

ISSUE BRIEF

# CORPORATE IRRESPONSIBILITY:

## JBS'S INACTION AND DISREGARD FOR WORKER SAFETY HAVE INCREASED THE SPREAD OF COVID-19 IN THE UNITED STATES AND BRAZIL

### INTRODUCTION

JBS is the world's largest meat processing company, producing beef, chicken, and pork as well as by-products from the processing of these meats.<sup>1</sup> JBS is worth an estimated \$11.7 billion (US), with annual sales recently reaching \$51.8 billion.<sup>2</sup> In total, the company employs around 242,000 workers in 400 production units in 15 countries.<sup>3</sup>

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Butchers chop meat at a JBS packing plant in São Paulo, Brazil.

The JBS parent company (JBS South America, or SA) is based in Brazil, where 120,000 employees work in more than 150 JBS-owned processing plants and distribution centers.<sup>4</sup> Additionally, as a global conglomerate, JBS encompasses dozens of subsidiaries. The largest of these is JBS USA, which is the second-largest U.S. meatpacker, behind Tyson Foods.<sup>5</sup> JBS USA employs more than 78,000 workers and operates more than 100 facilities in the United States, Canada, Mexico, Europe, Australia, and New Zealand.<sup>6</sup> As holder of 78.5 percent of shares, JBS is also the majority owner of Pilgrim's Pride, a global chicken processor with an additional 30,000 U.S. employees across 12 states.<sup>7</sup> Herein, we will use JBS to refer to the parent company and all its subsidiaries, both wholly-owned subsidiaries like JBS USA and majority-owned subsidiaries such as Pilgrim's Pride.

As slaughterhouses have increased in size across the globe, owners of processing plants have increased line speeds, squeezing in more workers to keep up with the blistering pace of production. This, however, is causing a quiet epidemic of crippling injuries.<sup>8,9</sup> The work is not only backbreaking but also dangerous; workers stand shoulder-to-shoulder on both sides of long conveyor belts, wielding scissors and knives under cold, damp, and noisy conditions. As Debbie Berkowitz, a senior official at the Occupational Safety and Health Administration (OSHA) in the Obama administration, recently testified before Congress:<sup>10</sup>

According to the industry's own self-reported statistics over the last few years, meat and poultry workers are injured at rates on average 50 percent higher than all other workers in the private sector, with injury rates in red meat plants running almost twice as high. Further, the government has found that these statistics are an undercount; the real rates of injury and illness are much higher. The meat and poultry slaughtering and processing companies report more severe injuries, such as amputations and injuries or illnesses that result in the overnight stay at a hospital, to OSHA than industries that are popularly recognized as hazardous, like sawmills, industrial building construction, and oil and gas well drilling.

The meatpacking industry is often criticized for its disregard of workers. Its practices are also viewed as damaging to the environment, thanks to rampant deforestation in the meatpacking supply chain and the industry's greenhouse gas emissions. Still, JBS is exceptional for the extent and documentation of its irresponsible practices, including human rights abuses, widespread corruption, and illegal deforestation around the world [see "JBS's Abysmal Record on Deforestation, Greenhouse Gas Emissions, and Human Rights," below].<sup>11</sup>

Experts have warned for some time that the conditions causing so many worker injuries were leaving those same workers vulnerable to pandemic infections. A 2007 report



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A worker heads into the JBS meatpacking plant Monday, Oct. 12, 2020, in Greeley, Colorado.

by the US National Infrastructure Council anticipated that a future pandemic could seriously disrupt operations in the private sector (including meatpacking); it warned that up to 40 percent of private sector staff could be absent for periods of about two weeks at the height of a pandemic.<sup>12</sup> The council recommended steps to mitigate the health risks and possible workplace disruptions, such as continuity planning to identify critical facilities and workers, and to facilitate better collaboration between companies and public health agencies.<sup>13</sup> A 2015 federal report, however, found that the meat industry still did not have a pandemic plan in place.<sup>14</sup> At the same time, OSHA was being chronically starved of staff and resources to fulfill its mandate to protect workers. During the COVID-19 pandemic, the number of OSHA inspectors reached their lowest level since 1975.<sup>15</sup>

As a result, it came as little surprise when meatpacking plants, in Brazil as well as in the United States, emerged as hot spots early in the outbreak. Even as evidence mounted that slaughterhouse workers were especially vulnerable to infection, however, many of those plants including ones owned by JBS, simply refused to slow down. "The problem was, at these plants that were closing, they weren't making any changes. They were just running full throttle and business as usual," said Matt Utrecht, president of the union representing 1,850 of the workers at JBS's enormous pork plant in Worthington, Minnesota.<sup>16</sup>

Basically, JBS failed to adopt continuity planning to protect workers after either the 2007 or the 2015 report. The multiple pandemic-related disruptions to plant operations since early in 2020 were a direct result.<sup>17</sup> The company has yet to publicly announce plans to adopt the recommendations of the reports and thus appears vulnerable to future disruptions whether from coronavirus or other infectious disease outbreaks.

## HOW COVID-19 HAS IMPACTED SOME JBS PLANTS

These are just a few examples of how the spread of COVID-19 affected meatpackers and surrounding communities in Brazil and the United States.

### JBS SA in Brazil

- In Mato Grosso do Sul, one of three southern states where meatpacking is very prominent, more than one-quarter of the 4,000 workers at one JBS plant tested positive for COVID-19 in July 2020.<sup>18</sup>
- After more than 40 percent of the 940 workers at a JBS plant in the small town of São Miguel do Guaporé, in the Amazonian state of Rondônia, became infected, a judge ordered the plant to close. At the time (July 2020), the plant accounted for more than half of the town's entire COVID-19 caseload.<sup>19</sup>
- In Colíder, a small city in the northern state of Mato Grosso, meatpacking workers at a JBS plant accounted for about 17 percent of the city's confirmed cases in July 2020.<sup>20</sup>

### JBS USA and Pilgrim's Pride

- Cases mounted rapidly after the first worker tested positive for COVID-19 at JBS's Greeley, Colorado, beef plant on March 3, 2020, eventually forcing an eight-day closure in mid-April. Almost immediately after its reopening, the number of confirmed worker cases more than doubled, from 120 on April 25 to 245 just four days later.<sup>21</sup> By July 12, Colorado was reporting 447 coronavirus cases (and 10 deaths) statewide; the Greeley plant contributed 290 cases, or 65 percent of the state total.<sup>22</sup> To date, the Greeley plant stands as the site of the third-largest outbreak of COVID-19 in the state.<sup>23</sup> Seven months after it began, Colorado finally pronounced the plant outbreak "resolved" on September 30. Just six weeks later, a new active outbreak was declared in the same plant, with 10 additional infected workers as of April 1, 2021.<sup>24</sup>
- The huge JBS plant in Worthington employs more than 2,000 workers, and accounts for about 4 percent of the nation's entire pork supply. JBS only took action and closed the plant on April 20 after hundreds of workers started calling in sick or had already tested positive for COVID-19.<sup>25</sup> Nine days later, plant workers accounted for 39 percent (239 out of 615) of all the confirmed COVID-19 cases in the entire county.<sup>26</sup> By June 2020, a total of 791 workers at the plant had been positively diagnosed with coronavirus, the most at any JBS-owned plant in the United States.<sup>27</sup>
- On May 11, dozens of workers from the Pilgrim's Pride chicken processing plant in Cold Spring, Minnesota, drove around the plant honking, demanding that it be closed for two weeks.<sup>28</sup> At that point, 194 of the plant's 1,100 workers had been diagnosed with COVID-19.<sup>29</sup>

The pandemic has had significant physical, mental health, and/or economic impacts on just about everyone. But those burdens fall hardest on the least powerful members of society. Meatpacking plants in Brazil and the United States employ large numbers of immigrants and Black, Latino, Indigenous, or other workers from racial or ethnic minorities.<sup>30</sup> In July, the Centers for Disease Control and Prevention (CDC) stated that in the U.S. meatpacking plants that reported the race and ethnicity breakdown of their employees, 87 percent of workers infected with the coronavirus were racial or ethnic minorities.<sup>31</sup>

The pandemic's outsize impact on meatpacking workers, and on the surrounding communities whose economies rely on the plants, is tragic but unsurprising. Unsavory business practices appear to be the glue that ties JBS together, from its enormous carbon footprint to its deforestation to its willingness to sacrifice the health and safety of its workforce. In a sense, the pandemic has only thrown those issues into starker relief. COVID-19 has shined a bright light onto the ways in which workers and their communities suffer when meatpackers like JBS duck their corporate responsibilities and turn a blind eye to the health and safety consequences of their longstanding plant conditions and practices.

### JBS DOES NOT PROTECT ITS WORKERS FROM COVID-19

Even after stay-at-home and social distancing measures were instituted in the United States in March 2020, forcing the closure of schools and most workplaces, U.S. meatpacking plants initially continued operating as usual.<sup>32</sup> Not surprisingly, without the recommended safety measures in place, COVID-19 outbreaks began to overwhelm these plants across the country, triggering temporary closures. Among them were two of JBS USA's largest, the Greeley, Colorado, beef plant, with 3,200 workers, and the Worthington, Minnesota, pork plant, with 2,000 workers.<sup>33</sup>

Protections for meatpacking workers appear to have been largely ignored until the number of coronavirus infections among them skyrocketed.<sup>34</sup> Throughout the pandemic, slaughterhouse workers in both Brazil and the United States have reported a culture in which employees have to work while sick (there is no sick leave) and face mask and social distancing rules are routinely not enforced.<sup>35</sup> In the United States this has been partially due to political pressure to remain open amid consumer fears of meat shortages, amounting to a government endorsement of treating workers as disposable for the sake of consumer interests.<sup>36</sup>



Family members of longtime JBS USA meat packing plant employee Saul Sanchez, from left, wife Carolina Sanchez, and daughter Estela Hernandez, Beatriz Rangel and Patty Rangel hold a photo of him after he died of coronavirus disease (COVID-19) in Greeley, Colorado, U.S. April 10, 2020.

In the United States as well as in Brazil, JBS has faced few consequences for its blatant disregard for workers' lives during the pandemic. After nearly 300 JBS workers in the Greeley beef plant were infected with COVID-19 and 6 died, the company was cited for two OSHA violations on September 11, 2020, and fined a paltry \$15,160. The more serious violation, accounting for 89 percent of the total fine, was JBS's failure under the general duty clause of the OSHA Act of 1970 to provide a workplace "free from recognized hazards that are causing or are likely to cause death or serious physical harm to [its] employees."<sup>38</sup> JBS quickly contested the citations and refused to pay.<sup>39</sup> Speaking on behalf of more than 3,000 workers at the plant, the local union president told the *Denver Post* that the trivial fine "only incentivizes the company to continue endangering its employees."<sup>40</sup> Previously, JBS had also contested five pandemic-related citations issued for health and safety violations at its Worthington pork plant in July 2020, refusing to pay the associated fines totaling \$29,400.<sup>41</sup>

Outbreaks began hitting Brazil's meat plants at about the same time as in the United States, in March/April 2020, and labor lawyers and prosecutors organized to protect workers. They petitioned the courts to temporarily shut down some plants, which a judge eventually ordered in July 2020, but only after the outbreaks had reached a fevered pitch.<sup>42</sup> The courts also ordered that workers be tested for COVID-19 at four JBS SA plants in Rio Grande do Sul.<sup>43</sup>

For several months into the pandemic, JBS SA was the only meatpacking company in Brazil to resist an agreement with the Brazilian Public Labor Ministry (MPT) to improve worker safety. Eventually the MPT took steps toward stopping operations at 12 JBS SA plants for failing to protect their workers during the pandemic. On July 27 the company finally agreed, in accordance with the MPT, to supply workers at the Três Passos plant with PFF2 masks



In the Amazon, trees are cut down to make space for cattle ranching. Extensive cattle farming is a major driver of Amazon deforestation, and beef production for export has increased by ten times in the last two decades, led by three huge meatpackers: JBS, Minerva and Marfrig.<sup>37</sup>

(the Brazilian equivalent of N95) and to test all workers for COVID-19. However, JBS SA refused to offer workers replacement masks on a daily basis, causing employees to reuse contaminated masks for an entire week or more.<sup>44</sup>

Labor prosecutors also worked with companies and workers to ensure that when plants reopened, workers would be protected. However, while other companies signed on to these prosecutor-brokered agreements, JBS failed to do so. Moreover, JBS SA declined to comment on outbreaks at its individual plants; the company maintains that in responding to the disease outbreak, it has followed or exceeded CDC guidelines at its plants worldwide.<sup>45</sup> However, neither enforcement actions nor workers' stories indicate as much. When one JBS meatpacker in Brazil, Leandro da Conceição, complained about feeling ill to his supervisor, he was ignored. He stayed on the job, getting sicker and sicker, until he tested a positive for COVID. "His focus was the cows, not the employees," Conceição told *The Guardian*, in reference to his supervisor.<sup>46</sup> A *Washington Post* story about the workers in JBS's Greeley plant who fell ill in March tells a similar tale.<sup>47</sup>

## JBS ACTIONS RESULTED IN COVID-19 CASES AND COMMUNITY SPREAD

Neither the United States nor Brazil has provided comprehensive and up-to-date tracking and reporting of confirmed COVID-19 cases among meatpacking workers. Perhaps as a reaction to that failure, Leah Douglas, a reporter at the Food and Environment Reporting Network, has sifted through county public health announcements and local news reports to compile and maintain a much more complete record of meatpacking worker cases and deaths in the United States since April 2020, broken down by company and by individual plant. Douglas's latest tally

(as of April 1, 2021) is 58,313 confirmed cases of COVID-19 in meatpacking workers in 572 plants in 35 U.S. states, with 286 deaths.<sup>48</sup> Similarly, the Brazilian MPT confirmed that by June 2020 there had been 11,500 COVID-19 cases among workers in 104 factories in just the three southern states that are home to about half of Brazil's 500,000 meatpackers.<sup>49</sup> By August, an estimated one in five Brazilian meatpacking workers had contracted COVID-19, making it one of the world's worst sector-wide workplace outbreaks.<sup>50</sup>

Unfortunately, outbreaks among workers also impact the communities where these plants are located. A recent study in the *Proceedings of the National Academy of Sciences* concluded that meatpacking plants, at least in the United States, serve as vectors in spreading COVID-19 to their neighbors. As of July 21, 2020, the study estimates U.S. meat processing plants were associated with 236,000 to 310,000 COVID-19 cases (6 to 8 percent of the U.S. total at the time), along with 4,300 to 5,200 deaths (3 to 4 percent of the U.S. total). Public health researchers concluded that "poultry plants showed a significant relationship with COVID-19 cases, with pork plants showing the strongest relationship. Beef plants showed the strongest relationship with deaths from the illness."<sup>51</sup> A subsequent U.S. Department of Agriculture analysis concluded that the highest COVID-19 case rates among non-metro U.S. counties had been found in those that are dependent on farming and manufacturing, due in part to "higher COVID-19 case rates

in meatpacking-dependent counties," defined as counties where more than 20 percent of adults are employed by the meatpacking industry.<sup>52</sup>

For JBS USA and Pilgrim's Pride plants in particular, Douglas's database documents at least 3,935 COVID-19 cases and 20 deaths involving workers in 16 states.<sup>53</sup> And in Brazil, at least 4,000 workers in 23 JBS SA plants in seven states have tested positive.<sup>54</sup>

Holding JBS, or the meatpacking industry in general, more fully accountable is not possible without accurate and more public data on COVID-19 cases among meatpacking workers. If those data were available, it's likely that the numbers would, unfortunately, be significantly higher.<sup>55</sup>

Individual journalists and activists have been doing their best to compile the limited data where they exist, forced into this role by the lack of a public mandate for federal and state governments to provide this information. Meatpacking companies also could be acting with more responsibility and transparency to provide such data.

It would seem to be part of the pattern of meatpacking companies generally, including JBS, to shirk whatever obligation they have not only to provide a safe workplace, but also to be a good neighbor to the surrounding communities.<sup>56</sup> To paraphrase Rep. Rosa DeLauro (D-CT) writing in her 2017 book, *The Least Among Us: Waging the Battle for the Vulnerable*, if we depend on corporate good will to protect workers, we are all screwed.<sup>57</sup>

## JBS'S ABYSMAL RECORD ON DEFORESTATION, GREENHOUSE GAS EMISSIONS, AND HUMAN RIGHTS

JBS has repeatedly been linked to illegal deforestation in its meat supply chain. JBS operates 20 slaughterhouses in the Amazon region, but the company monitors only its direct suppliers. In 2020 JBS was accused of acquiring cattle from farms linked to illegal deforestation in the Brazilian Amazon. Cattle are heavily tracked in Brazil through a system of tags and checkpoints to ensure that they are not coming from farms in illegally deforested areas. However, in a "cattle laundering" process, farms that have been cited for deforestation or other violations often sell their cattle to suppliers or to other farms considered to be operating legally, where those cattle are then fattened and eventually sold to slaughterhouses, thus forming part of the indirect process.<sup>58</sup>



The Brazilian Institute of Environment and Renewable Natural Resources (IBAMA) seizes 7,387 logs illegally extracted from Pirittiti Indigenous Land, in the Amazonian state of Roraima.

As a result, JBS's total deforestation footprint may be as high as 494,210 acres (200,000 hectares) in its direct supply chain and 3.7 million acres (1.5 million hectares) in its indirect supply chain, according to estimates from Chain Reaction Research.<sup>59</sup> In other words, JBS's enormous size, combined with its practice of buying cattle originating from illegally deforested land, makes it one of the world's largest emitters of greenhouse gases. Its operations are estimated to produce around half of the comparable fossil fuel emissions of petroleum company giants such as ExxonMobil, Royal Dutch Shell, or BP.<sup>60</sup>

JBS has also been accused of perpetuating slavery-like conditions for its workers by, for instance, withholding wages or ignoring horrendous living conditions in the housing it provides. For example, a labor inspector told *Réporter Brasil*, an organization that monitors human rights violations in Brazil, about a middleman housing JBS workers in a disused mine. The horrific conditions he saw there, he said, "cannot be described in words." Many of these workers have no contracts.<sup>61</sup>

## IMPACT OF JBS NEGLIGENCE: INCREASED COVID-19 SPREAD AFFECTS SOME OF THE MOST VULNERABLE

In refusing to take adequate steps to protect worker health and safety, JBS is essentially allowing COVID-19 to run rampant through its worker population and the communities surrounding its plants. Increased spread of the coronavirus is dangerous for everyone, but it disproportionately affects the most vulnerable populations.

### Brazil

When the pandemic hit, meatpacking workers, who have always operated under crowded and unsanitary conditions, were both more exposed and more vulnerable to the disease. These workers undeniably are vectors in the spread of COVID-19 from the plants themselves into Indigenous reserves and other underprepared rural areas in Brazil. The impacts of the virus have been particularly disastrous among Indigenous people, who face high risks of transmission. People in many of those communities live in close quarters and share cookware, lack access to soap and water or hand sanitizer, and often have limited access to health care.<sup>62</sup> During fire season (from June to November), smoke fills the air around many Indigenous communities and made it more difficult to breathe—exacerbating the potential COVID-19 risk.<sup>63</sup>

Using census, race, and employment data, researchers have shown that among rural areas, municipalities that are home to slaughterhouses have some of the highest COVID-19 infection rates in Brazil. This is also the case for rural counties in the United States.<sup>64</sup>

In Mato Grosso do Sul, COVID-19 entered the Dourados Indigenous Reserve through 33 Indigenous employees of a JBS slaughterhouse who tested positive; more than 150 residents were eventually infected, 90 percent of whom were directly or indirectly associated with JBS SA, according to the state secretary of health. The same pattern of spread is seen throughout Brazil, where many COVID-positive Indigenous residents either work as slaughterhouse employees or came into contact with them.<sup>65</sup> The reserve closest to Dourados also became a COVID-19 hot spot, reporting around 3,500 cases by mid-July 2020, or around 30 percent of the total cases in the state at that time.<sup>66</sup>

Both the MPT and the Federal Prosecution Ministry (MPF) have taken action to inspect and/or require additional safety measures by meatpacking companies. After being pushed by these ministries, JBS officials said that the company had removed its Indigenous workers upon confirmation of the first coronavirus cases, subsequently putting all of them on paid leave, and said it had initiated steps to control and prevent new outbreaks. According to the experts and Indigenous leaders interviewed by *Réporter Brasil*, however, the company was slow to act, and the safety measures taken have been inadequate. JBS's slaughterhouse in Dourados, for example, continued to transport Indigenous workers in small, overcrowded buses after the pandemic had clearly taken hold in Brazil.<sup>67</sup>

### United States

While early coronavirus outbreaks in U.S. cities like New Orleans and New York City initially grabbed headlines, the news of outbreaks in meatpacking plants soon followed. The affected plants have mostly been in smaller towns in the thinly populated states of the agricultural heartland.

While 58 percent of JBS USA's managers are white, its factory workers are primarily minorities. According to the local union representing workers at the Greeley plant, 70 percent of those workers are minorities, including all six employees who died of COVID-19 complications through September 2020.<sup>68</sup> Worker advocacy groups filed a civil rights complaint in July 2020 against JBS, as well as Tyson Foods, citing their failure to prevent coronavirus outbreaks among their largely minority workers.<sup>69</sup>

Not surprisingly, JBS does not accept any blame. Besides the two OSHA citations and \$15,160 in fines levied against the JBS Greeley plant in mid-September, there also were \$79,400 in total fines for violations at the Worthington plant, plus \$13,494 in COVID-19 related fines for violations at the Green Bay, WI plant. In each case, JBS quickly contested the citations, and still have not paid any of the fines. In Greeley, just a few weeks after Colorado regulators levied the fines, JBS also denied payment of workers' compensation claims lodged by families of three of the six dead employees. The company actually argued that the dead workers' COVID-19 illnesses were not work-related.<sup>70</sup>

### NEXT STEPS

When meatpacking companies like JBS are allowed to act irresponsibly, the broader consequences have always been dire. That much has not changed. Add in the current pandemic, however, and the stakes have only gotten higher. That holds especially true for JBS workers, who number in the hundreds of thousands across the United States and Brazil. For them, corporate irresponsibility during the pandemic has been a life-and-death matter.

An adequate response to COVID-19 would have required much earlier investment in worker safety, including personal protective gear and paid sick leave, for example. JBS's priority instead was to keep its plants running with as many workers as possible; amid the pandemic, the company posted record net revenues of \$51.8 billion in 2020. The JBS response to COVID-19 is largely in keeping with its longstanding record—one of disregarding the health and well-being of its workers, abusing other human rights, and contributing to climate change.<sup>71</sup> The coronavirus pandemic has simply clarified the egregiousness and lethality of JBS's policies and practices.

Investors and the public can no longer remain silent about JBS's bad behavior and lack of corporate responsibility. Nordea Asset Management pointed to the company's environmental record and its pandemic response in its decision to sell JBS shares, worth 40 million euros, across all of its funds, in August 2020.<sup>72</sup> As JBS considers

launching a public stock offering to spin off its large U.S. subsidiary, other investors should also divest from JBS in order to hold the company accountable.<sup>73</sup>

Ultimately, however, improved conditions for the highly diverse workforce at huge meatpackers such as JBS will require not only an overhaul of company practices to ensure accountability, but also large-scale changes to public policy. As noted by Representative DeLauro in 2017, workers are typically assured safe workplaces in democracies when government takes strong action to hold corporations accountable, rather than depending solely on the latter's good will.

That's why NRDC expects urgent action by the U.S. government to ensure companies like JBS meet their obligation, under the general duty clause of the 1970 OSHA Act, to provide safe workplaces. One essential step forward will be the new Emergency Temporary Standard (ETS) written by OSHA in response to a January 2021 executive order, and reportedly awaiting clearance at the Office of Management and Budget. Longer term, we also strongly support calls for OSHA to begin writing a permanent infectious disease standard for workplaces.<sup>74,75</sup>

But neither should JBS wait for government action that we know or strongly believe to be in process to begin demonstrating better accountability in protecting its

workers.<sup>76</sup> Therefore we also urge JBS, among other meatpacking companies, to fully and expeditiously take the following steps:

- In support of greater transparency, create and regularly update a publicly accessible COVID-19 dashboard that reports the numbers of JBS workers with confirmed COVID-19 cases and related deaths, by plant, in both the United States and Brazil.
- Accept responsibility for workplace safety violations found at these plants during the pandemic thus far, and pay the nominal fines. Pay workers' compensation claims related to COVID-19 filed by current and former JBS workers at U.S. facilities.
- Commit the company to expedite its compliance with OSHA's newly written Emergency Temporary Standard (ETS). JBS should commit to compliance at all its facilities, both within and outside the United States.
- Post a pandemic preparedness guide for the company as a whole, including a timeline for implementing within each facility the guidelines initially laid out in 2007 by the US National Infrastructure Guidance Council.

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