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April 7, 2020

The Honorable Robert R. Redfield, M.D.
Director
Centers for Disease Control and Prevention
1600 Clifton Road
Atlanta, GA 30333

The Honorable Stephen Hahn, M.D.
Commissioner
United States Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993

Dear Director Redfield and Commissioner Hahn,

I write to request that the Centers for Disease Control and Prevention (CDC) and the Food and Drug Administration (FDA) issue and promote clear guidance for workers in the retail food industry and their customers. As we enter an extended period of social distancing during the coronavirus pandemic, best practices governing interactions in grocery stores and during food delivery are more important than ever. The CDC and FDA must do all they can to help protect retail food industry workers and their consumers from coronavirus infection and its spread.

According to press reports, frontline workers in the retail food industry, and their customers, are growing increasingly concerned about their safety. Amid high demand for groceries and other household items as more Americans face stay-at-home orders, consumers are facing crowded supermarkets and pharmacies. These conditions make following social or physical distancing measures difficult,¹ and consumers are relying increasingly on food deliveries.² Last week, Whole Foods and Instacart workers across the country participated in strikes calling for

¹ Brent Schrottenboer, *Are grocery stores and pharmacies vectors for the coronavirus?*, USA Today (Mar. 27, 2020), <https://www.usatoday.com/story/money/business/2020/03/27/shoppers-beware-grocery-stores-have-heightened-risks-covid-19/2914069001/>.

² Lana Bandoim, *How Food Delivery Apps Are Responding To The Coronavirus*, Forbes (Mar. 20, 2020), <https://www.forbes.com/sites/lanabandoim/2020/03/20/how-food-delivery-apps-are-responding-to-the-coronavirus/#f3ecfa755dcf>.

improved safety measures.³ Neither frontline workers at essential locations nor their customers should be placed in harm's way due to a lack of guidance on how best to avoid contracting and spreading the coronavirus.

Thus far, FDA has provided some guidance for retail food industry workers,⁴ but it does not go far enough. Likewise, CDC has provided only limited guidance for consumers on how to protect themselves when shopping for food or having it delivered.⁵ For retail food workers, FDA guidance recommends certain hygiene practices and social distancing where practicable, but states that social distancing will not always be possible.⁶ The guidance ultimately leaves decisions on the feasibility of worker protections to retail food establishments themselves. The limited existing guidance is failing our essential workers and consumers. For consumers, the CDC guidance merely reiterates frequent-hand-washing recommendations and states "because of poor survivability of these coronaviruses on surfaces, there is likely very low risk of spread from food products or packaging."⁷

During this public health crisis, the CDC and FDA must take more aggressive action to protect workers in the retail food industry and consumers. Your agencies must ensure that all guidance is comprehensive, easy to find, and protects both workers and consumers. To that end, I ask you to respond to the following questions by April 17, 2020:

1. Please describe any measures the CDC and FDA have taken to address coronavirus-related safety concerns for workers in the retail food industry. How do the CDC and FDA plan to improve and promote that guidance?
2. Please identify any guidance that the CDC or FDA has issued for consumers on how to protect themselves from the coronavirus while shopping for food or receiving food deliveries? Does the CDC or FDA plan to issue any expanded or additional guidance in these areas? If so, when? If not, why not? Please describe all efforts to promote this guidance to the public.

³ Mike Snider, 'US Grocery Store Workers Need to be Fairly Compensated.' *Protests at Amazon, Whole Foods begin.*, USA Today (Mar. 31, 2020), <https://www.usatoday.com/story/money/business/2020/03/31/coronavirus-workplace-conditions-spur-protests-whole-foods-amazon/5093570002/>.

⁴ Food & Drug Admin., *Food Safety and the Coronavirus Disease* (Mar. 23, 2020), <https://www.fda.gov/food/food-safety-during-emergencies/food-safety-and-coronavirus-disease-2019-covid-19>.

⁵ Ctrs. for Disease Control & Prevention, *Coronavirus Disease 2019 Frequently Asked Questions, How COVID-19 Spreads, Can the virus that causes COVID-19 be spread through food, including restaurant take out, refrigerated, or frozen packaged food?*, <https://www.cdc.gov/coronavirus/2019-ncov/faq.html#how-covid19-spreads> (last updated Apr. 4, 2020).

⁶ Food & Drug Admin., *Food Safety and the Coronavirus Disease* (Mar. 23, 2020), <https://www.fda.gov/food/food-safety-during-emergencies/food-safety-and-coronavirus-disease-2019-covid-19>.

⁷ Ctrs. for Disease Control & Prevention, *Coronavirus Disease 2019 Frequently Asked Questions, How COVID-19 Spreads, Can the virus that causes COVID-19 be spread through food, including restaurant take out, refrigerated, or frozen packaged food?*, <https://www.cdc.gov/coronavirus/2019-ncov/faq.html#how-covid19-spreads> (last updated Apr. 4, 2020).

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3. The FDA has noted that social distancing may not be possible in certain food industry facilities. What steps are the CDC or FDA taking to safeguard workers who cannot abide by the social distancing guidance?
4. What steps are the CDC or FDA taking to ensure that food retailers and delivery services are complying with guidance on protecting worker and consumer safety?

During this public health emergency, the CDC and FDA must provide clearer guidance for workers in the retail food industry and consumers on how to protect themselves and others from the coronavirus.

Thank you in advance for your attention to this important matter. If you have any questions regarding these requests, please contact Adam Axler of my staff at adam_axler@markey.senate.gov.

Sincerely,



Edward J. Markey
United States Senator