



June 2023

# MEAT AND POULTRY WORKER SAFETY

OSHA Should  
Determine How to  
Address Persistent  
Hazards Exacerbated  
by COVID-19

# GAO Highlights

Highlights of [GAO-23-105104](#), a report to congressional addressees

## Why GAO Did This Study

In 2016 and 2017, GAO reported that meat and poultry workers faced multiple occupational hazards. OSHA is responsible for ensuring worker safety and health, FSIS is responsible for ensuring the safety of meat and poultry products, and employers are responsible for providing safe and healthful workplaces.

The CARES Act includes a provision to monitor and report on the federal pandemic response. GAO also was asked to review federal efforts to ensure meat and poultry worker safety and health during the pandemic.

This report examines (1) meat and poultry companies' response to the pandemic and how the pandemic affected these workers; (2) OSHA's enforcement actions and associated challenges; and (3) OSHA and FSIS collaboration on worker safety. GAO surveyed companies, analyzed OSHA inspection data from February 2018 through June 2022—the most recent available at the time; reviewed federal laws and regulations; and spoke to workers from nine states with large meat and poultry processing operations. GAO also compared OSHA and FSIS actions to leading practices for interagency collaboration, and interviewed federal officials.

## What GAO Recommends

GAO recommends that OSHA assess the actions needed—such as an industry standard—to protect meat and poultry workers; and that OSHA and FSIS follow leading collaboration practices. OSHA stated it would respond to the recommendations after the report is issued. FSIS agreed with the recommendation to collaborate.

View [GAO-23-105104](#). For more information, contact Thomas Costa at (202) 512-4769 or [CostaT@gao.gov](mailto:CostaT@gao.gov).

June 2023

## MEAT AND POULTRY WORKER SAFETY

### OSHA Should Determine How to Address Persistent Hazards Exacerbated by COVID-19

## What GAO Found

Companies reported taking steps to address COVID-19 in response to federal guidance. Most of the 15 companies responding to GAO's survey said they encouraged distancing in communal areas, installed barriers, and required masks. However, studies, federal inspections, and worker interviews suggest that meat and poultry workers continued to face high risk of infection in the first year of the pandemic. For example, in 2020, the Occupational Safety and Health Administration (OSHA) found that COVID-19 risk to workers at one large meat plant was more than 70 times higher than to the state's general population.

### Plastic Sheeting between Poultry Workers Standing in Close Proximity



Source: National Chicken Council. | GAO-23-105104

OSHA increased meat and poultry plant inspections in the first year of the pandemic, but faced enforcement challenges. Officials told GAO their ability to protect workers was limited because existing standards did not target COVID-related hazards, such as jobs requiring workers to stand in close proximity. The Occupational Safety and Health Act of 1970 permits OSHA to develop safety and health standards for specific industries. OSHA is developing an infectious disease standard for healthcare workers, but not for workers in meat and poultry processing. Without assessing the actions needed to better protect meat and poultry workers—such as assessing the need for an industry standard—OSHA may be missing an opportunity to protect workers.

OSHA and Food Safety and Inspection Service (FSIS) officials said they met regularly during the pandemic, but did not provide documentation on whether they addressed worker safety. The agencies reported little field-level collaboration among staff with direct knowledge of plant conditions. In August 2022, the agencies updated their 1994 memorandum of understanding, which states that FSIS should report hazards to OSHA, including infectious diseases. The agencies did not follow some leading collaboration practices, such as defining outcomes and including key participants. By following these practices, OSHA and FSIS could better collaborate on meat and poultry worker safety.

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## Abbreviations

ARPA	American Rescue Plan Act of 2021
BLS	Bureau of Labor Statistics
CARES Act	Coronavirus Aid, Relief, and Economic Security Act
CDC	Centers for Disease Control and Prevention
COVID-19	Coronavirus Disease 2019
CPS	Current Population Survey
DOL	Department of Labor
ETS	emergency temporary standard
FSIS	Food Safety and Inspection Service
FTE	full-time equivalent
HHS	Department of Health and Human Services
MOU	memorandum of understanding
NAICS	North American Industry Classification System
NIOSH	National Institute for Occupational Safety and Health
OIG	Office of Inspector General
OSH Act	Occupational Safety and Health Act of 1970
OSHA	Occupational Safety and Health and Administration
SOII	Survey of Occupational Injuries and Illnesses
USDA	U.S. Department of Agriculture

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June 20, 2023

Congressional Addressees

Meat and poultry workers have long faced hazardous working environments—including cold, wet, and crowded conditions—which the COVID-19 pandemic underscored. In spring 2020, several meat and poultry slaughter and processing plants closed or greatly reduced production activities due to the spread of COVID-19. On April 26, 2020, the Department of Health and Human Services’ (HHS) Centers for Disease Control and Prevention (CDC) and the Department of Labor’s (DOL) Occupational Safety and Health Administration (OSHA) issued joint guidance aimed at enabling companies to take steps to protect their workers while continuing operations during the pandemic. The guidance stated that the work environment of meat and poultry workers—who have close, sustained contact with other workers on processing lines and in other areas—may contribute substantially to their COVID-19 exposure.<sup>1</sup> On April 28, 2020, Executive Order 13917 identified the production of meat and poultry as an essential activity and noted the importance of continued operation of the plants.<sup>2</sup> Worker advocacy groups and others have expressed concerns that OSHA has not effectively addressed COVID-19 hazards affecting workers in the meat and poultry industry.

OSHA is the federal agency charged with ensuring safe and healthful working conditions for the nation’s workers. The U.S. Department of Agriculture’s (USDA) Food Safety and Inspection Service (FSIS) is the agency responsible for ensuring the safety of meat and poultry products. FSIS’s inspection personnel are present in federally inspected meat and poultry establishments, and, like meat and poultry workers, are potentially

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<sup>1</sup>CDC, Meat and Poultry Processing Workers and Employers: Interim Guidance from CDC and the Occupational Safety and Health Administration (April 26, 2020). This guidance supplemented OSHA’s more general guidance on protecting workers from COVID-19, which did not provide new required standards for employers to follow, but reaffirmed that employers have an obligation to protect workers under the Occupational Safety and Health Act of 1970. This industry-specific guidance provided abatement measures to help protect meat and poultry workers from COVID-19.

<sup>2</sup>Executive Order 13917, *Delegating Authority Under the Defense Production Act With Respect to the Food Supply Chain Resources During the National Emergency Caused by the Outbreak of COVID-19*. 85 Fed. Reg. 26,313, 26,313-14 (May 1, 2020).

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vulnerable to workplace hazards.<sup>3</sup> In 2016 and 2017, we reported that meat and poultry workers faced multiple occupational hazards but, according to federal officials and worker advocates we interviewed, may be reluctant to report or seek treatment for injuries and illnesses due to their status as undocumented or foreign-born workers, or because of their economic vulnerability.<sup>4</sup> These reports made recommendations to OSHA to help protect these workers, and most of these recommendations have not been implemented by OSHA. In August 2022, OSHA and FSIS each implemented a priority recommendation from 2017 that focused on collaboration between OSHA and FSIS.

The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) includes a provision for GAO to monitor and oversee federal efforts to address the COVID-19 pandemic, as well as the effect of the pandemic on the health, economy, and public and private institutions of the U.S.<sup>5</sup> We also received a separate request to examine meat and poultry worker safety during COVID-19 from several members of the Congressional Hispanic Caucus, and letters from the Chair and Ranking Member of the House Committee on Education and the Workforce asking to be requesters on GAO worker safety engagements under the CARES Act. This report examines (1) how meat and poultry companies responded to the COVID-19 pandemic and how the pandemic affected meat and poultry workers; (2) enforcement actions OSHA took to ensure meat and poultry worker safety and health during the pandemic and challenges associated with enforcement; and (3) OSHA and FSIS collaboration on worker safety at meat and poultry plants during the pandemic.

To address all three objectives, we reviewed relevant federal laws, regulations, agency documentation, and related GAO reports, and

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<sup>3</sup>In this report, we discuss two categories of workers: private sector meat and poultry workers, and federal FSIS inspectors who are present in the plants.

<sup>4</sup>See GAO, *Workplace Safety and Health: Additional Data Needed to Address Continued Hazards in the Meat and Poultry Industry*, [GAO-16-337](#) (Washington, D.C.: Apr. 25, 2016); and GAO, *Workplace Safety and Health: Better Outreach, Collaboration, and Information Needed to Help Protect Workers at Meat and Poultry Plants*, [GAO-18-12](#) (Washington, D.C.: Nov. 9, 2017).

<sup>5</sup>Pub. L. No. 116-136, § 19010(b), 134 Stat. 281, 580 (2020). All of GAO's reports related to the COVID-19 pandemic are available on GAO's website at <https://www.gao.gov/coronavirus>.

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interviewed officials from OSHA, FSIS, and CDC.<sup>6</sup> We also interviewed and reviewed information from additional stakeholders, including worker safety experts and representatives of companies and worker advocacy groups.

To understand how meat and poultry companies responded to the pandemic and how the pandemic affected workers, we sent a survey to meat and poultry companies, interviewed representatives of two large companies, and visited one poultry plant.<sup>7</sup> We spoke with three national industry advocacy groups representing meat and poultry companies that described the measures their members implemented in an effort to protect their workers, as well as the efforts they took to assist their members.<sup>8</sup> Of the 391 surveys distributed to companies, we received 15 non-generalizable responses from four very large companies and eleven smaller companies.<sup>9</sup> We also conducted individual and group interviews

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<sup>6</sup>See [GAO-16-337](#); [GAO-18-12](#); GAO, *COVID-19: Federal Efforts Could Be Strengthened by Timely and Concerted Actions*, [GAO-20-701](#) (Washington, D.C.: Sept. 21, 2020); *COVID-19: Urgent Actions Needed to Better Ensure an Effective Federal Response*, [GAO-21-191](#) (Washington, D.C.: Nov. 30, 2020); *COVID-19: Critical Vaccine Distribution, Supply Chain, Program Integrity, and Other Challenges Require Focused Federal Attention*, [GAO-21-265](#) (Washington, D.C.: Jan. 28, 2021); *COVID-19: Additional Actions Needed to Improve Accountability and Program Effectiveness of Federal Response*, [GAO-22-105051](#) (Washington, D.C.: Oct. 27, 2021); and *Workplace Safety and Health: Data and Enforcement Challenges Limit OSHA's Ability to Protect Workers during a Crisis*, [GAO-22-105711](#) (Washington, D.C.: May 25, 2022).

<sup>7</sup>In this report, we refer to meat and poultry companies and plants. A meat and poultry company may have multiple plants where its slaughter and process operations take place. We surveyed meat and poultry companies at the corporate level.

<sup>8</sup>The National Chicken Council, the National Turkey Federation, and the North American Meat Institute administered our survey by email to their members. According to these groups, our survey was sent to 391 meat and poultry companies. Fifteen companies responded to our survey, resulting in a 4 percent response rate. However, four of the largest meat processing companies in the U.S. responded to the survey. These four companies collectively employed approximately 262,000 workers as of March 2023.

<sup>9</sup>Four of the companies reported having 31 or more plants and more than 10,000 workers; and one company reported having 11-20 plants and between 5,001 and 10,000 employees. The remaining 10 companies reported having 10 or fewer plants—six of these reported having 1,000 or fewer employees, two reported having between 1,001-5,000 employees, and two reported having between 5,001 and 10,000 employees.



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with 24 meat and poultry workers from 13 companies in nine states.<sup>10</sup> We spoke with 11 advocacy groups to identify these workers, and selected these groups based on a variety of factors, such as those located in states with a relatively high level of meat or poultry slaughter (based on USDA data). The information gathered from these interviews is not generalizable to all companies or all meat or poultry workers, but provides illustrative examples of the challenges meat and poultry workers faced during the COVID-19 pandemic. In addition, through literature searches, we identified studies from public health journals and other research-based sources on various topics pertinent to our review.

To examine enforcement actions OSHA took to help ensure meat and poultry workers' safety and health, we interviewed OSHA staff from seven selected area offices and two selected regional offices (each regional office oversees a number of area offices) about efforts to ensure worker safety and health and the challenges they encountered during the pandemic. We also analyzed enforcement data from the OSHA Information System from February 2018 through June 2022, the most recent data available at the time. To assess the reliability of the data, we reviewed relevant agency documentation, conducted data testing, and interviewed agency officials knowledgeable about these data. We found the data to be sufficiently reliable for our purposes.

To examine how OSHA and FSIS collaborated to help ensure meat and poultry worker safety and health, we reviewed a 1994 and a 2022 memorandum of understanding (MOU) between OSHA and FSIS to protect workers.<sup>11</sup> We also interviewed OSHA and FSIS field staff at various levels about their collaborative efforts. We received written responses from both agencies on how they collaborated during the pandemic. We compared the MOUs, agencies' actions, and agencies'

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<sup>10</sup>Twelve of the 24 workers were employed by five very large companies (more than 10,000 employees), eleven were employed by five mid-to-large companies (1,001-10,000 employees), and three workers were employed by three small companies (less than 1,000 employees). Of these 13 companies, only three of the five very large companies were among those that responded to our company survey. We conducted an additional interview with seven meat and poultry workers during our visit to the poultry plant. This interview differed in content and structure from subsequent worker interviews and is not included in our discussion.

<sup>11</sup>Memorandum of Understanding between DOL's OSHA and USDA's FSIS, February 4, 1994; Memorandum of Understanding between DOL's OSHA and USDA's FSIS, August 1, 2022.

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responses against the seven leading practices for interagency collaboration that we have identified in our prior work.<sup>12</sup>

We conducted this performance audit from March 2021 to June 2023 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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## Background

### Conditions in Meat and Poultry Plants

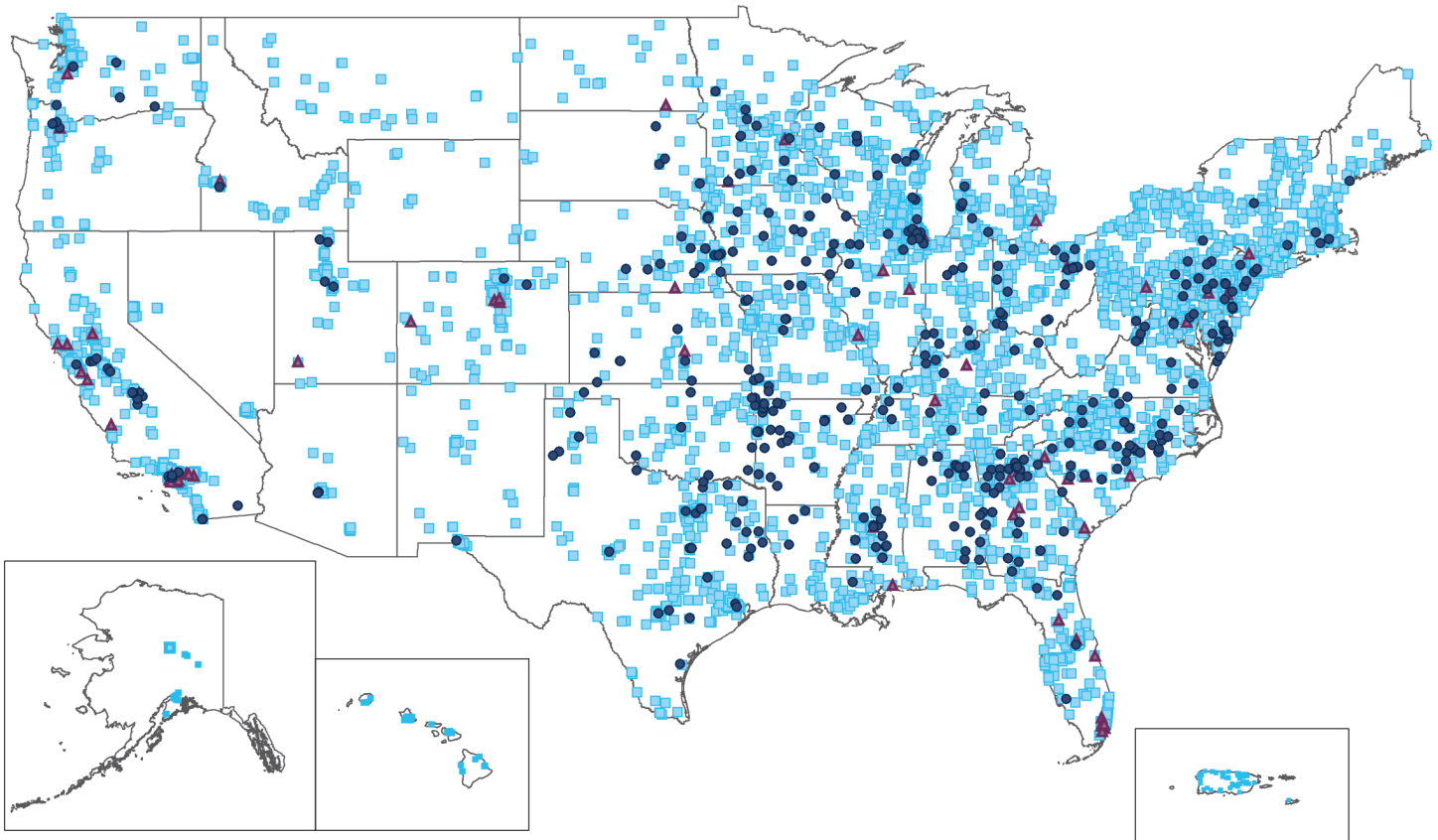
An estimated 462,000 meat and poultry workers were employed by the meat and poultry industry in 2021.<sup>13</sup> According to USDA data, as of February 2023, there were more than 5,500 federally inspected meat and poultry plants in the U.S. (see fig. 1).

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<sup>12</sup>GAO, *Managing for Results: Key Considerations for Implementing Interagency Collaborative Mechanisms*, [GAO-12-1022](#) (Washington, D.C.: Sept. 27, 2012).

<sup>13</sup>According to Current Population Survey (CPS) data, an estimated 462,000 workers were employed in the animal slaughtering and processing industry in 2021. This estimate has a 95 percent confidence interval from 413,567 to 510,433. All demographic estimates for the meat and poultry industry in this report are based on the CPS data available as of September 2022 and refer to workers age 16 years and older in the meat and poultry industry.

Figure 1: Location and Size of Meat and Poultry Plants in the United States as of March 2023



**Meat/poultry plants by size**

- Large (500 employees or more)
- Small (Fewer than 500 and more than 9 employees)  
or very small (Fewer than 10 employees or annual sales of less than \$2.5 million)
- ▲ Size not available/missing

Source: GAO analysis of United States Department of Agriculture data. | GAO-23-105104

According to CDC documentation and academic studies, distinctive conditions within meat and poultry plants affect workers' risk for exposure to COVID-19 in these workplaces (see fig. 2). These include:

- **Distance between workers.** Meat and poultry workers often work close to one another on processing lines. Workers also may experience crowded conditions when clocking in or out for their shifts, using the bathroom or locker room, taking breaks, and eating lunch.

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- **Physical labor and loud environment.** Work at meat and poultry plants often requires significant manual effort, which may result in strenuous breathing alongside fellow workers, contributing to the risk of airborne transmission, according to one study.<sup>14</sup> The requirement for plants to operate at low temperatures in an environment with low air exchange rates is another factor that, according to the same study, may promote virus spread. Workers may need to yell to be heard in facilities with a loud production environment, which another study suggests could increase the emission of potentially infectious respiratory droplets that increase risk of airborne transmission.<sup>15</sup>
  - **Duration of contact.** Meat and poultry workers often have prolonged closeness to their coworkers due to long work shifts (e.g., for 10-12 hours per shift). Continued contact with potentially infectious individuals increases the risk of COVID-19 transmission, according to CDC.
  - **Cold temperatures.** According to CDC, the cold temperatures maintained in some parts of plants may allow the virus to stay viable outside the body for longer.

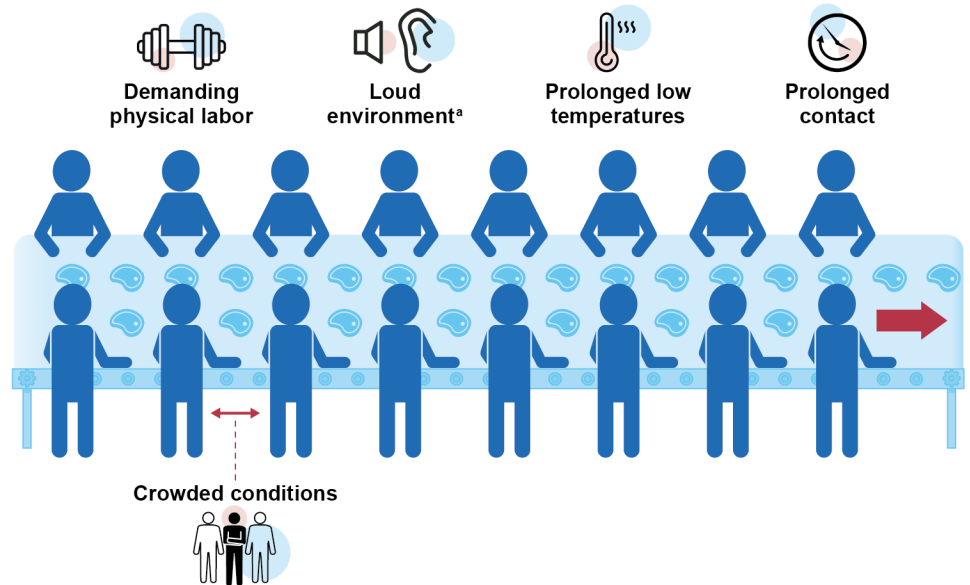
Further, according to CDC, meat and poultry companies' COVID-prevention efforts face the challenge of accommodating the needs of workers who speak different primary languages, as some meat and poultry workers may struggle with directions or guidance provided only in English.

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<sup>14</sup>Guenther, Thomas, et al, "Investigation of a superspreading event preceding the largest meat processing plant-related SARS-Coronavirus 2 outbreak in Germany," July 17, 2020. Available at SSRN: <https://ssrn.com/abstract=3654517> or <http://dx.doi.org/10.2139/ssrn.3654517>.

<sup>15</sup>Kopechek, Jonathan A., "Increased ambient noise and elevated vocal effort contribute to airborne transmission of COVID-19," J Acoust Soc Am: 148(5): 3255:3257, November 30, 2020. <https://doi.org/10.1121/10.0002640>.

**Figure 2: Conditions in Meat and Poultry Plants that Affect Workers' Risk of Contracting COVID-19**



Source: GAO analysis of CDC documentation and academic research paper; GAO (icons). | GAO-23-105104

<sup>a</sup>Kopechek, Jonathan A., "Increased ambient noise and elevated vocal effort contribute to airborne transmission of COVID-19," J Acoust Soc Am: 148(5): 3255:3257, November 30, 2020. <https://doi.org/10.1121/10.0002640>.

## Federal Roles Related to Meat and Poultry Worker Safety and Health

### OSHA

OSHA establishes and enforces occupational safety and health standards; investigates worker complaints and incidents such as fatalities; conducts inspections; and provides training, outreach, education, and

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assistance.<sup>16</sup> We reported in 2012 that OSHA’s standards have been credited with helping prevent thousands of work-related deaths, injuries, and illnesses.<sup>17</sup> For example, OSHA’s “lockout/tagout” safety standard requires employers to take measures to ensure that machinery cannot be turned on while being cleaned and repaired. OSHA can use the “general duty clause” of the Occupational Safety and Health Act of 1970 (OSH Act) to cite employers for violating their duty to provide a workplace free from recognized hazards that are likely to cause harm, even when no particular standard applies.<sup>18</sup>

Employers are responsible for providing a workplace free from serious recognized hazards, and must comply with standards, rules, and regulations established by OSHA. As part of its enforcement, OSHA conducts inspections, collecting evidence through methods such as observation, document review, and interviews.<sup>19</sup> Steps in an inspection may include an opening conference, a walk-around by inspectors, a review of injury and illness documentation, worker interviews, and a closing conference. In April 2020, OSHA began conducting remote

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<sup>16</sup>See, generally, Pub. L. No. 91-596, 84 Stat. 1590 (codified as amended at 29 U.S.C. §§ 553, 651-678). The Secretary of Labor has delegated authority under the OSH Act to the Assistant Secretary for Occupational Safety and Health. 85 Fed. Reg. 58,393 (Sept. 18, 2020). OSHA is responsible for setting and enforcing workplace safety and health standards for the private sector in 29 states, the District of Columbia, and four territories. Twenty-one states and Puerto Rico set and enforce their own workplace safety and health standards under state plans approved by OSHA. State standards and their enforcement must be at least as effective as the federal standards in protecting workers and in preventing work-related injuries, illnesses, and fatalities. Approximately 61 percent of meat and poultry plants inspected by FSIS are located in states where OSHA oversees worker safety and health.

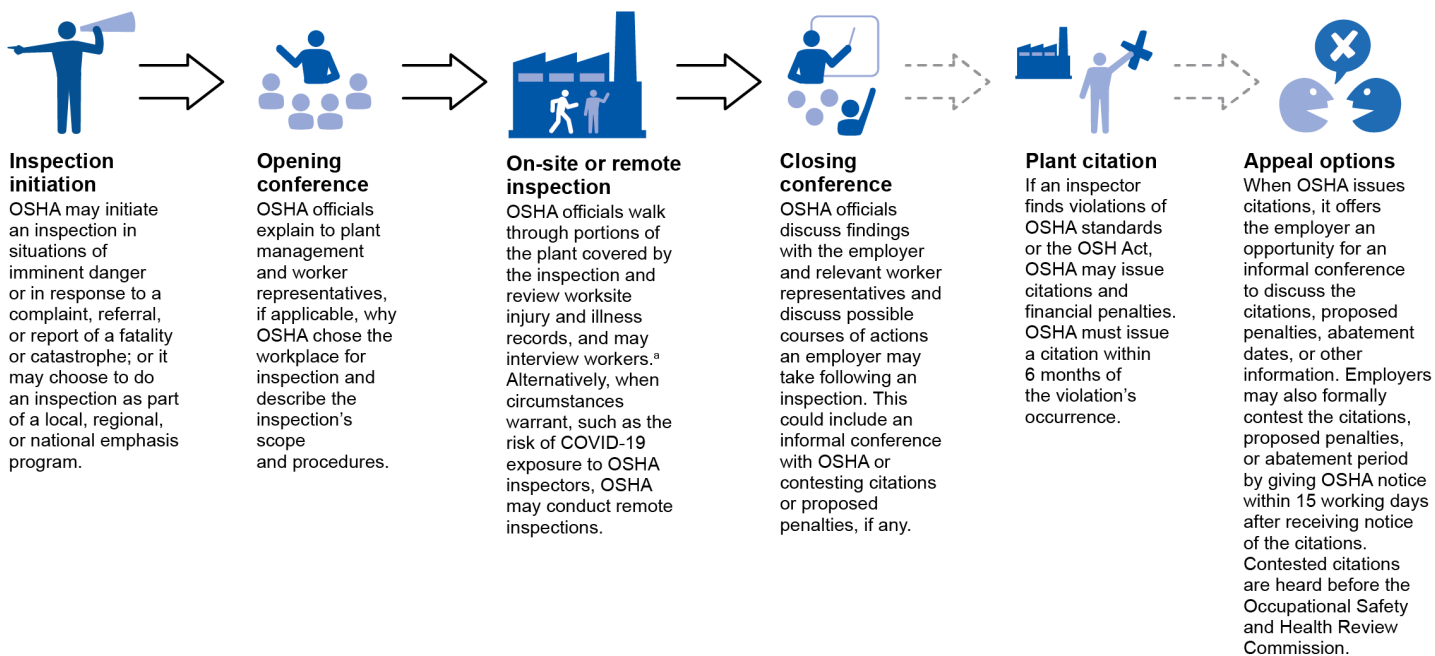
<sup>17</sup>GAO, *Workplace Safety and Health: Multiple Challenges Lengthen OSHA’s Standard Setting*, [GAO-12-330](#) (Washington, D.C.: Apr. 2, 2012).

<sup>18</sup>The “general duty clause” requires employers to provide a workplace free from recognized hazards that are causing or are likely to cause death or serious physical harm to their employees. 29 U.S.C. § 654(a)(1). A general duty clause violation may only be cited if all four of the following required elements are identified: (1) the employer failed to keep the workplace free of a hazard to which employees of that employer were exposed; (2) the hazard was recognized; (3) the hazard was causing or was likely to cause death or serious physical harm; and (4) there was a feasible and useful method to correct the hazard.

<sup>19</sup>See generally 29 U.S.C. §§ 657-659 and 29 C.F.R. pt. 1903. OSHA seeks to focus its inspection resources on the most dangerous hazards. Its priorities include imminent danger situations, employer reports of severe injuries or illnesses, worker complaints, referrals of hazards from other agencies or organizations, inspections that target high hazard industries or workplaces, and follow-up inspections.

inspections in certain situations.<sup>20</sup> Based on evidence developed during the inspection, OSHA evaluates whether the employer violated any safety or health standards. The inspection may result in the issuance of a citation if appropriate, and possible appeals by the employer (see fig. 3).

**Figure 3: Steps in, and Potential Outcomes of, an Occupational Safety and Health Administration (OSHA) Inspection**



Source: GAO analysis of U.S. Occupational Safety and Health Administration (OSHA) documentation; GAO (icons). | GAO-23-105104

Note: OSH Act = Occupational Safety and Health Act of 1970

<sup>a</sup>Employee representatives may accompany inspectors.

<sup>20</sup>According to OSHA's *Updated Interim Enforcement Response Plan for Coronavirus Disease 2019 (COVID-19)*, issued on May 19, 2020, OSHA may use remote inspections to conduct enforcement in place of on-site inspections, where resources are insufficient to allow for on-site inspections, with an expectation that an on-site component will be performed if/when resources become available to do so. The guidance was revised and reissued in March 2021 and again in July 2021. According to OSHA policy, data on remote inspections include only those inspections that are conducted entirely offsite. In October 2021, we reported that at the start of the pandemic, OSHA enforcement activities shifted from on-site inspections to a combination of remote and on-site inspections and to informal inquiries, for which OSHA obtains information about an incident from employers by phone, fax, or e-mail, rather than conducting a full on-site or remote inspection. See [GAO-22-105051](#).

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OSHA carries out its enforcement responsibilities through 10 regional offices and 87 area offices. As of March 31, 2023, OSHA reported employing 931 inspectors, and its appropriation for fiscal year 2023 was approximately \$630 million. In October 2021, we reported that OSHA area offices faced resource challenges during COVID-19, including staffing challenges, such as high turnover and high numbers of inexperienced staff who could not conduct inspections on their own.<sup>21</sup> The American Rescue Plan Act of 2021 (ARPA) provided that OSHA receive at least \$100 million in additional funding made available to DOL.<sup>22</sup> Of the money made available to OSHA, ARPA provided that at least \$5 million be used for enforcement activities related to COVID-19 at high-risk workplaces, including meat and poultry processing facilities. OSHA reported it had spent \$53 million of its ARPA funds through September 30, 2022. OSHA also reported that it funded 97 full-time equivalent (FTE) positions with this ARPA funding in fiscal year 2021 and 68 FTEs in fiscal year 2022.

In June 2021, OSHA issued an emergency temporary standard (ETS) related to COVID-19 exposure for workers in healthcare settings, including those inside non-healthcare facilities.<sup>23</sup> In November 2021, OSHA issued another ETS related to COVID-19 vaccination and testing for large employers. OSHA withdrew the non-recordkeeping portions of the healthcare ETS in December 2021, and in January 2022, the Supreme Court stayed (i.e., halted) the vaccine and testing ETS, after which OSHA withdrew it as an enforceable temporary standard.

## FSIS

FSIS is the food safety regulatory agency within USDA responsible for ensuring that domestic and imported meat, poultry, and egg products are

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<sup>21</sup>See [GAO-22-105051](#).

<sup>22</sup>ARPA provided \$200 million in supplemental funding to DOL to carry out COVID-19-related worker protection activities, and for the Office of Inspector General for oversight of the Secretary's activities to prevent, prepare for, and respond to COVID-19. This funding is available through September 30, 2023. Of this amount, not less than \$100 million is for OSHA and \$12.5 million is for the Office of Inspector General. The remaining \$87.5 million was to be allocated by DOL to other offices, including the Wage and Hour Division and the Office of the Solicitor.

<sup>23</sup>Under 29 U.S.C. § 655 (c), OSHA has the authority to issue an ETS without going through the standard rulemaking process if it determines that "employees are exposed to grave danger from exposure to substances or agents determined to be toxic or physically harmful or from new hazards" and that an ETS "is necessary to protect employees from such danger."



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safe, wholesome, and accurately labeled.<sup>24</sup> Nearly 8,000 FSIS inspectors and other front-line staff help ensure the safety and wholesomeness of meat and poultry that enter interstate commerce. Some FSIS inspectors were exposed to COVID-19 at work, and the ongoing risk of such exposure posed a potential challenge for FSIS in continuing food safety inspections.<sup>25</sup>

Since 1994, OSHA and FSIS have had in place an MOU on worker safety that is intended to help ensure the safety and health of workers in meat and poultry plants. In 2017, we made recommendations to both agencies to strengthen their MOU.<sup>26</sup> The agencies issued a revised MOU in August 2022, implementing our prior recommendations.

CDC

CDC's National Institute for Occupational Safety and Health (NIOSH) conducts occupational safety and health research and workplace evaluations, and makes recommendations to prevent worker injuries and illnesses.<sup>27</sup> NIOSH may recommend standards for OSHA's adoption. At the request of employees, employee representatives, or employers, NIOSH may conduct a health hazard evaluation at a worksite to determine whether health hazards are present. In addition, NIOSH provides technical assistance and deploys field teams in response to invitations from state and local health departments. NIOSH also can self-initiate studies on occupational safety and health, and may conduct health hazard evaluations in response to requests from federal, state, or local agencies.

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<sup>24</sup>The Secretary of Agriculture has responsibility for ensuring the safety and wholesomeness of meat and poultry that enter commerce. See, generally, 21 U.S.C. § 451 *et seq.* and 21 U.S.C. § 601 *et seq.*

<sup>25</sup>[GAO-20-701](#).

<sup>26</sup>Specifically, we recommended in 2017 that OSHA and FSIS work with each other to assess the implementation of their MOU on worker safety, make any needed changes to ensure improved collaboration, and set specific time frames for periodic evaluations of the MOU. See [GAO-18-12](#).

<sup>27</sup>See, generally, 29 U.S.C. §§ 669-671.

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## Meat and Poultry Workers Experienced Outbreaks Early in the Pandemic, and Companies Reported Taking Steps to Protect Workers, Who Continued to Face Risks

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### Workers Contracted COVID-19 at Meat and Poultry Plants Early in the Pandemic

At the beginning of the COVID-19 pandemic, meat and poultry plants experienced significant disease outbreaks among workers, with some plants shutting down for weeks. According to a number of studies that looked at these outbreaks and selected company data on illness and deaths from COVID-19, meat and poultry workers were particularly vulnerable to contracting and spreading COVID-19.

- OSHA's Office of Occupational Medicine and Nursing found that the COVID-19 risk to workers at one large South Dakota meat plant in 2020 was more than 70 times higher than the risk to the general population of the state.<sup>28</sup>
- At another large meat plant in Wisconsin, the Office of Occupational Medicine and Nursing found that the COVID-19 incidence rate from March 1 to May 31, 2020, was more than 56 times higher than the incidence rate among working-age adults in the state.<sup>29</sup>
- A study found that there is a strong positive relationship between meat and poultry plants and local community transmission of COVID-19, and suggested that these plants may act as transmission vectors into the surrounding population and accelerate the spread of the virus

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<sup>28</sup>Occupational Safety and Health Administration, Directorate of Technical Support and Emergency Management, Office of Occupational Medicine and Nursing, Consultation Report for a South Dakota plant.

<sup>29</sup>Occupational Safety and Health Administration, Directorate of Technical Support and Emergency Management, Office of Occupational Medicine and Nursing, Consultation Report for a Wisconsin plant.

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beyond what would be predicted solely by population risk characteristics.<sup>30</sup>

- Information from five of the largest meat and poultry companies shows that at least 59,000 meat and poultry workers were infected with the coronavirus and at least 269 workers died between March 1, 2020, and February 1, 2021.<sup>31</sup>
- A study of the meat processing industry in Nebraska found that 5,002 of the state's approximately 26,000 industry workers were diagnosed with COVID-19 from March through July 2020, which represented nearly one-fifth of all cases in the state during that time.<sup>32</sup>

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## Federal COVID-19 Guidance Recommended Safety Measures for Meat and Poultry Plants; Executive Order Stressed Importance of Plants' Continued Operations

CDC and OSHA recognized that the asymptomatic spread of COVID-19 supported the need for physical distancing and other protective measures within a meat and poultry processing work environment, and they produced joint guidance that included recommended actions that employers could take to reduce their employees' risk of exposure to the virus. The guidance recommended actions based on a "hierarchy of controls" approach that groups actions by their effectiveness in reducing or removing hazards, including:

- installing engineering controls, such as configuring communal work environments to space workers at least 6 feet apart, if possible, or to separate them using physical barriers, and ensuring adequate ventilation in work areas to help minimize workers' potential exposures;
- implementing administrative controls, such as staggering workers' arrival and departure times to avoid having workers congregate near time clocks, in parking areas, and locker rooms;
- changing production practices, if necessary, to maintain appropriate distances among workers, such as by altering the number of animals

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<sup>30</sup>Taylor CA, Boulos C, and Almond D, 2020. "Livestock plants and COVID-19 transmission." *Proceedings of the National Academy of Sciences*, Dec. 15, 2020, 117(50), 31706-31715. <https://doi.org/10.1073/pnas.2010115117>.

<sup>31</sup>The House Select Subcommittee on the Coronavirus Crisis sent letters to five of the largest meatpacking companies seeking information and communications concerning coronavirus infections and deaths. The information we are reporting comes from the companies' responses to the Subcommittee.

<sup>32</sup>Herstein JJ, Degarege A, Stover D, Austin C, Schwedhelm MM, Lawler JV, et al. 2021. "Characteristics of SARS-CoV-2 among meat processing workers in Nebraska, USA, and effectiveness of risk mitigation measures." *Emerg Infect Dis*. 2021 Apr, 27(4). <https://doi.org/10.3201/eid2704.204800>.

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processed, the speed of the line, the way in which animals are processed, or the number of people required to perform a process;

- reviewing and modifying sick leave and incentive policies to ensure that ill workers stay out of the workplace and to avoid penalizing COVID-19-infected employees for taking sick leave; and
- incorporating relevant aspects of the guidance into their operations plans during the pandemic.

#### CDC Reports on Plant Walk-Throughs

CDC reports from their walk-throughs of meat and poultry plants from April through July 2020 described a lack of physical distancing on production lines and found that slower production lines were more a consequence of excessive absenteeism than proactive measures to space workers apart.

For example, during a visit to a large beef processing plant, CDC observed that the plant was using plastic sheeting and plastic bags as barriers on the production line and providing face shields to workers in areas on the production line where they could not remain distant from other workers and where barriers were not feasible. This included situations in which workers had to stand directly across from one another, or where barriers would have caused more hazard than benefit. The plant reported slower line speeds during this time as a result of increased absenteeism.

During a walk-through of a large poultry plant, CDC reported that some barriers were not large enough vertically or horizontally, and as a result, some side-by-side workers were not fully separated by the barriers. CDC also observed a few locations where there was no barrier in place to separate workers across from or next to each other, and that in some work areas, barriers were not feasible because work tasks required worker mobility.

Source: GAO analysis of CDC documentation | GAO-23-105104

The primary recommendation in the joint CDC/OSHA interim guidance was for companies to modify workstations, if feasible, so that workers are 6 feet apart in all directions, including whether they are positioned side-by-side or face-to-face. CDC stated in a walk-through report that physical distancing was one of the best strategies to avoid exposure to the virus and to slow its spread, and that barriers (the next recommended measure) should be used in combination with (and not replace) other physical distancing efforts (see sidebar).

A CDC Morbidity and Mortality Weekly Report stated that meat and poultry facilities facing the operational challenge of physical distancing on the production line might need to modify their production practices, and recommended that companies reduce their rates of processing animals to help ensure physical distancing on the production line.<sup>33</sup> These recommendations are consistent with findings from CDC plant walk-throughs and research showing that production processes that place workers in close proximity to one another increase the risk of COVID-19 transmission. For example, authors of a working paper published by USDA's Economic Research Service found that workers' proximity to others in meat and poultry plants likely was the main factor influencing the initial spread of COVID-19 relative to other industries.<sup>34</sup>

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<sup>33</sup>Dyal JW, Grant MP, Broadwater K, et al. 2020. *COVID-19 Among Workers in Meat and Poultry Processing Facilities—19 States*, April 2020. MMWR Morbidity and Mortality Weekly Rep 2020; 69:557–561. <http://dx.doi.org/10.15585/mmwr.mm6918e3>.

<sup>34</sup>USDA, Economic Research Service, *COVID-19 Working Paper: Meatpacking Working Conditions and the Spread of COVID-19*, AP-092, September 2021.

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### U.S. Meat and Poultry Production during the First Two Years of the Pandemic

Overall, U.S. meat and poultry production did not slow down during the first years of the pandemic. According to data from the U.S. Department of Agriculture (USDA), red meat production reached record highs in 2020 and 2021 (55.8 and 55.9 billion pounds, respectively). USDA reported a constant level of poultry production compared to pre-pandemic levels, with a combined total of about 9.5 billion chickens and turkeys slaughtered each year from 2019 to 2021. In addition, in April 2020, USDA approved 15 waivers for line speed increases in poultry plants during the pandemic.

Source: GAO analysis of USDA data | GAO-23-105104

Executive Order 13917 was issued in April 2020, and identified the production of meat and poultry as an essential activity and noted the importance of continued operation of the plants (see sidebar). The Executive Order permitted the Secretary of Agriculture to, among other things, issue regulations or orders to ensure meat and poultry processors continued operations consistent with the joint CDC/OSHA guidance, which was issued shortly before the Executive Order. DOL and USDA both communicated policy statements to meat and poultry companies about the Executive Order.<sup>35</sup> When asked what effect, if any, the April 2020 Executive Order had on operations, four of the 13 companies responding to this question in our survey reported that they interpreted the Executive Order as supporting continued operations during the pandemic, while eight of the remaining companies said the Executive Order had no effect on operations.<sup>36</sup>

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### Companies Reported Taking Various Protective Measures during the Pandemic; Workers Continued to Face Risks

We surveyed meat and poultry companies about selected measures they implemented in their plants, and we interviewed 24 meat and poultry workers from 13 companies in nine states. Of the 15 survey responses we received, companies generally indicated that they took a number of steps to reduce the spread of COVID-19. However, the spread of the disease among meat and poultry workers, as noted in the studies cited above, suggests that workers continued to face high risk of infection early in the pandemic. During interviews, 13 workers from five companies suggested safety measures were not as effective as they could have been at their plants because they felt that their employers often waited too long to take safety measures—sometimes after workers became ill or died—and also because they felt these measures were not appropriately

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<sup>35</sup>DOL issued a statement of enforcement policy regarding meat and poultry processing facilities stating that no part of the Joint CDC/OSHA Guidance should be construed to indicate that state and local authorities may direct a meat and poultry processing facility to close, or to remain closed, or to operate in accordance with procedures other than those provided for in the guidance. Statement of Enforcement Policy by Solicitor of Labor Kate O’Scannlain and Principal Deputy Assistant Secretary for OSHA Loren Sweatt regarding Meat and Poultry Processing Facilities, April 28, 2020. USDA sent a letter to the leadership of major meatpacking companies stating that the Executive Order authorized the agency to take all appropriate action to ensure America’s meat and poultry processors continued operations. In its letter, USDA stated that further action under the Executive Order and the Defense Production Act was under consideration and would be taken if necessary. USDA Letter to Stakeholders, Re: Executive Order 13917 Delegating Authority Under the Defense Production Act with Respect to the Food Supply Chain Resources During the National Emergency Caused by the Outbreak of COVID-19, May 5, 2020.

<sup>36</sup>The last company responding to this question said the Executive Order “provided clarity and direction.” Our results are not generalizable to all companies in the industry.

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implemented or enforced.<sup>37</sup> Below are some of the measures reported by meat and poultry companies and some details of worker concerns:

**Physical distancing.** We asked companies if they implemented physical distancing along production lines. Twelve of 15 companies indicated that they did so.<sup>38</sup> However, all 15 companies reported that it was not possible to maintain physical distancing on the entirety of the production line, with two stating that doing so would have negatively affected production.

In their responses to our survey, thirteen companies cited challenges associated with physical distancing, such as the physical layout of plants, and the design of work processes. In our survey, we also asked the companies whether they slowed their lines to allow for greater distancing between workers, and three of the 15 companies reported running their lines below capacity due to excessive COVID-19 absenteeism. (See appendix II for more on what companies told us about physical distancing.) While some plants reported slowing their lines, in April 2020, 15 poultry plants received approval from USDA to increase the speed of their lines.<sup>39</sup> As noted in the text box below, one study reported that poultry plants that received line speed waivers had a higher incidence of COVID-19.

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<sup>37</sup>We held group discussions with plant workers. The number of workers who commented on a particular topic may not include all the workers who agreed, or in some cases may have disagreed, with what was said by a coworker.

<sup>38</sup>We asked companies to check boxes next to a selection of specific measures recommended in the joint CDC/OSHA guidance to address the health concerns posed by COVID-19, one of which was “implementing physical distancing along the production line.” Twelve of the 15 companies checked the box indicating they had implemented that measure, with several providing additional information in the space provided.

<sup>39</sup>Waivers to increase line speeds may be requested of USDA. Plants receiving waivers are allowed to speed up part of their production line by 25 percent, from the standard rate of 140 birds per minute to a new limit of up to 175 birds per minute. The 15 *plants* that received waivers in April 2020 are not the same 15 *companies* that responded to our survey.

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### Effect of Line Speed Waivers during COVID-19

A faster production line may contribute to conditions that increase worker risk. For example, workers may be located in greater proximity to one another and have increased difficulty in maintaining personal protective equipment. These factors could contribute to conditions that increase the likelihood of viral transmission.

In 2018, the Food Safety and Inspection Service published criteria it would use to consider line speed waivers for chicken processors participating in its New Poultry Inspection System, seeking to operate line speeds up to 175 birds per minute. During the pandemic, several poultry plants received approval to increase their line speeds, permitting them to kill and process more birds per minute than allowed without a waiver under current USDA regulations. These approvals are known as line speed waivers because they waive the requirements to limit line speeds in current regulations.

One study looked at the relationship between line speed waivers and county COVID-19 case rates as of July 21, 2020. The study's analysis, which included several of the poultry plants that received line speed waivers from USDA throughout 2020, suggested that among counties with poultry plants, case rates were about twice as high in counties where a plant had received a line speed waiver in comparison to counties with non-waiver poultry plants, during the months examined. When examining only plants that received waivers in 2020, the study found that the relationship between plants with waivers and case rates was even greater in magnitude.

Source: Taylor CA, Boulos C, and Almond D, 2020. "Livestock plants and COVID-19 transmission." Proceedings of the National Academy of Sciences, Dec. 15, 2020, 117(50), 31706-31715 | GAO-23-105104

### Worker Experience: Barriers and Physical Distancing

We spoke with one worker whose job was to cut meat into smaller pieces that required many exact cuts, with less than 2 feet of space separating each person.

The worker told us that when plants increased line speed to meet high production quotas, workers were more crowded together.

According to the worker, the high production targets resulted in many lines being pushed to run 10 hours a day. The worker noted that longer work days meant workers may have experienced more exposure to COVID-19.

This worker also said the plant had installed plastic barriers. However, she also said that barriers were ineffective because workers moved around them to get their jobs done. As a result, the worker said she believed the lack of physical distancing at the plant was a key factor associated with high COVID-19 transmission rates. According to the worker, plant management told workers that if they did not meet their production target, they would be called into the office and given a written warning.

Source: Interview with plant worker | GAO-23-105104

Our analysis of companies' survey responses suggests that companies took steps to encourage distancing in communal areas. Examples of steps taken by at least one company to encourage physical distancing included: (1) removing some time clocks to eliminate bottlenecks, (2) implementing one-way corridors to allow workers to avoid passing one another, (3) staggering break times to reduce the number of people congregating at one time, and (4) staggering shift start times.

We interviewed 24 workers from 13 companies who had varying views on the steps companies took to ensure their safety through physical distancing. These workers described their concerns with plants' efforts at physical distancing on the production line and in other parts of the plant (see sidebar). For more examples of what workers said about physical distancing, see appendix II.

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**Barriers.** The joint CDC/OSHA interim guidance also recommended that companies use barriers to separate workers from each other, if feasible.<sup>40</sup> Thirteen of 15 companies reported using partitions between workstations where physical distancing was not feasible, with eight of these providing workers with face shields if partitions could not be installed. Eleven companies reported altering employee workstations by installing plexiglass barriers or plastic sheeting between workers. In addition, four of these companies reported installing barriers in common areas, such as cafeterias, break rooms, or bathrooms. During our visit to one plant, we observed partitions between workers on either side, but not between workers standing across from one another.

A photo provided to us by an industry group and another by a state agency show partitions placed on either side of workers standing in close proximity, with one showing a partial partition across from workers (see fig. 4 and fig. 5).

**Figure 4: Plastic Sheetting between Poultry Workers Standing in Close Proximity**



Source: National Chicken Council. | GAO-23-105104

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<sup>40</sup>CDC/OSHA joint guidance recommended that employers erect partitions between workers standing side-by-side and also between workers standing across from one another.



**Figure 5: Plastic Sheeting between Poultry Workers and a Partial Partition Separating Workers across from Each Other**



Source: Georgia's Office of Commissioner of Insurance and Safety Fire. | GAO-23-105104

Note: GAO added a dotted line and a caption to make visible the partial partition between workers facing each other.

We also obtained worker perspectives about barriers through interviews and reviews of relevant literature. Workers we spoke with expressed concerns with how plants established and used physical barriers (see Worker Experience: Barriers and Physical Distancing sidebar). For example, 14 workers from six companies said some workers' jobs required them to regularly step away from between the barriers throughout the day, thereby reducing their benefit, and one worker said that the placement of the plastic dividers was not effective because some workers in his plant were still grouped together within them.

**Masks, Temperature Checks, Sick Leave, and Other Company Measures.** Meat and poultry companies also reported taking a variety of other protective measures recommended by the joint CDC/OSHA interim guidance. The guidance recommends masking and screening employees for COVID-19 (such as by conducting temperature checks) and that employers review leave and incentive policies, among other things. CDC states that masking is effective at preventing the spread of COVID-19, and all 15 companies responding to our survey reported providing masks and requiring their employees to wear them. The workers we interviewed

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### Worker Experience: Temperature Checks

One worker told us that the policy at her plant required workers who felt sick to come to work and have their temperature taken. If a worker walked through a scanner and showed a temperature, they were sent to the nurse, who would take their temperature with a hand-held thermometer. As the pandemic progressed and workers arrived with fevers, the worker said the company decided nobody would be sent home unless they had a temperature of 101 degrees or higher.

The plant nurse told the worker we spoke with that this was very stressful, since some people only contracted low-grade fevers with COVID-19, and could still come to work and spread it to others. This worker said she witnessed a higher-level manager tell an employee who had a fever to go back to the floor. According to the worker, the employee felt sick, and the manager said, "Well you're wearing a mask, aren't you? Go back to the floor; you'll do fine."

Source: Interview with plant worker | GAO-23-105104

said that early in the pandemic, plants' mask requirements varied, and that throughout the pandemic, workers' mask use was inconsistent. Nine workers from three companies said that at the start of the pandemic, masks were optional, and then as workers became ill, mask use became required.<sup>41</sup> In its reports of its plant walk-throughs, CDC also found inconsistencies in masking policies and practices.

We also asked companies in our survey if they checked temperatures at plant entrances, and all 15 reported doing so. Five workers at four companies also reported that COVID-19 screening measures at their plants, such as temperature checks, were not very effective and that plants inconsistently enforced these measures (see sidebar).<sup>42</sup> For more examples of what workers said about masking and temperature checks, see appendix II.

Some meat and poultry workers received a variety of benefits related to sick leave and pay during the pandemic. For instance, in March 2020, the United Food and Commercial Workers union reported securing bonuses from meat and poultry companies for their members, as well as extra

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<sup>41</sup>In August 2021, FSIS, whose employees are present in these plants and exposed to plant conditions, issued a directive stating that plant workers had to wear masks when inspectors were present because it found that at least 25 percent of the facilities where FSIS inspectors are present either did not have a masking policy or were not enforcing their masking policy. FSIS Notice: FSIS Actions at Establishments That Do Not Follow Mask Requirements 34-21, August 20, 2021. FSIS canceled this directive on March 1, 2022.

<sup>42</sup>Studies published after the joint CDC/OSHA guidance was first issued showed that screening for fever using temperature checks may not be effective at preventing the spread of the COVID-19 virus, because many people with the virus experience mild symptoms or no symptoms. The studies also indicate that if people use fever-reducing medication, they may avoid detection and contribute to the spread of COVID-19 in the workplace. Nuertey, Benjamin Demah et al. "Performance of COVID-19 associated symptoms and temperature checking as a screening tool for SARS-CoV-2 infection." *PLoS ONE* vol. 16,9 e0257450. 17 Sep. 2021, <https://doi.org/10.1371/journal.pone.0257450>; and Facente, S.N., Hunter, L.A., Packel, L.J. et al. "Feasibility and effectiveness of daily temperature screening to detect COVID-19 in a prospective cohort at a large public university." *BMC Public Health* 21, 1693 (2021). <https://doi.org/10.1186/s12889-021-11697-6>. In addition, the Food and Drug Administration, which regulates non-contact temperature assessment devices, also includes infection without fever and the use of fever-reducing medications as limitations to the use of temperature screening devices to detect COVID-19. See Food and Drug Administration, "Non-contact Temperature Assessment Devices During the COVID-19 Pandemic," Downloaded on 3/13/23. Content now archived: see <https://public4.pagefreezer.com/browse/FDA/04-08-2022T09:32/https://www.fda.gov/medical-devices/coronavirus-covid-19-and-medical-devices/non-contact-temperature-assessment-devices-during-covid-19-pandemic>.

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weekly pay and up to 2 weeks of paid leave for COVID-related absences. Among companies responding to our survey, all 15 reported changing their sick leave policies to accommodate workers, with four providing various incentives. All 15 companies reported they became more liberal with their sick leave and less strict about absenteeism. For examples of changes companies reported making to their sick leave policies and incentives provided to workers, see appendix II.

Fourteen workers from eight companies noted that employers offered attendance bonuses during the pandemic, and that the bonuses encouraged workers to come to work sick.<sup>43</sup> Some of the workers we spoke to told us that their companies use an attendance point system that disciplines workers for taking unscheduled leave.<sup>44</sup> Fourteen workers from six companies said their companies continued to use a point system during the pandemic, requiring workers to come to work ill or receive points. For more examples of what workers told us about company sick leave policies and incentives, see appendix II.

We also asked workers about the effects of absenteeism on their work during COVID-19. Sixteen workers from five companies said that because of high absenteeism, they had to take on the work of absent colleagues, work faster or longer, and perform unfamiliar jobs. Ten workers from four companies said that high absenteeism resulted in them performing work at more than one workstation, reducing the benefit of plastic barriers. In addition, another worker said plant management would assign inexperienced workers to fill in on the production line for those who were out sick. Similarly, one worker advocate said that during COVID-19, workers were performing jobs they were not trained to do.

While all 15 companies responding to our survey reported providing workers with information about COVID-19 and their planned response, worker interviews indicated that some vital information was not well communicated by management at their plants. For example, 15 workers from four companies said their management did not share information about COVID-19 risks, and 21 workers from eight companies said management did not notify them when coworkers were ill. For more

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<sup>43</sup>Two worker advocacy groups also told us that companies that provided bonuses for working early in the pandemic may have had the negative effect of encouraging plant workers to come to work sick, thereby adding to the spread of COVID-19.

<sup>44</sup>An attendance point system is a policy that disciplines employees by assigning a point or multiple points for each unscheduled, unapproved absence, and may result in termination after accruing a defined number of points.

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examples of what workers said about employer communication about COVID-19, see appendix II.

Among the survey responses from companies, we identified commonly reported challenges in preventing the spread of COVID-19 among workers. These reported challenges included:

1. an inability to control workers' behavior and community exposure outside the plant;
2. difficulty convincing workers about vaccine safety; and
3. inconsistent vaccine mandates and messaging across states.<sup>45</sup>

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## OSHA Increased Inspections of Meat and Poultry Plants during the Pandemic, but Faced Enforcement Challenges

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Increased Complaints and Reports of Hazardous Conditions in Response to the Pandemic led OSHA to Conduct 162 Inspections, Resulting in 15 COVID-related Violations

OSHA conducts inspections in response to reports from employers, employees, and others (see sidebar below).<sup>46</sup> Based on evidence gathered during an inspection, OSHA evaluates whether the employer

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<sup>45</sup>Companies were asked to indicate the top three challenges moving forward to prevent the spread of COVID-19 among workers. We identified these themes on average, in at least eight of 15 company responses.

<sup>46</sup>For the purposes of this section, we use "reports" to refer to all of the various ways that OSHA learns of potential workplace hazards, including those required under law. OSHA may also plan inspections of companies based on injury incidence rates, previous citation history, or random selection.

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violated any safety and health standards, and may issue a citation that includes proposed financial penalties, or a hazard alert letter.<sup>47</sup>

## Reports to OSHA

### Sources of Reports of Potential Workplace Hazards to OSHA

OSHA generally learns of alleged workplace hazards in four ways, including those required under law:

**Complaints** from employees, their representatives, or others;

**Employer reports** of work-related injuries and illnesses, which employers are required to submit to OSHA;

**Non-Employer referrals** from selected entities such as local government agencies or media outlets; and

**Fatality reports** from employers, and less frequently from other sources such as the media.

Source: GAO analysis of OSHA documentation |GAO-23-105104

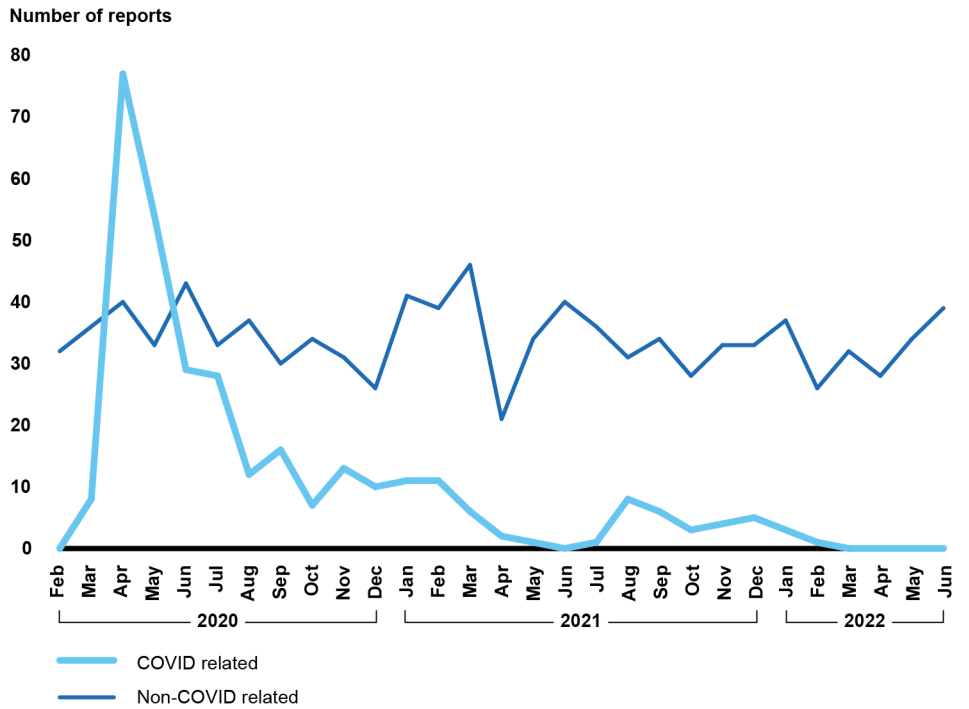
From February 2020 through June 2022, OSHA received a total of 316 COVID-related reports in the meat and poultry processing industry. These reports included 139 complaints, 27 employer reports, 53 non-employer referrals, and 97 reports of fatalities.<sup>48</sup> COVID-related reports increased from eight in March 2020 to 77 in April 2020 (see fig. 6).

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<sup>47</sup>If a standard does not apply and all criteria for issuing a general duty clause citation are not met, yet the area office director determines the hazard warrants some type of notification, OSHA's Field Operations Manual states that a hazard alert letter should be sent to the employer and employee representative describing the hazard and suggesting corrective action.

<sup>48</sup>Employers are required to report all work-related in-patient hospitalizations, amputations, and losses of an eye within 24 hours. 29 C.F.R. § 1904.39(a)(2). In addition, employers are required to report the work-related death of an employee to OSHA within 8 hours. 29 C.F.R. § 1904.39(a)(1). According to OSHA officials, most reports of fatalities come from employers. However, officials noted that they do receive reports of fatalities from other sources, such as the media or emergency medical personnel. In this report we refer to all reported fatalities as "reports of fatalities" or "fatality reports." Data throughout this report include enforcement activity performed by OSHA only and not by state agencies that operate under OSHA-approved state plans. OSHA has recorded data related to COVID-19 in the workplace since February 2020.

**Figure 6: Reports of Potential Workplace Hazards to the Occupational Safety and Health Administration (OSHA), Meat and Poultry Industry, COVID- and Non-COVID-Related, February 2020 through June 2022**



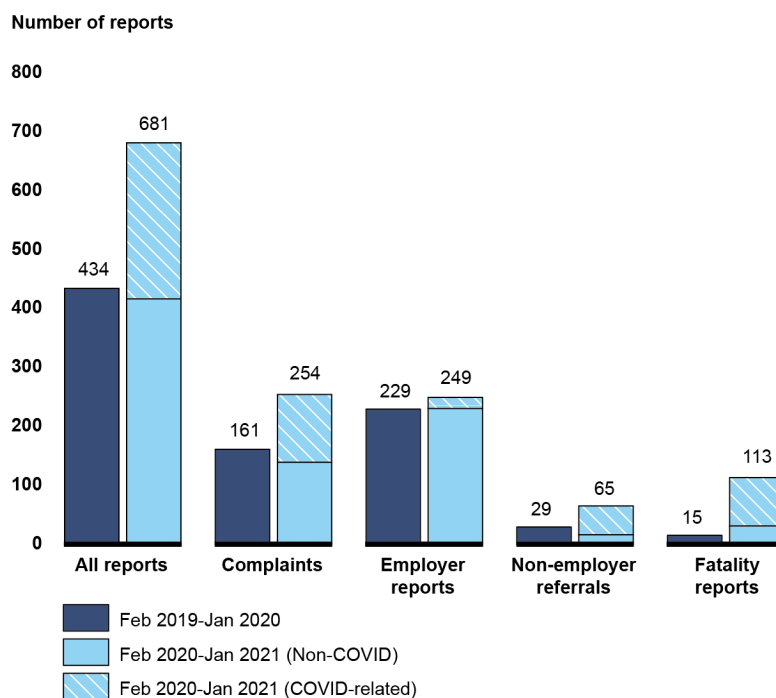
Source: GAO analysis of OSHA enforcement data. | GAO-23-105104

Notes: For the purposes of this section, we use “reports” to refer to the various ways that OSHA learns of potential workplace hazards, including those required under law. OSHA generally learns of such hazards in four ways: complaints, which are reports made by employees, their representatives, or others; employer reports, which are reports of severe work-related injuries and illnesses, which employers are required to submit; non-employer referrals, which are reports of potential workplace hazards from entities, such as local government agencies or media outlets; and reports of fatalities, from employers as well as media or emergency medical personnel. Employers are required to report all work-related in-patient hospitalizations, amputations, and losses of an eye within 24 hours (29 C.F.R. § 1904.39(a)(2)); and the work-related death of an employee within 8 hours (29 C.F.R. § 1904.39(a)(1)). Data throughout this report include enforcement activity performed by OSHA only, not by the 21 state agencies that operate under OSHA-approved state plans.

In the first year of the pandemic—from February 2020 to January 2021—total reports to OSHA about the meat and poultry industry increased by 57 percent compared to the previous 12-month period (from 434 to 681),

with sharp increases in non-employer referrals and fatality reports (see fig. 7).<sup>49</sup>

**Figure 7: Reports of Potential Workplace Hazards to the Occupational Safety and Health Administration (OSHA), by Type, Meat and Poultry Industry, February 2020 through January 2021, Compared to Previous 12-Month Period**



Source: GAO analysis of OSHA enforcement data. | GAO-23-105104

Notes: For the purposes of this section, we use “reports” to refer to the various ways that OSHA learns of potential workplace hazards. OSHA generally learns of such workplace hazards in four ways: complaints, which are reports made by employees, their representatives, or others; employer reports, which are reports of severe work-related injuries and illnesses, which employers are required to submit; non-employer referrals, which are reports of potential workplace hazards from entities, such as local government agencies or media outlets; and reports of fatalities, from employers as well as media or emergency medical personnel. Employers are required to report all work-related in-patient hospitalizations, amputations, and losses of an eye within 24 hours (29 C.F.R. § 1904.39(a)(2)); and the work-related death of an employee within 8 hours (29 C.F.R. § 1904.39(a)(1)). Data throughout this report include enforcement activity performed by OSHA only, and not by the 21 state agencies that operate under OSHA-approved state plans. We previously reported on issues related to the incubation period of the virus and difficulties in tracking the source of

<sup>49</sup>OSHA began tracking COVID-related reports in February 2020. We are identifying the first year of the pandemic as February 1, 2020, through January 31, 2021. We previously reported on issues related to the incubation period of the virus and difficulties in tracking the source of the exposure, and implications for employer reporting and determinations about whether fatalities are work-related. See [GAO-21-265](#).

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the exposure, and implications for employer reporting and determinations about whether fatalities are work-related. See [GAO-21-265](#).

For the entire period we examined, February 2020 through June 2022, OSHA received 97 COVID-related fatality reports about meat and poultry plants.<sup>50</sup> Of these, 42 were attributable to a single company. Company representatives said the company opted to report all COVID-related fatalities of workers who had been in the workplace within 30 days of the fatality, regardless of whether a determination related to work exposure had been made.<sup>51</sup> More than half of the COVID-related fatality reports for meat and poultry in the first year of the pandemic were received from April 2020 through June 2020.

Officials from one area office said the overall volume of reports gradually decreased, as employers' awareness of the pandemic increased in response to the agency's training and abatement measures.<sup>52</sup>

## OSHA Inspections

In response to these COVID-related reports, from February 2020 through June 2022, OSHA conducted 162 COVID-related inspections of meat and poultry facilities, including 126 on-site inspections and 36 remote

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<sup>50</sup>Under 29 C.F.R. § 1904.39(a)(1), employers are required to notify OSHA when an employee is killed as a result of a work-related incident. In May 2020, OSHA stated in its Revised Enforcement Guidance for Recording Cases of Coronavirus Disease that under OSHA's recordkeeping requirements, COVID-19 is a reportable illness and employers are responsible for recording if the case is 1) a confirmed COVID-19 illness, 2) work-related, and 3) involves one or more of the recording criteria set forth in 29 C.F.R. § 1904.7. In its Frequently Asked Questions about Reporting Work-Related Cases of the Coronavirus, OSHA noted that employers must report fatalities for work-related confirmed cases of COVID-19 if the fatality occurred within 30 days of an exposure to COVID-19 at work. See 29 C.F.R. § 1904.39(b)(6). Fatalities must be reported within 8 hours from when OSHA learned of the work-related fatality.

<sup>51</sup>Company officials said that they made no determination if the COVID-related fatalities were work-related.

<sup>52</sup>We interviewed officials at this area office about worker safety for previous reports, including [GAO-21-265](#) and [GAO-22-105051](#).



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inspections.<sup>53</sup> In the first year of the pandemic—from February 2020 through January 2021—OSHA’s total inspections of meat and poultry facilities increased by about 20 percent over the previous year.<sup>54</sup> COVID-related inspections, which began in April 2020, rose sharply early in the pandemic and then declined.<sup>55</sup> Non-COVID-related inspections dropped early in the pandemic and then gradually increased (see fig. 8).

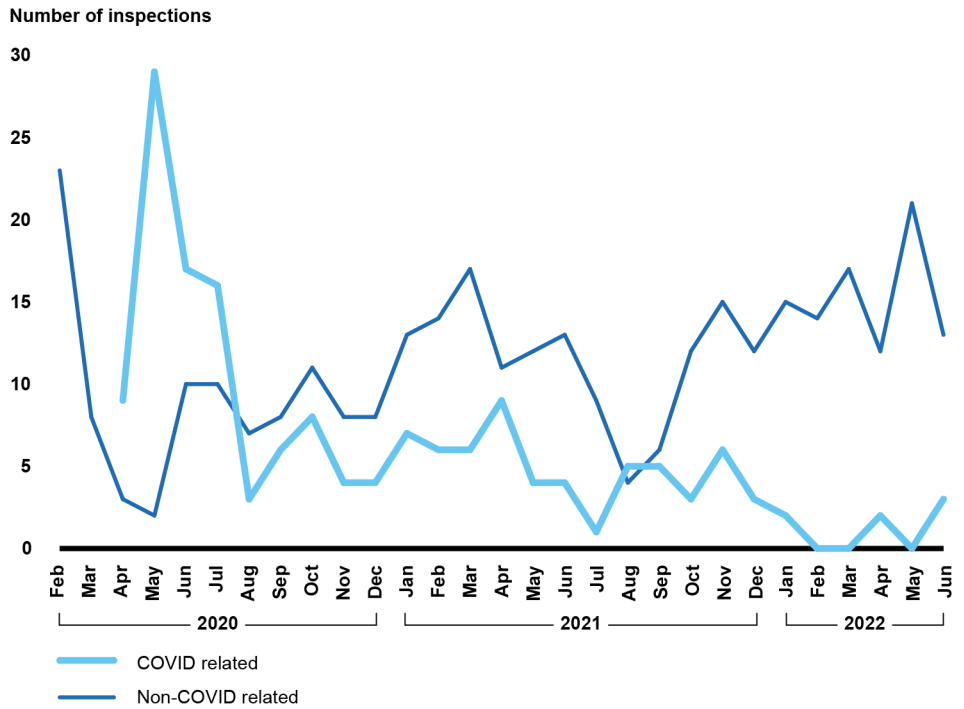
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<sup>53</sup>In addition to inspections, OSHA conducts informal inquiries to respond to complaints, referrals, or employer reports of severe injury or illness that do not meet OSHA’s criteria for conducting inspections. According to OSHA’s Field Operations Manual, if area directors consider employers’ responses to these informal inquiries to be inadequate, they may initiate a related inspection. During the period we examined, OSHA conducted 23 informal COVID-related inquiries of meat and poultry facilities that did not result in inspections. OSHA also conducted 370 informal inquiries of meat and poultry facilities during this time frame in response to non-COVID-related reports. While OSHA conducted informal inquiries prior to the pandemic, it did not conduct remote inspections before that time.

<sup>54</sup>DOL’s Office of Inspector General identified a significant decrease in OSHA inspections of all industries from February 1, 2020 through October 26, 2020 as compared to a similar period in 2019. See U.S. Department of Labor, Office of Inspector General Office, Office of Audit, 19-21-003-10-105, Feb. 25, 2021.

<sup>55</sup>COVID-related inspections may result in COVID-related and non-COVID-related violations.

**Figure 8: COVID- and Non-COVID-Related Occupational Safety and Health Administration (OSHA) Inspections, Meat and Poultry Industry, February 2020 through June 2022**



Source: GAO analysis of OSHA enforcement data. | GAO-23-105104

Note: OSHA has recorded data related to COVID-19 in the workplace since February 2020.

In March 2021, OSHA initiated a COVID-19 National Emphasis Program to target its inspections of industries with a higher risk of exposure to COVID-19.<sup>56</sup> As of June 2022, OSHA conducted 50 COVID-related meat and poultry inspections in conjunction with this program, including 40

<sup>56</sup>Typically, emphasis programs focus inspections on a particular safety or health hazard or a specific industry. As part of the COVID-19 National Emphasis Program, OSHA targeted establishments for these inspections based in part on summary injury and illness data. In July 2021, OSHA updated its National Emphasis Program to include an added focus to protect workers from retaliation. In June 2022, OSHA extended the program until further notice and raised its goal of inspections conducted under the program from 5 percent of all OSHA inspections to 10 percent.

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unprogrammed inspections and 10 programmed inspections.<sup>57</sup> These 50 inspections are included in the COVID-related inspection data above. See text box for summaries of selected inspections of meat processing facilities during the pandemic.

**Examples of Recent COVID-related OSHA Inspections of Meat Processing Plants**

**OSHA's Inspection of a Meat Plant in Response to a Complaint**

In April 2021, OSHA conducted an on-site inspection of a large meat plant in response to a complaint alleging, among other things, a lack of physical distancing; as well as concerns about sick leave, training, and information sharing. During the inspection, OSHA reviewed employee health records and other documentation. Plant management described several mitigation measures, such as temperature-taking, voluntary testing, and contact tracing, and developed a group texting platform to communicate new policies or changed work practices to workers. The plant reported on its injury and illness log that it had five workers with work-acquired COVID-19 in 2020. OSHA found that most elements necessary for compliance with CDC and OSHA requirements were present. OSHA issued no citations.

**OSHA Inspection of a Meat Plant in Response to a Media Report**

In May 2020, OSHA conducted an on-site inspection of a large meat plant in response to a media report alleging hundreds of positive cases of COVID-19 and up to six deaths. While the employer required masks and physical distancing, and posted signs in several languages about hygiene practices, among other things, OSHA found that these practices were not followed consistently. OSHA also found that the employer was not able to communicate effectively with workers because management could not accommodate other languages workers spoke. OSHA also identified concerns with COVID-19 screening and testing, social distancing, COVID-related leave, and contact tracing practices. OSHA cited a general duty clause violation and a recordkeeping violation and proposed a penalty of \$15,615. The company contested the citation. In May 2022, OSHA and the company finalized a settlement requiring the company to take abatement actions to address social distancing and protective measures and provide documentation of these actions. OSHA agreed to withdraw the general duty clause citation and adjusted the penalty to \$14,502.

Source: Occupational Safety and Health Administration (OSHA) documentation. | GAO-23-105104

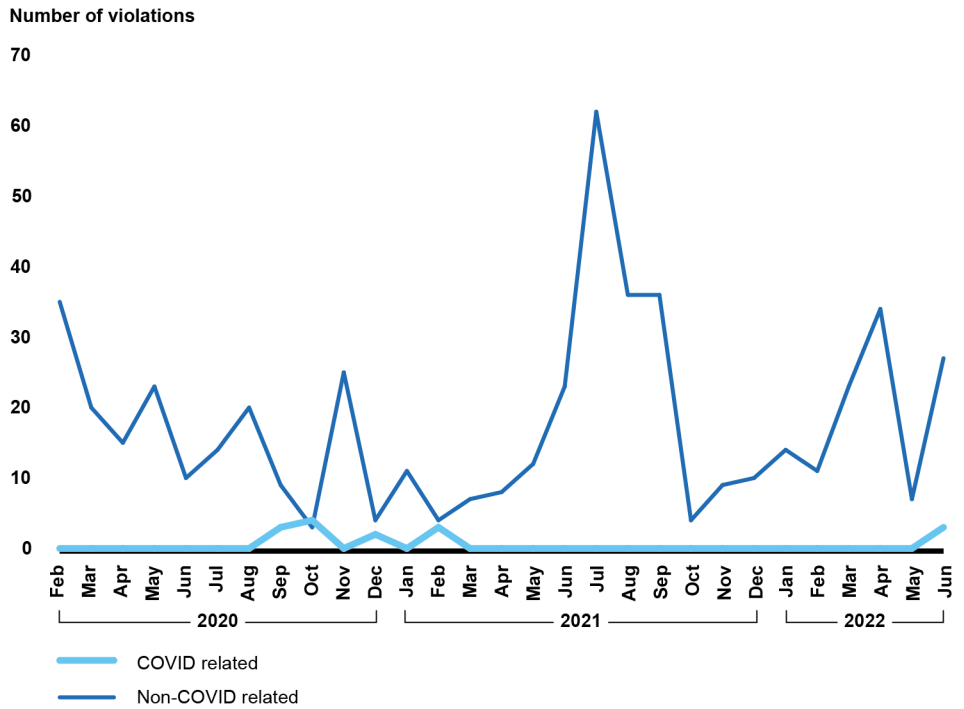
Violations

From February 2020 through June 2022, OSHA conducted 328 non-COVID-related meat and poultry plant inspections that led to 516 non-COVID-related violations. The 162 COVID-related meat and poultry plant inspections that OSHA conducted led to 15 COVID-related violations (see fig. 9).

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<sup>57</sup>Unprogrammed inspections are conducted in response to complaints, referrals, and other reports. Programmed inspections are planned based on injury incidence rates, previous citation history, or random selection. From February 2020 through June 2022, about 92 percent of meat and poultry inspections were unprogrammed, compared to 83 percent from February 2018 through January 2020.

**Figure 9: Total COVID- and Non-COVID-Related Occupational Safety and Health Administration (OSHA) Violations, Meat and Poultry Industry, February 2020 through June 2022**



Source: GAO analysis of OSHA enforcement data. | GAO-23-105104

Notes: Dates for violations represent the dates violations were issued. According to OSHA officials, the increase in non-COVID violations in July 2021 reflects three inspections with a large number of violations that were issued during that month.

## OSHA Officials Told Us Protecting Meat and Poultry Workers Was Difficult Because Existing Standards Do Not Address Airborne Infectious Diseases

### Challenges Related to Enforcing Standards

OSHA officials said protecting meat and poultry workers was difficult because existing standards often are not applicable to COVID-19. Officials at five of seven OSHA area offices we met with said that without an applicable standard that covers meat and poultry workers, it is difficult

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to issue citations.<sup>58</sup> Eleven of the 15 COVID-related violations OSHA cited from February 1, 2020, through June 30, 2022, were issued in response to violations of OSHA’s standards. For the remaining four violations, OSHA cited the general duty clause (see discussion below). OSHA cited the 11 violations at four meat and two poultry plants and assessed just over \$51,000 in penalties (see app. III for additional details).<sup>59</sup> The 11 violations consisted of:

- Eight recordkeeping violations, such as recording injuries and illnesses in a company’s OSHA log;<sup>60</sup> and
- Three personal protective equipment violations related to the use of personal protective equipment, such as training employees to use respirators.<sup>61</sup>

During an inspection of a beef plant in Nebraska, for example, OSHA cited the employer for failing to have a respiratory protection program,

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<sup>58</sup>In October 2021, we reported that OSHA inspectors had described similar challenges across all industries. In that report, we also noted that the preamble to the health care ETS issued in June 2021 stated that OSHA’s efforts to enforce existing standards to address the COVID-19 hazard have been significantly hindered by the absence of any specific requirements related to some of the most important COVID-19 mitigation measures. See [GAO-22-105051](#).

<sup>59</sup>OSHA assesses financial penalties for violations based on various factors outlined in statute and OSHA policy. For example, after January 15, 2023, violations determined to be serious are subject to penalties of up to \$15,625 per violation, and violations determined to be willful or repeated are subject to penalties of up to \$156,259 per violation. See 88 Fed. Reg. 2,210, 2,217-18 (Jan. 13, 2023) (to be codified at 29 C.F.R. § 1903.15(d)). Some of these cases may still be open and may have been contested or appealed by the employers, which could ultimately result in changes to the violations cited or penalties issued. In addition, under the OSH Act, OSHA has 6 months from the occurrence of a violation to issue a citation and any related penalties, so totals for the number of violations cited and penalties issued from February 2020 through June 2022 may not reflect the total that will eventually be cited or issued related to inspections initiated during those months. These data are current as of June 30, 2022.

<sup>60</sup>In January 2021, we reported that employers did not report any summary injury and illness data on more than one-half of their establishments that we estimated met OSHA’s reporting requirements. See GAO, *Workplace Safety and Health: Actions Needed to Improve Reporting of Summary Injury and Illness Data*, [GAO-21-122](#) (Washington, D.C.: Jan. 27, 2020).

<sup>61</sup>OSHA also cited four violations of the “general duty clause”—the statutory provision requiring each employer to provide employees with employment and places of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to the employees. 29 U.S.C. § 654(a)(1). The “general duty clause” can be used when no standards apply to a hazard and certain criteria are met. See discussion below.

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## Challenges Related to the General Duty Clause

conduct evaluations of an employee's ability to use a respirator, test respirators to ensure they fit correctly, train employees to use respirators, and provide N95 masks to workers who were conducting temperature screenings. OSHA cited a serious violation and proposed a penalty of \$13,653 for failing to provide N95 masks.

The most common COVID-related violations that OSHA cited during its inspections of meat and poultry plants were associated with reporting and recording injuries and illnesses, which OSHA did not determine to be serious violations.<sup>62</sup> For example, in one COVID-related inspection at a Texas plant, OSHA found that the company had not recorded several instances of work-related COVID-19 illness and fatalities and did not report to OSHA within 8 hours of a COVID-19 fatality that resulted from a work-related incident. OSHA cited an other-than-serious violation and assessed the company more than \$11,500 in proposed penalties.

In the absence of a specific standard targeting COVID-related hazards, officials from three of seven OSHA area offices we met with said they cited employers for violations of the general duty clause. In addition to the 11 violations of standards discussed above, OSHA cited four COVID-related general duty clause violations to meat employers and none to poultry employers from February 1, 2020, through June 30, 2022. These four citations resulted in total proposed penalties of about \$78,000.

The employers contested the citations in all four cases. After negotiations with each cited company, OSHA agreed to withdraw three of the four violations and change the remaining violation—which resulted from an inspection of a large meat plant in South Dakota—to a personal protective equipment violation, and reduce the penalties by about one third.<sup>63</sup> In the South Dakota inspection, OSHA reported that over 1,200 workers had been infected and four workers had died of complications related to the virus. OSHA inspection documentation stated that the company failed to develop or implement timely measures to mitigate employees' exposure, and assessed a proposed penalty of \$13,494. This company contested

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<sup>62</sup>A serious violation exists when there is a substantial probability that the workplace hazard could most likely result in death or serious physical harm, unless the employer did not know or could not, with reasonable diligence, have known of the violation.

<sup>63</sup>We do not include this violation of the personal protective equipment standard in our discussion of standards above because it was the result of a settlement rather than a citation for a violation issued directly by OSHA. Although the negotiations associated with the fourth general duty clause citation were completed at the time we received the dataset from OSHA, we are including it in our counts of violations for the sake of consistency.

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the general duty clause citation, and the case was settled in October 2021. In the settlement, the company agreed to implement an infectious disease preparedness plan at all of its processing facilities. In the settlement, OSHA agreed to change the citation to a violation of the personal protective equipment standard, and did not change the amount of the penalty.

Citing a violation of the general duty clause can be challenging because inspectors typically need to gather considerable evidence to support this type of violation.<sup>64</sup> OSHA area and regional office officials noted challenges to citing the general duty clause for COVID-related meat and poultry inspections. For example:

- If a company has taken any steps to implement COVID-related guidance, even if taking additional measures could have further protected workers, it can be difficult to issue a citation under the general duty clause.<sup>65</sup> For example, one OSHA official said that if an employer provided masks, checked temperatures, and staggered shift changes, inspectors could not say the company failed to meet its responsibilities under the general duty clause, even if there were other steps the plant may have taken.<sup>66</sup>
- OSHA officials cited the rapidly changing guidance on how to respond to the virus as a challenge, since inspectors could use this guidance—including the joint CDC/OSHA guidance for meat and poultry workers and employers—to establish support for general duty clause

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<sup>64</sup>See [GAO-18-12](#) and [GAO-22-105711](#).

<sup>65</sup>In October 2021, we reported that OSHA stated in the preamble to its healthcare ETS that in many cases during the pandemic, inspectors found that employers were following some minimal COVID-19 mitigation strategy, while ignoring other crucial components of employee protection. We reported that the preamble noted that in such instances, because the employer had taken some steps to protect workers, successfully proving a general duty clause citation would have required OSHA to show that the additional missing measures would have further materially reduced the COVID-19 hazard. [GAO-22-105051](#).

<sup>66</sup>In April 2020, OSHA stated that the agency would take employers' attempts to comply in good faith into strong consideration when determining whether to cite a COVID-related violation, and added that the agency might issue a citation if it found an employer could not demonstrate any efforts to comply. This "good faith effort" policy ended in July 2021, when OSHA determined it was no longer needed. We reported in October 2021 that OSHA inspectors had different understandings of how to track this citation discretion, making it difficult to assess its impact. [GAO-22-105051](#).

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## Issuing Hazard Alert Letters When Standards Do Not Apply

citations.<sup>67</sup> One area office official said that each update to COVID-related information and guidance required adjustments by OSHA and the meat and poultry industry.<sup>68</sup>

OSHA may issue hazard alert letters when OSHA does not have enough evidence for a citation. These letters warn employers about the danger of specific workplace hazards and provide information on how to protect workers. OSHA issued 39 COVID-related hazard alert letters to meat and poultry employers between February 1, 2020, and June 30, 2022. According to officials in one OSHA area office, hazard alert letters put companies on notice and, when necessary, give OSHA more leverage to move to a general duty clause violation in a follow-up inspection if the hazard persists.

Officials at the area office also said that they primarily issued hazard alert letters during COVID-related inspections because there was no specific regulation outlining the steps required to address COVID-related hazards. For example, at a plant in Nebraska, more than 1,700 workers contracted COVID-19 and three workers died of the virus. OSHA found that the employer potentially exposed healthy employees to employees who were COVID-19 positive, allowed some employees to work within 6 feet of each other without barriers, failed to disinfect commonly touched surfaces, and failed to develop an effective contact tracing program. However, OSHA did not cite a violation and instead issued a hazard alert letter.

## Additional Efforts to Develop New Standards and Protect Workers

According to OSHA officials, OSHA is developing an infectious disease standard for healthcare and healthcare support workers and has not considered developing a similar standard to protect meat and poultry workers from airborne infectious disease.<sup>69</sup> According to the Fall 2022 Unified Agenda of Regulatory and Deregulatory Actions, the agency intends to issue a Notice of Proposed Rulemaking for this standard by September 2023. The officials also said that while this standard was

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<sup>67</sup>Inspectors could use OSHA guidance to provide support that a hazard was recognized and that there was a feasible means of abatement for the hazard.

<sup>68</sup>In October 2021, we noted a similar challenge and recommended that OSHA assess various challenges related to communications and guidance. The recommendation remained open as of May 31, 2023. See [GAO-22-105051](#).

<sup>69</sup>This standard has been under development since 2010. In April 2012, we reported that on average, from 1981 through 2010, it took OSHA nearly 8 years to develop and issue standards. See [GAO-12-330](#).



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never intended to cover workers in non-healthcare settings, it would cover settings such as health units within meat and poultry plants. OSHA is also working to develop a permanent COVID-19 healthcare standard based on its Occupational Exposure to COVID-19 in Healthcare Settings ETS. According to OSHA officials, this standard will not include meat and poultry workers but may cover settings such as health units within meat and poultry plants.<sup>70</sup>

OSHA recognizes the widespread effect of COVID-19 on industries beyond healthcare. In its March 2021 interim enforcement response plan, OSHA updated its pandemic-related enforcement policy by expanding the higher risk designation for COVID-19 exposure from healthcare settings to any workplace that could be crowded or involve a high level of interaction with people, such as meat and poultry processing. In May 2022, the Assistant Secretary of Labor for Occupational Safety and Health testified that OSHA would continue to inspect non-healthcare high-risk industries under the COVID-19 National Emphasis Program. However, as noted above, OSHA officials found citing hazards resulting from COVID-19 difficult, and only one of the 50 inspections conducted under this national emphasis program at meat and poultry plants between March 2021 and June 2022 resulted in a citation.

As discussed earlier, the CDC's NIOSH conducts occupational safety and health research and workplace evaluations, and makes recommendations to prevent worker injuries and illnesses. Importantly, NIOSH also may recommend standards for OSHA's adoption, or could provide assistance if OSHA were to consider standards for meat and poultry workers. NIOSH has also studied the effect of COVID-19 on meat and poultry workers in 44 counties across 19 states since February 2020. NIOSH officials told us a broader approach to infectious diseases—not limited to a specific disease or occupation—might better prepare the nation for future outbreaks, given the outbreaks of COVID-19 among meat and poultry workers and workers in other non-healthcare occupations.

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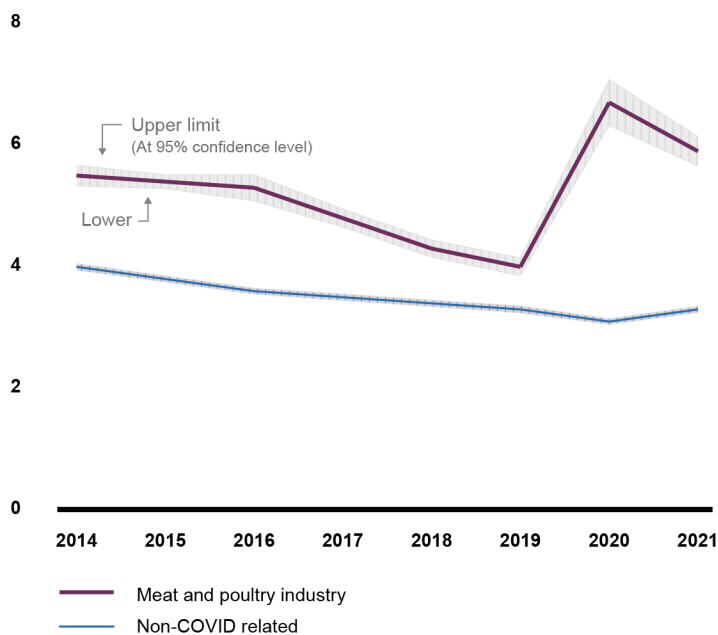
<sup>70</sup>According to OSHA, the Occupational Exposure to COVID-19 in Healthcare Settings ETS served as a proposed rule on which the public could comment. OSHA held a public hearing in late April 2022 and accepted comments through late May 2022. OSHA officials told us that as of September 2022, they were working on finalizing the permanent standard. The ETS focuses on protecting healthcare and healthcare support service workers from occupational exposure to COVID-19 in settings where people with COVID-19 are reasonably expected to be present.

## OSHA Continues to Face Challenges Ensuring the Safety and Health of Meat and Poultry Workers

As described above, the COVID-19 pandemic highlighted existing hazardous conditions in meat and poultry plants, such as overcrowding. Although the meat and poultry industry is part of the broader category of manufacturing, the most recent data available from the Bureau of Labor Statistics show that injury and illness rates for meat and poultry workers continued to be higher than for all manufacturing workers through 2021 (see fig. 10).<sup>71</sup>

**Figure 10: Injury and Illness Rates in the Meat and Poultry Industry, Compared with Rates in All U.S. Manufacturing, Calendar Years 2014-2021**

Total recordable case rate (Cases per 100 workers)



Source: GAO analysis of Bureau of Labor Statistics injury and illness data. | GAO-23-105104

Note: For both series, the upper and lower bounds of the 95 percent confidence level are shown in gray.

Our past reports found that ensuring the safety and health of meat and poultry workers has been an ongoing challenge for the agency. For example, in 2005 and again in 2016, we reported that meat and poultry workers faced hazardous conditions, such as tasks associated with

<sup>71</sup>According to documentation from the Bureau of Labor Statistics, increases in the respiratory illness case rate—driven by COVID-related illness—caused injury and illness rates reported in their survey to increase in 2020.

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musculoskeletal disorders, exposure to chemicals and pathogens, and traumatic injuries from machines and tools. Meat and poultry workers' vulnerability, and their resulting fear of speaking up, may make it difficult for OSHA to learn about and respond to hazards including COVID-19.<sup>72</sup>

OSHA data also suggest that COVID-19 affected the meat and poultry industry more than it did the manufacturing industry as a whole.

- Reports to OSHA about meat and poultry plants increased 57 percent during the first year of the pandemic (February 2020 through January 2021), compared to the prior 12-month period (from 434 to 651), while reports to OSHA about manufacturing facilities as a whole decreased slightly (from 10,599 to 10,325).
- The 15 COVID-related meat and poultry violations made up over 40 percent of all of the COVID-related violations OSHA cited in the manufacturing sector.<sup>73</sup> When asked why the meat and poultry industry comprised such a large proportion of the COVID-related violations at manufacturing facilities, OSHA officials said that meat and poultry establishments were more likely to be inspected because the industry was included in the COVID-19 National Emphasis Program, and the nature of the work required employees to be on site and therefore more at risk for contracting COVID-19 in the workplace.

OSHA recognizes meat and poultry as a hazardous industry and has taken some steps to address these hazards. Since 2017, the agency implemented three local emphasis programs for meat processing and six regional emphasis programs for poultry processing.<sup>74</sup> OSHA also provides information on its website about steps meat and poultry companies can take to reduce the numerous workplace hazards their workers face. In addition, OSHA conducted extensive outreach to the

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<sup>72</sup>In 2017, we reported that workers said they may be less likely to seek treatment for injuries and illnesses because of their vulnerable status as undocumented or foreign-born workers and because of their economic vulnerability. See [GAO-18-12](#).

<sup>73</sup>This includes 11 COVID-related violations of OSHA standards and 4 COVID-related violations of the general duty clause.

<sup>74</sup>OSHA's emphasis programs focus inspections on a particular safety or health hazard or a specific industry. Other industries for which OSHA has implemented emphasis programs include construction, tree and landscape operations, dairy farm operations, warehousing, grain handling, logging, and the oil and gas industry, among others.

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meat and poultry industry, including forming partnerships with and providing compliance assistance to the industry.<sup>75</sup>

To help OSHA more effectively address these hazardous conditions and help enhance meat and poultry worker safety, we have made six recommendations to DOL since 2016. DOL implemented one of these recommendations, by developing an updated MOU with FSIS. DOL has not implemented the other five, including a recommendation on tracking the occurrence of musculoskeletal disorders among meat and poultry workers, providing guidance to meat and poultry plant medical units, and determining the extent that bathroom access is a challenge for meat and poultry workers and how to address any identified issues, among others (see app. IV).<sup>76</sup>

While OSHA continues to face challenges ensuring the safety and health of meat and poultry workers, OSHA also has the authority to assess the need for standards to protect workers. Section 6(b) of the OSH Act authorizes the Secretary of Labor to, “promulgate, modify, or revoke any occupational safety or health standard” when they determine that doing so would serve the objectives of the OSH Act, which include ensuring employers provide their workers a place of employment free from recognized hazards. In the past, OSHA has adopted standards for specific industries, such as logging operations, to address hazards associated with those industries.<sup>77</sup> For example, OSHA’s final rule for grain handling facilities, issued in 1987, focuses on the control of fires,

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<sup>75</sup>In July 2020, OSHA formed an alliance with the North American Meat Institute—a trade association that represents companies that produce beef, pork, veal, and turkey—to share information and provide access to training resources.

<sup>76</sup>The five open recommendations include 1) developing and implementing a cost-effective method for gathering more complete data on musculoskeletal disorders ([GAO-16-337](#)); 2) studying how to regularly gather data on injury and illness rates among sanitation workers in the meat and poultry industry ([GAO-16-337](#)); 3) taking additional steps to encourage workers to disclose sensitive concerns during OSHA inspections of meat and poultry plants ([GAO-18-12](#)); 4) gathering more information to determine the extent to which bathroom access is a problem and how to address any identified issues ([GAO-18-12](#)); and 5) updating OSHA’s guidance for employers on how to manage their health units to address the challenges of managing these units ([GAO-18-12](#)). See appendix IV for more information.

<sup>77</sup>See 29 C.F.R. §§ 1910.261-272.

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grain dust explosions, and other hazards associated with grain handling facilities.<sup>78</sup>

OSHA officials told us that they have not considered a specific standard for meat and poultry workers. Officials said that to consider regulatory protections for these workers, the agency would need to assess whether legal requirements under Section 6(b) of the OSH Act are met, such as finding that there is a significant risk of material harm, among other things. Officials also said that OSHA already has many standards that protect workers in this industry, including use of personal protective equipment, cleanliness of walking surfaces, and handling toxic and hazardous substances.<sup>79</sup> Despite these existing standards and emphasis programs, the challenges noted in this and in our past reports remain.<sup>80</sup>

Without assessing the actions needed to better protect meat and poultry workers—such as assessing the need for an industry standard—OSHA may be missing an opportunity to help itself address multiple challenges and strengthen its ability to ensure the safety and health of meat and poultry workers.

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## OSHA and FSIS Missed Opportunities to Collaborate during the Pandemic, and Did Not Follow Most Leading Collaboration Practices

### OSHA and FSIS Officials Met during the Pandemic, but Missed Opportunities to Collaborate

FSIS officials said their agency met with OSHA officials several times during the pandemic. In March 2020, officials from USDA’s Office of the Secretary met with their OSHA counterparts to discuss mutual issues of concern about how the COVID-19 pandemic was affecting the meat and poultry industry, but FSIS was not involved in these meetings, according to FSIS officials. FSIS officials said they met with OSHA officials in May

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<sup>78</sup>See 29 C.F.R. § 1910.272.

<sup>79</sup>See, e.g.: 29 C.F.R. §§ 1910.132-.140; 1910.22-.30; and 1910.1000-.1499.

<sup>80</sup>See [GAO-05-96](#), [GAO-16-337](#), and [GAO-18-12](#).

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2020 to discuss how FSIS could best respond to new information about COVID-19 transmission, and how FSIS should interpret and implement updated CDC guidance on protecting workers. In January 2021, OSHA and FSIS officials at the national office began meeting weekly, according to FSIS officials. According to OSHA officials, this continued until November 2021, when the agencies began meeting monthly. However, the agencies did not document the results of these meetings, and officials were unable to provide details such as what was discussed and what collaboration activities occurred as a result.<sup>81</sup>

OSHA and FSIS missed opportunities to collaborate on worker safety in these meetings by not including field staff, who had direct knowledge of conditions at meat and poultry plants and who could have provided information about protecting plant workers during the pandemic. OSHA field-level officials from each of the seven area offices we met with said they were not involved in such discussions. Similarly, FSIS Occupational Safety and Health Specialists, who focus on FSIS inspector safety, said they were not involved in discussions with OSHA.

OSHA and FSIS also missed opportunities to share information about conditions in the plants. As stated above, OSHA conducted 162 COVID-related inspections of meat and poultry plants from February 2020 through June 2022, 36 of which were remote. These remote OSHA inspections were conducted via telephone, video conference, or email. However, OSHA field-level officials we spoke with reported they did not contact FSIS officials who were present in plants for them to identify conditions that may affect workers, because OSHA policy does not call for its inspectors to notify FSIS of planned plant inspections. FSIS field-level officials we spoke with also reported no contact with their counterparts at OSHA. We found that OSHA and FSIS officials in the field generally were unaware of any collaboration activities during the pandemic. A February 2021 DOL Office of Inspector General (OIG) report that focused on all industries expressed concern that because OSHA conducted some inspections remotely during the pandemic, workplace

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<sup>81</sup>FSIS provided dates of meetings and a list of people invited to each meeting, but did not provide documentation of what was discussed or decided.

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hazards may have gone unidentified and unabated longer, leaving employees vulnerable.<sup>82</sup>

OSHA and FSIS also missed opportunities to share worker safety-related documentation. FSIS safety committees in each circuit—a geographic area containing a number of plants—meet twice a year to discuss safety issues and conduct safety assessments, and FSIS officials said they do not share the safety assessments with OSHA.<sup>83</sup> OSHA officials said that receiving FSIS reports of safety and health hazards could enhance safety for both FSIS and plant employees. Beyond the safety assessments, USDA’s OIG found that FSIS was unable to provide an accurate count of the number of reports of safety or health hazards identified by its own staff. The OIG recommended that FSIS record this information centrally.<sup>84</sup> According to FSIS officials, the agency developed and used COVID-19 Situation Reports to track COVID-19 cases, including the status of FSIS staff who tested positive for COVID-19. FSIS officials reported that they did not share the information in these reports with OSHA.

In March 2022, DOL’s OIG reported that OSHA had not collaborated with other federal agencies, including FSIS, to help safeguard mission-critical

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<sup>82</sup>U.S. Department of Labor, Office of Inspector General, Report to the Occupational Safety and Health Administration, *COVID-19: Increased Worksite Complaints and Reduced OSHA Inspections Leave U.S. Workers’ Safety at Increased Risk*, Report Number: 19-21-003-10-105 (Washington, D.C., Feb. 25, 2021).

<sup>83</sup>FSIS’s field operations are conducted by ten districts: Alameda, CA, covering Arizona, California, and Nevada; Atlanta, GA, covering Florida, Georgia, Puerto Rico, South Carolina, and the U.S. Virgin Islands; Chicago, IL, covering Illinois, Indiana, Michigan, and Ohio; Dallas, TX, covering Louisiana, New Mexico, Oklahoma, and Texas; Denver, CO, covering Alaska, American Samoa, Colorado, Guam, Hawaii, Idaho, Northern Mariana Islands, Montana, Nebraska, Oregon, Utah, Washington, and Wyoming; Des Moines, IA, covering Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin; Jackson, MS, covering Alabama, Kentucky, Mississippi, and Tennessee; Philadelphia, PA, covering Connecticut, Massachusetts, Maine, New Hampshire, New York, Pennsylvania, Rhode Island, and Vermont; Raleigh, NC, covering Delaware, District of Columbia, Maryland, North Carolina, New Jersey, Virginia, and West Virginia; and Springdale, AR, covering Arkansas, Kansas, and Missouri. Each of these districts is comprised of some number of circuits, or geographic areas, within each district. A circuit is an organizational structure of plants and positions within an FSIS district designed to deliver program services and provide supervision in an efficient and effective manner to in-plant personnel. According to FSIS officials, each district has about 12-16 circuits, and each circuit has a safety committee that meets twice a year.

<sup>84</sup>USDA, Office of Inspector General, *COVID-19—Food Safety and Inspection Service Pandemic Response at Establishments*, Inspection Report 24801-0001-23 (Washington, D.C., July 2022).

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U.S. workers during the pandemic.<sup>85</sup> The OIG also reported that enhanced collaboration between OSHA and other federal agencies—including FSIS—with enforcement personnel on site in high-risk COVID-19 industries could have better protected workers. At the time, the OIG reported that OSHA’s current MOUs—including the 1994 MOU with FSIS—were ineffective for implementing a government-wide approach for large-scale safety and health crises, such as the COVID-19 pandemic.<sup>86</sup>

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### OSHA and FSIS Updated Their Worker Safety MOU in 2022 and Included COVID-19 as a Serious Hazard, but Did Not Incorporate Most Leading Collaboration Practices

OSHA and FSIS have had an MOU in place since 1994 to guide their collaboration on worker safety, which includes training, information sharing, and addressing referrals on workplace hazards. In August 2022, following our 2017 recommendation, OSHA and FSIS issued an updated worker safety MOU.<sup>87</sup> Like its predecessor, the 2022 MOU states that the agencies share a common goal of protecting worker safety and health in FSIS-regulated establishments, and that this includes both FSIS food safety inspectors and workers employed by meat and poultry companies.

The 2022 MOU highlights areas for collaboration between OSHA and FSIS, including sharing data and information such as injury and illness

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<sup>85</sup>U.S. Department of Labor, Office of Inspector General, Report to the Occupational Safety and Health Administration (OSHA), *COVID-19: To Protect Mission Critical Workers, OSHA Could Leverage Inspection Collaboration Opportunities With External Federal Agencies*, Report Number: 19-22-003-10-105 (Washington, D.C., Mar. 31, 2022).

<sup>86</sup>DOL’s OIG made two recommendations to OSHA to establish interagency collaboration by devising a plan containing training and outreach, and using memoranda of understanding or other written agreements. OSHA’s response stated it collaborated with external agencies in numerous ways through workgroups and meetings. However, the DOL OIG maintains that OSHA could have invested greater effort towards collaborating with external agencies’ enforcement or oversight personnel to address challenges, and to help ensure partner agencies referred easily identifiable safety and health hazards to OSHA during large-scale safety and health events.

<sup>87</sup>In our 2017 report, [GAO-18-12](#), we recommended that the two agencies assess their implementation of the 1994 MOU, make any necessary changes to enhance collaboration, and set specific time frames to periodically evaluate the MOU. In August 2022, the agencies implemented our recommendation, which we had designated in 2018 as a priority open recommendation to DOL and USDA.



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data, and referring serious workplace hazards to OSHA.<sup>88</sup> In contrast to the previous agreement, the updated MOU specifically identifies infectious diseases, such as COVID-19, as hazards that FSIS should refer to OSHA. The 2022 MOU also states that it will be in effect for 5 years, that OSHA and FSIS will review implementation of the MOU annually, and that the two agencies will keep each other informed of any changes that affect the MOU throughout the year. OSHA and FSIS officials told us they formed an interagency workgroup, which met in December 2022, to implement the MOU, and said that the workgroup would meet quarterly. As of June 2023, OSHA and FSIS had not fully implemented the 2022 MOU, but have taken steps to collaborate on training projects. For example, FSIS officials attended and provided feedback on an OSHA training on meat processing in November 2022.

In our previous work, we identified seven leading collaboration practices that can help agencies implement, enhance, and sustain collaboration.<sup>89</sup> For this report, we assessed whether OSHA and FSIS followed leading collaboration practices to protect meat and poultry workers during the pandemic. Of the seven leading collaboration practices, we found that OSHA and FSIS generally followed one (Written Guidance and Agreements) and partially followed a second (Clarifying Goals and Responsibilities), but did not follow the remaining five (Outcomes and Accountability, Bridging Organizational Cultures, Leadership, Participants, and Resources) [See table 1].

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<sup>88</sup>According to the 2022 MOU, as available, OSHA will provide aggregate injury and illness data from FSIS-regulated establishments to FSIS. The agencies may use these data to determine what training should be developed or emphasized for FSIS employees. The 2022 MOU further provides that if FSIS becomes aware of a suspected or confirmed disease outbreak, where there are animal or human cases of an infectious disease at an FSIS-regulated establishment that could affect worker safety and health, FSIS will inform OSHA. When feasible, according to the MOU, the agencies will coordinate efforts to abate the resulting worker safety and health hazards.

<sup>89</sup>GAO, *Managing for Results: Key Considerations for Implementing Interagency Collaborative Mechanisms*, [GAO-12-1022](#) (Washington, D.C.: Sept. 27, 2012).

**Table 1: Assessment of Extent to Which OSHA and FSIS Followed Leading Collaboration Practices**

**○ Leading Collaboration Practices that Were Not Followed by OSHA and FSIS**

Leading Practices	Key Considerations	Agency Actions
Outcomes and Accountability	Have the agencies clearly defined short-term and long-term outcomes? Is there a way to track and monitor progress towards these outcomes?	OSHA and FSIS have not defined outcomes or developed a way to track and monitor progress on collaborative efforts. The 2022 MOU does not include short-term or long-term outcomes. OSHA and FSIS officials said they will consider establishing and monitoring outcomes as they implement the 2022 MOU.
Bridging Organizational Cultures	What are the missions and organizational cultures of the participating agencies? What are the commonalities in these missions and cultures, and what are some potential challenges? Have the agencies developed ways for operating across agency boundaries?	Officials at both agencies identified differing missions as a challenge to collaboration. While the 2022 MOU calls for sharing data and information, it does not identify ways for the agencies to bridge cultural differences.
Leadership <sup>a</sup>	How will leadership be sustained over the long term?	The 2022 MOU identifies two high-level officials who are responsible for implementation. However, the agreement does not specify how leadership will be sustained through changes in administration or turnover in these positions.
Participants <sup>b</sup>	Have all relevant participants been included?	We found that OSHA and FSIS officials in the field were generally unaware of and did not participate in any collaboration activities during the pandemic. The 2022 MOU does not identify participants at the working level who have relevant experience.
Resources	How will the collaborative mechanism be funded and staffed? Have online collaboration tools been developed?	OSHA and FSIS officials did not identify resources dedicated for collaboration efforts on worker safety. The 2022 MOU also does not mention resources, staffing, or developing online collaboration tools.

**◐ Leading Collaboration Practices that Were Partially Followed by OSHA and FSIS**

Leading Practices	Key Considerations	Agency Actions
Clarify Roles and Responsibilities <sup>c</sup>	Have participating agencies clarified the roles and responsibilities of the participants?	OSHA and FSIS officials we interviewed did not identify specific roles and responsibilities related to worker safety collaboration. The 2022 MOU specifies some responsibilities of each agency, such as FSIS providing training to its staff and OSHA assisting with these efforts, but it does not provide sufficient information to determine which individuals or groups in each agency will implement the MOU.

**● Leading Collaboration Practices that Were Generally Followed by OSHA and FSIS**

Leading Practices	Key Considerations	Agency Actions
Written Guidance and Agreements	Have participating agencies documented their agreement on how they will collaborate? Have they developed ways to continually update or monitor their agreement?	In August 2022, OSHA and FSIS updated their MOU, including specifying how they will collaborate on training and provisions to monitor implementation annually.

Legend: ● Generally followed ◐ Partially followed ○ Not followed

Source: GAO analysis of leading collaboration practices, Occupational Safety and Health Administration (OSHA) and Food Safety and Inspection Service (FSIS) 2022 Memorandum of Understanding (MOU) on worker safety, and interviews with OSHA and FSIS officials. | GAO-23-105104

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<sup>a</sup>Sustained and committed leadership by those involved in the collaborative effort, at all levels of the organization, helps overcome challenges to working across agency boundaries by centralizing accountability and expediting decision-making, among other things.

<sup>b</sup>We previously reported that it is helpful when participants in a collaborative mechanism attend all of its activities and possess the knowledge, skills, and abilities to contribute to the group's outcomes. See [GAO-12-1022](#).

<sup>c</sup>Collaboration practices call for agencies to work together to define and agree on their respective roles and responsibilities, including how the collaborative effort will be led.

Note: We compared OSHA and FSIS actions to leading collaboration practices identified in GAO, *Managing for Results: Key Considerations for Implementing Interagency Collaborative Mechanisms*, [GAO-12-1022](#) (Washington, D.C.: Sept. 27, 2012).

OSHA and FSIS officials have described longstanding challenges to interagency collaboration, dating back to at least 2005, as we previously reported.<sup>90</sup> FSIS officials we spoke with for this review identified the following challenges to interagency collaboration:

- FSIS mission and authorities are to ensure food safety rather than worker safety;
- inspection personnel do not have time to fully assess worker safety issues;
- personnel may be reluctant to contact OSHA about plant hazards because an inspection could result in an OSHA citation of FSIS;<sup>91</sup> and
- FSIS field staff lack a means of regular communication with OSHA field staff.

OSHA officials described these challenges to interagency collaboration:

- OSHA inspectors view FSIS as an employer that OSHA regulates, rather than as a federal partner; and
- shortage of inspectors and increased workload limit the time available to reach out to FSIS.

Of the five leading collaboration practices that OSHA and FSIS did not follow, at least two provide examples of longstanding challenges to

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<sup>90</sup>We had similar findings in our 2017 and 2005 reports. See [GAO-18-12](#) and GAO, *Workplace Safety and Health: Safety in the Meat and Poultry Industry, while Improving, Could be Further Strengthened*, [GAO-05-96](#) (Washington, D.C.: Jan. 12, 2005).

<sup>91</sup>OSHA conducted 22 inspections of FSIS from February 2020 through June 2022.

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collaboration we identified in prior work: first, Outcomes and Accountability, and second, Bridging Organizational Cultures.<sup>92</sup>

**Outcomes and Accountability.** This leading collaboration practice has several key features, including: defining and articulating a common outcome; developing mechanisms to monitor, evaluate, and report on results; and reinforcing agency accountability for collaborative efforts through plans and reports.<sup>93</sup> Although the 1994 MOU included outcomes and accountability activities, such as FSIS tracking training of FSIS staff to identify worker safety hazards, we found in 2017 that OSHA and FSIS were not tracking this information.<sup>94</sup> The 2022 MOU does not include outcome and accountability activities, such as routinely tracking outcomes related to worker safety.<sup>95</sup> The 2022 MOU also does not include a process for FSIS to share with OSHA its findings from safety reviews of plants by FSIS Occupational Safety and Health Specialists and safety committees.

As we reported in 2014, establishing shared outcomes and goals that resonate with and are agreed upon by all participants is essential to achieving outcomes in interagency workgroups.<sup>96</sup> In addition, according to *Standards for Internal Control in the Federal Government*, management should externally communicate the necessary quality information to achieve the entity's objectives.<sup>97</sup> For example, government entities not only report information to each other, but also to the general public. By publicly communicating the outcomes of collaborative efforts, OSHA and FSIS could receive additional information that could further protect workers in meat and poultry plants. OSHA and FSIS officials said they would consider establishing outcomes and accountability activities to monitor collaboration, but as of June 2023, they had not provided specific

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<sup>92</sup>[GAO-18-12](#).

<sup>93</sup>[GAO-12-1022](#).

<sup>94</sup>[GAO-18-12](#).

<sup>95</sup>The 2022 MOU does call for OSHA and FSIS to collaborate on developing training for FSIS inspectors to identify safety hazards.

<sup>96</sup>GAO, *Managing for Results: Implementation Approaches Used to Enhance Collaboration in Interagency Groups*, [GAO-14-220](#) (Washington, D.C.: Feb. 14, 2014).

<sup>97</sup>GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sept. 10, 2014).

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details or time frames, in part because the workgroup that will address these issues is new.

**Bridging Organizational Cultures.** OSHA and FSIS have not identified an approach to reconciling their differing missions to achieve the common goal of protecting meat and poultry workers. Leading collaboration practices state that positive working relationships between participants can bridge organizational cultures by building trust and fostering communication.<sup>98</sup> In our 2012 report, collaboration experts we spoke with stated that building relationships across organizations is vital when responding to an emergency.<sup>99</sup> However, the 2022 MOU does not specifically incorporate relationship building or other leading collaboration practices that will bridge organizational cultures.

As noted above, OSHA and FSIS staff described conflicting missions as a challenge to collaboration. For example, OSHA field-level officials we met with said they did not contact FSIS inspectors to discuss conditions in plants or confirm conditions reported by companies, although FSIS officials were present in plants when OSHA inspectors conducted remote inspections. The OSHA field-level officials we spoke with generally said this was because FSIS is considered part of its regulated community, rather than a partner for ensuring the safety of meat and poultry workers. In our 2017 report, we also found that FSIS inspectors may be reluctant to contact OSHA about concerns in the plant in part due to fear of being inspected by OSHA.<sup>100</sup> During this review, in August 2021, FSIS officials issued a notice requiring meat and poultry workers to wear masks when FSIS food safety inspectors were present in plants located in counties with substantial or high community COVID-19 transmission rates.<sup>101</sup> FSIS did not consult with OSHA about this decision, although the 1994 MOU was in place. FSIS's actions to protect its workers also may have protected plant workers.

OSHA and FSIS could have greater assurance that their collaborative efforts are meeting their joint goal of protecting meat and poultry workers and FSIS inspectors by following the six leading practices that the agencies did not follow or partially followed—Outcomes and

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<sup>98</sup>[GAO-12-1022](#).

<sup>99</sup>[GAO-12-1022](#).

<sup>100</sup>[GAO-18-12](#).

<sup>101</sup>FSIS rescinded this requirement in March 2022.

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Accountability, Bridging Organizational Cultures, Leadership, Participants, Resources, and Clarifying Roles and Responsibilities. As of June 2023, the agencies' progress has been limited. Given the revised MOU and the federal government's pandemic operating status, the agencies have had little time to address areas of cooperation described in the MOU, or to document their progress implementing the MOU.

In our prior work, we stated that collaborative mechanisms such as interagency workgroups can be used to develop policies, implement programs, and share information.<sup>102</sup> The interagency workgroup OSHA and FSIS formed to implement the MOU has not laid out how it will address leading collaboration practices. For example, by establishing outcomes for collaboration and processes for tracking and monitoring their activities, OSHA and FSIS officials could have more assurance that they are protecting meat and poultry workers and FSIS food safety inspectors. In addition, the agencies could more easily identify areas that may need more attention to enhance and sustain collaboration. Agency officials said the workgroup will consider ways to best implement the MOU, including addressing leading collaboration practices.

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## Conclusions

Early in the COVID-19 pandemic, rates of injuries and illnesses to meat and poultry workers sharply increased. In contrast, rates of injuries and illnesses to workers in the manufacturing sector as a whole—which includes the meat and poultry industry—decreased slightly. Companies implemented measures to slow the spread of COVID-19, but workers reported that they continued to be exposed to COVID-19. Crowded plant conditions and the nature of the work—which requires workers to stand side-by-side with colleagues for hours—put workers at heightened risk.

OSHA saw a dramatic increase in COVID-related reports from employers, workers, and others about meat and poultry plants, and increased its meat and poultry plant inspections in response. CDC's NIOSH also provided technical assistance to dozens of plants. However, OSHA struggled to adapt existing standards to the pandemic, and noted its own challenges in ensuring safe and healthy workplaces, including for meat and poultry workers. OSHA acknowledges that meat and poultry workers, particularly in the face of the pandemic, face a unique set of safety and health challenges, but has not yet considered which specific actions, if any, could address these challenges, including considering the need for an industry-specific standard. Given the continued threat of infectious

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<sup>102</sup>[GAO-14-220](#) and [GAO-12-1022](#).

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disease and other longstanding and persistent hazards—such as those associated with musculoskeletal disorders—at meat and poultry plants, OSHA could benefit from assessing available actions for better protecting these essential workers.

For decades, OSHA and FSIS have not collaborated effectively to protect workers in meat and poultry plants, and the pandemic highlighted these agencies' lack of coordination. OSHA and FSIS both agree that coordination between the two agencies could be improved. However, we have conducted multiple reviews of OSHA and FSIS's implementation of their 1994 MOU and now their 2022 MOU, and we have seen little evidence of direct on-the-ground collaboration to help protect meat and poultry workers. Further, our discussions with OSHA worker safety inspectors and FSIS meat and poultry inspectors indicate little knowledge of the need to collaborate on worker safety. Since FSIS personnel are already present in many plants, the federal government is missing an opportunity to further protect the safety and health of both plant workers and FSIS inspectors by leveraging existing resources.

The 2022 revisions to the MOU are an important step forward, because they clarify that FSIS should report infectious disease outbreaks to OSHA and establish annual evaluations of the agencies' collaboration. In addition, the creation of a workgroup to implement the 2022 MOU creates a mechanism that could foster collaboration between the two agencies. However, OSHA and FSIS need to take additional steps to enhance collaboration. Specifically, when the agencies revised their agreement in 2022, they did not incorporate leading practices to enhance collaboration, such as ways to bridge organizational cultures, sustain leadership, include all relevant participants, identify and leverage resources, or clarify roles and responsibilities. They also did not define collaboration outcomes or goals, or processes for tracking and monitoring progress towards these outcomes. By following these leading collaboration practices, OSHA and FSIS would be in a better position to protect workers during regular periods, as well as in times of emergency.

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## Recommendations for Executive Action

We are making three recommendations—two to DOL and one to USDA. Specifically:

The Secretary of the Department of Labor should ensure that OSHA assesses and reports on which actions—such as an industry-specific standard—are needed to protect meat and poultry workers from the numerous hazards they face, including the risk of infectious disease.

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OSHA could decide to request assistance from CDC's NIOSH in this process. (Recommendation 1)

The Secretary of the Department of Agriculture should ensure that the Food Safety and Inspection Service meets regularly with DOL's OSHA through their interagency workgroup to resolve longstanding collaboration challenges and incorporate leading collaboration practices. In incorporating these practices, the agencies should clearly define short- and long-term outcomes, track and monitor progress towards these outcomes, and publicly report collaborative outcomes. (Recommendation 2)

The Secretary of the Department of Labor should ensure that OSHA meets regularly with USDA's FSIS through their interagency workgroup to resolve longstanding collaboration challenges and incorporate leading collaboration practices. In incorporating these practices, the agencies should clearly define short- and long-term outcomes, track and monitor progress towards these outcomes, and publicly report collaborative outcomes. (Recommendation 3)

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## Agency Comments

We provided a draft of this report to DOL, the Department of Health and Human Services (HHS), and USDA for their review and comment. DOL declined to provide comments on the draft report, and stated that in response to the two recommendations directed to DOL, it will provide a Statement of Executive Action once the final report is issued. HHS stated it had no comments on the draft report. USDA provided comments, which are reproduced in Appendix V.

USDA commented that FSIS is committed to partnering with OSHA and to doing a better job collaborating to resolve challenges. FSIS agreed with our recommendation to meet regularly with OSHA through the interagency workgroup to resolve longstanding collaboration challenges and incorporate leading collaboration practices. Specifically, FSIS stated that it is committed to clearly defining short- and long-term outcomes, tracking and monitoring progress, and publicly reporting collaborative outcomes related to meat and poultry worker safety. We are pleased that FSIS plans to take these steps to resolve longstanding collaboration challenges and to incorporate leading collaboration practices. As FSIS and OSHA develop additional outcomes through their workgroup, we encourage them to clearly link these outcomes to the leading collaboration practices and to the challenges we identified in this report.



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We are sending copies of this report to the appropriate congressional committees, the Secretary of Agriculture, Secretary of Health and Human Services, Secretary of Labor, and other interested parties. In addition, the report is available at no charge on the GAO website at <https://www.gao.gov>.

If you or your staff have any questions about this report, please contact Thomas Costa at (202) 512-4769 or [costat@gao.gov](mailto:costat@gao.gov); or Steve Morris at (202) 512-3841 or [morriss@gao.gov](mailto:morriss@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix VI.



Thomas M. Costa, Director  
Education, Workforce, and Income Security



Steve D. Morris, Director  
Natural Resources and Environment

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*List of Addressees*

The Honorable Patty Murray  
Chair  
The Honorable Susan Collins  
Ranking Member  
Committee on Appropriations  
United States Senate

The Honorable Ron Wyden  
Chairman  
The Honorable Mike Crapo  
Ranking Member  
Committee on Finance  
United States Senate

The Honorable Bernard Sanders  
Chairman  
The Honorable Bill Cassidy  
Ranking Member  
Committee on Health, Education, Labor, and Pensions  
United States Senate

The Honorable Gary C. Peters  
Chairman  
The Honorable Rand Paul, M.D.  
Ranking Member  
Committee on Homeland Security and Governmental Affairs  
United States Senate

The Honorable Kay Granger  
Chairwoman  
The Honorable Rosa DeLauro  
Ranking Member  
Committee on Appropriations  
House of Representatives

The Honorable Virginia Foxx  
Chairwoman  
The Honorable Robert C. "Bobby" Scott  
Ranking Member  
Committee on Education and the Workforce  
House of Representatives

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The Honorable Cathy McMorris Rodgers  
Chair

The Honorable Frank Pallone, Jr.  
Ranking Member  
Committee on Energy and Commerce  
House of Representatives

The Honorable Mark E. Green, M.D.  
Chairman  
The Honorable Bennie G. Thompson  
Ranking Member  
Committee on Homeland Security  
House of Representatives

The Honorable James Comer  
Chairman  
The Honorable Jamie Raskin  
Ranking Member  
Committee on Oversight and Accountability  
House of Representatives

The Honorable Jason Smith  
Chairman  
The Honorable Richard Neal  
Ranking Member  
Committee on Ways and Means  
House of Representatives

The Honorable Nanette Diaz Barragán  
House of Representatives

The Honorable Tony Cárdenas  
House of Representatives

The Honorable Joaquin Castro  
House of Representatives

The Honorable J. Luis Correa  
House of Representatives

The Honorable Veronica Escobar  
House of Representatives

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The Honorable Adriano Espaillat  
House of Representatives

The Honorable Ruben Gallego  
House of Representatives

The Honorable Jesús G. “Chuy” García  
House of Representatives

The Honorable Sylvia R. Garcia  
House of Representatives

The Honorable Jimmy Gomez  
House of Representatives

The Honorable Raúl M. Grijalva  
House of Representatives

The Honorable Grace F. Napolitano  
House of Representatives

The Honorable Alexandria Ocasio-Cortez  
House of Representatives

The Honorable Raul Ruiz, M.D.  
House of Representatives

The Honorable Linda T. Sánchez  
House of Representatives

The Honorable Juan Vargas  
House of Representatives

The Honorable Nydia M. Velázquez  
House of Representatives

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# Appendix I: Objectives, Scope, and Methodology

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This report examines (1) how meat and poultry companies responded to the COVID-19 pandemic and how the pandemic affected meat and poultry workers; (2) enforcement actions the Occupational Safety and Health Administration (OSHA) took to ensure meat and poultry worker safety and health during the pandemic and challenges associated with enforcement; and (3) OSHA and the Food Safety and Inspection Service's (FSIS) collaboration on worker safety at meat and poultry plants during the pandemic.

To address all three objectives, we reviewed relevant federal laws, regulations, agency documentation, and related GAO reports, and we interviewed officials from OSHA, FSIS, and the Centers for Disease Control and Prevention (CDC).<sup>1</sup> We also interviewed and reviewed information from additional stakeholders, including worker safety experts and representatives of companies and worker advocacy groups.

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## Analysis of Data from the Census Bureau and the Bureau of Labor Statistics

The estimated total workers for the animal slaughtering and processing industry in this report is an annual average calculated from household data collected in the Current Population Survey (CPS) by the U.S. Census Bureau in 2021. The CPS is a probability sample, and estimates derived from its data have sampling errors associated with them. We followed the Department of Labor (DOL) Bureau of Labor Statistics (BLS) technical guidance for estimating the standard error of annual average totals from CPS data. We express the precision of our estimate as a 95 percent confidence interval. This is the interval that would contain the actual population value for 95 percent of the CPS samples that the U.S. Census Bureau could have drawn.

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<sup>1</sup>See GAO, *Workplace Safety and Health: Additional Data Needed to Address Continued Hazards in the Meat and Poultry Industry*, [GAO-16-337](#) (Washington, D.C.: Apr. 25, 2016); GAO, *Workplace Safety and Health: Better Outreach, Collaboration, and Information Needed to Help Protect Workers at Meat and Poultry Plants*, [GAO-18-12](#) (Washington, D.C.: Nov. 9, 2017); GAO, *COVID-19: Federal Efforts Could Be Strengthened by Timely and Concerted Actions*, [GAO-20-701](#) (Washington, D.C.: Sept. 21, 2020); GAO, *COVID-19: Urgent Actions Needed to Better Ensure an Effective Federal Response*, [GAO-21-191](#) (Washington, D.C.: Nov. 30, 2020); GAO, *COVID-19: Critical Vaccine Distribution, Supply Chain, Program Integrity, and Other Challenges Require Focused Federal Attention*, [GAO-21-265](#) (Washington, D.C.: Jan. 28, 2021); GAO, *COVID-19: Additional Actions Needed to Improve Accountability and Program Effectiveness of Federal Response*, [GAO-22-105051](#) (Washington, D.C.: Oct. 27, 2021); and GAO, *Workplace Safety and Health: Data and Enforcement Challenges Limit OSHA's Ability to Protect Workers during a Crisis*, [GAO-22-105711](#) (Washington, D.C.: May 25, 2022).

To describe injury and illness rates in the meat and poultry industry and manufacturing, we analyzed and reported survey data from the BLS Survey of Occupational Injuries and Illnesses (SOII) for calendar years 2014 through 2021, the most recent year for which data were available.<sup>2</sup> The SOII provides estimates of the number and frequency (incidence rates) of workplace injuries and illnesses by industry and also by detailed case circumstances, based on data from logs kept by employers (survey respondents)—private industry and state and local governments. Survey respondents provide counts for all reportable injuries and illnesses under OSHA recordkeeping regulations.

To report SOII data from the meat and poultry industry (using North American Industry Classification System [NAICS] code 31161 for the Animal Slaughtering and Processing Industry) and for manufacturing using NAICS code 31-33, BLS provided estimates of each industry's injury and illness rates and their associated relative standard errors. We express the precision of these results as a 95 percent confidence interval. This is the interval that would contain the actual population value for 95 percent of the samples the respective agency could have drawn. For estimates derived from BLS's SOII data, we used the agency-provided relative standard errors to estimate the associated confidence intervals.

To assess the reliability of BLS's SOII data, we reviewed documents related to the data sources, such as BLS's Handbook of Methods, and we corresponded with agency officials knowledgeable about this dataset. We found that SOII data were sufficiently reliable for our purposes in summarizing reported cases and incidence rates of injuries and illnesses in the meat and poultry industry.

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## Survey of Meat and Poultry Companies

To understand the range of steps that companies took to protect meat and poultry workers, we conducted a survey of meat and poultry companies that were members of three U.S. meat and poultry industry groups: the National Chicken Council, the National Turkey Federation, and the North American Meat Institute. These industry groups represent "general" members (those who slaughter and process), supplier members (who provide goods and services to the general members), and allied members (companies that are involved in the industry but that do not fall into either category above). An official from one of the industry groups

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<sup>2</sup>We reported estimated incidence rates for total recordable cases of injuries and illnesses per 100 full-time workers for calendar years 2014 through 2021.

told us that of the roughly 6,000 federally inspected plants, members of his group operate about 700-800 of them.

The survey asked companies to respond to several questions regarding measures they took during the COVID-19 pandemic, their collaboration with state and federal health and safety officials, and any challenges to and lessons learned from operating during the pandemic. We pretested the draft survey with one large meat and poultry company over the phone. We selected the meat and poultry company based on company size and prior participation in GAO engagements on meat and poultry industry practices. We sought feedback on whether (1) the questions were clear and unambiguous, (2) terminology was used correctly, (3) information on the questionnaire could feasibly be obtained, (4) the questionnaire did not place an undue burden on officials, and (5) questions were comprehensive and unbiased. We also received feedback on the draft survey from a peer reviewer. We made changes to the content and format of the questionnaire after the pretest and review.

Industry group representatives distributed our survey by email to 391 meat and poultry companies. The email contained the survey in Microsoft Word document form. We requested that each company or their representative send completed surveys to a GAO analyst once the survey was completed. We sent follow-up email messages to the industry organizations on January 5, 12, and 18, 2022, asking them to remind their members to respond to our survey by requesting feedback by January 25, 2022, the last date when companies could respond to the survey.

Fifteen of the 391 companies responded, representing a 4 percent response rate. Ten companies reported having the smallest number of plants (10 or fewer), and six of these reported having 1,000 or fewer employees. One company reported having 11-20 plants and between 5,001 and 10,000 employees. Four companies indicated that they were in the largest category in terms of workers employed (more than 10,000) and numbers of plants. These four are among the largest meat processing companies, each reporting more than 31 plants with one employing over 137,000 workers. Given the low response rate, we consider the findings non-generalizable to meat and poultry companies overall.

Early in our review, we also conducted an informal site visit to one large poultry plant to observe any protective measures that may have been implemented and to obtain first-hand knowledge of the effects of COVID-19 on all aspects of the plant's operations. During our site visit, we

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conducted worker interviews with two groups of workers—one group of three workers identified by plant management and another group of four workers, identified by the plant’s union. We also participated in a plant walk-through of areas on the production line and worker common areas, and conducted interviews with plant management, a corporate representative, FSIS staff, and a union representative.

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### Interviews with Workers

To understand how meat and poultry workers were affected by the pandemic, we conducted individual and group interviews with 24 meat and poultry workers from 13 companies in nine states. To identify workers, we worked with 11 advocacy groups, selected based on a variety of factors, such as geographic diversity, states with a relatively high level of meat or poultry slaughter (based on USDA data), and type of plant (meat or poultry).<sup>3</sup> Advocacy group representatives selected workers based on experience in the industry and availability. We conducted six individual interviews over Zoom or by telephone, and four group interviews with from three to six workers over Zoom rather than in person because of the COVID-19 pandemic, ensuring that at least one Spanish-speaking GAO staff member was present at each interview to interpret. The information gathered from these interviews is not generalizable to all plants, nor to all meat or poultry workers.

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### Literature Search

Through literature searches, we identified studies from public health journals or other major sources on various topics pertinent to our review, such as reviews of the efficacy of physical distancing, barriers, temperature checks, and masking. For the selected literature, we reviewed references and used a snowball approach to identify further relevant studies. We also reviewed reports from pertinent federal agencies, such as DOL and USDA inspector general reports, CDC plant walk-through reports, etc.

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### OSHA Inspection Documentation and Data

To examine enforcement actions that OSHA took to help ensure meat and poultry worker safety and health during the pandemic as well as challenges associated with enforcement, we reviewed documentation, such as agency guidance and information about enforcement activities, and interviewed officials at OSHA area offices. We reviewed OSHA documents for a non-generalizable sample of 12 COVID-related meat and poultry inspections, selected to include a variety of geographic locations,

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<sup>3</sup>Advocacy groups we spoke with included groups that advocate specifically for meat and poultry workers, as well as others that study and report on broader issues of worker health and safety. We also spoke with faith-based groups, community organizations, and groups that advocate on behalf of immigrants and non-English speakers.



different types of plants (meat or poultry), different times during the pandemic, both remote and in-person inspections, and various outcomes. We interviewed OSHA staff from seven area offices and two regional offices with a high meat and poultry industry presence based on FSIS data, and high OSHA enforcement activity in meat and poultry based on OSHA data.

We also analyzed enforcement data from February 2018 through June 2022 from the OSHA Information System database. We analyzed enforcement data on federal inspections of meat and poultry plants, including data on the type of inspection, violations found, standards cited, and penalties assessed. To analyze the number of inspections and results of OSHA inspections of meat and poultry plants, we analyzed inspections of plants with NAICS codes 311611, 311612, and 311613 for meat plants and 311615 for poultry plants. We also analyzed the number of inspections and results of OSHA inspections of manufacturing facilities using NAICS codes 31-33. To assess the reliability of these data, we reviewed relevant agency documentation, conducted electronic data testing, and interviewed agency officials knowledgeable about these data. We determined that the data were sufficiently reliable for our purposes.

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## OSHA and FSIS Collaboration

To examine how OSHA and FSIS have collaborated to help ensure meat and poultry worker safety and health during the pandemic, we reviewed our past reports on interagency collaboration and related recommendations on OSHA and FSIS collaboration. We obtained agency documents relevant to collaborative efforts, conducted interviews with agency officials, and sent written semi-structured questions to each agency regarding their collaboration efforts. Specifically, we reviewed the 1994 memorandum of understanding (MOU) agreed to by OSHA and FSIS for protecting workers, which was in effect at the start of the pandemic in 2020 and until the agencies revised the MOU in August 2022.<sup>4</sup> We interviewed OSHA and FSIS officials at headquarters, and at the regional and field levels, including FSIS inspectors. We sent a semi-structured questionnaire to each agency asking questions about the extent of collaboration based on leading collaboration practices.

We compared agencies' MOUs, actions in response to our previous recommendations, collaborative actions on worker safety taken during the pandemic, and responses to our questionnaire against leading

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<sup>4</sup>Memorandum of Understanding between DOL's OSHA and USDA's FSIS, February 4, 1994; Memorandum of Understanding between DOL's OSHA and USDA's FSIS, August 1, 2022.

collaboration practices—establishing outcomes and accountability, bridging organizational cultures, sustaining leadership, including relevant participants, identifying resources, clarifying roles and responsibilities, and having written guidance and agreements—identified by GAO in these prior reports.<sup>5</sup> Each of these practices contains key considerations, and we assessed whether agencies' actions and documentation followed leading collaboration practices including key considerations. Based on our assessment, we determined the extent to which OSHA and FSIS generally followed, partially followed, or did not follow each leading collaboration practice.

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<sup>5</sup>See GAO, *Managing for Results: Key Considerations for Implementing Interagency Collaborative Mechanisms*, [GAO-12-1022](#) (Washington, D.C.: Sept. 27, 2012); and GAO, *Results-Oriented Government: Practices That Can Help Enhance and Sustain Collaboration among Federal Agencies*, [GAO-06-15](#) (Washington, D.C.: Oct. 21, 2005).

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# Appendix II: Additional Information from Company Surveys and Worker Interviews

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We conducted a survey of meat and poultry companies to get information about the measures they implemented to respond to the pandemic and how workers were affected. Of the 391 surveys distributed to companies, we received 15 non-generalizable responses, including responses from 4 of the largest meat processing companies, employing approximately 262,000 workers. Below is a selection of their responses. The total number of respondents is provided for each response to clarify how many organizations provided information on a specific measure.

To understand how meat and poultry workers were affected by the pandemic, we conducted individual and group interviews with 24 meat and poultry workers from 13 companies in nine states.<sup>1</sup> We spoke with advocacy groups to identify these workers, and selected these groups based on a variety of factors, such as those located in states with a relatively high level of meat or poultry slaughter (based on USDA data). The information gathered from these interviews is not generalizable to all plants or all meat or poultry workers, but provides illustrative examples of the challenges meat and poultry workers faced during the COVID-19 pandemic.

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## Additional Information from Companies regarding Physical Distancing

In our survey, thirteen companies cited challenges associated with physical distancing on the production line. Commonly reported challenges included (1) space and process constraints that did not allow for distancing on production lines, (2) workstations that companies could not reconfigure while maintaining production, and (3) plant space that was limited and workstations that were designed to maximize efficiency and ensure consumer demand was met.<sup>2</sup> For example, one company commented that, “Our manufacturing facilities have been designed and engineered over years to account for maximum worker production, safety, and efficiency within limited physical space...mandating six-foot spacing on all positions would create operational bottlenecks crippling the overall production capability of a plant, which in turn has significant impacts on the upstream and downstream supply chains.”

Statements from CDC and some meat and poultry workers support the assessment by some companies that certain processing tasks require

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<sup>1</sup>We conducted an additional interview with seven meat and poultry workers during our visit to a poultry plant. This interview differed in content and structure from subsequent worker interviews and is not included in our discussion.

<sup>2</sup>Companies were asked to indicate the challenges they faced in physically distancing workers on production lines, with workers spaced at least six feet apart. We identified these themes in 13 of the 15 company responses.

workers to be in close proximity to one another. For example, CDC said that during their plant visits and discussions with plant management, they were provided with examples of tasks that do not allow for physical distancing, such as lifting large carcasses onto the line, which requires two people.

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### Additional Information from Workers regarding Physical Distancing

As stated earlier, the 24 workers we interviewed had varying views on the steps companies took to ensure their safety through physical distancing. These workers described plants' efforts at physical distancing on the production line and in other parts of the plant.

For example:

- Nineteen workers at ten companies said physical distancing was difficult to enforce or not enforced because there were too many workers on the production line. One worker said physical distancing was practically impossible due to cramped facilities as well as the nature of the work, which required workers to move around the plant. Another worker said workers at their plant were packed together "like sardines," with workers standing shoulder to shoulder. Another said that although the company made renovations to make more space on the line, it was still not enough to maintain the recommended physical distancing.
- Ten workers at four companies said plant management said nothing about the need for distancing or did not implement any form of physical distancing.
- All workers we spoke with reported crowding in their plants' common areas, such as the restroom and cafeterias.

OXFAM America reported similar findings in 2020, from interviews with more than 40 poultry workers who said they had no ability to maintain a reasonable distance from their coworkers.<sup>3</sup>

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### Additional Information on Masking, Temperature Checks, Sick Leave, and Other Company Measures

**Masking.** Workers reported rules on masking changed throughout the pandemic. For example, nine workers at three companies said that mask wearing originally was optional at their plants, but the plants later required it after many workers contracted COVID-19. A worker at one plant that required mask wearing said that not all workers complied with the requirement, and that some workers would pull their mask down below

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<sup>3</sup>OXFAM America, "Disposable – In the Face of COVID-19, the Poultry Industry Seems Willing to Pay for Cheap Chicken with Workers' Lives," August 2020.

their nose or take their mask off to speak. In our interviews from April through June 2022, we asked all 24 workers whether mask use was still required at their plants, and all but one worker said it was either optional or no longer required.

Researchers who published an article in the *Journal of Environmental Health* conducted an online survey of 585 meatpacking workers in the Midwest to gather their concerns and perceptions of COVID-19 in May 2020. The authors identified common themes among worker responses related to what they wanted companies to do to reduce COVID-19 transmission in the plant.<sup>4</sup> Forty-nine workers commented that companies should provide new masks every day or whenever an employee needs a new one, because masks may get wet and make it difficult to work. They also said that employers should require that all employees use masks correctly, such as by fully covering their nose and mouth. A worker advocacy group also reported that companies' initial response to the pandemic was dependent on CDC guidance, but that guidance did not initially recommend masking, and there was some difficulty obtaining masks during the early phases of the pandemic. They said that confusion about how to respond to evolving guidance most likely caused more illness.

**Temperature checks.** As mentioned earlier, workers we interviewed reported that COVID-19 screening measures at their plants, such as temperature checks, were not very effective and the plants enforced these measures inconsistently. For example:

- Four workers from two companies said that employees with fevers were sent home, but eight other workers from four companies said that those with fevers were allowed or expected by plant management to stay at work.
- One worker said her plant did not check temperatures consistently each time workers entered the plant.

**Sick leave.** As stated earlier, in March 2020, the United Food and Commercial Workers union reported securing bonuses, extra weekly pay, and up to 2 weeks of paid leave for COVID-related absences for their members from meat and poultry companies. In addition, all 15 companies responding to our survey reported changing their sick leave policies to

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<sup>4</sup>Athena K. Ramos, et al. "A Rapid-Response Survey of Essential Workers in Midwestern Meatpacking Plants: Perspectives on COVID-19 Response in the Workplace," *Journal of Environmental Health*, July/August 2021, 84(1), 16-25.

accommodate workers, with several providing various incentives. For example:

- One company reported allowing all employees 60 years or older or with high-risk medical conditions to stay home with full pay for several months.
- At least three companies reported providing 2 weeks of paid leave for COVID-related absences.
- Some companies reported providing bonuses in the first few months of 2020 and increasing worker pay early in the pandemic, in an effort to attract and retain workers. Specifically, at least four companies reported providing bonuses to workers and two companies reported increasing worker pay by \$2 an hour.

Our discussions with worker advocates also addressed plant sick leave policies. One issue that came up included how sick leave policies at certain plants were unclear at the start of the pandemic. For example, according to one advocate, workers at these plants did not receive any formal guidance, such as information on what would happen if they stayed home while sick. As a result, they had to learn from the experiences of their coworkers. Another advocate said Spanish-speaking workers at one plant received information on COVID-19 in English only.

**Vaccine and attendance incentives.** All but one company reported offering workers the COVID-19 vaccine in plants. Three of those companies reported requiring its employees to become vaccinated as a condition of employment. Four companies reported offering incentives to be vaccinated, such as paying a \$100 bonus, holding a raffle, or providing paid time off to get vaccinated. In contrast, an official at one company said that the company did not want to force its existing employees to be vaccinated.

A worker at one plant said staff received financial bonuses for not missing work. According to the worker, bonuses at this plant were \$650 and were awarded three times—in December 2020, July 2021, and December 2021. Another worker said that the incentive program at her plant awarded workers \$2 more per hour if they did not punch in late. One worker said that her employer offered a \$500 bonus at the end of every week if workers showed up every day that week. She said the purpose of the bonuses was to get workers to show up to work, whether or not they were sick.

One worker, who had worked at two plants that used a point system—a policy where employees are given a point or multiple points for unapproved absences that may result in termination after the accrual of a defined number of points—said there was no policy until later in the pandemic about what would happen to workers' points if they tested positive for COVID-19. This worker said the companies fired many of her coworkers who contracted COVID-19. Two other workers said that early in the pandemic, their company required all workers to work 7 days a week for one complete month. These workers said that if staff missed work during that time, the company imposed two points per day missed.

**Company communication with workers.** As stated previously, some workers said that plant management did not share information with them about COVID-19 risks and safety protocols, nor were they notified when coworkers became ill with the virus. One worker said her plant management asked some workers who may have been exposed to COVID-19 to be tested, but did not notify other workers even though they also may have been exposed. She added that workers at this plant concluded that their coworkers had COVID-19 when they failed to show up for their shifts. Another worker said his plant did not share any information about COVID-19, and even after his coworkers became sick, many continued to work because of the lack of information on COVID-19 and how it is transmitted.

Similarly, a 2020 OXFAM America report noted that among more than 40 workers who were interviewed, all indicated that materials related to COVID-19 policies and protocols were provided only in English. The report also cited cases in which plants did not communicate information about illness and fatality incidents to workers.<sup>5</sup>

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<sup>5</sup>OXFAM America, "Disposable," 1-5.

# Appendix III: COVID-Related Violations Cited by the Occupational Safety and Health Administration (OSHA) for Meat and Poultry Employers

From February 1, 2020, through June 30, 2022, OSHA cited 11 COVID-related violations of OSHA standards and 4 COVID-related general duty clause violations (see table 2).

**Table 2: COVID-Related Violations Cited for Meat and Poultry Employers, February 1, 2020–June 30, 2022**

Standard	Number of violations (plant type)	Penalties <sup>h</sup>
Recording fatalities, injuries, and illnesses (29 C.F.R. § 1904.4) <sup>a</sup>	4 other-than-serious violations (meat)	\$29,206
Using OSHA recordkeeping forms (29 C.F.R. § 1904.29) <sup>b</sup>	2 other-than-serious violations (meat)	\$14,000
Reporting injuries and illnesses – employee involvement (29 C.F.R. § 1904.35) <sup>c</sup>	1 other-than-serious violation (meat)	\$2,121
Reporting fatalities, hospitalizations, amputations, and losses of an eye to OSHA (29 C.F.R. § 1904.39) <sup>d</sup>	1 other-than-serious violation (poultry)	\$0
Personal Protective Equipment – General Requirements (29 C.F.R. § 1910.132) <sup>e</sup>	1 serious (poultry) and 1 other-than-serious (meat) violation	\$6,360
Personal Protective Equipment -- Respiratory Protection (29 C.F.R. § 1910.134) <sup>f</sup>	1 other-than-serious violation (meat)	\$0
General duty clause (29 U.S.C. § 654(a)(1)) <sup>g</sup>	4 serious violations (meat)	\$53,976

Source: GAO analysis of data from the OSHA Information System. | GAO-23-105104

Note: A serious violation exists when there is a substantial probability that the workplace hazard could most likely result in death or serious physical harm, unless the employer did not know or could not, with reasonable diligence, have known of the violation.

<sup>a</sup>29 C.F.R. § 1904.4 generally requires employers to keep an internal record of all work-related fatalities, injuries, and illnesses.

<sup>b</sup>29 C.F.R. § 1904.29 generally requires employers to use OSHA forms, or their equivalent, to record occupational injuries and illnesses.

<sup>c</sup>29 C.F.R. § 1904.35 generally requires employers to inform their employees how to report work-related injuries and illnesses to the employer.

<sup>d</sup>29 C.F.R. § 1904.39 generally requires employers to report to OSHA all work-related in-patient hospitalizations, amputations, and losses of an eye within 24 hours and all work-related fatalities within 8 hours.

<sup>e</sup>29 C.F.R. § 1910.132-140 generally requires employers to provide personal protective equipment to employees when necessary, such as for eyes, face, and head.

<sup>f</sup>29 C.F.R. § 1910.134 generally requires employers to provide respiratory protection to employees when necessary to protect employee health.

<sup>g</sup>The general duty clause requires employers to provide a workplace free from recognized hazards that are likely to cause death or serious physical harm to their employees. The general duty clause is part of the Occupational Safety and Health Act of 1970, as amended, and is distinct from standards, which OSHA promulgates under the OSH Act. The general duty clause is used for enforcement when no standard applies to a particular hazard. See 29 U.S.C. § 654(a)(1). All of the four general duty clause citations issued for meat plants were contested by the employers. One of them was changed from a general duty clause violation to a different, other-than-serious violation as part of the settlement – violation of the personal protective equipment standard, and the other three were withdrawn. In this table, we count all of these cases as general duty clause violations.

<sup>h</sup>OSHA assesses financial penalties for violations based on various factors outlined in statute and OSHA policy. For example, after January 15, 2023, violations determined to be serious are subject to



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**Appendix III: COVID-Related Violations Cited  
by the Occupational Safety and Health  
Administration (OSHA) for Meat and Poultry  
Employers**

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penalties of up to \$15,625 per violation, and violations determined to be willful or repeated are subject to penalties of up to \$156,259 per violation. See 88 Fed. Reg. 2,210, 2,217-18 (Jan. 13, 2023) (to be codified at 29 C.F.R. § 1903.15(d)). Some of these cases may still be open and may have been contested or appealed by the employers, which could have ultimately resulted in changes to the violations cited or penalties issued. In addition, under the OSH Act, OSHA has 6 months from the occurrence of a violation to issue a citation and any related penalties, so totals for the number of violations cited and penalties issued from February 2020 through June 2022 may not reflect the total that will eventually be cited or issued related to inspections initiated during those months. These data are current as of June 30, 2022.

# Appendix IV: Status of GAO Recommendations to the Department of Labor (DOL) Related to Protection of Meat and Poultry Workers

Since 2016, we have made six recommendations to DOL regarding the safety of meat and poultry workers and the Occupational Safety and Health Administration's (OSHA) collaboration with the Food Safety and Inspection Service (FSIS), five of which remain unimplemented (see table 3).

**Table 3: Status of GAO Recommendations to the Department of Labor (DOL) Related to Protection of Meat and Poultry Workers**

GAO report	Recommendation	Status of recommendation
GAO-16-337 (issued April 25, 2016)	To strengthen DOL's efforts to ensure employers protect the safety and health of workers at meat and poultry plants, the Secretary of Labor should direct the Assistant Secretary for Occupational Safety and Health, working together with the Commissioner of Labor Statistics as appropriate, to develop and implement a cost-effective method for gathering more complete data on musculoskeletal disorders.	Open
	To develop a better understanding of meat and poultry sanitation workers' injuries and illnesses, the Secretary of Labor should direct the Assistant Secretary for Occupational Safety and Health and the Commissioner of Labor Statistics to study how they could regularly gather data on injury and illness rates among sanitation workers in the meat and poultry industry.	Open
GAO-18-12 (issued November 9, 2017)	The Assistant Secretary of Labor for Occupational Safety and Health should take additional steps to encourage workers to disclose sensitive concerns during OSHA inspections of meat and poultry plants; for example, by considering additional off-site interviews or exploring other options to obtain information anonymously.	Open
	The Assistant Secretary of Labor for Occupational Safety and Health should gather more information, such as by asking workers during meat and poultry plant inspections, to determine the extent to which bathroom access is a problem and how to address any identified issues.	Open
	The Assistant Secretary of Labor for Occupational Safety and Health should update its guidance for employers on how to manage their health units to address the challenges of managing these units.	Open
	The Assistant Secretary of Labor for Occupational Safety and Health should work with FSIS to assess the implementation of the Memorandum of Understanding (MOU) and make any needed changes to ensure improved collaboration; and set specific time frames for periodic evaluations of the MOU.	Closed as implemented

Source: GAO | GAO-23-105104

# Appendix V: Comments from the Department of Agriculture



United States Department of Agriculture

May 31, 2023

Food Safety and  
Inspection Service

1400 Independence  
Avenue, SW,  
Washington, D.C.  
20250

Mr. Thomas Costa  
Director  
Education, Workforce, and Income Security Issues  
United States Government Accountability Office  
441 G Street, N.W.  
Washington, D.C. 20226

Mr. Steve Morris  
Director  
Natural Resources and Environment  
United States Government Accountability Office  
441 G Street, N.W.  
Washington, D.C. 20226

Dear Mr. Costa and Mr. Morris,

The U.S. Department of Agriculture (USDA) appreciates the opportunity to review the U.S. Government Accountability Office's (GAO) draft report entitled *Meat and Poultry Worker Safety: OSHA Should Determine How to Address Persistent Hazards Exacerbated by COVID-19* (GAO-23-105104). We have provided a few general comments on the draft report and outlined planned corrective actions for the recommendation directed at USDA.

General Comments:

The Food Safety and Inspection Service (FSIS) and the Department of Labor's (DOL) Occupational Safety and Health Administration (OSHA) share the goal of protecting the safety and health of workers in FSIS-regulated establishments, including both FSIS and establishment employees. On August 1, 2022, FSIS and OSHA finalized an updated Memorandum of Understanding (MOU) intended to facilitate that goal in a number of ways, including by delineating the Agencies' respective authorities, roles and responsibilities; by providing for areas of cooperation and the exchange of data and information; and through the cooperation of OSHA and FSIS when either agency is developing standards and regulations that could affect the workers at these facilities.

The FSIS is committed to partnering with OSHA going forward and doing a better job of collaborating to resolve challenges and incorporate leading collaboration practices. FSIS and OSHA have established an interagency workgroup that meets quarterly. The inaugural meeting was held on December 9, 2022, and a subsequent meeting was held on March 21, 2023, which enabled us to strengthen communication, collaboration, and trust. Collaboratively, FSIS and OSHA have defined short- and long-term outcomes and plan to track and monitor progress. Having clearly defined unified outcomes further strengthens the partnership between the two agencies.

**Appendix V: Comments from the Department  
of Agriculture**

Mr. Thomas Costa and Mr. Steve Morris  
Page 2

USDA Responses to GAO Recommendations for Executive Action

GAO Recommendation #2: The Secretary of the Department of Agriculture should ensure that FSIS meets regularly with DOL's OSHA through their interagency workgroup to resolve longstanding collaboration challenges and incorporate leading collaboration practices. In incorporating these practices, the agencies should clearly define short- and long- term outcomes, track and monitor progress towards these outcomes, and publicly report collaborative outcomes.

USDA Response:

FSIS agrees with this recommendation and is committed to clearly defining short- and long-term outcomes, tracking and monitoring progress, and publicly reporting collaborative outcomes related to meat and poultry worker safety.

FSIS will work with OSHA to achieve two short- term outcomes: 1) determine an appropriate number of interagency meetings per year and set the agenda for future meetings; and 2) identify ways in which both agencies will raise employee awareness of the provisions of the updated MOU that apply to them.

To enhance workplace safety through training of FSIS employees, consistent with the Agency's roles and responsibilities for training as outlined in the MOU, FSIS will work to implement three short-term outcomes: 1) set a completion date for development of FSIS training on workplace hazard identification and response; 2) track the number of in-plant employees who completed training within 120 days of its launch; and 3) use surveys to identify knowledge gained through training .

And lastly, to ensure safe and healthful workplace conditions and long-term accountability, FSIS will review FSIS worker safety data on an annual basis, monitor changes, and potentially identify ways to enhance FSIS worker safety.

Again, thank you for the opportunity to review and comment on this draft report.

Sincerely,



Emilio Esteban  
Under Secretary for Food Safety

An Equal Opportunity Provider and Employer

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# Appendix VI: GAO Contacts and Staff Acknowledgments

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## GAO Contacts

Thomas Costa, (202) 512-4769 or [costat@gao.gov](mailto:costat@gao.gov)

Steve Morris, (202) 512-3841 or [morriss@gao.gov](mailto:morriss@gao.gov)

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## Staff Acknowledgments

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Chuck Young, Managing Director, [youngc1@gao.gov](mailto:youngc1@gao.gov), (202) 512-4800  
U.S. Government Accountability Office, 441 G Street NW, Room 7149  
Washington, DC 20548

---

## Strategic Planning and External Liaison

Stephen J. Sanford, Managing Director, [spel@gao.gov](mailto:spel@gao.gov), (202) 512-4707  
U.S. Government Accountability Office, 441 G Street NW, Room 7814,  
Washington, DC 20548

