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MEMORANDUM

April 16, 2020

BY ELECTRONIC MAIL

FROM: Olsson Frank Weeda Terman Matz PC

RE: COVID-19: FSIS Industry Call

On April 15, 2020, the U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS, or the agency) hosted a conference call with meat and poultry industry stakeholders to discuss the agency's response to the COVID-19 pandemic and answer questions. FSIS will be hosting weekly conference calls to address COVID-19 for the foreseeable future.

FSIS Administrator Paul Kiecker opened the meeting with a summary of the agency's efforts to address staffing and inspector safety concerns as well as communications between inspectors and establishments. This introduction was nearly identical to the one that was delivered at last week's (April 8) teleconference because, due to technical issues, numerous participants were unable to hear his introduction.¹ One new item that Mr. Kiecker discussed was the Occupational Health and Safety Administration (OSHA) is planning to release COVID-19-related guidance specific to meat and poultry workers.

Next, Mr. Kiecker opened the floor for questions. Several of these questions have been addressed in prior teleconferences. We have included a summary of last week's teleconference in a separate document for your reference. We have summarized new questions that were posed as well as their response below:

- *Several establishments have temporarily closed due to outbreaks of COVID-19 amongst the workforce. If an FSIS inspector was assigned to one of these plants, what is the protocol*

¹ We have attached a copy of the summary of last week's FSIS teleconference if you would like to review this discussion.

for reassigning them to a different establishment? Is FSIS directing them to communicate this information to the new establishment they are assigned to?

- FSIS inspectors will follow the guidance of state and local health departments. If an inspector needs to be quarantined due to potential exposure in an establishment, they will abide by any quarantine directive issued and will not return to work until the quarantine period is completed. If they are not directed to quarantine by a state or local health department and they have no symptoms, they may be reassigned to another establishment.
- *Should there be any changes to the weekly meetings between inspection supervisors and establishment management?*
 - If a meeting is necessary, it should be conducted in accordance with social distancing protocols. There can also be informal discussions to determine if a meeting is necessary. If there is not anything the establishment or inspectors need to meet over, they can agree to forego a weekly meeting.
- *We operate an establishment where we warehouse and distribute imported products (e.g. “I house”). Most of our products are labeled for food service. We do not have inspection services to cover processing or packaging here. Under FSIS’ [enforcement discretion](#) for nutrition labeling on product intended for retail, can we repackage and label our products?*
 - This scenario goes beyond what was intended under the enforcement discretion. You would not be able to repackage the products. However, you could distribute products with limited use labeling (e.g., “for foodservice only”) to retail for relabeling there.
- *We assemble meals for airlines. We have received numerous requests to provide emergency meals help, including meal kits and school lunch bags. Has FSIS relaxed its inspection requirements for processing and labeling?*
 - There have been no changes to FSIS inspection requirements. However, some activities, such as assembling meal kits may already qualify for an exemption from FSIS inspection requirements.
- *Many establishments are screening inspectors for fevers with thermometers. If an inspector measures over 100.4°F and is denied entry, is the establishment required to hold off on beginning production until a new inspector arrives?*
 - If the establishment is a processing-only facility, it can begin production. Notify your inspection supervisor and they will make arrangements for a backup inspector to arrive. In slaughter establishments, FSIS will not waive its requirements for ante-mortem and post-mortem inspection; if there is only one inspector assigned to the establishment, the plant will have to wait until a substitute arrives. If there are multiple inspectors at the kill plant, then they will make arrangements to ensure inspection requirements are covered.
- *What is the status of label review by the Labeling and Program Delivery Staff?*

- Label response time is currently approximately 10 business days. It has not slowed down with COVID-19.
- *Has FSIS been part of any discussions to prioritize COVID-19 testing for meat and poultry workers to reduce processing disruptions due to outbreaks amongst employees?*
 - Each state has their own system for prioritizing who receives COVID-19 tests. FSIS is not part of these discussions, but we understand that some states will prioritize critical infrastructure workers.
- *If there is a hotspot involving an FSIS-inspected establishment, will the agency get involved with local authorities to provide guidance on effective testing?*
 - No. This is a decision for the state and local health departments.
- *Is FSIS requiring its inspectors to wear face coverings?*
 - No. CDC recommends that everyone wear face coverings if they cannot maintain social distancing. The agency has passed along these recommendations. If an establishment voluntarily provides face coverings to its employees, FSIS would expect that the establishment would also provide face coverings to inspection personnel, similar to hair nets.
- *Is there evidence that ionizers could be used to control the coronavirus in common areas?*
 - The agency is not aware of any documentation showing ionizers are effective. CDC and EPA have recommendations for cleaning and disinfecting to control the coronavirus.

* * *

We trust this update is helpful. Please let us know if you have any questions or if we can assist you in any matter.