

United States Senate

WASHINGTON, DC 20510

COMMITTEES:
APPROPRIATIONS
COMMERCE
HEALTH, EDUCATION,
LABOR, AND PENSIONS

October 15, 2020

The Honorable Lamar Alexander
Chairman
Committee on Health, Education, Labor and Pensions
U.S. Senate
Washington, DC 20510

The Honorable Patty Murray
Ranking Member
Committee on Health, Education, Labor and Pensions
U.S. Senate
Washington, DC 20510

The Honorable Susan Collins
Chairman
Subcommittee on Employment and Workplace Safety
U.S. Senate
Washington, DC 20510

Dear Chairman Alexander, Ranking Member Murray, and Chairman Susan Collins:

I write to request a hearing with Centers for Disease Control and Prevention (CDC) Director Dr. Robert Redfield, Department of Agriculture (USDA) Secretary Sonny Perdue, and Department of Labor (DOL) Secretary Eugene Scalia regarding the Administration's effort to address COVID-19 outbreaks at our nation's meatpacking facilities.

As of this writing, 215,476 Americans have been killed by COVID-19. Of those, thousands worked in the meatpacking industry and at least 45,425 meat packing workers have tested positive, including many in Wisconsin. The Senate Health, Education, Labor and Pensions (HELP) Committee has held numerous hearings to better understand the impact of this virus, and the role that our federal agencies play in research, prevention, treatment, and preparation for future pandemics. We are now more than seven months into this fight, and we have yet to hold a hearing about the impact of this virus on workers. This is unacceptable, especially given the recent reporting and revelations regarding industry efforts to influence public health recommendations made by the CDC.¹

¹ <https://www.argusleader.com/story/news/2020/10/02/smithfield-foods-cdc-report-covid-19-outbreak-watered-down/3593620001/>

On September 23rd, the HELP Committee held a hearing with members of the Coronavirus Task Force, including CDC Director Dr. Redfield. I directed my questions to Dr. Redfield and asked him about CDC guidance for a Smithfield meatpacking facility in Sioux Falls, South Dakota. Specifically, I asked if he had contact with the USDA, Smithfield, or the White House regarding a watered-down CDC report written to address a COVID-19 outbreak at the facility. In response, Dr. Redfield stated that he did not have any contact with these entities.² However, following the hearing, I was made aware of conversations between CDC staff and congressional committee staff, confirming conversations between Secretary Perdue and Dr. Redfield on April 22nd, the same date the CDC report was edited and re-released. In a subsequent conversation, Dr. Redfield confirmed to me that he did in fact have conversations with Secretary Perdue, as well as conversations with DOL. Dr. Redfield defended the changes made to the report as edits to reflect that CDC is not a regulatory agency.

Recent reporting indicates that Dr. Redfield had an additional and previously undisclosed conversation about the CDC guidance for the Smithfield facility in question. A recent article in the New York Times reports that Dr. Redfield, at the direction of members of the White House Coronavirus Task Force, including its chair Vice President Pence, altered the CDC report. Specifically, the article describes how the Vice President's Chief of Staff Marc Short, "directed Dr. Redfield, the C.D.C. director, to soften the language of the report sent to the company, reducing the agency's recommendations to suggestions" and that, "Dr. Redfield dictated changes to the report to his staff in Atlanta from the vestibule outside Mr. Pence's office."

The New York Times story continues, "Not long after Dr. Redfield dictated changes to the report to his staff in Atlanta from the vestibule outside Mr. Pence's office, he confided to one of Mr. Pence's aides at the time, Olivia Troye that he felt that he was in an impossible position. 'My scientists are telling me what I need to do,' he said, according to Ms. Troye, who worked on the task force for Mr. Pence. But, he added, 'I want to make sure the vice president is happy.' From then on, a former senior health official recalled, Dr. Redfield would tell colleagues that the C.D.C. was not a regulatory agency, reflecting Mr. Short's view of the limits of its authority."³

Dr. Redfield was not truthful when he came before the HELP Committee on September 23rd. Now there is evidence that he did not mention an important conversation he had with the Vice President's Chief of Staff when he spoke with me in a follow-up conversation we had after the hearing. There is a pattern of dishonesty and a failure to tell the truth from the CDC Director and the Committee should hold a hearing to allow the truth to be shared with the American people.

In addition, the CDC is first and foremost a public health agency. Their focus and priority should always be public health. I am extremely concerned that the effort from CDC to change their recommendations represent not a regulatory clarification, but an effort to improve the public perception of meatpacking companies that did not want to be implicated or viewed as

² <https://www.help.senate.gov/hearings/covid-19-an-update-on-the-federal-response>

³ <https://www.nytimes.com/2020/10/08/us/politics/pence-coronavirus-task-force.html?action=click&module=Spotlight&pgtype=Homepage>

endangering workers. Evidence suggests that the call to Dr. Redfield, made by Secretary Perdue, was made at the behest of industry. And instead of putting public health first, Dr. Redfield cast it aside. The Committee should hear from Secretary Perdue so we can learn the extent to which USDA and Smithfield recommended changes to the CDC report.

Throughout this pandemic, I have called on the Administration to protect the health and safety of Americans, including our nation's workers. This work must be driven by the scientific expertise of career officials at the CDC, and it must be enforced by the federal agency that is charged with regulating businesses on behalf of worker safety. DOL has shirked its responsibilities time and again, allowing industry to both call the shots and the government officials it views as their champions. As members of the HELP Committee, we deserve to understand what Secretary Scalia and his staff discussed with CDC regarding the report and why it has failed to put forth enforceable safety standards for workers in response to the COVID-19 pandemic. In the midst of a pandemic, we must let public health lead the way. That means the expertise of the scientists and professionals at the CDC. Efforts to undermine public health at the request of industry are unacceptable. Misinformation presented to members of congress is equally egregious. The work of this committee is more important now than ever.

Sincerely,

A handwritten signature in blue ink that reads "Tammy Baldwin". The signature is fluid and cursive, with the first name "Tammy" and last name "Baldwin" clearly distinguishable.

Tammy Baldwin
United States Senator

CC: The Honorable Susan Collins

Chair, Subcommittee on Employment and Workplace Safety
Committee on Health, Education, Labor and Pensions
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