

EXHIBIT A



Formerly known as Friends of Farmworkers

May 19, 2020

Via Facsimile

U.S. Department of Labor – OSHA
The Stegmaier Building, Ste 410
7 North Wilkes-Barre Boulevard
Wilkes-Barre, PA 18702-5241
Fax: (570) 821-4170

Re: Imminent Danger Complaint - Health and Safety Complaints against Maid-Rite Specialty Foods a/k/a Maid-Rite Steak Co.

Dear Administrator:

We write this complaint on behalf of three current workers at Maid-Rite Specialty Foods also known as Maid-Rite Steak Co. (“Maid-Rite”) who wish to remain anonymous. Our clients work in meat processing and package various raw meat products. There are approximately 100 to 200 employees at the facility located at: 105 Keystone Industrial Park Rd, Dunmore, PA 18512.

Our clients have designated Justice at Work as their representative. As representative of these employees, we request an investigation under 29 U.S.C. § 657(f)(1) because the current conditions and practices in this workplace pose an imminent danger to our clients and other employees. Our clients and other employees face exposure to COVID-19 because of Maid-Rite’s failure to implement appropriate safety measures, including, as detailed below, Maid-Rite’s failure to issue masks regularly to all workers and requirement that workers purchase and wear their own masks, Maid-Rite’s failure to advise all workers of their contact with co-workers infected with COVID-19, and Maid-Rite’s refusal to slow line speeds, while requiring workers to wear face shields that repeatedly fog up and cause some workers difficulty breathing. Such exposure could reasonably be expected to cause death or serious physical harm immediately.¹ OSHA’s intervention is imperative to protect the health and safety of these essential workers.

¹ As stated in the joint OSHA/CDC guidance for the meatpacking industry, “Some people become so sick they must be admitted to the hospital and some people may die from the illness.” *Meat and Poultry Processing Workers and Employers: Interim Guidance from CDC and the Occupational Safety and Health Administration (OSHA)*, available at: <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/meat-poultry-processing-workers-employers.html>. The meat processing industry in particular has been greatly impacted by COVID-19. Meat processing workers in Pennsylvania have contracted the virus at alarmingly high rates. Jessica Calefati & Bob Fernandez, *Pa. has more coronavirus cases among meat plant workers than any other state, CDC says*, *The Philadelphia Inquirer* (May 1, 2020), available at: <https://www.inquirer.com/business/retail/cdc-20200501.html>. Some meat processing workers have died of the virus, which they presumably contracted at their workplace. Justine

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OSHA/CDC Guidance in Meatpacking Industry

On April 26, 2020, OSHA and the Centers for Disease Control and Prevention (CDC) issued joint interim guidance related to COVID-19 for meatpacking and meat processing workers and employers. The guidance outlines important safety measures to reduce the risk of exposure to the virus for workers who have been deemed “critical infrastructure” workers. Given the specific risks faced by meat processing workers, like Maid-Rite employees, who typically work closely on processing lines for long periods of time, OSHA and the CDC recommend specific actions in meat processing facilities.

Under this guidance, work environments should be configured to be spaced at least six feet apart. Multiple graphics illustrate possible workplace arrangements that implement some combination of social distancing workers six feet apart, constructing physical barriers, such as partitions, to separate workers, and alternating workers so that they do not face one another. It further provides, “Changes in production practices may be necessary in order to maintain appropriate distances among workers.” The guidance suggests modifying processing or production lines, shifts, and staggering workers or splitting shifts, while taking care to reserve one shift for cleaning and sanitization.

Where hazards are present, OSHA standards require employers to provide appropriate personal protective equipment (PPE) to protect workers from hazards. The CDC recommends wearing cloth face coverings as a protective measure. Employers should comply with any state or local requirements. The joint guidance requires employers to replace any face coverings that become “wet, soiled, or otherwise visibly contaminated.”

In addition to production-related guidelines, OSHA and the CDC recommend additional clock in/out stations to reduce crowding. For break rooms and other shared spaces, the guidance states that employers should remove or rearrange chairs and tables, or add partitions to tables. Employers should establish protocols to increase the frequency of cleaning and sanitization.

Workers with symptoms should be isolated and their work stations disinfected. For workers who are sick, OSHA/CDC guidance recommends reviewing leave policies to ensure ill workers are not in the workplace and that employees are not penalized for taking sick leave.

Pennsylvania Department of Health Order

The OSHA/CDC guidance further states that all meat and poultry processing facilities should “work directly with appropriate state and local public health officials and occupational safety and health professionals” and “incorporate guidance from other authoritative sources or regulatory bodies as needed.” The Pennsylvania Secretary of Health issued an order on April 15, 2020 that details important health and safety measures for essential workers. OSHA’s general duty clause requires Maid-Rite to comply with this Order. *See* 29 U.S.C. § 654.

Coleman, *Meatpacking worker told not to wear face mask on job died of coronavirus*, The Hill (May 7, 2020), available at: <https://thehill.com/policy/finance/496595-meatpacking-worker-told-not-to-wear-face-mask-on-job-died-of-coronavirus>; Carmen Dominguez, *Two of My Colleagues Died of Covid-19*, The New York Times (Apr. 29, 2020), available at: <https://www.nytimes.com/2020/04/29/opinion/coronavirus-worker-deaths.html>.

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Businesses that maintain in-person operations must implement the measures detailed in the Secretary of the Department of Health's Order. These measures include staggering the start and end times of employees' shifts to prevent large groups from entering and leaving the premises at the same time. Employees' break times must be staggered to reduce the number of individuals on break at one time and in one area. Employees must have regular access to handwashing with soap, hand sanitizer, and disinfectant wipes. Employers must also provide masks for employees to wear at all times while on the work site. Additionally, the Order requires all individuals on the premises to maintain a social distance of at least six feet at all times.

The Secretary's Order requires employers to take specific steps when a business discovers that it has been exposed to a confirmed case of COVID-19. This process includes identifying all individuals who were in close contact with the infected individual, which means all persons who were within about six feet for about ten minutes from the period of 48 hours before symptom onset to the time of isolation. Employees who had close contact with the worker who tested positive for the virus must be promptly notified of their exposure.

Specific Conditions that Pose Imminent Danger

Lack of Safe Personal Protective Equipment

Maid-Rite does not provide adequate PPE to its employees. The April 15, 2020 Order issued by the Pennsylvania Secretary of Health requires employers to provide all employees with face coverings. OSHA also requires employers to provide PPE when a hazard is present. Because workers have tested positive for COVID-19 at the facility, there exists a hazard and Maid-Rite is required to provide adequate PPE. Despite these requirements, the complaining employees report that the company provided each employee with a single thin mask on one day in March and on one other occasion, but the company has otherwise failed to provide face masks. Instead, the company requires workers to supply their own masks to wear at work. Some employees have taken advantage of this situation by selling cloth masks to workers.

At some point in May, Maid-Rite began requiring workers to wear plastic face shields, which the company provided. While OSHA/CDC guidelines suggest face shields as additional protection, the guidance warns that safety glasses may fog up when used with masks or cloth face coverings. Here, the complaining workers report that the shields fog up in the cold freezer where they work, preventing the workers from seeing what they are doing. The shields provided by Maid-Rite do not cover the nose or mouth, so they must be worn in addition to cloth masks. To clear the shields, the workers must use their hands and arms, causing them to touch their faces with potentially contaminated skin. The face shields also constrict breathing, especially as workers exert themselves to keep up with production line speeds. At least one worker has fainted while wearing a face shield and working on the production line.

Failure to Slow Production Line Speeds

Despite many Maid-Rite workers falling ill with COVID-19, Maid-Rite refuses to slow the speed of its production lines. The result is that, although fewer workers are present on each given day,

OSHA Complaint submitted May 19, 2020

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they continue to work elbow-to-elbow with their colleagues on the line. Maintaining the same production speeds with fewer workers also entails additional, more strenuous work for those present, including for workers who are still recovering from COVID-19. The high production demands, combined with the face shields referenced above, has caused workers to struggle to breathe and multiple workers to faint.

Failure to Maintain Social Distancing

Maid-Rite does not implement adequate social distancing measures. On the production line, workers work extremely close to one another. The complaining workers report working less than a foot apart from other workers to their left and to their right. Workers also face each other across the production line, with only two or three feet separating them from one another. The company has neither erected partitions between workers nor placed markings on the ground to indicate six feet between work spaces.

The company has also failed to change policies for accessing the bathroom to maintain social distancing. When workers are allowed to use the bathroom, there is inadequate space in the bathroom for them to distance from one another. Workers also continue to enter work on the same schedule they entered before the pandemic; this causes congestion in the area where they clock in, and prevents any social distancing.

Failure to Provide Hand-Washing Breaks and Facilities

Maid-Rite fails to allow workers to safely disinfect their hands during the workday. The company has not created additional handwashing stations, and has not given workers additional opportunities to use the bathrooms for handwashing. When the workers are permitted to use the bathrooms, they are unable to practice social distancing there because there are too many workers sent at one time to be able to maintain six feet of space between them.

Incentivizing Contagious Employees to Show Up for Work

Since the pandemic began, Maid-Rite has created new policies that encourage workers to show up for work even if they are sick. The company offers incentive pay for workers who do not miss any days during a week. Therefore, if workers have worked the beginning of a week, but then fall ill, they must continue to attend work or forfeit the bonus pay they otherwise would have earned.

Failure to Separate Obviously Sick Workers

Maid-Rite fails to effectively separate sick workers from others at the workplace. Workers who are coughing, and otherwise obviously ill, remain on the job. Even when a worker reports to the company that he or she has tested positive for COVID-19, the company fails to notify all of the other employees who worked in close proximity of the sick worker.

Current workers at Maid-Rite face imminent danger, as exposure to COVID-19 could reasonably be expected to cause death or serious physical harm immediately. We ask that your office

OSHA Complaint submitted May 19, 2020
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investigate this facility immediately. Should you have any additional questions, please do not hesitate to contact us at (215) 733-0878, ext. 180.

Sincerely,

/s/ Alia Al-Khatib

Alia Al-Khatib
Staff Attorney
aal-khatib@justiceatworklegalaid.org

Sam Datlof
Independence Fellow
sdatlof@justiceatworklegalaid.org

Nina Menniti
Staff Attorney
nmenniti@justiceatworklegalaid.org

EXHIBIT B

U.S. Department of Labor

Occupational Safety and Health Administration
Wilkes-Barre Area Office
7 North Wilkes-Barre Boulevard, Suite 410
Wilkes-Barre, Pennsylvania 18702-5241



Phone: (570) 826-6538 Fax: (570) 821-4170
Email: oshawilkesbarre@dol.gov

May 21, 2020

Alia Al-Khatib
990 Spring Garden St., Suite 300
Philadelphia, PA 19123

Dear Alia Al-Khatib:

In response to your nonformal complaint of health and/or safety hazards at:

Maid-Rite Specialty Foods, LLC
105 Keystone Industrial Park
Dunmore, PA 18512

the Occupational Safety and Health Administration (OSHA) has sent a letter to Maid-Rite Specialty Foods, LLC requesting that the appropriate action be taken to correct the situation. Enclosed is a copy of that letter for your information. As the letter indicates, the employer has been given 5 days to correct the hazards.

Please notify me if no correction has been made by May 28, 2020. We have not revealed your identity to the employer. When we receive additional information from the employer, we will notify you of their response.

Section 11(c) of the OSH Act provides protection for employees against discrimination because of their involvement in protected safety and health related activity. If you believe you are being treated differently or action is being taken against you because of your safety or health activity, you may file a complaint with OSHA. You should file this complaint as soon as possible, since OSHA normally can accept only those complaints filed within 30 days of the alleged discriminatory action.

Your continued interest in workplace safety and health is appreciated.

Respectfully,

A handwritten signature in black ink, appearing to read "Mark Stelmack", is written over a faint, illegible typed name.

Mark Stelmack
Area Director

Enclosure

U.S. Department of Labor

Occupational Safety and Health Administration
Wilkes-Barre Area Office
7 North Wilkes-Barre Boulevard, Suite 410
Wilkes-Barre, Pennsylvania 18702-5241

Phone: (570) 826-6538 Fax: (570) 821-4170
Email: oshawilkesbarre@dol.gov



May 21, 2020

Dave Hollander
Maid-Rite Specialty Foods, LLC
105 Keystone Industrial Park
Dunmore, PA 18512

RE: OSHA Complaint No. 1592950

Dear Mr. Hollander:

On May 20, 2020, the Occupational Safety and Health Administration (OSHA) received a notification of alleged workplace hazards(s) at your worksite concerning COVID-19 safeguards. The specific nature of the complaint is as follows:

1. The employer does not provide adequate PPE including face masks. Employees were only provided two face masks since March. They were required to supply their own.
2. The face shields fog and cause difficulty breathing on the line. It is difficult to see while trying to keep up with production.
3. The employer has not implemented adequate social distancing practices. Employees working on the production lines are in near proximity to each other (side by side and across from each other). Employees utilizing restrooms during breaks and at the time clock cause congestion and lack of proper social distancing.
4. There are a limited number of handwashing stations to disinfect employees hands during the work day.
5. The employer refuses to slow the production line speed. The high line speed coupled with the face masks and face shields has caused employees to struggle breathing and a few to faint.
6. The employer has not effectively separated ill employees from others in the work place. The employer has not notified workers of possible contact with co-workers who have tested positive with COVID-19.
7. The ill employees do not stay home because the employer incentivizes not missing work by paying a bonus.

Currently, there is an outbreak of COVID-19, also known as Coronavirus. At this time, OSHA is prioritizing its enforcement resources, and OSHA does not intend to conduct an on-site inspection in response to the subject complaint at this time. However, because allegations of violations and/or hazards have been made, we request that you immediately investigate the alleged concerns and make any necessary corrections or modifications. Please advise me in writing no later than May 28, 2020, of the results of your investigation. You must provide supporting documentation of your findings. This includes any applicable measurements or

monitoring results, photographs/video that you believe would be helpful; and a description of any corrective action you have taken or are in the process of taking, including documentation of the corrected condition.

In addition, OSHA is aware that the current pandemic has created an increased demand for some protective equipment, limiting availability for use in protecting workers from exposure to the virus. If this situation has prevented you from furnishing protective equipment to your employees, you should provide that documentation of the efforts you have made to obtain that equipment. Please feel free to contact the office at (570) 826-6538 if you have any questions or concerns. We are also advising you that OSHA will forward complaint information deemed appropriate to federal partners with concurrent interests.

This letter is not a citation or notification of proposed penalty which, according to the Occupational Safety and Health Act, may be issued only after an inspection or investigation of the workplace. It is our goal to assure that hazards are promptly identified and eliminated.

Please take immediate corrective action where needed. Depending on the specific circumstances at your worksite, several OSHA requirements may apply to the alleged hazards at your worksite including:

- 29 CFR § 1904, Recording and Reporting Occupational Injuries and Illnesses
- 29 CFR § 1910.132, General Requirements - Personal Protective Equipment.
- 29 CFR § 1910.133, Eye and Face protection.
- 29 CFR § 1910.134, Respiratory Protection.
- 29 CFR § 1910.141, Sanitation.
- 29 CFR § 1910.145, Specification for Accident Prevention Signs and Tags.
- 29 CFR § 1910.1020, Access to Employee Exposure and Medical Records.
- Section 5(a)(1), General Duty Clause of the OSH Act.

OSHA's website, <https://www.osha.gov>, is a full-service resource center, offering a wide range of safety and health-related services in response to the needs of the working public, both employers and employees. These services include training and education, consultation, voluntary compliance programs, and assistance in correcting hazards.

OSHA's Bloodborne Pathogens standard (29 CFR § 1910.1030) applies to occupational exposure to human blood and other potentially infectious materials that typically do not include respiratory secretions that may contain SARS-CoV-2 (unless visible blood is present). However, the provisions of the standard offer a framework that may help control some sources of the virus, including exposures to body fluids (e.g., respiratory secretions) not covered by the standard.

Information about these and other OSHA requirements can be found on OSHA's website at www.osha.gov/laws-regs.

If we do not receive a response from you by May 28, 2020 indicating that appropriate action has been taken or that no hazard exists and why, an OSHA inspection may be conducted. An inspection may include a review of the following: injury and illness records, hazard communication, personal protective equipment, emergency action or response,

bloodborne pathogens, confined space entry, lockout/tagout, and related safety and health issues. Please also be aware that OSHA conducts random inspections to verify that corrective actions asserted by the employer have actually been taken.

OSHA's website, www.osha.gov, offers a wide range of safety and health-related guidance in response to the needs of the working public, both employers and employees. The following guidance may help employers prevent and address workplace exposures to pathogens that cause acute respiratory illnesses, including COVID-19 illness. The guidance includes descriptions of the relevant hazards, how to identify the hazards, and appropriate control measures. Additional resources are provided that address these supply issues and contain industry-specific guidance.

1. For OSHA's latest information and guidance on the COVID-19 outbreak, please refer to OSHA's COVID-19 Safety and Health Topics Page (S&HTP) located at www.osha.gov/coronavirus
2. Preventing Worker Exposure to Coronavirus (COVID-19), (OSHA publication 3989), www.osha.gov/Publications/OSHA3989.pdf
3. Guidance on Preparing for COVID-19, (OSHA publication 3990), www.osha.gov/Publications/OSHA3990.pdf

The Centers for Disease Control and Prevention (CDC) also maintains a website that provides information for employers concerned with COVID-19 infections in the workplace. The CDC has provided specific guidance for businesses and employers at the following CDC webpage, which is updated regularly:

<https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/businesses-employers.html>.

1. For general information and guidance on the COVID-19 outbreak, please refer to the CDC's main topic webpage at www.cdc.gov/coronavirus/2019-ncov/index.html.
2. For the CDC's information and guidance on the seasonal flu, please refer to their webpage located at www.cdc.gov/flu/about/index.html.

The CDC is recommending employers take the following steps to prevent the spread of COVID-19:

- **Actively encourage sick employees to stay home.**
- **Accommodate sick employees through separation or telework (if possible)**
- **Emphasize respiratory etiquette and hand hygiene by all employees**
- **Perform routine environmental testing**
- **Check government websites (CDC, State Department) for any travel advisories (where applicable)**
- **Plan for infection disease outbreaks in the workplace**

The concerned party involved has been advised of OSHA's response and has been provided with a copy of this letter. Section 11(c) of the Occupational Safety and Health Act provides protection for employees against discrimination because of their involvement in protected safety and health related activity.

You are requested to post a copy of this letter where it will be readily accessible for review by all of your employees, and to return a copy of the signed Certificate of Posting (attached) to this office. In addition, you are requested to provide a copy of this letter and your response to a representative of any recognized employee union or safety committee that exist at your facility. Failure to do this may result in an on-site inspection. The complainant has been furnished a copy of this letter and will be advised of your response. Section 11(c) of the Occupational Safety and Health Act provides protection for employees against discrimination because of their involvement in protected safety and health related activity.

Please feel free to contact the Area Office at (570) 826-6538 if you have questions or concerns. I appreciate your personal support and the interest in the safety and health of your employees.

Sincerely,



Mark Stelmack
Area Director

Attachment

U.S. Department of Labor

Occupational Safety and Health Administration
Wilkes-Barre Area Office
7 North Wilkes-Barre Boulevard, Suite 410
Wilkes-Barre, Pennsylvania 18702-5241
Phone: (570) 826-6538 Fax: (570) 821-4170
Email: oshawilkesbarre@dol.gov



May 20, 2020

Dave Hollander
Maid-Rite Specialty Foods, LLC
105 Keystone Industrial Park
Dunmore, PA 18512

Re: OSHA Complaint # 1592950

Dear Mr. Hollander:

In addition to the information already requested as part of the OSHA Complaint #1592950, the Occupational Safety and Health Administration requires copies of the following information and documents to complete our investigation:

1. Tax I.D. number for the Facility.
2. Has your facility had any employees who were suspected or confirmed to have COVID-19 in the last month? How many?
3. Are your employees required to work with, or around, suspect or confirmed COVID-19 employees? If so, when and in what capacity?
4. Has your facility had any visitors, clients or customers who were suspected or confirmed to have COVID-19 in the last month?
5. Are employees required to work with, or around, suspect or confirmed COVID-19 visitors, clients or customers? If so, when and in what capacity?
6. Did the facility perform a risk assessment regarding COVID-19 exposure of its employees? If so attach or describe.
7. Was this risk assessment shared with the employees? If so any records?
8. Was the risk assessment implemented? Describe how.
9. What guidance did the facility utilize to protect employees against potential COVID-19 exposure?
10. Were there any engineering controls in place regarding COVID-19 exposure? Please describe.
11. Were there any administrative controls in place regarding COVID-19 exposure? Please describe.
12. What PPE is provided for employees in relation to COVID-19 exposure? How is it provided? When?
13. What PPE is actually used by employees exposed to COVID-19? Describe PPE and what activities/ procedures it is used for.
14. Provide a copy of any written work rules, policies and procedures related to employees'

activities as they relate to COVID-19 exposure. If no written policies, then describe verbal policies, if any.

15. Were employees trained in these procedures?
16. Provide the sanitation schedule and description for the facility as it relates to COVID-19.
17. Provide a copy of Safety Data Sheets (SDS's) for any cleaning/ sanitizing chemicals utilized.
18. Has there been any change in workplace procedures, controls, PPE selection/ use/ maintenance or training in the last month? If so, what are they? Why did they occur?

We request that you provide these documents electronically to our office by end of business day May 28, 2020. Please contact Susan Giguere, Assistant Area Director, at Giguere.susan@dol.gov if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan Giguere".

Mark Stelmack
Area Director

EXHIBIT C



Formerly known as Friends of Farmworkers

May 27, 2020

Via Facsimile

Attn: Area Director Mark Stelmack
U.S. Department of Labor – OSHA
The Stegmaier Building, Ste 410
7 North Wilkes-Barre Boulevard
Wilkes-Barre, PA 18702-5241
Fax: (570) 821-4170

Re: Imminent Danger Complaint - Health and Safety Complaints against Maid-Rite Specialty Foods a/k/a Maid-Rite Steak Co.

Dear Mr. Stelmack:

We write to follow up on the imminent danger complaint we submitted on May 19, 2020 against Maid-Rite Specialty Foods a/k/a Maid-Rite Steak Co. On May 20, 2020, a paralegal from our office confirmed by phone that the complaint was received and under review. Since then, we have not heard any response from your office.

On May 19, 2020, OSHA issued the “Updated Interim Enforcement Response Plan for Coronavirus Disease 2019 (COVID-19).”¹ The plan provides that OSHA will “continue prioritizing COVID-19 fatalities and imminent danger exposures for inspection.” The plan also provides specific steps that OSHA will take to address these complaints, including conducting on-site inspections and employing a rapid response investigation. We have received no response to our imminent danger complaint nor have we received any indication that OSHA will take specific steps consistent with its updated plan.

Current workers at Maid-Rite continue to face imminent danger, as exposure to COVID-19 could reasonably be expected to cause death or serious physical harm immediately. We ask that your office investigate immediately. Should you have any additional questions, please do not hesitate to contact us at (215) 733-0878, ext. 180.

Sincerely,

Alia Al-Khatib
Staff Attorney

Sam Datlof
Independence Fellow

Nina Menniti
Staff Attorney

¹ See U.S. Dep’t of Labor, Updated Interim Enforcement Response Plan for Coronavirus Disease 2019 (COVID-19) (May 19, 2020), available at: <https://www.osha.gov/memos/2020-05-19/updated-interim-enforcement-response-plan-coronavirus-disease-2019-covid-19>.

EXHIBIT D



Formerly known as Friends of Farmworkers

June 2, 2020

Via Facsimile

Attn: Area Director Mark Stelmack
U.S. Department of Labor – OSHA
The Stegmaier Building, Ste 410
7 North Wilkes-Barre Boulevard
Wilkes-Barre, PA 18702-5241
Fax: (570) 821-4170

**Re: Request for Company Response to Imminent Danger Complaint
Maid-Rite Specialty Foods a/k/a Maid-Rite Steak Co.**

Dear Mr. Stelmack:

I write to request a copy of the company's response to our imminent danger complaint dated May 19, 2020 made against Maid-Rite Specialty Foods a/k/a Maid-Rite Steak Co. On June 1, 2020, I called the Assistant Area Director of the Wilkes-Barre Area Office, Susan Giguere. I was informed that OSHA was considering next steps in response to the complaint, but we would not have an opportunity to review the company's response.

According to the OSHA Field Operations Manual, the procedures for an inquiry requires the following:

The complainant will be advised of the employer's response, as well as the complainant's rights to dispute that response and, if the alleged hazard persists, of the right to request an inspection. When OSHA receives an adequate response from the employer and the complainant does not dispute or object to the response, an onsite inspection normally will not be conducted.¹

As representatives of the complaining workers, we request a copy of the company's response so that we have the opportunity to dispute that response. As stated in our May 29, 2020 letter, our clients informed us that hazards persist at the company, that conditions have not changed since we submitted our initial complaint on May 19, 2020, and that they remain in imminent danger.

Additionally, as I mentioned to Assistant Area Director Giguere, we ask that you send any further correspondence to my email below, instead of by mail, as our office is working remotely and does not have consistent access to mail and fax. Please send via email the response that your office received from Maid-Rite that was due on May 28, 2020, as well as an email address where we can send future correspondence with your office.

¹ See U.S. Dep't of Labor, OSHA Instruction, Chapter 9, Section (I)(I)(6), available at: https://www.osha.gov/sites/default/files/enforcement/directives/CPL_02-00-163.pdf.



Formerly known as Friends of Farmworkers

Please do not hesitate to contact me at (215) 733-0878, ext. 180.

Sincerely,

Alia Al-Khatib
Staff Attorney
aal-khatib@justiceatworklegalaid.org

EXHIBIT E



Formerly known as Friends of Farmworkers

June 29, 2020

Via Email

Area Director Mark Stelmack
Assistant Area Director Susan Giguere
U.S. Department of Labor – OSHA
The Stegmaier Building, Ste 410
7 North Wilkes-Barre Boulevard
Wilkes-Barre, PA 18702-5241

Email: Stelmack.Mark@dol.gov
Giguere.Susan@dol.gov

Re: Imminent Danger Complaint against Maid-Rite Specialty Foods a/k/a Maid-Rite Steak Co.

Dear Area Director Stelmack and Assistant Area Director Giguere:

We write to follow up regarding the imminent danger complaint we submitted on behalf of workers at Maid-Rite Specialty Foods a/k/a Maid-Rite Steak Co. (Maid-Rite) on May 19, 2020. OSHA has failed to take sufficient steps to address the conditions that were detailed in our complaint. As our organization has repeatedly informed your office, Maid-Rite has made no changes in the facility. Since we filed the complaint, another worker who wishes to remain anonymous has come forward to join the original complaint. We submit a signed declaration on her behalf, along with two other workers.

Our clients continue to face the threat of imminent danger due to workplace conditions; their exposure to COVID-19 could reasonably be expected to cause death or serious physical harm immediately.

Timeline of Complaint and Response

It has come to our attention that prior to the submission of our complaint, your office received a complaint from a Maid-Rite worker on April 6, 2020. That worker complained that workers tested positive for COVID-19, that the facility was not sanitizing sufficiently to protect workers, that workers were not provided gloves and masks, and that employees could not maintain social distancing while accomplishing their work. OSHA failed to conduct an inspection of the facility then, despite Maid-Rite's failures to address adequately the significant safety concerns brought to your attention. Our complaint, which was submitted more than one month after this worker's

Justice at Work

June 29, 2020

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complaint, stated the same issues that demonstrate an imminent danger to our clients and other workers at the facility.

On May 19, 2020, our organization submitted an imminent danger complaint as representatives of Maid-Rite workers who wished to remain anonymous. The next day, a paralegal from our office confirmed that the complaint was received by the OSHA Wilkes-Barre area office.

On May 27, 2020, we faxed a follow-up letter to the OSHA Wilkes-Barre office, as we had not received a response from OSHA. We expressed concern in that letter that OSHA was not taking immediate steps to address our imminent danger complaint and referred to OSHA's May 19, 2020 Updated Interim Enforcement Response Plan for Coronavirus Disease 2019 (COVID-19). We asked that all communications be sent via email to avoid delays in mailing and faxing, given the limited access to our office while staff are working remotely.

On May 28, 2020, Alia Al-Khatib, an attorney with Justice at Work, spoke with Assistant Area Director Susan Giguere in response to Justice at Work's May 27, 2020 letter. Ms. Giguere stated that OSHA sent our office a letter in response to our complaint and that such complaints are handled the day they are received. Ms. Giguere stated that the complaint was being considered as a "non-formal" complaint and that OSHA was taking steps to handle the inquiry. She could not provide information about specific steps that OSHA was taking to address the complaint.

Later that same day, our office received the letter sent via regular mail from OSHA Area Director Mark Stelmack dated May 21, 2020 in which Mr. Stelmack stated OSHA was treating our complaint as a "non-formal complaint."¹ The letter stated that the employer has been given 5 days to correct the hazards documented in the complaint. It further stated, "Please notify me if no correction has been made by May 28, 2020." The letter sent to Maid-Rite was attached.

On June 1, 2020, Ms. Al-Khatib called Assistant Area Director Giguere to inform her that our clients told us that Maid-Rite has made no changes to workplace conditions. Ms. Giguere informed Ms. Al-Khatib that the company sent an extensive response, but she would not send the response to us to review. Ms. Giguere stated that the next step would involve either an onsite inspection or further inquiry with the company. When asked why the complaint was treated as "non-formal," Ms. Giguere explained it was because all complaints in counties under red zone orders were being treated as non-formal. Counties in Pennsylvania were designated as "red phase" counties due to the high rates of COVID-19 in those counties. Ms. Al-Khatib was told that this complaint could not be treated as an imminent danger complaint because then OSHA would have to treat all COVID-related complaints as imminent danger complaints.

¹ Our complaint should have been treated as a formal complaint pursuant to the OSHA Field Operations Manual, Chapter 9, Section (I)(A)(1)(a). The requirements for a formal complaint are the following: (1) "Asserts that an imminent danger, a violation of the Act, or a violation of an OSHA standard exposes employees to a potential physical or health harm in the workplace," (2) "Is reduced to writing or submitted on a *Complaint (OSHA-7)*," and (3) "Is signed by at least one current employee or employee representative." Our complaint met all three requirements. We asserted an imminent danger in the Maid-Rite facility, submitted the complaint in writing, and signed it as the employee representatives. Therefore, OSHA should have treated it as a formal complaint and taken the appropriate steps required of such complaints under the Field Operations Manual.

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On June 2, 2020, our office faxed another letter to Mr. Stelmack in which we requested Maid-Rite's response to OSHA, which is consistent with the procedures for handling an inquiry under OSHA's Field Operations Manual, Chapter 9, Section (I)(I)(6). Ms. Giguere called in response to the letter to explain that we are not entitled to the response because the inquiry had not been finalized. She informed Ms. Al-Khatib that an inspection had begun and that it could take up to six months to complete. Once completed, our office could submit a FOIA request for the response. When asked whether representatives from our office could be present for an inspection of the Maid-Rite facility, Ms. Giguere stated that only union representatives could be present during inspections. Our office was not provided a date of the onsite inspection nor given any other indication of immediate action to resolve the workers' imminent danger complaint.

On June 3, 2020, Ms. Giguere emailed Ms. Al-Khatib to request to interview by telephone at least two of the employees who Justice at Work represents. Ms. Al-Khatib responded that same day to provide the workers' general availability, to confirm that representatives from our office could participate in our clients' phone interviews, and to confirm that OSHA would maintain confidentiality of workers' names, as workers expressed serious concerns of retaliation.² Ms. Giguere responded on June 4, 2020 and stated that the workers' names would not be revealed to the employer.

Ms. Al-Khatib inquired further about confidentiality related to workers' identities on June 5, 2020, as our clients expressed concerns about sharing their names during the interviews and fears of retaliation. On June 8, 2020, Ms. Giguere responded to state that OSHA would not proceed with interviews if the workers wished to remain anonymous. Ms. Giguere stated that the OSHA investigator would be conducting interviews with a random selection of Maid-Rite workers. Should our clients proceed with interviews, they would be required to share their name and other identifying information. She explained that OSHA would keep our clients' names confidential to the extent permitted by law. However, if the administrative process reached the point of hearing, the workers would be called to testify.

On June 11, 2020, Ms. Al-Khatib contacted Ms. Giguere again to ask whether OSHA had conducted an onsite inspection, as the inspection detail indicated that a "closing conference" was conducted on June 2, 2020. Ms. Al-Khatib informed Ms. Giguere again that our clients stated that no changes have been made at the company since the original complaint was submitted. Ms. Giguere responded, "On the day that an inspection is opened, an opening and closing conference is typically held. This inspection is in progress, and a response will be provided to you regarding its outcome at the conclusion of the inspection." Ms. Al-Khatib called and left a message on June 12, 2020 to seek clarification of this point, given our clients continued concerns and reports that the company has failed to change any of the hazards documented in the original complaint. An onsite inspection is necessary to demonstrate the lack of social distancing in the facility,

² Fear of retaliation in response to complaints made to OSHA has been well-documented in the meat and poultry industry. See generally U.S. Gov't Accountability Office, *Workplace Safety and Health: Better Outreach, Collaboration, and Information Needed to Help Protect Workers at Meat and Poultry Plants*, (Nov. 2017), available at: <https://www.gao.gov/products/GAO-18-12>.

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among other dangers detailed in the original complaint, and OSHA has failed to inform us that such an inspection will be, or has been, conducted.

Ms. Giguere contacted Ms. Al-Khatib via email to inquire further about our clients' reports that nothing has changed at the company. We submit the attached written declarations from three current workers that detail the ongoing hazards that pose an imminent danger.

Written Declarations Demonstrating Ongoing Imminent Danger

After speaking with our clients further, they continue to express concerns about revealing their identities. In an effort to provide additional information to OSHA about the ongoing imminent danger faced by these workers and to urge OSHA to take immediate action, we submit the attached written declarations of three workers with their names and signatures redacted.

As detailed in the written declarations, workers at Maid-Rite continue to face an imminent danger of contraction of COVID-19 due to the company's failure to implement adequate safety measures, specifically measures provided in CDC-OSHA joint guidance. OSHA has failed to adequately enforce this guidance and to protect workers at Maid-Rite. One month after the initial complaint was submitted, workers at Maid-Rite continue to face dangerous exposure to COVID-19 while working elbow-to-elbow with other workers. The company does not maintain social distancing on the production line, and it has failed to insert a plastic barrier between workers. Workers continue to labor directly across from other workers on the line.

Additionally, Maid-Rite shares workers with Polarized Meat Co., Inc., a facility adjacent to the Maid-Rite location at 105 Keystone Industrial Park Rd, Dunmore, PA 18512. The practice of integrating new workers into the facility creates a greater risk of COVID-19 exposure for all workers. Maid-Rite continues to require workers to bring their own masks and has only provided one thin mask to workers since the original complaint was submitted. Maid-Rite workers continue to wear face shields, though workers do not always lower the shields because of the respiratory issues caused by the combination of the shields, masks, and exertion while working to keep up with production speeds.

Our clients, and the many workers at Maid-Rite and Polarized Meat, face an imminent danger.

To ensure the safety of these workers, OSHA must do the following:

- Conduct an onsite inspection of the Maid-Rite facility immediately
- Take appropriate enforcement action for Maid-Rite's failure to resolve any hazards that pose an imminent danger to workers
- To ensure workers do not face imminent danger of exposure to COVID-19, require Maid-Rite to implement specific safety measures, such as: appropriately distance workers from each other and slow line speeds to allow for such distancing
- Require Maid-Rite to revise its sick leave and absence policy so as to ensure workers who show symptoms can take sick days without fear of punishment and without incentive to continue to work while sick

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- Provide Justice at Work as worker representatives a copy of Maid-Rite's response to OSHA so that we may contest Maid-Rite's representations of workplace conditions

Thank you for your time and attention to this matter.

Sincerely,

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Enclosures: Redacted Worker 1 Declaration with translation
Redacted Worker 2 Declaration with translation
Redacted Worker 3 Declaration with translation

EXHIBIT F

Declaración jurada

1. Mi nombre es [REDACTED] Soy un empleado de Maid-Rite Specialty Foods, donde he trabajado por más de diez años.
2. Trabajo empaquetando carne cruda para vender a consumidores.
3. La línea en que trabajo funciona rápidamente. La cantidad de personas que trabajan en la línea depende en la velocidad de la línea.
4. Cuando trabajo en la línea, estoy tan cerca a mis colegas alado mío que nuestros codos choquean unos a otros.
5. La velocidad de la línea se puede ajustar. La razón porque necesitamos estar tan cerca unos a otros es por la velocidad de la línea. Cuando la línea va más despacio, mis colegas y yo podemos distanciarnos de nosotros.
6. Durante la crisis del coronavirus, la compañía no ha disminuido la velocidad de la línea. Por eso, sigo trabajando muy cerca a mis colegas alado mío con aproximadamente dos pies de distancia entre nosotros.
7. Cuando trabajamos en las líneas, estamos frente a frente con nuestras colegas en el lado opuesto de la línea. El espacio entre la colega enfrente de mí y yo es solo aproximadamente tres pies.
8. No estoy separado de mis colegas por cualquier tipo de divisor o barrera plástica cuando trabajo en la línea.
9. No hay informes en el piso del área donde trabajamos que indican seis pies en distancia para que mis colegas y yo podamos distanciarnos.
10. Desde que empezó la crisis del coronavirus, Maid-Rite ni ha aumentado el número de estaciones para lavar las manos, ni ha aumentado la frecuencia con que podemos tomar descansos para limpiar nuestras manos.
11. Desde que la crisis del coronavirus empezó, Maid-Rite nos ha dado mascararas delgadas tres veces en total.
12. Maid-Rite nos ha dado protectores plásticos para la cara. Son muy dificiles de usar. Cuando estamos trabajando en las líneas de alta velocidad es dificil respirar. Algunos de mis colegas se han desmayado en la línea de producción con estos protectores de la cara puestos.

13. Como el ambiente del trabajo es tan frio, los protectores de la cara se ponen empañados y, por eso, limiten mi visión. Recientemente Maid-Rite dejó de exigir que los trabajadores usen los protectores en sus caras y en cambio los trabajadores los usan en la cabeza.
14. Desde que empezó la crisis del coronavirus, Maid-Rite ha implementado normas que nos animan a trabajar aun cuando estemos enfermos. Hay un beneficio del pago para un cierto número de horas trabajadas, pero solamente si no hemos perdido ningún día durante la semana. Entonces, si mis colegas o yo nos sentimos enfermos al final de la semana, rendimos aún más pago que solamente la paga por hora, por el tiempo que nos quedamos en casa.
15. Cuando trabajadores han mostrado síntomas del coronavirus, Maid-Rite no nos ha avisado a todos los empleados que trabajaron cerca a esos trabajadores.
16. Maid-Rite no usa el mismo grupo de trabajadores cada día. En vez, a veces trae grupos de trabajadores de otras fábricas asociadas para trabajar con nosotros. Conozco unos de estos trabajadores porque la fábrica donde normalmente trabajan está cerca de mi trabajo.
17. Maid-Rite también a veces usa trabajadores quienes no conozco. No sé de dónde vienen ellos.
18. Muchos de los trabajadores en Maid-Rite han estado infectados con el coronavirus. Algunas de las familias de los trabajadores también han sido infectados con el coronavirus.
19. Desde que la queja de peligro inminente fue presentada a OSHA, casi nada ha cambiado en Maid-Rite.
20. Desde que la queja fue presentada, las líneas siguen moviendo a la misma velocidad. Continuamos trabajando tan cerca unos a otros que choquemos codos con las personas a lado nuestro. Continuamos a estar solo tres pies de los trabajadores en frente de nosotros en el otro lado de la línea.
21. Maid-Rite no ha instalado barreras plásticas entre mis colegas y yo en la línea.
22. Maid-Rite no ha puesto marcas en el piso para indicar seis pies en distancia para trabajadores.
23. Maid-Rite no ha implementado más estaciones para lavarnos las manos; tampoco nos ha dado más tiempo para lavarnos las manos en los baños.

24. Maid-Rite no ha cambiado la norma de beneficios de paga que animan a trabajadores enfermos que vayan a trabajar.

25. Sigo trabajando con miedo de contraer el coronavirus cada día.

26. Estoy preocupado de que sufra alguna represalia en mi trabajo si mi identidad le fuese revelado a OSHA. Por lo tanto deseo permanecer anónimo.

Yo [REDACTED] certifico que la declaración arriba es verdadera y correcta a mi mejor conocimiento y creencia y que se me lo han leído en mi lenguaje natal, español.

[REDACTED]
Firma / Signature

6/25/20
Fecha / Date

Declaration

1. My name is [REDACTED]. I am an employee at Maid-Rite Specialty Foods, where I have worked for more than 10 years.
2. I work packaging different types of meats for sale to customers.
3. The line on which I work runs quickly. The number of people who work on the line is determined by the speed at which the lining is running.
4. When I work on the line, I am very close to other workers on either side of me. We are so close to one another that we often touch each other by accident.
5. For there to be fewer people on the line, and more space in between each of us, the line would have to be slowed down.
6. During the Coronavirus crisis, the company has not decreased the speed of the line at all. Therefore, I continue to work in close proximity to workers on either side, with about two feet between us.
7. When we work on the lines, we also directly face our colleagues on the opposite side of the line. The space between me and the colleague across from me is only about 3 feet.
8. I am not separated from my colleagues by any kind of plastic barrier or divider while I am working on the line.
9. There are no signs on the floor of the work area that indicate 6 feet in distance so that my colleagues and I can distance ourselves.
10. Since the Coronavirus crisis started, Maid-Rite has neither increased the number of handwashing stations available to us, nor increased the frequency with which we can take breaks to sanitize our hands.
11. Since the Coronavirus crisis started, Maid-Rite has provided us with thin masks a total of three times.
12. Maid-Rite has provided us with plastic face protectors. These are very difficult to wear. While we are working at very high speeds on the line and wearing the plastic face protectors, it is hard to breathe. Some of my colleagues have fainted on the line because of the difficulty breathing.
13. Because the workplace is kept very cold, the face protectors also become fogged and therefore restrict my vision. Recently, Maid-Rite has stopped requiring workers to wear the protectors to cover their faces, and instead workers wear them propped on their heads.

14. Since the Coronavirus crisis began, Maid-Rite has implemented pay policies that encourage us to attend work even when we are sick. A bonus is available for certain hours worked, but only if we do not miss any days during a week. Therefore, if me or my colleagues feel ill at the end of the week, we give up even more pay than just the hourly rate for the time we stay home.
15. When workers have shown Coronavirus symptoms or tested positive for COVID-19, Maid-Rite does not inform workers who were working close to the sick individual.
16. Maid-Rite does not use the same set of workers every day. Instead, it sometimes brings groups of workers from other affiliated facilities to work alongside us. I know some of these workers because the facility in which they normally work is located close to where I work.
17. Maid-Rite also sometimes uses worker who I do not know. I do not know where these workers come from.
18. Many of the workers at Maid-Rite have become infected with the Coronavirus. I know of workers who have been infected and have brought home the virus and infected their family members.
19. Since the imminent danger complaint was filed with OSHA, almost nothing has changed at Maid-Rite.
20. Since the complaint was filed, the lines continue to move at the same speed. We continue to work so close to each other that we bump elbows with the people next to us. We continue to be only 3 feet away from the worker facing us on the opposite side of the line.
21. Maid-Rite has not set up plastic barriers between me and my colleagues on the line.
22. Maid-Rite has not placed markings on the ground to indicate 6 feet in distance for workers.
23. Maid-Rite has not implemented additional handwashing stations or given us additional time to wash our hands in the bathrooms.
24. Maid-Rite has not changed its policy around pay bonuses that incentivize sick workers to show up for work.
25. I continue to work in fear of contracting the Coronavirus each day.
26. I am concerned about retaliation in my job if my identity is revealed to OSHA. Therefore I wish to remain anonymous.

I, [REDACTED], hereby certify that the above statement is true and accurate to the best of my knowledge and belief, and that it has been read to me in my native language, Spanish.

Yo, [REDACTED], certifico que la declaración arriba es verdadera y correcta en mi mejor entender y creencia, y que se me ha leído en mi lenguaje natal, español.

[REDACTED SIGNATURE]_____

Signature / Firma

06/25/20_____

Date / Fecha

EXHIBIT G

Declaración jurada de [REDACTED]

1. Mi nombre es [REDACTED] Soy un/a empleado/a de Maid-Rite Specialty Foods, donde he trabajado por más de diez años.
2. Trabajo empaquetando carne cruda de hamburguesa en recipientes para vender a consumidores.
3. Yo sometí una queja de peligro inminente, junta con unos colegas, con la OSHA el 19 de mayo 2020, contándole a la agencia sobre las condiciones inseguras en las cuales Maid-Rite nos obliga trabajar.
4. La línea en que trabajo funciona rápidamente. La velocidad de la línea depende en que tan rápidamente la carne está dispensada al principio de la línea.
5. La velocidad de la línea se puede ajustar. Cuando la compañía necesita que la línea vaya más despacio por cualquiera razón, hacen que la maquina dispense carne más despacio. Sin embargo, la mayoría del tiempo, la línea funciona rápidamente.
6. Cuando trabajo en la línea, estoy tan cerca a mis colegas alado mío que nuestros codos choquean unos a otros.
7. La razón porque necesitamos estar tan cerca unos a otros es por la velocidad de la línea. Cuando la línea va más despacio, mis colegas y yo podemos distanciarnos de nosotros.
8. Durante la crisis del Coronavirus, la compañía ha mantenido la rapidez de las líneas.
9. Cuando trabajamos en las líneas, estamos frente a frente con nuestras colegas en el lado opuesto de la línea. El espacio entre el colega enfrente de mí y yo es solo aproximadamente tres o cuatro pies.
10. No estoy separado/a de mis colegas por cualquier tipo de divisor o barrera plástica cuando trabajo en la línea.
11. No hay informes en el piso del área donde trabajamos que indican seis pies en distancia para que mis colegas y yo podamos distanciarnos.
12. Nuestras temperaturas están tomadas al principio del día — aunque no sé de ninguna persona que han mandado a casa porque su temperatura fue demasiada alta.

13. Desde que empezó la crisis del Coronavirus, Maid-Rite ni ha aumentado el número de estaciones para lavar las manos, ni ha aumentado la frecuencia con que podemos tomar descansos para limpiar nuestras manos.
14. Cuando estamos permitidos a usar el baño para lavar nuestras manos, los baños se ponen llenos de gente, y es imposible mantener distancia física de mis colegas.
15. Desde que la crisis del coronavirus empezó, Maid-Rite nos ha dado mascararas delgadas tres veces en total. Esperan que traigamos nuestras propias mascararas.
16. Maid-Rite nos ha dado protectores plásticos para la cara. Este equipaje es pesado e incómodo. También limita nuestra respiración, especialmente cuando estamos trabajando en las líneas de alta velocidad. Por lo menos dos de mis colegas se han desmayado en la línea de producción con estos protectores de la cara puestos.
17. Como el ambiente del trabajo es tan frio, los protectores de la cara se ponen empañados y, por eso, limiten mi visión. Para aclarar los protectores, necesito usar mis manos y brazos, y necesito tocar mi cara.
18. Desde que empezó la crisis del Coronavirus, Maid-Rite ha implementado normas que nos animan a trabajar aun cuando estemos enfermos. Hay un beneficio del pago para un cierto número de horas trabajadas, pero solamente si no hemos perdido ningún día durante la semana. Entonces, si mis colegas o yo nos sentimos enfermos al final de la semana, rendimos aún más pago que solamente la paga por hora, por el tiempo que nos quedamos en casa.
19. Cuando trabajadores han mostrado síntomas del Coronavirus, Maid-Rite no nos ha avisado a todos los empleados que trabajaron cerca a esos trabajadores.
20. Maid-Rite no usa el mismo grupo de trabajadores cada día. En vez, a veces trae grupos de trabajadores de otras fábricas asociadas para trabajar con nosotros. Conozco unos de estos trabajadores porque la fábrica donde normalmente trabajan está cerca de mi trabajo.
21. Maid-Rite también a veces usa trabajadores quienes no conozco. No sé de dónde vienen ellos.
22. La mayoría de los trabajadores en Maid-Rite han estado infectados con el Coronavirus. Muchos de las familias de los trabajadores también han sido infectados con el Coronavirus.
23. Desde que la queja de peligro inminente fue presentada a OSHA, casi nada ha cambiado en Maid-Rite.

24. Conozco solo dos cambios. Nos dieron mascararas delgadas dos veces, una vez en mayo y otra vez en junio. Y los gerentes ya no requieren que usemos los protectores plásticos de la cara.
25. Desde que la queja fue presentada, las líneas siguen moviendo a la misma velocidad. Continuamos trabajando tan cerca unos a otros que choqueamos codos con las personas a lado nuestro. Continuamos a estar solo tres o cuatro pies de los trabajadores en frente de nosotros en el otro lado de la línea.
26. Maid-Rite no ha instalado barreras plásticas entre mis colegas y yo en la línea.
27. Maid-Rite no ha puesto marcas en el piso para indicar seis pies en distancia para trabajadores.
28. Maid-Rite no ha implementado más estaciones para lavarnos las manos; tampoco nos ha dado más tiempo para lavarnos las manos en los baños.
29. Maid-Rite no ha cambiado la norma de beneficios de paga que animan a trabajadores enfermos que vayan a trabajar.
30. Yo me contagié con el Coronavirus por mi trabajo en Maid-Rite y yo transferí la enfermedad a mis familiares.
31. No quiero estar identificado/a en esta declaración ni en acciones legales porque temo por mi trabajo y las represalias que Maid-Rite me podría dar.

Yo [REDACTED] certifico que la declaración arriba es verdadera y correcta a mi mejor conocimiento y creencia y que se me lo han leído en mi lenguaje natal, español.

[REDACTED]
Firma / Signature

6-25-2020
Fecha / Date

Affidavit of [REDACTED]

1. My name is [REDACTED]. I am an employee at Maid-Rite Specialty Foods, where I have worked for more than 10 years.
2. I work packaging raw hamburger meat into containers to be sold to consumers.
3. I filed an imminent danger complaint, along with other colleagues, with OSHA on May 19, 2020, telling the agency about the unsafe working conditions in which Maid-Rite makes us work.
4. The line on which I work runs quickly. The speed of the line depends on how quickly meat is dispensed by a machine at the beginning of it.
5. The speed of the line can be adjusted. When the company needs to slow down the speed of the line for whatever reason, they have the machine dispense meat more slowly. However, most of the time, the line runs fast.
6. When I work on the line, I am so close to my colleagues next to me that our elbows bump into each other.
7. The reason we must be so close to each other is because of the speed of the line. When the line is slowed, my colleagues and I can space ourselves apart from each other.
8. During the course of the Coronavirus crisis, Maid-Rite has kept the lines running fast.
9. When we work on the lines, we directly face our colleagues on the opposite side of the line. The space between me and the colleague across from me is only about three or four feet.
10. I am not separated from my colleagues by any kind of plastic barrier or divider while I am working on the line.
11. There are no signs on the floor of the work area that indicate 6 feet in distance so that my colleagues and I can distance ourselves.
12. Our temperature is taken at the beginning of the day—although I do not know of anyone ever being sent home because their temperature was too high.
13. Since the Coronavirus crisis started, Maid-Rite has neither increased the number of handwashing stations available to us, nor increased the frequency with which we can take breaks to sanitize our hands.
14. When we are permitted to use the bathroom to wash our hands, the bathrooms become very crowded and it is impossible to maintain physical distance from my colleagues.

15. Since the Coronavirus crisis started, Maid-Rite has provided us with thin, disposal masks a total of three times. We are expected to bring our own masks to wear.
16. Maid-Rite has provided us with plastic face protectors. This equipment is bulky and uncomfortable. They constrict our breathing, especially when we are working on the quickly moving lines. At least two of my colleagues have fainted at work while wearing the face protector on the production line.
17. Because the workplace is kept very cold, the face protectors also become fogged and therefore restrict my vision. To clear the protector, I have to use my hands and arms, which causes me to touch my face.
18. Since the Coronavirus crisis began, Maid-Rite has implemented pay policies that encourage us to attend work even when we are sick. A bonus is available for certain hours worked, but only if we do not miss any days during a week. Therefore, if me or my colleagues feel ill at the end of the week, we give up even more pay than just the hourly rate for the time we stay home.
19. When workers have shown Coronavirus symptoms, Maid-Rite has failed to notify all of the employees who worked closely with that worker.
20. Maid-Rite does not use the same set of workers every day. Instead, it sometimes brings groups of workers from other affiliated facilities to work alongside us. I know some of these workers because the facility in which they normally work is located close to where I work.
21. Maid-Rite also sometimes uses worker who I do not know. I do not know where these workers come from.
22. The majority of the workers at Maid-Rite have become infected with the Coronavirus. Many of the workers' family members have also become infected with the Coronavirus.
23. Since the imminent danger complaint was filed with OSHA, almost nothing has changed at Maid-Rite.
24. I am aware of only two changes. We were given thin masks twice, once in May and once in June. And the managers no longer require us to use the plastic face protectors.
25. Since the complaint was filed, the lines continue to move at the same speed. We continue to work so close to each other that we bump elbows with the people next to us. We continue to be only three or four feet away from the worker facing us on the opposite side of the line.
26. Maid-Rite has not set up plastic barriers between me and my colleagues on the line.

27. Maid-Rite has not placed markings on the ground to indicate 6 feet in distance for workers.
28. Maid-Rite has not implemented additional handwashing stations or given us additional time to wash our hands in the bathrooms.
29. Maid-Rite has not changed its policy around pay bonuses that incentivize sick workers to show up for work.
30. I became infected with the Coronavirus due to my work at Maid-Rite and I transferred the disease to my family members.
31. I do not want to be identified in this declaration or in legal actions because I fear for my job and retaliation I may receive from Maid-Rite for complaining.

I, [REDACTED], hereby certify that the above statement is true and accurate to the best of my knowledge and belief, and that it has been read to me in my native language, Spanish.

Yo, [REDACTED], certifico que la declaración arriba es verdadera y correcta en mi mejor entender y creencia, y que se me ha leído en mi lenguaje natal, español.

[REDACTED SIGNATURE]

6-25-2020

Firma / Signature

Fecha / Date

EXHIBIT H

Declaración

1. Mi nombre es [REDACTED] Soy una empleada de Maid-Rite Specialty Foods.
2. Trabajo empaquetando carne cruda de hamburguesa en recipientes para vender a consumidores.
3. Todos los trabajadores trabajan en líneas diferentes de producción que van muy rápidamente. La velocidad de la línea depende en que tan rápidamente la carne está dispensada al principio de la línea.
4. La compañía controla la velocidad de la línea y puede acelerar o desacelerar la línea. Cuando la compañía necesita que la línea vaya más despacio por cualquiera razón, hacen que la maquina dispense carne más despacio. Sin embargo, la mayoría del tiempo, la línea funciona rápidamente.
5. Cuando trabajo en la línea, estoy tan cerca a mis colegas alado mío que nuestros codos chocan unos a otros.
6. La razón por la cual tenemos que estar tan cerca es la velocidad de las líneas. Cuando la línea va más despacio, mis colegas y yo podemos distanciarnos de nosotros, hasta seis pies de distancia entre trabajadores.
7. Cuando trabajamos en las líneas, trabajamos frente a frente con otros trabajadores al otro lado de la línea. La distancia entre mi colega y yo es solamente aproximadamente 3 pies.
8. No hay ningún tipo de divisor o barrera plástica entre los otros trabajadores y yo cuando trabajo en la línea.
9. No hay señales en el piso del área donde trabajamos que indican seis pies en distancia para que los otros trabajadores y yo podamos distanciarnos.
10. Desde que empezó la crisis del coronavirus, Maid-Rite no ha aumentado el número de estaciones para lavar las manos, ni ha aumentado la frecuencia con que podemos tomar descansos para limpiar nuestras manos. Es lo mismo que antes del virus.
11. Cuando estamos permitidos a tomar un descanso para usar el baño para lavar nuestras manos, hay mucha gente en los baños, y por eso es imposible mantener distancia física de mis colegas.
12. Desde que la crisis del coronavirus empezó, Maid-Rite nos ha dado mascarillas delgadas tres veces en total. Esperan que traigamos nuestras propias mascarillas.
13. Maid-Rite nos ha dado protectores plásticos para la cara. Es como un gorro que se pone en la cabeza y el plástico cubre toda la cara. Cuando trabajo rápidamente en las líneas llevando mi mascarilla y el protector plástico, tengo dificultad respirando. Escuché que por lo menos dos

de mis colegas se han desmayado en la línea de producción con estos protectores de la cara puestos.

14. Como el ambiente del trabajo es tan frío, los protectores de la cara se ponen empañados y no puedo ver lo que estoy haciendo. Uso mis manos y brazos para limpiar el protector y necesito tocar mi cara.
15. Cuando otros trabajadores han mostrado síntomas del coronavirus, Maid-Rite no nos ha avisado a todos los empleados que trabajaron cerca a esos trabajadores.
16. Maid-Rite tiene una póliza de contar contra un trabajador que toma un día de enfermedad. Si un trabajador recibe 6 puntos, puede ser despedido. Creo que Maid-Rite sigue usando esta póliza durante la crisis de Coronavirus.
17. Maid-Rite no usa el mismo grupo de trabajadores cada día. A veces trae grupos de trabajadores de otras fábricas asociadas para trabajar con nosotros.
18. Maid-Rite también a veces usa trabajadores quienes no conozco. No sé de dónde vienen.
19. La mayoría de los trabajadores en Maid-Rite han estado infectados con el coronavirus. Muchas de las familias de los trabajadores también han sido infectadas con el coronavirus. Me enferme con Coronavirus, y creo que lo contraí trabajando en Maid-Rite. Mi esposo se enfermó también con Covid-19 porque yo lo traje a casa.
20. Después de que se enfermaron trabajadores de Maid-Rite con Covid-19, Maid-Rite empezaba a tomar las temperaturas de trabajadores al principio del día. No he visto a nadie que se ha mandado a casa por la temperatura.
21. Desde que la queja fue presentada a OSHA, casi nada ha cambiado en Maid-Rite.
22. Conozco solo un par de cambios desde que sometió la queja a OSHA. Nos dieron mascarillas delgadas dos veces, una vez en mayo y otra vez en junio. Los gerentes ya no requieren que usemos los protectores plásticos de la cara.
23. Desde que la queja fue presentada, las líneas siguen moviendo a la misma velocidad. Continuamos trabajando tan cerca unos a otros que choqueamos codos con las personas a lado nuestro. Continuamos a estar solo tres pies más o menos de los trabajadores en frente de nosotros en el otro lado de la línea.
24. Maid-Rite no ha instalado barreras plásticas entre mis colegas y yo en la línea.
25. Maid-Rite no ha puesto marcas en el piso para indicar seis pies en distancia para trabajadores.
26. Maid-Rite no ha implementado más estaciones para lavarnos las manos; tampoco nos ha dado más tiempo para lavarnos las manos en los baños.

I, [REDACTED], declare under penalty of perjury that the foregoing is true and correct.

Yo, [REDACTED], declaro debajo castigo de perjurio que lo anterior es verdad y correcto.

[REDACTED]
Signature / Firma

06-25-20

Date / Fecha

Declaration

1. My name is [REDACTED]. I am an employee at Maid-Rite Specialty Foods.
2. I work packaging raw hamburger meat into containers to be sold to consumers.
3. All the workers work on different production lines that move very quickly. The speed of the line depends on how quickly meat is dispensed from a machine at the beginning of the line.
4. The company controls the speed of line, and it can speed it up or slow it down. When the company needs to slow down the speed of the line for whatever reason, they have the machine dispense meat more slowly. Most of the time, the line runs fast.
5. When I work on the line, I am so close to my coworkers next to me that we bump elbows with each other.
6. The reason we must be so close to each other is because of the speed of the line. When the line is slowed, my coworkers and I can space ourselves apart from each other, and even keep up to 6 feet away from each other.
7. When we work on the lines, we work face-to-face with workers on the opposite side of the line. The space between me and the worker across from me is only about 3 feet.
8. There is no plastic divider between me and my coworkers while I am working on the line.
9. There are no signs on the floor of the work area to show 6 feet in distance so that the other workers and I can distance ourselves.
10. Since the Coronavirus crisis started, Maid-Rite hasn't increased the number of handwashing stations available to us. It also hasn't increased the frequency with which we can take breaks to wash our hands. It's the same as it was before the virus.
11. When we're allowed to take a bathroom break to wash our hands, there are a lot of people in the bathrooms, so it is impossible to maintain physical distance from my coworkers.
12. Since the Coronavirus crisis started, Maid-Rite has provided us with thin masks a total of three times. We are expected to bring our own masks to wear.
13. Maid-Rite has provided us with plastic face protectors. It is like a hat that you wear over your head and the plastic face shield is lowered to cover your whole face. When I work quickly on the lines wearing the face protector and my mask, I have trouble breathing. I heard that at least two of my coworkers have fainted at work while wearing the face protector on the production line.

14. Because the workplace is kept very cold, the face protectors also become fogged and I can't see what I'm doing. I use my hands and arms to clean the protector, and that causes me to touch my face.
15. When workers have shown Coronavirus symptoms, Maid-Rite has failed to let the employees who worked closely with that worker know.
16. Maid-Rite has a policy to count points against a worker who takes a sick day. If a worker gets 6 points, then they can be fired. I believe that Maid-Rite is still using this during the Coronavirus crisis.
17. Maid-Rite does not use the same set of workers every day. It brings groups of workers from other plants to work with us.
18. Maid-Rite also sometimes uses worker who I do not know. I do not know where these workers come from.
19. Many of the workers at Maid-Rite have become infected with the Coronavirus. Many of the workers' family members have also become infected with the Coronavirus. I contracted Coronavirus, and I believe I got it from working at Maid-Rite. My husband also contracted Covid-19 because I brought it home.
20. After Maid-Rite workers started getting sick from Covid-19, Maid-Rite started taking workers' temperatures at the beginning of the day. I haven't seen anyone ever being sent home for having a high temperature.
21. Since the complaint was filed with OSHA, almost nothing has changed at Maid-Rite.
22. I am only aware of only a couple changes since the complaint was filed with OSHA. We were given thin masks twice, once in May and once in June. The managers no longer require us to use the plastic face protectors.
23. Since the complaint was filed, the lines continue to move at the same speed. We continue to work so close to each other that we bump elbows with the people next to us. We continue to be only about 3 feet away from the worker facing us on the opposite side of the line.
24. Maid-Rite has not set up plastic barriers between me and my coworkers on the line.
25. Maid-Rite has not placed markings on the ground to indicate 6 feet in distance for workers.
26. Maid-Rite has not implemented additional handwashing stations or given us additional time to wash our hands in the bathrooms.

I, [REDACTED], declare under penalty of perjury that the foregoing is true and correct.

Yo, [REDACTED], declaro debajo castigo de perjurio que lo anterior es verdad y correcto.

[REDACTED SIGNATURE]

Signature / Firma

06-25-20

Date / Fecha