



August 6, 2020

Senator Matt Hansen  
Chair, Business and Labor Committee  
Nebraska Legislature  
Lincoln, NE 68508

RE: Testimony in Support of LB 667/AM 3238

Dear Chairperson Hansen and Honorable Members of the Committee:

My name is Alexis Steele, and I am the Policy Staff Attorney at the Immigrant Legal Center, an Affiliate of the Justice For Our Neighbors Network, where I advocate for immigrant community victims of crimes and other vulnerable peoples in need of legal services. 66% of meat and poultry processing facility workers in Nebraska are immigrants,<sup>1</sup> and infections at meat and poultry processing facilities disproportionately impact minority workers.<sup>2</sup> Our community is suffering. But their suffering at the traumatic rates we are seeing is unnecessary and tragic. I am here today to speak out for immigrants in our community who are rightfully afraid of retaliation if they speak out themselves and on behalf of the Immigrant Legal Center, to express support for LB 667/AM 3238.

This bill calls for reasonable, expert- and federal government-recommended safety measures to lower rates of infection for meat and poultry processing workers at those facilities. Specifically, LB 667 includes requirements, through December of 2021, that meatpacking employers with greater than 100 employees will: (1) maintain 6-foot distancing in production and common areas, (2) provided free face masks to all workers, (3) conduct reporting regarding infection, (4) implement contact tracing of infection, and provide (5) disinfection and ventilation, (6) hand sanitation, (7) prework screening, and (8) testing for infection. Finally, and very importantly, LB 667 also requires (9) communication alerting workers of these measures provided in languages they speak. Each of these measures either directly lowers the spread of infection or facilitates people's compliance with infection-lowering measures.

Each of these measures is so abundantly reasonable that many meat and poultry processing employers

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<sup>1</sup> GROVES, Stephen and TAREEN, Sophia, "Worker shortage concerns in immigrant-heavy meatpacking," ABC News, May 26, 2020, <https://abcnews.go.com/Health/wireStory/worker-shortage-concerns-loom-immigrant-heavy-meatpacking-70875927>.

<sup>2</sup> Waltenburg MA, Victoroff T, Rose CE, et al. Update: COVID-19 Among Workers in Meat and Poultry Processing Facilities — United States, April–May 2020. MMWR Morb Mortal Wkly Rep 2020;69:887-892, *provided by* Center for Disease Control and Prevention, <https://www.cdc.gov/mmwr/volumes/69/wr/mm6927e2.htm#suggestedcitation>.

**IMMIGRANT LEGAL CENTER**

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have taken steps to implement these themselves.<sup>3</sup> But some employers taking some of these important steps is not enough. It is not enough for the workers and their families who will undoubtedly get sick due to the fact that only *some* of these steps were taken and implemented appropriately.

For these measures to be fully effective, they must be consistently applied in a way that only a law can assure. Presently, we know that not all meat and poultry processing employers are taking these basic steps to create reasonably safe work environments, because the University of Nebraska Medical Center conducted a survey of safety measures at processing plants. The results of their survey reported: only 87.3% of employers conducted temperature checks, only 82.8% required masks, and perhaps most appallingly only 56.5% of employers conducted more frequent cleaning of facilities than they did before the outbreak.<sup>4</sup> With more than 3,900 meat and poultry workers testing positive for the virus in Nebraska, making up nearly one-quarter of the state's confirmed cases, it is clear that existing, informally-taken measures are not enough. This is why Nebraska needs LB 667.

At the beginning of the pandemic, meat and poultry workers were declared "essential" by President Trump's executive order.<sup>5</sup> That order recognized that meat and poultry plants could close when unsafe infection rates so warranted and required their "continue operations consistent with the guidance for their operations jointly issued by the CDC and OSHA." LB 667's proposed measures meet the Centers for Disease Control and the Occupational Safety and Health Administration's research-substantiated recommendations. Please support this across-the-aisle, science-based bill to protect Nebraskan meat and poultry processing workers. Nebraskans depend on the health and work of meat and poultry plant workers for our communities and economies to thrive. This bill is not controversial; it is common sense.

Please cast your vote in support of LB 667. If any of the bill's safety measures appeals to you as unreasonable, I ask that you imagine meat and poultry workers as members of your family. Consider them individually, each waking in the morning, either afraid for their health and lives, or assured by our laws of their and their loved ones' safety. These workers are mothers, fathers, grandfathers, grandmothers, sons, daughters, nieces, and nephews. Don't they deserve to breathe without terror, with the safety of masks and ventilation this bill requires? Don't they deserve to work in a clean, disinfected facility? They do. They deserve all the protections LB 667 proposes. These times are uncertain, but you can give meat and poultry workers, their families, the community, a greater degree of safety with LB 667. Workplace safety should not be a gift in Nebraska, but an expectation. Please advance this bill so that workplace safety for meat and poultry workers is a reality, not merely a pretense, as unsubstantial as the assurance "I care" without a vote to show for it.

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<sup>3</sup> *Concerns and perceptions of COVID-19 among meatpacking plant workers in Nebraska*, University of Nebraska Medical Center, June 2020, *attached*.

<sup>4</sup> *Id.*

<sup>5</sup> Exec. Order No. 13917 of Apr 28, 2020, 85 FR 26313, *available at* <https://www.federalregister.gov/documents/2020/05/01/2020-09536/delegating-authority-under-the-defense-production-act-with-respect-to-food-supply-chain-resources>.



Again, because it is absolutely critical to the health and safety of Nebraska’s immigrant families and the state’s communities and economies, I implore you to vote in support of LB 667. I appreciate your time, your consideration of others’ safety with this bill, and I welcome any questions.

Respectfully submitted,

**Alexis Steele**

Immigrant Worker Staff Attorney

Immigrant Legal Center, an Affiliate of the Justice For Our Neighbors Network

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