

June 4, 2020

Governor Ralph Northam
Governor of Virginia
Patrick Henry Building
1111 East Broad Street
Richmond, Virginia 23219

M. Norman Oliver, MD, MA
State Health Commissioner
Virginia Department of Health
109 Governor Street
Richmond, VA 23219

Mark R. Herring
Office of the Attorney General
202 North Ninth Street
Richmond, VA 23219

C. Ray Davenport
Commissioner
DOLI
600 E. Main St., Suite 207
Richmond, VA 23219

Ronald L. Graham
VOSH Health Director DOLI
600 E. Main St, Suite 207
Richmond, Virginia 23219

Re- Proposed Virginia COVID-19 Regulatory Language Pertaining to Meat & Poultry Plants

Gentlemen,

This responds to a Virginia request for comments related to proposed COVID-19 regulatory language pertaining to meat and poultry plants operating in Virginia, as proffered by Legal Aid Justice Center, Virginia Organizing.

Respondent is Monogram Meat Snacks Martinsville, LLC, a wholly owned subsidiary of Monogram Food Solutions, LLC. Monogram Food Solutions operates 9 food production plants across six states, which are predominantly value-added meat plants, with the Martinsville, Virginia meat plant being our largest and providing almost 700 quality jobs.

Monogram has operated since COVID-19 with two main objectives - - first, to demonstrate that no one takes employee and food safety more seriously than Monogram, and second, to continue making the food which our nation needs in a pandemic crisis. We made two commitments to all our team members - - no shortcuts and no surprises. We have enacted a long list of proactive measures to enhance the safety of our team members and their families, roommates, and associates, and upon request we are happy to provide that list to the state. We are very proud of all that we have done, and the significant cost to Monogram is in the millions of dollars. However, cost considerations for Monogram have been secondary to doing the right things for the health and safety of our team members regardless of cost. Importantly, we could not have had these millions of dollars for COVID-19 initiatives if we were operating our plants improperly and wastefully.

We acknowledge and compliment Legal Aid Justice Center as being very well meaning with its regulatory proposals. While many are familiar to Monogram because of our prior implementation, we must strenuously object to item 3.(a) in its recent letter (no date found) to the four of you. That recommendation is to "Immediately shut down for a minimum of 72 hours the department(s) in which the COVID-19 positive employees worked, and clean and sanitize the department in accordance with CDC recommended guidelines." All meat plants have been directed by the President of the United States to continue operations and make the food that Americans need in this pandemic crisis. Meat plants cannot run if a department is closed for at least three days. A meat plant can, however, operate responsibly with regard to human health, which can be accomplished in well under 72 hours. For example, when an employee leaves his/her station in a department due to illness, within minutes either a plant operations or QA person will wipe down all surfaces in that area with Pure, an approved hard surface sanitizer. Depending on the cleaning manpower and disinfectant chemicals to be used, meat plants know very well how to clean and sanitize and the time required. The regulation should specify a clean and safe condition in each department and throughout the plant, and neither mandate the amount of time to shut down a department nor the sending home of all team members in a department.

As further elaboration, a meat plant conducts extensive cleaning and sanitation daily before every new workday to meet or exceed stringent USDA requirements. The following is a quote from the USDA website "The same sanitary procedures that establishments are already following to protect food safety will also help prevent the spread of respiratory illnesses like COVID-19." Additionally, Monogram plants are meeting or exceeding CDC sanitation guidelines. When the plant re-starts in the morning, it has passed extensive inspection to be designated as clean and sanitized and ready for production, as determined both by (1) Monogram's own QA inspectors, and (2) the USDA inspectors present. If there had been a sick person in the plant the day before, then that work area was sanitized immediately after that person's departure, and during the night the entire department and the entire production area of the plant is clean and sanitized.

Further, Monogram has extensively directed its team members to stay home when they first become aware of COVID-19 symptoms, and we continue their pay while they recover away from work from COVID-19. Monogram also checks the temperatures of all team members before allowing them to enter our plants. Monogram then provides masks to all employees and offers face shields to all employees. Further, Monogram is providing various separation enhancements.

Another recommendation of Legal Aid Justice Center is "As of the date of adoption of the regulations, facilities shall require mandatory COVID-19 testing of each employee. The employer shall bear the burden of the costs of such testing." Monogram has three comments about this. First, the timing of the required action is unclear. Is such testing to be done on the date of adoption of the regulations, or within 3 months or a year or ten years thereafter? Second, is there a need for the testing? Maybe there is no need, either because the plant just finished testing, or because there is a very low incidence of COVID-19 sickness in that plant and/or in its community. Why require testing that is not needed? Third, much to the credit of Virginia, the state has offered some testing at state expense. Regardless of whether the source of such funding is federal or state, such an offer is greatly appreciated by the Martinsville meat plant. Martinsville is a tax-paying company that helps to generate lots of commerce and other tax revenues for Henry County and Virginia. It is reasonable that a small amount of funds would become available to the Martinsville plant to test residents living in the greater Martinsville area. Surely this will benefit the community and the state. Please bear in mind that none of these COVID-19 extraordinary costs were budgeted by Monogram, and Monogram does not have unlimited extra funds, so state partial help in promoting testing for health reasons is providing needed services for its residents.

Another recommendation of Legal Aid Justice Center is to increase ventilation rates. Monogram understands this is beneficial in many circumstances and not beneficial in other circumstances. The plant must make the right informed decision in this regard for the benefit of its workers.

Another recommendation of Legal Aid Justice Center is to maintain 6 foot separation between workers. This should be qualified to say where practical and, where impractical, to implement other health-related improvements such as Plexiglas dividers and/or PPE.

Another recommendation of Legal Aid Justice Center is that plants would pay workers who refuse to come to work due to concern about COVID-19. While we are sympathetic to anyone with concerns, such workers need to reflect upon all the improvements being offered in the plant to help keep people healthy and safe. If

they still do not want to come to work, plants are not able to pay them endlessly to stay home and do nothing. These workers need to find another source of employment where they are more comfortable from a COVID standpoint.

In summary, Monogram puts employee health and safety, and food safety, above all else. Monogram has invested millions of dollars for COVID-related health improvements without regard to the costs. However, to have these monies to invest in COVID improvements, plants must avoid unnecessary and non-productive guidelines and costs. To immediately shut down one or more departments would leave raw materials or work in progress in a precarious way and likely result in spoilage or non-conformance with product specifications, thus making the products worthless. The production process in a plant is sequential from one department to the next. When one department stops, possibly the rest of the plant must soon stop at great economic loss and without producing the food our nation needs. For sure, there is no justification for a minimum 72 hour shutdown of a department and sending all workers in that department home. Sanitation will take place very rapidly as required. There should not be a government mandate to send all workers in a department home with pay when there is no evidence they are ill or likely to become ill.

Thank you for your consideration of these comments.

Regards,



Donald E. Brunson
Monogram Food Solutions, LLC
COO

Cc: Mr. Todd Haymore
Hunton Andrews Kurth
951 East Byrd St
Richmond, VA 23219

