

Congress of the United States
House of Representatives

SELECT SUBCOMMITTEE ON THE CORONAVIRUS CRISIS

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WASHINGTON, DC 20515-6143

Phone (202) 225-4400

<https://coronavirus.house.gov>

September 15, 2021

Mr. Tim Klein
President and Chief Executive Officer
National Beef Packing Company
12200 N. Ambassador Dr., Suite 500
Kansas City, MO 64163

Dear Mr. Klein:

The Select Subcommittee on the Coronavirus Crisis is continuing its investigation into the impact of the coronavirus pandemic on workers in the meatpacking industry.¹ We are concerned that the scale of coronavirus infection in American meat processing plants may have been greater than previously believed. These concerns are reinforced by both our initial investigation and press reports alleging that meatpacking companies failed to take adequate precautions to protect their workers' health during the pandemic—endangering workers, their communities, and the nation's food supply.²

As the White House reported last week, at the same time that workers endured difficult conditions, gross profits for some of the nation's largest beef, poultry, and pork processors reached their highest levels in history.³ These record profits come at a time when consumers are paying more to put food on the table and workers are risking their health and safety to keep America fed. Taken together, this information paints a concerning picture: a critical industry, amid an unprecedented national crisis, prioritizing the maximization of short-term profits above the well-being of American workers and consumers.

National Beef is a leading supplier of beef and beef by-products, employing over 9,500 with 2020 annual sales of \$9.4 billion.⁴ Independent analysts estimate that at least 1,435

¹ Select Subcommittee on the Coronavirus Crisis, Press Release: Select Subcommittee Launches Investigation into Widespread Coronavirus Infections and Deaths in Meatpacking Plants (Feb. 1, 2021) (online at <https://coronavirus.house.gov/news/press-releases/select-subcommittee-launches-investigation-widespread-coronavirus-infections-and>).

² *Meatpacking Companies Dismissed Years of Warnings but Now Say Nobody Could Have Prepared for COVID-19*, ProPublica (Aug. 20, 2020) (online at www.propublica.org/article/meatpacking-companies-dismissed-years-of-warnings-but-now-say-nobody-could-have-prepared-for-covid-19).

³ The White House, *Addressing Concentration in the Meat-Processing Industry to Lower Food Prices for American Families* (Sept. 9, 2021) (online at www.whitehouse.gov/briefing-room/blog/2021/09/08/addressing-concentration-in-the-meat-processing-industry-to-lower-food-prices-for-american-families/).

⁴ National Beef Packing Company, *National Beef to Expand Iowa Premium Facility* (Mar. 17, 2021) (online at www.nationalbeef.com/news/national-beef-to-expand-iowa-premium-facility).

National Beef workers were infected with the coronavirus.⁵ One study found that plants run by National Beef had a coronavirus case rate three to five times higher than plants run by other large companies.⁶

Unfortunately, even as the nation attempts to emerge from the pandemic, the danger presented by outbreaks in meatpacking facilities persists as the Delta variant spreads through communities where far too many Americans remain unvaccinated. It is important that the Select Subcommittee understand the impact of the coronavirus on National Beef's workers and operations. Accordingly, we request the following by September 29, 2021:

1. The number of employees at your company, including full-time, temporary, and contract employees, who have contracted the coronavirus, broken down by facility, and identifying all data sources, including company testing, testing by health departments, and all other sources.
2. The number of employees at your company, including full-time, temporary, and contract employees, who have died from the coronavirus, broken down by facility, and identifying all data sources.
3. The number of current full-time, temporary, and contract employees, that are fully vaccinated against the coronavirus, broken down by facility. Please also tell us what percentage of workers at each facility are fully vaccinated.
4. All communications, including, but not limited to, emails, text messages, letters, and handwritten notes, covering the March 1, 2020, to June 1, 2020 period, to or from the Department of Agriculture, the Department of Labor, the Centers for Disease Control and Prevention, the White House, and/or the White House Coronavirus Task Force, related to the coronavirus pandemic.
5. All documents and plant manager-level and higher communications, covering the March 1, 2020, to June 1, 2020 period, related to coronavirus outbreaks, infections, or deaths among workers at your company's facilities or surrounding communities.

These requests are consistent with the House of Representatives' authorization of the Select Subcommittee on the Coronavirus Crisis "to conduct a full and complete investigation" of "issues related to the coronavirus crisis," including "reports of waste, fraud, abuse, price gouging, profiteering, or other abusive practices related to the coronavirus crisis" and "any disparate impacts of the coronavirus on different communities and populations."⁷

⁵ Food and Environment Reporting Network, *Mapping Covid-19 Outbreaks in the Food System* (online at <https://thefern.org/2020/04/mapping-covid-19-in-meat-and-food-processing-plants/>) (accessed Sept. 13, 2021).

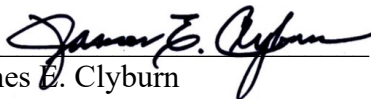
⁶ Charles Taylor and Christopher Boulos, *Livestock Plants and COVID-19 Transmission*, Proceedings of the National Academy of Sciences of the United States of America (Dec. 15, 2020) (online at www.pnas.org/content/117/50/31706#F3).

⁷ H.Res. 8, sec. 4(f); H.Res. 935, 116th Cong. (2020).

Mr. Tim Klein
Page 3

Please respond to this letter no later than September 20, 2021, to confirm your organization's cooperation. An attachment to this letter provides additional instructions for responding to the Select Subcommittee's request. If you have any questions regarding this request, please contact Select Subcommittee staff at (202) 225-4400.

Sincerely,


James E. Clyburn
Chairman

Enclosure

cc: The Honorable Steve Scalise, Ranking Member

Responding to Oversight Committee Document Requests

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
 - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - b. Document numbers in the load file should match document Bates numbers and TIF file names.
 - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.

7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.
21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic

message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.