

¹⁶ Findings from the National Agricultural Workers Survey (NAWS) 2015-2016: A Demographic and Employment Profile of United States Farmworkers. Research Report No. 13. January 2018, p. 50, https://www.doleta.gov/naaws/research/docs/NAWS_Research_Report_13.pdf.

¹⁷ Bloomberg, “Farms Could See Shortage of Protective Gear Amid COVID-19 Needs,” March 26, 2020, <https://news.bloomberglaw.com/environment-and-energy/farms-could-see-shortage-of-protective-gear-amid-covid-19-needs>.

¹⁸ Center for American Progress, “Protecting Farmworkers From Coronavirus and Securing the Food Supply,” Zoe Willingham and Silva Mathema, April 23, 2020, <https://www.americanprogress.org/issues/economy/reports/2020/04/23/483488/protecting-farmworkers-coronavirus-securing-food-supply/>.

¹⁹ New York Times, “Farmworkers, Mostly Undocumented, Become ‘Essential’ During Pandemic,” Miriam Jordan, April 2, 2020, <https://www.nytimes.com/2020/04/02/us/coronavirus-undocumented-immigrant-farmworkers-agriculture.html>.

²⁰ The Counter, “California Farmers Face Ongoing Labor Shortage, Survey Shows,” H. Claire Brown, May 6, 2019, <https://thecounter.org/california-farm-labor-shortage-survey/>.

²¹ Equitable Food Initiative, “Responding to the Coronavirus Pandemic,” June 3, 2020, <https://equitablefood.org/coronavirus/>.

²² Salon, “The Highest Coronavirus Infection Rate in the World’: Florida Farmworkers in Peril,” Seth Holmes, May 31, 2020, <https://www.salon.com/2020/05/31/farmworkers-are-dying-covid-19-cases-are-spiking-and-the-food-system-is-in-peril/>.

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²⁴ In These Times, “The Food Industry’s Next COVID-19 Victims: Migrant Farmworkers,” Michelle Fawcett and Arun Gupta, June 2, 2020, <https://inthesetimes.com/working/entry/22568/COVID-19-farms-pandemic-essential-workers-undocumented-coronavirus>.

²⁵ *Id.*

leading workers who are sick to continue to work.²⁶ At a large farm in Florida, where at least one worker has died from COVID-19 complications, the founder has denounced COVID-19 as “the largest government and media hoax in history.”²⁷

The lack of comprehensive testing at farms suggests that the known cases of COVID-19 among farmworkers only reflect a fraction of the scope of the disease’s spread.²⁸ The absence of centralized reporting compounds the problem. One company’s failure to report and respond to an initial outbreak among seasonal workers led to a second outbreak that spread among other workers.²⁹ As the United States enters peak harvest season, the absence of mandatory standards on farmworker safety against COVID-19 is particularly worrisome.³⁰

Failure to Adequately Protect Farm Workers From COVID-19 Threatens the Food Supply Chain

Widespread outbreaks among farm workers could have a devastating impact on the food supply chain. Experienced, skilled, highly productive workers who must leave their jobs due to illness or quarantine are not easily replaced. Their absence could substantially impact production by forcing farms to shut down or reduce operations. This would reduce food production and further disrupt the rest of the food supply chain.³¹ Illnesses among farmworkers could in this way negatively affect food prices and availability, as in the meat processing industry where COVID-19-induced shutdowns prompted price increases of roughly 20% for consumers.³² Already the

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³² CoBank, “Closed Meat Plants Today Mean Empty Meat Cases this Summer,” May 2020, <https://www.cobank.com/-/media/files/ked/animal-protein/closed-meat-plants-today-mean-empty-meat-cases-this-summer-may2020.pdf?la=en&hash=1C30B4FBA43F388CF3B2CE695BD941EB35047A21>

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While a supply chain shock would harm all Americans, the burden will not fall equally. Low-income Americans spend a about a third of their income on food, and are seeing their own income erode, too.³⁵ A recent survey shows persistently elevated food insecurity, with rates now roughly double what they were before COVID-19.³⁶ Black and Hispanic households already disproportionately experience food insecurity.³⁷ The combination of higher prices and income uncertainty or job loss for many Americans will place families in even greater financial difficulty at a time when a record number of Americans are already forced to rely on overstretched food banks.³⁸ Farmworkers themselves will be doubly impacted by further shortages, as the data show that they experience among the highest rates of food insecurity, with 1 in 6 having to rely on the Supplemental Nutrition Assistance Program (SNAP) to get by.³⁹

Questions

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³³ Food and Environment Reporting Network, “Beef prices soar, food inflation is highest in more than eight years,” Chuck Abbot, June 10, 2020, https://thefern.org/ag_insider/beef-prices-soar-food-inflation-is-highest-in-more-than-eight-years/.

³⁴ Food and Environment Reporting Network, “Largest annual increase in grocery prices since 2011,” June 25, 2020, https://thefern.org/ag_insider/largest-annual-increase-in-grocery-prices-since-2011/.

³⁵ United States Department of Agriculture, Economic Research Service, “Food Spending as a Share of Income Declines as Income Rises,” September 19, 2019, <http://www.ers.usda.gov/data-products/chart-gallery/gallery/chart-detail/?chartId=58372>.

³⁶ Food and Environment Reporting Network, “Survey: Unrelenting food insecurity during pandemic,” Chuck Abbott, June 14, 2020, https://thefern.org/ag_insider/survey-unrelenting-food-insecurity-during-pandemic/.

³⁷ Family & Community Health, “Examining the Impact of Structural Racism on Food Insecurity: Implications for Addressing Racial/Ethnic Disparities,” April 2019, Angela M. Odoms-Young, <https://doi.org/10.1097/FCH.000000000000183>.

³⁸ The Guardian, “A Perfect Storm’: US Facing Hunger Crisis as Demand for Food Banks Soars,” Nina Lakhani, April 2, 2020, <https://www.theguardian.com/environment/2020/apr/02/us-food-banks-coronavirus-demand-unemployment>.

³⁹ Center for American Progress, “Congress Must Strengthen SNAP To Support Essential Workers During the Coronavirus Crisis,” Areeba Haider, June 11, 2020, <https://www.americanprogress.org/issues/poverty/news/2020/06/11/486187/congress-must-strengthen-snap-support-essential-workers-coronavirus-crisis/>; Social Work and Public Health, “Migrant and Seasonal Farmworker Food Insecurity: Prevalence, Impact, Risk Factors, and Coping Strategies,” Elizabeth Kiehne and Natasha Mendoza, 2015, <https://pubmed.ncbi.nlm.nih.gov/25923396/>.

- i. How many of these cases have resulted in hospitalizations?
 - ii. How many of these cases have resulted in fatalities, including in cases where workers may have contracted COVID-19 at a farm, facility, or worker-managed housing but then died in a hospital or other off-site location?
- 2. Testing and reporting
 - a. How many COVID-19 diagnostic tests have been administered to your workers at these farms/facilities? Please provide this information by farm/facility as well as in aggregate.
 - b. Have you implemented routine COVID-19 testing of workers at your farms/facilities?
 - c. For non-routine testing of workers, what symptoms or other factors are triggers for testing?
 - d. Do you conduct rapid-testing of temporary seasonal workers upon their arrival?
 - e. What is your protocol for symptomatic workers during the time period between testing and receiving the results of a test?
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 - g. Are workers paid for the time it takes to be tested?
 - h. Do you notify your workers upon confirmation of cases of COVID-19? Do you notify local and state authorities? Do you notify federal authorities?
 - i. If you directly or indirectly employ H-2A visa holders, in addition to notifying the relevant county or state health department, are you notifying the appropriate Consulate that their citizens have tested positive for COVID-19?
- 3. Health and safety policies
 - a. In the *Coronavirus Aid, Relief, and Economic Security Act*, Congress provided agricultural producers with \$23.5 billion as part of Emergency Appropriations for Coronavirus Health Response and Agency Operations.⁴⁰ How were these funds used to mitigate the spread of COVID-19 in the agricultural sector and improve the housing, working, and transportation conditions of farmworkers?
 - b. Have you made any changes to your policies to address the risks of COVID-19? If so, please describe the policy changes in detail, along with the timing of any changes.
 - c. Have you taken steps to physically re-configure work processes to avoid transmission of COVID-19?
 - d. Have you modified your transportation or commuting policies and accommodations to reduce potential transmission between workers? If so, how?
 - e. Have you modified any housing or living accommodations you provide to your workers to reduce potential transmission between workers? If so, how?


⁴⁰ Coronavirus Aid, Relief, and Economic Security Act, H.R. 748, <https://www.congress.gov/bill/116th-congress/house-bill/748/text>.

- f. Do you provide COVID-19-related educational materials in languages that can be understood by your workers?
 - g. Do you have adequate personal protective equipment (PPE) for your workers, and if not, what steps are you taking to procure the necessary equipment?
 - h. Do you require your workers to wear masks, gloves, or other PPE at all times, and if so, do you provide them at no charge?
 - i. Do you provide your workers with access to shade and water breaks to protect against other health risks associated with farm work such as heat stroke? If so, does the way shade and water is provided allow for social distancing – with workers able to maintain six feet apart while all still in the shade during breaks?
 - j. To what extent have you implemented existing state and federal safety guidelines in your facilities? Which policies have you not implemented?
 - i. To what extent have you incorporated the Centers for Disease Control and Prevention and the U.S. Department of Labor Interim COVID-19 Guidance for Agricultural Employers and Workers in your farms?⁴¹ Which of these standards have you met, and which have you not implemented?
 - ii. Do you operate in a state with mandatory health and safety standards for farmworkers, and if so, which of these standards have you met? Which have you not implemented?
 - iii. Do you operate in a state with voluntary health and safety standards for farmworkers, and if so, which of these standards have you met? Which have you not implemented?
 - k. Are you engaging with non-governmental organizations who provide services to farmworkers? If so, which organizations and to what extent?
4. Leave policies
- a. Congress passed COVID-19 response packages that expand emergency paid sick leave and family leave for essential critical infrastructure workers, including farmworkers. What are you doing to inform employees of their rights to paid sick leave and family leave?
 - b. Do you currently offer paid sick leave to your workers?
 - i. What are the terms and conditions of this leave policy? Please include
 - 1. How many days of paid sick leave are offered;
 - 2. The circumstances for which workers can use this paid leave;
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 - 4. How paid sick leave accrues for workers;
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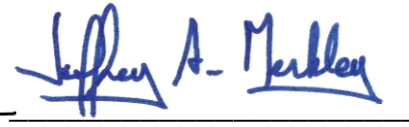
⁴¹ Centers for Disease Control and Prevention, “Interim Guidance from CDC and the U.S. Department of Labor,” <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-agricultural-workers.html>.

- 6. Any requirements for accessing paid sick leave, including whether it requires a confirmed COVID-19 diagnosis or any documentation;
 - ii. When did you begin offering this policy?
 - iii. Have you made any changes to this policy during the pandemic? (For example, allowing workers to access the maximum days of paid sick leave immediately, regardless of employment tenure, if sick days accrue over time)
 - c. Do you currently offer paid family and medical leave to your workers?
 - i. What are the terms and conditions of this leave policy? Please include:
 - 1. How many days of paid leave are offered;
 - 2. The circumstances for which workers can use this paid leave, including whether it can be used to care for dependents of any age or other family members;
 - 3. Eligibility for paid leave, and whether it is available to all workers;
 - 4. How paid leave accrues for workers;
 - 5. If workers receive full pay while taking paid leave;
 - 6. Any requirements for accessing paid leave, including whether it requires any documentation;
 - ii. When did you begin offering this policy?
 - iii. Have you made any changes to this policy during the pandemic?
 - d. What accommodations, if any, have you made to provide your workers with access to childcare during the pandemic?
5. Impact on food supply chain
- a. Has COVID-19 had any impact on your growing or production process to date?
 - b. Would a significant COVID-19 outbreak have an adverse impact on your growing or production process? Please provide a summary of potential risks.
 - c. Have you developed contingency plans in the case of an outbreak in your farms or facilities?
 - d. Have you communicated with major processors or purchasers of your products about the impact that a labor shortage could have on your production capacity?

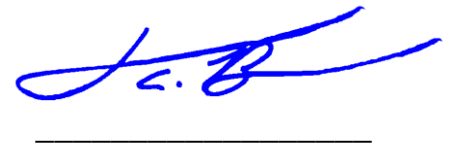
Sincerely,



Elizabeth Warren
United States Senator



Jeffrey A. Merkley
United States Senator



Cory A. Booker
United States Senator

United States Senate
WASHINGTON, DC 20510

July 1, 2020

Tim Curoe
Chief Executive Officer
R.D. Offutt Company
15357 US-71
Park Rapids, MN 56470

Dear Mr. Curoe:

I am writing to request information about how your company is prioritizing worker safety and taking all reasonable steps to prevent potential outbreaks of the coronavirus disease 2019 (COVID-19) among agricultural workers. The nature of farm work places workers at unique risk of COVID-19 infection and transmission, and reports indicate farms are becoming a vector for COVID-19 outbreaks.¹ There have already been outbreaks in farms across the country—now, as harvest season begins, the significant threat of agricultural work creating a hotspot for the spread of COVID-19 among farmworkers is even greater. The consequences of employers' failure to prevent COVID-19 outbreaks extend beyond the imperative to protect the lives of their workers – they also pose a substantial public health threat to the communities where they operate and a threat to the food supply chain. Mitigating these threats begins with keeping workers – who are disproportionately people of color² – safe. To that end, I am seeking information about the specific ways you are protecting worker health and safety at your establishments and how you are preparing for or mitigating potential supply chain shocks.

There is already evidence that farms are experiencing outbreaks – and that infections are spreading among farmworkers at an alarming pace.³ The Food and Environment Reporting Network has mapped COVID-19 outbreaks at 55 farms and production facilities as of June 30, 2020. Over 3,400 farmworkers have tested positive, and at least two have died.⁴ While testing remains limited, farms that are testing are reporting infection rates of up to 50%-100%⁵, which

¹ Food and Environment Reporting Network, "COVID-19 Is Spreading among Farmworkers, and It May Get Worse," Leah Douglas, June 2, 2020, <https://thefern.org/2020/06/covid-19-is-spreading-among-farmworkers-and-it-may-get-worse/>.

² Megan Horst, "How Racism Has Shaped the American Farming Landscape," Jan 25, 2020, <https://www.eater.com/2019/1/25/18197352/american-farming-racism-us-agriculture-history>.

³ Food and Environment Reporting Network, "COVID-19 Is Spreading among Farmworkers, and It May Get Worse," Leah Douglas, June 2, 2020, <https://thefern.org/2020/06/covid-19-is-spreading-among-farmworkers-and-it-may-get-worse/>.

⁴ "Food and Environment Reporting Network, "Mapping Covid-19 outbreaks in the food system," Leah Douglas, updated June 30, 2020, <https://thefern.org/2020/04/mapping-covid-19-in-meat-and-food-processing-plants/>.

⁵ WTVC, "Rhea Co. Farm Leader Says All of Their Nearly 200 Employees Have Virus, Only 3 Symptomatic," Sam Luther, May 26, 2020, <https://newschannel9.com/news/local/rhea-co-farm-leader-says-all-of-their-nearly-200-employees-have-virus-only-3-symptomatic>.

are among the highest in the country.⁶ Already, these outbreaks among agricultural workforces have elevated infection rates for entire counties,⁷ and cases could continue to spread as the United States enters the peak of the summer harvest season⁸. Roughly a quarter of the nation's 2.5 million agricultural workers, move across the country with the harvest,⁹ and over 250,000 may enter the country as temporary workers under the H-2A agricultural visa program this year.¹⁰

Agricultural Work Exposes Workers to Extreme Risk of Infection and Transmission

Despite often working outdoors, farmworkers are frequently exposed to prolonged close contact both on their work sites and also in employer-managed transportation and housing that increases their risk of infection and transmission.¹¹ The unsanitary, barrack-like conditions that many employers maintain in the housing that they are required to provide to their workers makes self-isolation effectively impossible, increasing farmworkers' risk of contracting or spreading coronavirus.¹² Employers also transport workers to and from the fields in packed buses or vans, without facilitating social distancing.¹³ The exposure to pesticides and toxic chemicals common in field work contributes to higher rates of respiratory illness for farmworkers, which increases the danger of COVID-19 infection.¹⁴

In addition, despite the hazardous nature of farm work, less than half of all farmworkers have health insurance and few have access to paid leave.¹⁵ When combined with the chronically low wages paid to farmworkers—farmworkers' wage rates remain among the lowest in the nation

⁶ Civil Eats, "As Hundreds of Farmworkers Test Positive for COVID-19, Many Remain Unprotected," Gosia Wozniacka, May 13, 2020, <https://civileats.com/2020/05/13/as-hundreds-of-farmworkers-test-positive-for-covid-19-many-remain-unprotected/>.

⁷ *Id.*

⁸ Bloomberg, "Every Single Worker Has COVID at One U.S. Farm on Eve of Harvest, Mike Dorning and Jen Skerritt, May 29, 2020, <https://www.bloomberg.com/news/articles/2020-05-29/every-single-worker-has-covid-at-one-u-s-farm-on-eve-of-harvest>.

⁹ Politico, "In absence of federal action, farm workers' coronavirus cases spike," Liz Crampton, June 9, 2020, <https://www.politico.com/news/2020/06/09/farm-workers-coronavirus-309897>.

¹⁰ U.S. Department of Labor, Office of Foreign Labor Certification, "H-2A Temporary Agricultural Labor Certification Program - Selected Statistics, FY 2019," https://www.foreignlaborcert.doleta.gov/pdf/PerformanceData/2019/H-2A_Selected_Statistics_FY2019_Q4.pdf

¹¹ CDC, "Interim Guidance from CDC and the U.S. Department of Labor – Exposure Risk Among Agricultural Workers and Employers," June 1, 2020, <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-agricultural-workers.html>.

¹² Farmworker Justice, "No Way to Treat a Guest: Why The H-2A Agricultural Visa Program Fails U.S. and Foreign Workers," Etan Newman, 2011, <https://www.farmworkerjustice.org/sites/default/files/documents/7.2.a.6%20fwj.pdf>; NPR, "Farm Workers Can't Keep Their Distance, And Can't Get Into The U.S. To Work," Sarah Gonzalez, March 27, 2020, <https://www.npr.org/2020/03/27/822728385/farm-workers-cant-keep-their-distance-and-cant-get-into-the-u-s-to-work>.

¹³ New York Times, "What Happens If America's 2.5 Million Farmworkers Get Sick?," Greg Asbed, April 3, 2020, <https://www.nytimes.com/2020/04/03/opinion/coronavirus-farm-workers.html>.

¹⁴ Center for American Progress, "Protecting Farmworkers From Coronavirus and Securing the Food Supply," Zoe Willingham and Silva Mathema, April 23, 2020, <https://www.americanprogress.org/issues/economy/reports/2020/04/23/483488/protecting-farmworkers-coronavirus-securing-food-supply/>.

¹⁵ *Id.*

and their poverty rates are high¹⁶—this means many simply cannot afford to get sick.¹⁷ Farmworkers also lack legal protections afforded to most other workers that would help them secure better pay and working conditions, like the federally-protected right to organize and entitlement to overtime pay.¹⁸ The majority of farmworkers are immigrants and nearly half are undocumented, placing many in an especially precarious position.¹⁹ Even before this pandemic, many farm operators relying on immigrant workers to carry out this hazardous work with low-pay and in dangerous conditions reported a tight labor market, with 56% of farmers surveyed by the California Farm Bureau reporting inadequate numbers of workers.²⁰

Reports suggest that many farms are not taking adequate precautions to provide farmworkers with necessary information in a language they understand and insulate their already-vulnerable workforce from the threat of COVID-19 outbreaks. Some farms have taken additional steps to help workers stay healthy, such as growers with collective bargaining agreements with the United Farm Workers and those in the Equitable Food Initiative²¹ and the Fair Food Program²² that pay their workers for their time while being tested and set up spaces for farmworkers to isolate. However, such policies appear to be the exception.²³ Most reports indicate that farms are failing to ensure that workers are able to work six feet apart from one another. At a New York farm where the producer-provided housing they placed four workers to a room (two per bed, in motels), half of the 340 workers tested positive.²⁴ Advocates report that the majority of North Carolina farmworkers “live in barracks with up to 120 workers sharing approximately four toilets and four showers.”²⁵ Some companies are reportedly threatening workers with job losses if they miss work and belittling workers who express concern for COVID-19’s health risks,

¹⁶ Findings from the National Agricultural Workers Survey (NAWS) 2015-2016: A Demographic and Employment Profile of United States Farmworkers. Research Report No. 13. January 2018, p. 50, https://www.doleta.gov/naaws/research/docs/NAWS_Research_Report_13.pdf.

¹⁷ Bloomberg, “Farms Could See Shortage of Protective Gear Amid COVID-19 Needs,” March 26, 2020, <https://news.bloomberglaw.com/environment-and-energy/farms-could-see-shortage-of-protective-gear-amid-covid-19-needs>.

¹⁸ Center for American Progress, “Protecting Farmworkers From Coronavirus and Securing the Food Supply,” Zoe Willingham and Silva Mathema, April 23, 2020, <https://www.americanprogress.org/issues/economy/reports/2020/04/23/483488/protecting-farmworkers-coronavirus-securing-food-supply/>.

¹⁹ New York Times, “Farmworkers, Mostly Undocumented, Become ‘Essential’ During Pandemic,” Miriam Jordan, April 2, 2020, <https://www.nytimes.com/2020/04/02/us/coronavirus-undocumented-immigrant-farmworkers-agriculture.html>.

²⁰ The Counter, “California Farmers Face Ongoing Labor Shortage, Survey Shows,” H. Claire Brown, May 6, 2019, <https://thecounter.org/california-farm-labor-shortage-survey/>.

²¹ Equitable Food Initiative, “Responding to the Coronavirus Pandemic,” June 3, 2020, <https://equitablefood.org/coronavirus/>.

²² Salon, “The Highest Coronavirus Infection Rate in the World’: Florida Farmworkers in Peril,” Seth Holmes, May 31, 2020, <https://www.salon.com/2020/05/31/farmworkers-are-dying-covid-19-cases-are-spiking-and-the-food-system-is-in-peril/>.

²³ New York Times, “Farmworkers, Mostly Undocumented, Become ‘Essential’ During Pandemic,” Miriam Jordan, April 2, 2020, <https://www.nytimes.com/2020/04/02/us/coronavirus-undocumented-immigrant-farmworkers-agriculture.html>.

²⁴ In These Times, “The Food Industry’s Next COVID-19 Victims: Migrant Farmworkers,” Michelle Fawcett and Arun Gupta, June 2, 2020, <https://inthesetimes.com/working/entry/22568/COVID-19-farms-pandemic-essential-workers-undocumented-coronavirus>.

²⁵ *Id.*

leading workers who are sick to continue to work.²⁶ At a large farm in Florida, where at least one worker has died from COVID-19 complications, the founder has denounced COVID-19 as “the largest government and media hoax in history.”²⁷

The lack of comprehensive testing at farms suggests that the known cases of COVID-19 among farmworkers only reflect a fraction of the scope of the disease’s spread.²⁸ The absence of centralized reporting compounds the problem. One company’s failure to report and respond to an initial outbreak among seasonal workers led to a second outbreak that spread among other workers.²⁹ As the United States enters peak harvest season, the absence of mandatory standards on farmworker safety against COVID-19 is particularly worrisome.³⁰

Failure to Adequately Protect Farm Workers From COVID-19 Threatens the Food Supply Chain

Widespread outbreaks among farm workers could have a devastating impact on the food supply chain. Experienced, skilled, highly productive workers who must leave their jobs due to illness or quarantine are not easily replaced. Their absence could substantially impact production by forcing farms to shut down or reduce operations. This would reduce food production and further disrupt the rest of the food supply chain.³¹ Illnesses among farmworkers could in this way negatively affect food prices and availability, as in the meat processing industry where COVID-19-induced shutdowns prompted price increases of roughly 20% for consumers.³² Already the

²⁶ The Oregonian, “Second coronavirus outbreak hits Townsend Farms, but the state never disclosed the first,” Brad Schmidt and Kale Williams, May 28, 2020, <https://www.oregonlive.com/coronavirus/2020/05/coronavirus-outbreak-hits-townsend-farms-in-fairview.html>; Civil Eats, “As Hundreds of Farmworkers Test Positive for COVID-19, Many Remain Unprotected,” Gosia Wozniacka, May 13, 2020, <https://civileats.com/2020/05/13/as-hundreds-of-farmworkers-test-positive-for-covid-19-many-remain-unprotected/>.

²⁷ Salon, “The Highest Coronavirus Infection Rate in the World’: Florida Farmworkers in Peril,” Seth Holmes, May 31, 2020, <https://www.salon.com/2020/05/31/farmworkers-are-dying-covid-19-cases-are-spiking-and-the-food-system-is-in-peril/>.

²⁸ Civil Eats, “As Hundreds of Farmworkers Test Positive for COVID-19, Many Remain Unprotected,” Gosia Wozniacka, May 13, 2020, <https://civileats.com/2020/05/13/as-hundreds-of-farmworkers-test-positive-for-covid-19-many-remain-unprotected/>.

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³⁰ Bloomberg, “Every Single Worker Has COVID at One U.S. Farm on Eve of Harvest, Mike Dorning and Jen Skerritt, May 29, 2020, <https://www.bloomberg.com/news/articles/2020-05-29/every-single-worker-has-covid-at-one-u-s-farm-on-eve-of-harvest>.

³¹ Center for American Progress, “Protecting Farmworkers From Coronavirus and Securing the Food Supply,” Zoe Willingham and Silva Mathema, April 23, 2020, <https://www.americanprogress.org/issues/economy/reports/2020/04/23/483488/protecting-farmworkers-coronavirus-securing-food-supply/>.

³² CoBank, “Closed Meat Plants Today Mean Empty Meat Cases this Summer,” May 2020, <https://www.cobank.com/-/media/files/ked/animal-protein/closed-meat-plants-today-mean-empty-meat-cases-this-summer-may2020.pdf?la=en&hash=1C30B4FBA43F388CF3B2CE695BD941EB35047A21>

U.S. food inflation rate is at its highest rate in eight years,³³ and USDA is forecasting the largest annual increase in grocery prices since 2011.³⁴

While a supply chain shock would harm all Americans, the burden will not fall equally. Low-income Americans spend a about a third of their income on food, and are seeing their own income erode, too.³⁵ A recent survey shows persistently elevated food insecurity, with rates now roughly double what they were before COVID-19.³⁶ Black and Hispanic households already disproportionately experience food insecurity.³⁷ The combination of higher prices and income uncertainty or job loss for many Americans will place families in even greater financial difficulty at a time when a record number of Americans are already forced to rely on overstretched food banks.³⁸ Farmworkers themselves will be doubly impacted by further shortages, as the data show that they experience among the highest rates of food insecurity, with 1 in 6 having to rely on the Supplemental Nutrition Assistance Program (SNAP) to get by.³⁹

Questions

In order to better understand the risk posed to farmworkers and to the food supply chain, I ask that you provide answers to the following questions no later than July 15, 2020:

1. Case statistics
 - a. How many farms or facilities does your company own or operate?
 - b. How many total farmworkers (seasonal, part-time, and/or full-time) work at these farms or facilities?
 - c. How many total COVID-19 cases have occurred among workers at these farms or facilities? Please provide this information by farm/facility as well as in aggregate.

³³ Food and Environment Reporting Network, “Beef prices soar, food inflation is highest in more than eight years,” Chuck Abbot, June 10, 2020, https://thefern.org/ag_insider/beef-prices-soar-food-inflation-is-highest-in-more-than-eight-years/.

³⁴ Food and Environment Reporting Network, “Largest annual increase in grocery prices since 2011,” June 25, 2020, https://thefern.org/ag_insider/largest-annual-increase-in-grocery-prices-since-2011/.

³⁵ United States Department of Agriculture, Economic Research Service, “Food Spending as a Share of Income Declines as Income Rises,” September 19, 2019, <http://www.ers.usda.gov/data-products/chart-gallery/gallery/chart-detail/?chartId=58372>.

³⁶ Food and Environment Reporting Network, “Survey: Unrelenting food insecurity during pandemic,” Chuck Abbott, June 14, 2020, https://thefern.org/ag_insider/survey-unrelenting-food-insecurity-during-pandemic/.

³⁷ Family & Community Health, “Examining the Impact of Structural Racism on Food Insecurity: Implications for Addressing Racial/Ethnic Disparities,” April 2019, Angela M. Odoms-Young, <https://doi.org/10.1097/FCH.000000000000183>.

³⁸ The Guardian, “A Perfect Storm’: US Facing Hunger Crisis as Demand for Food Banks Soars,” Nina Lakhani, April 2, 2020, <https://www.theguardian.com/environment/2020/apr/02/us-food-banks-coronavirus-demand-unemployment>.

³⁹ Center for American Progress, “Congress Must Strengthen SNAP To Support Essential Workers During the Coronavirus Crisis,” Areeba Haider, June 11, 2020, <https://www.americanprogress.org/issues/poverty/news/2020/06/11/486187/congress-must-strengthen-snap-support-essential-workers-coronavirus-crisis/>; Social Work and Public Health, “Migrant and Seasonal Farmworker Food Insecurity: Prevalence, Impact, Risk Factors, and Coping Strategies,” Elizabeth Kiehne and Natasha Mendoza, 2015, <https://pubmed.ncbi.nlm.nih.gov/25923396/>.

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⁴⁰ Coronavirus Aid, Relief, and Economic Security Act, H.R. 748, <https://www.congress.gov/bill/116th-congress/house-bill/748/text>.

- f. Do you provide COVID-19-related educational materials in languages that can be understood by your workers?
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 - j. To what extent have you implemented existing state and federal safety guidelines in your facilities? Which policies have you not implemented?
 - i. To what extent have you incorporated the Centers for Disease Control and Prevention and the U.S. Department of Labor Interim COVID-19 Guidance for Agricultural Employers and Workers in your farms?⁴¹ Which of these standards have you met, and which have you not implemented?
 - ii. Do you operate in a state with mandatory health and safety standards for farmworkers, and if so, which of these standards have you met? Which have you not implemented?
 - iii. Do you operate in a state with voluntary health and safety standards for farmworkers, and if so, which of these standards have you met? Which have you not implemented?
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 - 4. How paid sick leave accrues for workers;
 - 5. If workers receive full pay while taking paid sick leave;

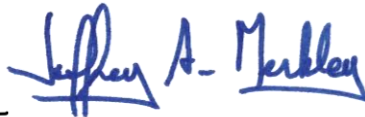
⁴¹ Centers for Disease Control and Prevention, “Interim Guidance from CDC and the U.S. Department of Labor,” <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-agricultural-workers.html>.

6. Any requirements for accessing paid sick leave, including whether it requires a confirmed COVID-19 diagnosis or any documentation;
 - ii. When did you begin offering this policy?
 - iii. Have you made any changes to this policy during the pandemic? (For example, allowing workers to access the maximum days of paid sick leave immediately, regardless of employment tenure, if sick days accrue over time)
 - c. Do you currently offer paid family and medical leave to your workers?
 - i. What are the terms and conditions of this leave policy? Please include:
 1. How many days of paid leave are offered;
 2. The circumstances for which workers can use this paid leave, including whether it can be used to care for dependents of any age or other family members;
 3. Eligibility for paid leave, and whether it is available to all workers;
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 - iii. Have you made any changes to this policy during the pandemic?
 - d. What accommodations, if any, have you made to provide your workers with access to childcare during the pandemic?
5. Impact on food supply chain
- a. Has COVID-19 had any impact on your growing or production process to date?
 - b. Would a significant COVID-19 outbreak have an adverse impact on your growing or production process? Please provide a summary of potential risks.
 - c. Have you developed contingency plans in the case of an outbreak in your farms or facilities?
 - d. Have you communicated with major processors or purchasers of your products about the impact that a labor shortage could have on your production capacity?

Sincerely,



Elizabeth Warren
United States Senator



Jeffrey A. Merkley
United States Senator



Cory A. Booker
United States Senator

United States Senate
WASHINGTON, DC 20510

July 1, 2020

Wonderful Inc
Victor Williams
President and Chief Executive Officer
11444 West Olympic Blvd.
Los Angeles, CA 90064

Dear President Williams:

I am writing to request information about how your company is prioritizing worker safety and taking all reasonable steps to prevent potential outbreaks of the coronavirus disease 2019 (COVID-19) among agricultural workers. The nature of farm work places workers at unique risk of COVID-19 infection and transmission, and reports indicate farms are becoming a vector for COVID-19 outbreaks.¹ There have already been outbreaks in farms across the country—now, as harvest season begins, the significant threat of agricultural work creating a hotspot for the spread of COVID-19 among farmworkers is even greater. The consequences of employers' failure to prevent COVID-19 outbreaks extend beyond the imperative to protect the lives of their workers – they also pose a substantial public health threat to the communities where they operate and a threat to the food supply chain. Mitigating these threats begins with keeping workers – who are disproportionately people of color² – safe. To that end, I am seeking information about the specific ways you are protecting worker health and safety at your establishments and how you are preparing for or mitigating potential supply chain shocks.

There is already evidence that farms are experiencing outbreaks – and that infections are spreading among farmworkers at an alarming pace.³ The Food and Environment Reporting Network has mapped COVID-19 outbreaks at 55 farms and production facilities as of June 30, 2020. Over 3,400 farmworkers have tested positive, and at least two have died.⁴ While testing remains limited, farms that are testing are reporting infection rates of up to 50%-100%⁵, which

¹ Food and Environment Reporting Network, "COVID-19 Is Spreading among Farmworkers, and It May Get Worse," Leah Douglas, June 2, 2020, <https://thefern.org/2020/06/covid-19-is-spreading-among-farmworkers-and-it-may-get-worse/>.

² Megan Horst, "How Racism Has Shaped the American Farming Landscape," Jan 25, 2020, <https://www.eater.com/2019/1/25/18197352/american-farming-racism-us-agriculture-history>.

³ Food and Environment Reporting Network, "COVID-19 Is Spreading among Farmworkers, and It May Get Worse," Leah Douglas, June 2, 2020, <https://thefern.org/2020/06/covid-19-is-spreading-among-farmworkers-and-it-may-get-worse/>.

⁴ "Food and Environment Reporting Network, "Mapping Covid-19 outbreaks in the food system," Leah Douglas, updated June 30, 2020, <https://thefern.org/2020/04/mapping-covid-19-in-meat-and-food-processing-plants/>.

⁵ WTVC, "Rhea Co. Farm Leader Says All of Their Nearly 200 Employees Have Virus, Only 3 Symptomatic," Sam Luther, May 26, 2020, <https://newschannel9.com/news/local/rhea-co-farm-leader-says-all-of-their-nearly-200-employees-have-virus-only-3-symptomatic>.

are among the highest in the country.⁶ Already, these outbreaks among agricultural workforces have elevated infection rates for entire counties,⁷ and cases could continue to spread as the United States enters the peak of the summer harvest season⁸. Roughly a quarter of the nation's 2.5 million agricultural workers, move across the country with the harvest,⁹ and over 250,000 may enter the country as temporary workers under the H-2A agricultural visa program this year.¹⁰

Agricultural Work Exposes Workers to Extreme Risk of Infection and Transmission

Despite often working outdoors, farmworkers are frequently exposed to prolonged close contact both on their work sites and also in employer-managed transportation and housing that increases their risk of infection and transmission.¹¹ The unsanitary, barrack-like conditions that many employers maintain in the housing that they are required to provide to their workers makes self-isolation effectively impossible, increasing farmworkers' risk of contracting or spreading coronavirus.¹² Employers also transport workers to and from the fields in packed buses or vans, without facilitating social distancing.¹³ The exposure to pesticides and toxic chemicals common in field work contributes to higher rates of respiratory illness for farmworkers, which increases the danger of COVID-19 infection.¹⁴

In addition, despite the hazardous nature of farm work, less than half of all farmworkers have health insurance and few have access to paid leave.¹⁵ When combined with the chronically low wages paid to farmworkers—farmworkers' wage rates remain among the lowest in the nation

⁶ Civil Eats, "As Hundreds of Farmworkers Test Positive for COVID-19, Many Remain Unprotected," Gosia Wozniacka, May 13, 2020, <https://civileats.com/2020/05/13/as-hundreds-of-farmworkers-test-positive-for-covid-19-many-remain-unprotected/>.

⁷ *Id.*

⁸ Bloomberg, "Every Single Worker Has COVID at One U.S. Farm on Eve of Harvest, Mike Dorning and Jen Skerritt, May 29, 2020, <https://www.bloomberg.com/news/articles/2020-05-29/every-single-worker-has-covid-at-one-u-s-farm-on-eve-of-harvest>.

⁹ Politico, "In absence of federal action, farm workers' coronavirus cases spike," Liz Crampton, June 9, 2020, <https://www.politico.com/news/2020/06/09/farm-workers-coronavirus-309897>.

¹⁰ U.S. Department of Labor, Office of Foreign Labor Certification, "H-2A Temporary Agricultural Labor Certification Program - Selected Statistics, FY 2019," https://www.foreignlaborcert.doleta.gov/pdf/PerformanceData/2019/H-2A_Selected_Statistics_FY2019_Q4.pdf

¹¹ CDC, "Interim Guidance from CDC and the U.S. Department of Labor – Exposure Risk Among Agricultural Workers and Employers," June 1, 2020, <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-agricultural-workers.html>.

¹² Farmworker Justice, "No Way to Treat a Guest: Why The H-2A Agricultural Visa Program Fails U.S. and Foreign Workers," Etan Newman, 2011, <https://www.farmworkerjustice.org/sites/default/files/documents/7.2.a.6%20fwj.pdf>; NPR, "Farm Workers Can't Keep Their Distance, And Can't Get Into The U.S. To Work," Sarah Gonzalez, March 27, 2020, <https://www.npr.org/2020/03/27/822728385/farm-workers-cant-keep-their-distance-and-cant-get-into-the-u-s-to-work>.

¹³ New York Times, "What Happens If America's 2.5 Million Farmworkers Get Sick?," Greg Asbed, April 3, 2020, <https://www.nytimes.com/2020/04/03/opinion/coronavirus-farm-workers.html>.

¹⁴ Center for American Progress, "Protecting Farmworkers From Coronavirus and Securing the Food Supply," Zoe Willingham and Silva Mathema, April 23, 2020, <https://www.americanprogress.org/issues/economy/reports/2020/04/23/483488/protecting-farmworkers-coronavirus-securing-food-supply/>.

¹⁵ *Id.*

and their poverty rates are high¹⁶—this means many simply cannot afford to get sick.¹⁷ Farmworkers also lack legal protections afforded to most other workers that would help them secure better pay and working conditions, like the federally-protected right to organize and entitlement to overtime pay.¹⁸ The majority of farmworkers are immigrants and nearly half are undocumented, placing many in an especially precarious position.¹⁹ Even before this pandemic, many farm operators relying on immigrant workers to carry out this hazardous work with low-pay and in dangerous conditions reported a tight labor market, with 56% of farmers surveyed by the California Farm Bureau reporting inadequate numbers of workers.²⁰

Reports suggest that many farms are not taking adequate precautions to provide farmworkers with necessary information in a language they understand and insulate their already-vulnerable workforce from the threat of COVID-19 outbreaks. Some farms have taken additional steps to help workers stay healthy, such as growers with collective bargaining agreements with the United Farm Workers and those in the Equitable Food Initiative²¹ and the Fair Food Program²² that pay their workers for their time while being tested and set up spaces for farmworkers to isolate. However, such policies appear to be the exception.²³ Most reports indicate that farms are failing to ensure that workers are able to work six feet apart from one another. At a New York farm where the producer-provided housing they placed four workers to a room (two per bed, in motels), half of the 340 workers tested positive.²⁴ Advocates report that the majority of North Carolina farmworkers “live in barracks with up to 120 workers sharing approximately four toilets and four showers.”²⁵ Some companies are reportedly threatening workers with job losses if they miss work and belittling workers who express concern for COVID-19’s health risks,

¹⁶ Findings from the National Agricultural Workers Survey (NAWS) 2015-2016: A Demographic and Employment Profile of United States Farmworkers. Research Report No. 13. January 2018, p. 50, https://www.doleta.gov/naaws/research/docs/NAWS_Research_Report_13.pdf.

¹⁷ Bloomberg, “Farms Could See Shortage of Protective Gear Amid COVID-19 Needs,” March 26, 2020, <https://news.bloomberglaw.com/environment-and-energy/farms-could-see-shortage-of-protective-gear-amid-covid-19-needs>.

¹⁸ Center for American Progress, “Protecting Farmworkers From Coronavirus and Securing the Food Supply,” Zoe Willingham and Silva Mathema, April 23, 2020, <https://www.americanprogress.org/issues/economy/reports/2020/04/23/483488/protecting-farmworkers-coronavirus-securing-food-supply/>.

¹⁹ New York Times, “Farmworkers, Mostly Undocumented, Become ‘Essential’ During Pandemic,” Miriam Jordan, April 2, 2020, <https://www.nytimes.com/2020/04/02/us/coronavirus-undocumented-immigrant-farmworkers-agriculture.html>.

²⁰ The Counter, “California Farmers Face Ongoing Labor Shortage, Survey Shows,” H. Claire Brown, May 6, 2019, <https://thecounter.org/california-farm-labor-shortage-survey/>.

²¹ Equitable Food Initiative, “Responding to the Coronavirus Pandemic,” June 3, 2020, <https://equitablefood.org/coronavirus/>.

²² Salon, “The Highest Coronavirus Infection Rate in the World’: Florida Farmworkers in Peril,” Seth Holmes, May 31, 2020, <https://www.salon.com/2020/05/31/farmworkers-are-dying-covid-19-cases-are-spiking-and-the-food-system-is-in-peril/>.

²³ New York Times, “Farmworkers, Mostly Undocumented, Become ‘Essential’ During Pandemic,” Miriam Jordan, April 2, 2020, <https://www.nytimes.com/2020/04/02/us/coronavirus-undocumented-immigrant-farmworkers-agriculture.html>.

²⁴ In These Times, “The Food Industry’s Next COVID-19 Victims: Migrant Farmworkers,” Michelle Fawcett and Arun Gupta, June 2, 2020, <https://inthesetimes.com/working/entry/22568/COVID-19-farms-pandemic-essential-workers-undocumented-coronavirus>.

²⁵ *Id.*

leading workers who are sick to continue to work.²⁶ At a large farm in Florida, where at least one worker has died from COVID-19 complications, the founder has denounced COVID-19 as “the largest government and media hoax in history.”²⁷

The lack of comprehensive testing at farms suggests that the known cases of COVID-19 among farmworkers only reflect a fraction of the scope of the disease’s spread.²⁸ The absence of centralized reporting compounds the problem. One company’s failure to report and respond to an initial outbreak among seasonal workers led to a second outbreak that spread among other workers.²⁹ As the United States enters peak harvest season, the absence of mandatory standards on farmworker safety against COVID-19 is particularly worrisome.³⁰

Failure to Adequately Protect Farm Workers From COVID-19 Threatens the Food Supply Chain

Widespread outbreaks among farm workers could have a devastating impact on the food supply chain. Experienced, skilled, highly productive workers who must leave their jobs due to illness or quarantine are not easily replaced. Their absence could substantially impact production by forcing farms to shut down or reduce operations. This would reduce food production and further disrupt the rest of the food supply chain.³¹ Illnesses among farmworkers could in this way negatively affect food prices and availability, as in the meat processing industry where COVID-19-induced shutdowns prompted price increases of roughly 20% for consumers.³² Already the

²⁶ The Oregonian, “Second coronavirus outbreak hits Townsend Farms, but the state never disclosed the first,” Brad Schmidt and Kale Williams, May 28, 2020, <https://www.oregonlive.com/coronavirus/2020/05/coronavirus-outbreak-hits-townsend-farms-in-fairview.html>; Civil Eats, “As Hundreds of Farmworkers Test Positive for COVID-19, Many Remain Unprotected,” Gosia Wozniacka, May 13, 2020, <https://civileats.com/2020/05/13/as-hundreds-of-farmworkers-test-positive-for-covid-19-many-remain-unprotected/>.

²⁷ Salon, “The Highest Coronavirus Infection Rate in the World’: Florida Farmworkers in Peril,” Seth Holmes, May 31, 2020, <https://www.salon.com/2020/05/31/farmworkers-are-dying-covid-19-cases-are-spiking-and-the-food-system-is-in-peril/>.

²⁸ Civil Eats, “As Hundreds of Farmworkers Test Positive for COVID-19, Many Remain Unprotected,” Gosia Wozniacka, May 13, 2020, <https://civileats.com/2020/05/13/as-hundreds-of-farmworkers-test-positive-for-covid-19-many-remain-unprotected/>.

²⁹ The Oregonian, “Second coronavirus outbreak hits Townsend Farms, but the state never disclosed the first,” Brad Schmidt and Kale Williams, May 28, 2020, <https://www.oregonlive.com/coronavirus/2020/05/coronavirus-outbreak-hits-townsend-farms-in-fairview.html>

³⁰ Bloomberg, “Every Single Worker Has COVID at One U.S. Farm on Eve of Harvest, Mike Dorning and Jen Skerritt, May 29, 2020, <https://www.bloomberg.com/news/articles/2020-05-29/every-single-worker-has-covid-at-one-u-s-farm-on-eve-of-harvest>.

³¹ Center for American Progress, “Protecting Farmworkers From Coronavirus and Securing the Food Supply,” Zoe Willingham and Silva Mathema, April 23, 2020, <https://www.americanprogress.org/issues/economy/reports/2020/04/23/483488/protecting-farmworkers-coronavirus-securing-food-supply/>.

³² CoBank, “Closed Meat Plants Today Mean Empty Meat Cases this Summer,” May 2020, <https://www.cobank.com/-/media/files/ked/animal-protein/closed-meat-plants-today-mean-empty-meat-cases-this-summer-may2020.pdf?la=en&hash=1C30B4FBA43F388CF3B2CE695BD941EB35047A21>

U.S. food inflation rate is at its highest rate in eight years,³³ and USDA is forecasting the largest annual increase in grocery prices since 2011.³⁴

While a supply chain shock would harm all Americans, the burden will not fall equally. Low-income Americans spend a about a third of their income on food, and are seeing their own income erode, too.³⁵ A recent survey shows persistently elevated food insecurity, with rates now roughly double what they were before COVID-19.³⁶ Black and Hispanic households already disproportionately experience food insecurity.³⁷ The combination of higher prices and income uncertainty or job loss for many Americans will place families in even greater financial difficulty at a time when a record number of Americans are already forced to rely on overstretched food banks.³⁸ Farmworkers themselves will be doubly impacted by further shortages, as the data show that they experience among the highest rates of food insecurity, with 1 in 6 having to rely on the Supplemental Nutrition Assistance Program (SNAP) to get by.³⁹

Questions

In order to better understand the risk posed to farmworkers and to the food supply chain, I ask that you provide answers to the following questions no later than July 15, 2020:

1. Case statistics
 - a. How many farms or facilities does your company own or operate?
 - b. How many total farmworkers (seasonal, part-time, and/or full-time) work at these farms or facilities?
 - c. How many total COVID-19 cases have occurred among workers at these farms or facilities? Please provide this information by farm/facility as well as in aggregate.

³³ Food and Environment Reporting Network, “Beef prices soar, food inflation is highest in more than eight years,” Chuck Abbot, June 10, 2020, https://thefern.org/ag_insider/beef-prices-soar-food-inflation-is-highest-in-more-than-eight-years/.

³⁴ Food and Environment Reporting Network, “Largest annual increase in grocery prices since 2011,” June 25, 2020, https://thefern.org/ag_insider/largest-annual-increase-in-grocery-prices-since-2011/.

³⁵ United States Department of Agriculture, Economic Research Service, “Food Spending as a Share of Income Declines as Income Rises,” September 19, 2019, <http://www.ers.usda.gov/data-products/chart-gallery/gallery/chart-detail/?chartId=58372>.

³⁶ Food and Environment Reporting Network, “Survey: Unrelenting food insecurity during pandemic,” Chuck Abbott, June 14, 2020, https://thefern.org/ag_insider/survey-unrelenting-food-insecurity-during-pandemic/.

³⁷ Family & Community Health, “Examining the Impact of Structural Racism on Food Insecurity: Implications for Addressing Racial/Ethnic Disparities,” April 2019, Angela M. Odoms-Young, <https://doi.org/10.1097/FCH.000000000000183>.

³⁸ The Guardian, “A Perfect Storm’: US Facing Hunger Crisis as Demand for Food Banks Soars,” Nina Lakhani, April 2, 2020, <https://www.theguardian.com/environment/2020/apr/02/us-food-banks-coronavirus-demand-unemployment>.

³⁹ Center for American Progress, “Congress Must Strengthen SNAP To Support Essential Workers During the Coronavirus Crisis,” Areeba Haider, June 11, 2020, <https://www.americanprogress.org/issues/poverty/news/2020/06/11/486187/congress-must-strengthen-snap-support-essential-workers-coronavirus-crisis/>; Social Work and Public Health, “Migrant and Seasonal Farmworker Food Insecurity: Prevalence, Impact, Risk Factors, and Coping Strategies,” Elizabeth Kiehne and Natasha Mendoza, 2015, <https://pubmed.ncbi.nlm.nih.gov/25923396/>.

- i. How many of these cases have resulted in hospitalizations?
 - ii. How many of these cases have resulted in fatalities, including in cases where workers may have contracted COVID-19 at a farm, facility, or worker-managed housing but then died in a hospital or other off-site location?
- 2. Testing and reporting
 - a. How many COVID-19 diagnostic tests have been administered to your workers at these farms/facilities? Please provide this information by farm/facility as well as in aggregate.
 - b. Have you implemented routine COVID-19 testing of workers at your farms/facilities?
 - c. For non-routine testing of workers, what symptoms or other factors are triggers for testing?
 - d. Do you conduct rapid-testing of temporary seasonal workers upon their arrival?
 - e. What is your protocol for symptomatic workers during the time period between testing and receiving the results of a test?
 - f. What are your company's protocols when a worker has been exposed to COVID-19, or has a household member test positive for COVID-19?
 - g. Are workers paid for the time it takes to be tested?
 - h. Do you notify your workers upon confirmation of cases of COVID-19? Do you notify local and state authorities? Do you notify federal authorities?
 - i. If you directly or indirectly employ H-2A visa holders, in addition to notifying the relevant county or state health department, are you notifying the appropriate Consulate that their citizens have tested positive for COVID-19?
- 3. Health and safety policies
 - a. In the *Coronavirus Aid, Relief, and Economic Security Act*, Congress provided agricultural producers with \$23.5 billion as part of Emergency Appropriations for Coronavirus Health Response and Agency Operations.⁴⁰ How were these funds used to mitigate the spread of COVID-19 in the agricultural sector and improve the housing, working, and transportation conditions of farmworkers?
 - b. Have you made any changes to your policies to address the risks of COVID-19? If so, please describe the policy changes in detail, along with the timing of any changes.
 - c. Have you taken steps to physically re-configure work processes to avoid transmission of COVID-19?
 - d. Have you modified your transportation or commuting policies and accommodations to reduce potential transmission between workers? If so, how?
 - e. Have you modified any housing or living accommodations you provide to your workers to reduce potential transmission between workers? If so, how?


⁴⁰ Coronavirus Aid, Relief, and Economic Security Act, H.R. 748, <https://www.congress.gov/bill/116th-congress/house-bill/748/text>.

- f. Do you provide COVID-19-related educational materials in languages that can be understood by your workers?
 - g. Do you have adequate personal protective equipment (PPE) for your workers, and if not, what steps are you taking to procure the necessary equipment?
 - h. Do you require your workers to wear masks, gloves, or other PPE at all times, and if so, do you provide them at no charge?
 - i. Do you provide your workers with access to shade and water breaks to protect against other health risks associated with farm work such as heat stroke? If so, does the way shade and water is provided allow for social distancing – with workers able to maintain six feet apart while all still in the shade during breaks?
 - j. To what extent have you implemented existing state and federal safety guidelines in your facilities? Which policies have you not implemented?
 - i. To what extent have you incorporated the Centers for Disease Control and Prevention and the U.S. Department of Labor Interim COVID-19 Guidance for Agricultural Employers and Workers in your farms?⁴¹ Which of these standards have you met, and which have you not implemented?
 - ii. Do you operate in a state with mandatory health and safety standards for farmworkers, and if so, which of these standards have you met? Which have you not implemented?
 - iii. Do you operate in a state with voluntary health and safety standards for farmworkers, and if so, which of these standards have you met? Which have you not implemented?
 - k. Are you engaging with non-governmental organizations who provide services to farmworkers? If so, which organizations and to what extent?
4. Leave policies
- a. Congress passed COVID-19 response packages that expand emergency paid sick leave and family leave for essential critical infrastructure workers, including farmworkers. What are you doing to inform employees of their rights to paid sick leave and family leave?
 - b. Do you currently offer paid sick leave to your workers?
 - i. What are the terms and conditions of this leave policy? Please include
 - 1. How many days of paid sick leave are offered;
 - 2. The circumstances for which workers can use this paid leave;
 - 3. Eligibility for paid sick leave, and whether it is available to all workers
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⁴¹ Centers for Disease Control and Prevention, “Interim Guidance from CDC and the U.S. Department of Labor,” <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-agricultural-workers.html>.

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 - b. Would a significant COVID-19 outbreak have an adverse impact on your growing or production process? Please provide a summary of potential risks.
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Sincerely,



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