

**June 15, 2020**

**To:**

**From: David Crow, Laurie-Ann Flanagan, David Beaudreau**

**Re: House Committee on Oversight and Reform Hearing: No Worker Left Behind: Supporting**

**Essential Workers**

On Wednesday, June 10, the House Committee on Oversight and Reform held a hearing to discuss how to continue supporting essential workers via the Heroes Act, the Defense Production Act, and future legislative efforts.

**Members Attended:**

Chairwoman Carolyn Maloney (D-NY)

Ranking Member Hice (R-GA)

Vice-Chair Jimmy Gomez (D-CA)

Representative Eleanor Norton (D-DC)

Representative Paul Gosar (R-AZ)

Representative Stephen Lynch (D-MA)

Representative Clay Higgins (R-LA)

Representative Gerald Connely (D-VA)

Representative Thomas Massie (R-KY)

Representative Debbie Wasserman-Schultz (D-FL)

Representative Glenn Grothman (R-WI)

Representative John Sarbanes (D-MD)

Representative James Comer (R-KY)

Representative Brenda Lawrence (D-MI)

Representative Bob Gibbs (R-OH)

Representative Jackie Speier (D-CA)

Representative Chip Roy (R-TX)

Representative Stacey Plaskett (D-VI)

Representative Carol Miller (R-WV)

Representative Ayanna Pressly (D-MA)

Representative Mark Greed (R-TN)

Representative Kaite Porter (D-CA)

Representative Fred Keller (R-PA)

**Opening Statements:**

Chairwoman Maloney began the hearing by addressing the recent murder of George Floyd, stating that this committee is responsible for holding police accountable and needs to act to reduce funding for police militarization. She mentioned the Heroes Act which she introduced with other colleagues, overviewing its provisions for essential workers so that they have the financial support they need in the event that they have to leave work for their families or health. She concluded by pointing out that blacks and latinos compose the majority of workers considered essential, and that this committee’s efforts need to proportionately meet their needs past the insufficient “thank you’s” which provide you tangible support.

Ranking Member Hice also spoke to the nationwide protests caused by the death of George Floyd, but characterized the calls to defund police departments as absent-minded, concerning, and dismissive of people across the country who need protection. Noting the severe economic repercussions of the prolonged shut-down, he urged for safe means of swiftly reopening the country in places that are no longer considered hot-spots, identifying the administration’s procurement of 200,000 ventilators along with a matching figure in the strategic national stockpile which could be deployed to the areas still experiencing growth in cases. He ended his statement by citing health experts who have said that prolonged shutdowns contribute to suicide, substance abuse, reluctance to use the health care system.

**Witnesses**

* **Mrs. Eneida Becote**, Wife of Edward Becote, essential worker who died from coronavirus
  + Mrs. Becote explained how her husband worked as a pediatric administrator in New York, treating patients with COVID, and how her family has been irreparably changed due to his passing. She asked that the committee keep her family and the tens of thousands of other families who have lost members on the frontline of essential work in mind when considering upcoming legislation like the Heroes Act. She stated that testing needs to be more widely available, access to PPE for essential workers needs to be more widespread, and that families of essential workers need guaranteed financial protection in the unfortunate case where they lose a family member representing the primary source of income to COVID exposure.
* **Mr. John A. Costa**, International President, Amalgamated Transit Union
  + Mr. Costa began by observing that throughout the ongoing duration of the pandemic, the members of the ATU, along with other essential workers, have not had the luxury of remote work and face potentially dangerous environments every day on the job. Citing the 1,000 infections, 53 deaths, and growing concern of those increasing figures, he urged for action to address the continued lack of PPE for transit workers. Although congress and the media continue to regard essential workers like the members of his union as heroes, he indicated that when it comes to brass tax, these people tend to fall to the wayside of negotiations.

* **Mr. Anthony “Marc” Perrone**, International President, United Food and Commercial Workers International Union
  + Mr. Perrone echoed the sentiments of Mr. Costa and the Chairwoman, stating that gratitude alone is insufficient for the essential workers who stake their lives maintaining the backbone of the economy. He listed the 29,000 infections, 225 deaths the members of his union have experienced, urging for protections for the workers responsible for the nation’s food supply. He shared anecdotes of workers having their hazard pay retracted by their employers, disparaging the companies who have prioritized profits over their people, and calling for bipartisan support of legislation to protect the health and safety of the essential workers across all industries.
* **Ms. Bonnie Castillo**, Executive Director, National Nurses United, California Nurses Association, and National Nurses Organizing Committee
  + Ms. Castillo shared the loss figures from within her association which has faced 914 deaths, 134 of which were nurses. She recounted the struggle to unlock access to PPE even within the medical field, where many workers were forced to use cloth, disposable masks which do not prevent aerosolized spread of the virus and cause negative side effects, calling for supplies of N95 masks at a minimum and challenging the efficacy of decontamination techniques used to clean disposable masks for reuse. She identified three main reasons why essential workers in the medical field have gone largely unprotected as lack of OSHA standards, failure to provide PPE via federal and state distribution mechanisms, and insufficient PPE production. She ended her testimony by calling for the invocation of the Defense Production Act to immediately increase domestic production of respirators and other necessary PPE.
* **Mr. Clint Odom**, Senior Vice President for Policy and Advocacy, Executive Director, Washington Bureau, National Urban League
  + Mr. Odom used his opening remarks to pay tribute to essential workers who have gone uncompensated for their losses thus far, as well as Breonna Taylor, an EMT who died at the hands of a no-knock raid in Louisville, Kentucky. He pointed out that because only a fifth of black workers, and a sixth of latinx workers are able to perform remote work, they have had to face dangerous working conditions to support their families and communities, bearing the most severe losses from the pandemic. He stated that minority workers are hospitalized 2.5 times as much as white people and face a mortality rate twice as high as what would be expected based on the composition of the population. He noted that essential workers are paid significantly less than other occupations, especially in the food and agriculture where the mean income hovers around the minimum wage, that uninsured COVID medical expenses can cost up to $1,300 and increase up to $75,000 for hospitalization costs. Lastly, he claimed that the 17% black unemployment rate will become more acute overtime, despite projections for the rest of the economy, calling for targeted support for these demographics.
* **Avik Roy**, President, The Foundation for Research on Equal Opportunity
  + Mr. Roy’s testimony focused on the reason behind the high death rates observed in hot spot regions, attributing these figures to the decisions made by state governments which further endangered high-risk demographics. He pointed out that nearly 42% of deaths resulted from elderly citizens being sent back to their nursing homes despite testing positive for COVID. Compared to Florida, where the governor resisted sending people back from hospitals, New York forced patients to do so and witnessed significantly worse fatality rates. He continued this attention to federalism by noting that thousands have died because of the economic repercussions of the one-size-fits-all approach to lockdowns and urged for plans to safely reopen schools and businesses which do not face significant risk of exposure or mortality. Additionally, Mr. Roy addressed the disproportionate effects of the pandemic on minority workers, citing the 16.8% and 17.6% unemployment rates for black and latino workers respectively, stating that these racial and ethnic disparities are exacerbated by mandated lockdowns.

**Questions:**

Acting-Chairman Gomez asked Mr. Odom to describe the economic burden placed on minority workers. Mr. Odom stated that many of these families have only one breadwinner, and that when forced to stay out of work waiting for tests to come back, that person is unable to earn their paycheck to support their family. He highlighted necessary provisions within the Heroes Act by asking the panel if workers in their fields have death benefits, to which only Mr. Costa answered that some transit workers do.

Ranking Member Hice asked Mr. Roy if he thinks that action should be taken to hold China accountable for their efforts to conceal the severity of COVID while stockpiling medical supplies that could have mitigated the global outbreaks. Mr. Roy agreed that their culpability poses an issue, but was unsure as to what tools congress or the global community could leverage to request compensation from the CCP. He followed up by asking if Congress should act to prevent China’s proven espionage efforts to steal research from U.S. universities and medical institutes. While Mr. Roy noted his great confidence in the domestic R&D sector, he went on to point out that that the fastest vaccine pipeline took 5 years for the Ebola virus and that our society is betting the economy on a highly-optimistic 18 month development trajectory, concluding that protection of U.S. intellectual property should certainly by a priority.

Underscoring the country’s increased dependence on public transit, Representative Norton asks Mr. Costa what the effects of the pandemic have been on bus and train drivers. He stated that they are more exposed due to the size of the vehicles, their limited ventilation systems, and the lack of access to PPE due to the failures of transit leadership.

Questioning the appropriation of trillions of dollars without accountability being placed on China, Representative Gosar asks Mr. Roy what the long-term effects of an economic shutdown will look like. Mr. Roy recapped parts of his opening testimony and directed attention to his written testimony, much of which discussed the concerning long-term projections.

Repeating the sentiments of Representative Higgins, Representative Massie urged Congress to lead by example and show up for work in-person, just like essential workers are forced to do every day. He then asked Mr. Perrone if the workers in food processing facilities were receiving adequate equipment aligning with the USDA’s claims. Mr. Perrone disagreed with the USDA’s assertions of safety, stating that because of the humid conditions within the treatment facilities, experts have said that N95 masks may not even be sufficient. Additionally, due to the safety practices recommended by the CDC, he noted a 15-20% decrease in productivity within such facilities. Representative Massie asked Mr. Roy why some states have a high incident of deaths within nursing homes. Mr. Roy directed him to the analysis he provided to the COVID Select Committee last week, stating that the pandemic has been more severe in North-Eastern areas where COVID-positive patients have been forced to return to their care facilities.

Representative Wasserman-Schultz asked Ms. Castillo to describe the access to medical supplies her organization has. Ms. Castillo said that access to head-to-toe PPE that medical workers need has been woefully insufficient, mirroring private sector access as well. She said that many members of her organization have had to utilize donations in order to equip their staff, and that in the event of a second wave, most industries would be devastated as they are already fighting tooth and nail to meet bare minimum supply levels.

Representative Grothman asked Ms. Castillo to speak to the problem of overestimating the number of cases which, in his state of Wisconsin, lead to the preemptive limitation of access to “non-essential” but lifesaving procedures like stents and preventative operations. Ms. Castillo said that in order to bring nurses back to work and to keep hospitals open, the medical community needs to be better prepared to prevent chaotic response to pandemics, stating that her organization has been fighting against the furloughing of workers and that if hospitals had stocks of PPE, the overestimates would not necessarily have occurred. Stating that congress has already put the next generation in debt, Representative Grothman asked Mr. Roy to comment on the degree of spending and what impacts it may have on the future economy. Mr. Roy indicated that frivolous spending could easily lead to economic destruction, but also noted that the average small business which makes up a sizeable portion of the economy has less than a month of operation cost savings on hand –a figure that shrinks when limited to urban businesses– and that spending to keep these businesses afloat is a necessity.

Representative Comer asked Mr. Roy how additional unemployment benefits alter motivations to go back to work. Mr. Roy stated that it is hard to rehire people when they make more money by remaining unemployed, criticizing the initial relief efforts and hoping that future iterations will be more thoughtful.

Representative Lawrence asked Mr. Odom how congress can limit the disparate impact that COVID has had on minority essential workers. He responded that efforts need to prioritize testing so that infection sources can be targeted. He also cited the unfair rollout of the Paycheck Protection Program, stating that only 10-20% of CDFI applicants received the loans they needed. He also encouraged use of the Defense Production Act to ensure that businesses would have adequate access to PPE before they can safely reopen.

Representative Gibbs challenged Ms. Castillo’s assessment that decontamination techniques for mask reuse were unsafe. Ms. Castillo responded that there is insufficient evidence to prove such techniques’ safety, that masks tear after extended use, and that nurses reported headaches and unpleasant symptoms associated with use of decontaminated masks, stating that it is inhumane to treat frontline workers as guinea pigs.

Representative Speier asked Ms. Castillo if her organization has an estimated figure for required PPE for nurses. Noting that mask reuse resulting in infection has further impaired the nursing workforce, she responded that the HHS predicted the need for 52 B masks across the board.

Citing the distribution of COVID-related deaths across age demographics Representative Chip Roy asked Mr. Roy to comment on how the U.S. can safely reopen while protecting the high-risk age groups. Mr. Roy responded that efforts should focus on the at-risk communities, but not regular folks and children who need to go to school. He stated that by focusing on everything, we achieve nothing; a targeted approach that does not unfairly constrain the majority of people is needed.

Representative Miller asked Ms. Castillo if reusing masks is the best solution until increased supplies are available. Castillo responded no, referencing the previously cited statistics on their ineffectiveness and even detrimental side-effects. Representative Miller asked Mr. Roy to share success witnessed in states that have begun to reopen. Roy noted no sharp spike in cases in states like Florida which employed targeted lock downs of high-risk populations and only minimal impacts on the rest of their populace.

Representative Tlaib asked Mr. Costa to comment on the rhetoric used when discussing reopening the economy and how it ignores the lives lost. He responded that while it is concerning to hear, it is important to slowly reopen so as not to overwhelm the transit sector. She asked Mr. Perrone if any of his workers in Michigan were threatened by Kroger to retroactively back charge the hazard pay that had since been removed from their wages. He responded that he was aware and disgusted by the situation in Michigan, and that he is concerned by large corporations doing away with masks when they never provided sufficient PPE to begin with.

The hearing record will remain open for 15 days after the date of the hearing.