



Congress of the United States
House of Representatives
Washington, DC 20515

August 27, 2021

The Honorable Tom Vilsack
Secretary
U.S. Department of Agriculture
219A Whitten Building
1400 Independence Avenue, SW
Washington, DC 20250

Dear Secretary Vilsack,

I am writing regarding notice 34-21 issued by the Food Safety Inspection Service (FSIS), which would force small meat processing facilities to impose mask mandates on their employees. I am deeply concerned about the impact this flawed order will have on these small businesses, and dubious about the legal rationale the agency has cited to justify it.

In fact, the FSIS itself came close to admitting it has no legal basis to impose this mandate, noting ironically in the directive itself that the agency “does not have authority to abate hazardous conditions directly.” Instead, the agency claims the mandate is necessary to “provide [agency] employees with safe and healthy working conditions.” This is, simply put, absurd.

It is clear that this tortured interpretation of authority was fabricated by the agency in bad faith, working backwards from a pre-ordained and nakedly political preferred outcome. It is no secret that the Biden administration is determined to usurp the authority of states in an ongoing, and seemingly never-ending crusade to pursue federal mask mandates and politicize public health.

If FSIS is truly concerned about the dangers of Covid exposure, there are a variety of less invasive and costly steps the agency can take to mitigate perceived risks to inspectors – steps that do not slap new costs and misguided regulations on small processing facilities, particularly those with an immaculate record, and a long history of compliance with agency directives and guidelines directly related to food safety.

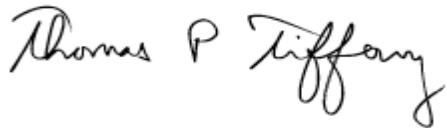
In addition to being transparently partisan, this order will kill jobs, further disrupt already scrambled supply chains, create unnecessary food security risks, and harm consumers.

At the very least, FSIS should provide a transparent and detailed data-based justification for this arbitrary order, give affected processors a meaningful seat at the table to review that justification, and provide businesses and the public with an extended opportunity to provide robust comment and feedback before such reckless and draconian actions are imposed.

I hope you will immediately rescind this unfair notice and take steps to work with – not against – those in the agriculture and food processing sectors during this challenging time.

Thank you in advance for your favorable consideration.

Sincerely,

A handwritten signature in black ink that reads "Thomas P Tiffany". The signature is written in a cursive style with a large, stylized "T" at the beginning and a long, sweeping tail at the end.

Tom Tiffany
Member of Congress