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Date: January 22, 2021
To: Members of the Senate Judicial Proceedings
From: Holly Porter, Executive Director
Re: SB 210 – COVID-19 Claim – Civil Immunity - **FAVORABLE**

Delmarva Chicken Association (formerly Delmarva Poultry Industry, Inc.), the 1,600-member trade association representing the meat-chicken growers, processing companies and allied business members on the Eastern Shore of Maryland, the Eastern Shore of Virginia, and Delaware strongly supports SB 210 and urges a favorable committee report.

SB 210 makes it clear that if any business, government entity, school or healthcare facility is abiding by all federal, state and local laws, regulations and executive orders specific to COVID-19, they will be protected from civil liability for a COVID-19 claim.

This bill is extremely important for all of our members, from growers to chicken processing companies to our allied partners – all of whom are businesses. From early in the pandemic, our chicken community has acted swiftly to take all measures possible to protect their employees while continue to operate and provide food for all citizens.

As guidance from the federal Centers for Disease Control (CDC) was regularly updated, our chicken company members also update practices and measures (see attached list). The efforts of the companies were further recognized when CDC and the National Institute for Occupational Safety & Health (NIOSH) visited the plants in May and left very good remarks with only a few minor suggestions. And the measures have worked; while cases of COVID within the communities have risen this fall and winter, they have not within the processing plants and other businesses.

This bill is just one more way of emphasizing that when businesses do the right thing for their employees, they should not have to face the expenses and burdens of frivolous lawsuits.

There was no playbook or processing manual written for this global pandemic. As more knowledge about the virus was found, guidance changed. And as that guidance change, businesses adapted as quickly as possible. For those businesses that clearly followed the rules and guidance, they should not be penalized and offering civil immunity is important.

We urge a **favorable** vote on SB 210.

Should you have any additional questions, please feel free to contact me at porter@dcachicken.com or 302-222-4069 or Nick Manis, Manis Canning & Associates, 410-263-7882.



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Measures Taken by Chicken Processing Companies to Protect Employees

Administrative Controls

- Implemented travel restrictions and only allowed essential personnel into the plant
- Encourage employees to stay home if they are not feeling well or believe they may have been exposed to the virus, while still receiving pay and no attendance penalty
- Staggered break times throughout the day, where possible.
- Workers naturally stagger in for each shift. Implemented staggered departing times at the end of each shift
- Company medical professionals had been trained on CDC protocols for COVID-19
- Waiving short-term disability waiting periods for employees who contract COVID-19
- Extended hours for onsite wellness centers
- Offered free on-site COVID-19 testing at the plant for all employees – first private companies to offer universal employee testing
- Worked closely with county, state and federal agencies, including site visits by the Centers for Disease Control (CDC) and National Institute of Occupational Safety and Health (NIOSH)
- Each company policy is different, but companies offered paid sick leave, bonus pay, free chicken for employees, made paid time off policies more flexible, and many other ways to show appreciation for workers

Engineering Controls

- Required the use of face masks or face shields, beyond the PPE that is normally worn and provided
- Increased cleaning, sanitation and fogging frequencies and intensities for equipment and common areas at processing facilities, in addition to strict cleaning regulations as a USDA federally inspected facility.
- Increased frequency and locations of hand washing/sanitation for employees
- Practice social distancing not only in common areas, such as break rooms and cafeterias, but also on production lines where possible
- Added outdoor tents/space in order to social distance for breaks
- Where social distancing is not possible on production lines, companies installed plastic dividers between workstations and clean or replace the dividers between shifts
- Increased air exchanged in the facilities and/or added air purifiers

Other Controls

- Created internal teams focused on COVID response
- Heightened employee screening for any signs of illness, including non-contact temperature checks before entering the plant
- Treating worker safety as a non-competitive issue and sharing best practices



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Communications

- Communicated with employees in a variety of languages and including written, verbally, electronic billboards, flyers, and social media on topics including:
 - Proper Hand Hygiene
 - Stop the Spread of Germs
 - What you Should Know about COVID-19 to Protect Yourself and Others
 - Carpooling safety
- Provided employees take-home cleaning supplies as well as information for family members

And to view some of these measures, we encourage you to [click here](#) to view a short video produced by the National Chicken Council that shows safety measures inside processing plants, including a Maryland plant.