

December 1, 2020

The Honorable Gretchen Whitmer, Governor  
State of Michigan  
P.O. Box 30033  
Lansing, MI 48909

The Honorable Lee Chatfield, Speaker  
Michigan House of Representatives  
P.O. Box 30014  
Lansing, MI 48909

The Honorable Mike Shirkey, Majority Leader  
Michigan Senate  
P.O. Box 30036  
Lansing, MI 48909

Dear Governor Whitmer, Speaker Chatfield and Leader Shirkey:

During the ongoing COVID-19 pandemic, the food and agriculture industry has worked tirelessly to keep the nation's food supply chain intact and to ensure all Americans continue to have access to safe, affordable, and nutritious food. Our industry has followed guidance established by the U.S. Centers for Disease Control and Prevention (CDC) to ensure a safe and healthy work environment for our food supply chain workers during the pandemic. From the beginning of the COVID-19 crisis, the food and agriculture sector has advocated for actions that protect workers such as priority access to personal protective equipment, critical hygiene and cleaning supplies, testing and forthcoming vaccines.

Workers in the food and agriculture industry have been designated as "essential" by Presidential Policy Directive 21 (PPD-21) and the Department of Homeland Security during the COVID-19 state of emergency. According to the administration's Coronavirus Guidelines for America, "If you work in a critical infrastructure industry, as defined by the Department of Homeland Security, such as healthcare services and pharmaceutical and food supply, you have a special responsibility to maintain your normal work schedule." Workers in these industries are taking this "special responsibility" seriously, ensuring that public health and safety and the nation's food supply are protected during the pandemic.

Public Act 238 ("the Act") establishes a legal framework for how employers should treat employees who do not report to work under certain circumstances related to COVID-19. The Act exempts certain essential workers from these requirements, including healthcare professionals and workers at health care facilities. Given that workers in the food and agriculture industry are also "essential" to the nation's critical infrastructure, consistent with the Essential Critical Infrastructure Workers Guidance from the

Department of Homeland Security, please enact legislation that would add workers in the food and agriculture industry to the list of workers currently exempted from the Act's requirements.

The U.S. food and agriculture industry has implemented strong, effective protocols and best practices to mitigate the risk of transmission between individuals in the workplace. Our members have been following CDC guidance for critical infrastructure industries throughout the pandemic. This guidance has created a safe environment for our workers and allowed the food supply chain to remain operational. Specifically, the CDC advises that critical infrastructure workers may be permitted to continue work following potential exposure to COVID-19, provided they remain asymptomatic and additional precautions are implemented to protect them and the community. (The precautions include wearing a mask, screening, and social distancing.)  
<https://www.cdc.gov/coronavirus/2019-ncov/community/critical-workers/implementing-safety-practices.html>.

The CDC has also established a process governing how employees in essential businesses may return to work. According to the CDC, an employee may return to work if 10 days have passed since the date of a positive COVID test or symptoms first appeared, and 24 hours with no fever without using fever-reducing medications, and the employee's COVID-19 symptoms have improved.  
<https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/end-home-isolation.html>.

Given that our industry is abiding by the CDC's COVID-19 workplace safety for essential workers requirements, we respectfully request that the list of exempted essential workers in Public Act 238 be amended to include food and agriculture industry essential workers.

Thank you for your consideration of our views on this matter.

American Bakers Association  
American Frozen Food Institute  
Consumer Brands Association  
Corn Refiners Association  
FMI – the Food Industry Association  
Global Cold Chain Alliance (GCCA)  
International Dairy Foods Association  
National Automatic Merchandising Association (NAMA)  
North American Meat Institute  
Peanut and Tree Nut Processors Association (PTNPA)  
SNAC International  
United Fresh Produce Association