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Meat Workers and Allies Nationwide File Racial Discrimination Complaint to Challenge Meat Processing Corporation Actions, Alleging Racial Discrimination in Disastrous COVID-19 Response

Administrative complaint argues that USDA must end federal support for dominant meat processing corporations disregard Black, Latino, and Asian lives and wellbeing

A nationwide coalition of organizations that advocate for meat processing workers, and allied groups, today filed an [administrative civil rights complaint](#) with the U.S. Department of Agriculture alleging that in addition to being disastrous for the wellbeing of workers and for public health, two major meat processing corporations’ have engaged in racial discrimination prohibited by the Civil Rights Act through their workplace policies during the COVID-19 pandemic.

The complaint alleges that megacorporations Tyson and JBS have adopted policies that reject critical Centers for Disease Control guidance – social distancing on meat processing lines – to stop the spread of COVID-19 at their processing facilities and that the results of their current operating procedures have a discriminatory impact on the predominantly Black, Latino, and Asian workforce at the companies’ plants.

Because of the federal money that flows to the corporations in the form of federal Farm Bill nutrition program and Trade Mitigation Program contracts, this disparate impact violates federal civil rights law. The complainants ask that the U.S. Department of Agriculture’s Office of Civil Rights suspend, terminate, and refuse to provide financial assistance to these two companies as a result of this racial discrimination, and to refer the complaint to the Department of Justice for action.

The complainants in this administrative complaint are [Food Chain Workers Alliance](#), the Rural Community Workers Alliance, the [HEAL Food Alliance](#), [Forward Latino](#), [American Friends Service Committee – Iowa](#), and the [Idaho Organization of Resource Councils](#). They are represented by Public Justice, Nichols Kaster PLLP, and Towards Justice.

According to the [complaint filed today](#), “The Policies discriminate on the basis of race by causing a substantial adverse effect on Black, Latino, and Asian workers. In addition, publicly available facts indicate a pattern or practice of discrimination. Existing social inequities compound this

discrimination for Black and Latino workers, including higher death rates and higher hospitalization rates than white people.”

As of July 6, the Food & Environment Reporting Network reports that there are [at least 292 meatpacking processing plants](#) with confirmed cases, with at least 40,081 meatpacking workers testing positive for, and at least 138 meatpacking workers dying from, COVID-19. As of July 7, the Midwest Center for Investigative Reporting documents that Tyson and JBS have the first and second most COVID-19 cases tied to their meat processing facilities, respectively, with [a combined total of at least 12,495 positive cases](#). The complainants in this action allege that the policies at Tyson and JBS reject social distancing among workers at a minimum six feet of separation, as called for by the CDC. This impacts workers by increasing the risk of contracting COVID-19. The complaint alleges that the policies serve the objective of meeting pre-pandemic processing capacity.

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

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

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

suffer seriously from COVID-19 than white people because of social inequities, according to the complaint.

Today's administrative complaint is filed with the USDA, because each of these megacorporations received significant sums of public contracts through USDA in fiscal years 2019 and 2020. The USDA's Agricultural Marketing Service has entered into contracts with the corporations under several Farm Bill nutritional and Trade Mitigation Program departmental programs, a primary objective of which is to support agricultural jobs and the agricultural economy:

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

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

"Now is the time for our federal government to recognize that this national COVID-19 crisis is being fueled largely by policies at plants operated by these two corporations, and that the suffering and death from coronavirus borne predominantly by Black, Latino, and Asian workers results from a choice made by Tyson and JBS in pursuit of additional profit, not to ameliorate any domestic food supply issue," the complainant groups said in a joint statement on the filing. "This suffering is one of our moment's defining issues of racial justice, and this diverse, nationwide coalition is proud to take action today to compel the USDA to enforce our basic civil rights laws so that these facilities operate more safely, with policies that will hopefully soon be in line with an enforceable OSHA COVID-19 standard."

"Tyson and JBS could protect the lives of food chain workers, respect worker civil rights, and continue to operate their plants, if they were to do business in line with all CDC guidance," said Brent Newell, Public Justice Food Project Senior Attorney and lead counsel for the complainants in the action filed today. "Instead, for the purpose of maximizing profits and processing capacity, these companies treat plant floor workers as sacrificial and reject social distancing on the processing lines in their plants. These corporations have received over \$150 million dollars this year in taxpayer money and the USDA must investigate this injustice and act immediately to prevent any further worker illnesses and deaths."