

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2235 Session of 2024

INTRODUCED BY HADDOCK, KENYATTA, SANCHEZ, PROBST, VENKAT, DONAHUE, KINSEY, KHAN, McANDREW, HILL-EVANS, DELLOSO, DALEY, MALAGARI, McNEILL, SHUSTERMAN, BRENNAN, STURLA, FIEDLER, MIHALEK AND O'MARA, APRIL 25, 2024

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 4, 2024

AN ACT

1 Providing for regulation of the meat packing and food processing
2 industry by creating facility health and safety committees in
3 the workplace; establishing the industry workers' rights
4 coordinator within the Department of Labor and Industry; and <--
5 providing for public health emergency protections for
6 workers; and imposing penalties.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Short title.

10 This act shall be known and may be cited as the Meat Packing
11 and Food Processing Protection Act.

12 Section 2. Definitions.

13 The following words and phrases when used in this act shall
14 have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 "Department." The Department of Labor and Industry of the
17 Commonwealth.

18 "Employee." An individual who is employed by an employer.

1 "Employer." A business that employs 100 or more employees at
2 a single facility, including independent contractors and
3 employees hired by a temporary hiring or staffing agency located
4 in this Commonwealth, and meets all of the following criteria:

5 (1) The business is any of the following:

6 (i) Licensed under the act of July 9, 1968 (P.L.304,
7 No.151), known as the Pennsylvania Meat and Poultry
8 Hygiene Law of 1968.

9 (ii) A food establishment subject to 3 Pa.C.S. Ch.
10 57 Subch. B (relating to food safety).

11 (iii) Subject to inspection by the Food Safety
12 Inspection Service under 21 U.S.C. Ch. 12 (relating to
13 meat inspection) or 15 (relating to egg products
14 inspection).

15 (2) The business is registered as a food facility
16 under Public Health Security and Bioterrorism Preparedness
17 and Response Act of 2002 (Public Law 107-188, 116 Stat. 594).

18 "Facility." The location of an employer where the employees
19 perform job-related duties or the following occurs, but shall
20 not be limited to the following:

21 (1) slaughtering or butchering;

22 (2) meat canning, meat packing or meat manufacturing;

23 (3) poultry canning, packing or manufacturing;

24 (4) pet food manufacturing;

25 (5) egg production;

26 (6) processing of meat packing products;

27 (7) commercial packaging;

28 (8) the making, cooking, mixing, processing, bottling,
29 baking, canning, freezing, packing or rendering of meat
30 products; or

1 (9) the making, cooking, mixing, processing, bottling,
2 baking, canning, freezing, packing or rendering of products
3 intended for human consumption.

4 "Facility health and safety committee" or "committee." A
5 committee authorized and established under section 5.

6 ~~"Full time employee." An employee who works, in a calendar <--~~
7 ~~month, at least an average of 30 hours per week.~~

8 "Industry workers' rights coordinator" or "coordinator." The
9 coordinator appointed by the secretary under section 5(j).

10 ~~"Part time employee." An employee who works, in a calendar <--~~
11 ~~month, less than an average of 30 hours per week.~~

12 ~~"Public health emergency." One or more of the following~~
13 ~~occurrences:~~

14 ~~(1) Imminent threat of an illness or health condition~~
15 ~~caused by epidemic or pandemic disease.~~

16 ~~(2) A novel and highly fatal infectious agent or~~
17 ~~biological toxin that poses a substantial risk of a~~
18 ~~significant number of human fatalities or permanent or long~~
19 ~~term disability.~~

20 ~~(3) A declaration by the Governor of disaster emergency~~
21 ~~under 35 Pa.C.S. § 7301(c) (relating to general authority of~~
22 ~~Governor) issued because of an occurrence described in~~
23 ~~paragraph (1) or (2).~~

24 ~~(4) A Federal public health emergency declared by the~~
25 ~~United States Secretary of Health and Human Services.~~

26 ~~(5) A national public health emergency declared by the~~
27 ~~President of the United States.~~

28 "Secretary." The Secretary of Labor and Industry of the
29 Commonwealth.

30 Section 3. Training provided by employer.

1 (a) General rule.--Upon hire, an employer must provide to an
2 employee in the language that the employee speaks, if at least
3 5% of the employer's workforce speaks the language, information
4 on the following:

5 (1) Health risks directly associated with the duties of
6 employment, including repetitive strain injuries,
7 musculoskeletal disorders and respiratory hazards under 29
8 U.S.C. Ch. 15 (relating to occupational safety and health)
9 and related Federal regulations.

10 (2) The employee's right to seek medical care for
11 injuries that occur as a result of employment under the act
12 of June 2, 1915 (P.L.736, No.338), known as the Workers'
13 Compensation Act.

14 (3) A summary of the rights and requirements under 29
15 U.S.C. Ch. 15 and related Federal regulations.

16 (4) The facility health and safety committee established
17 under section 5.

18 ~~(5) The employee's right to unpaid sick time off as~~ <--
19 ~~provided under section 4.~~

20 ~~(6)~~ (5) The employee's right to seek workers' <--
21 compensation for work-related injuries.

22 (b) Training provided.--

23 (1) An employer shall provide worker safety training to
24 new employees during normal working hours and at the standard
25 rate of compensation.

26 (2) Training shall be available in languages spoken by
27 at least 5% of employees.

28 (3) Training shall be provided without a penalty imposed
29 by the employer.

30 (4) An employee shall have the right to additional

1 training, upon request, within 30 days of the employee's hire
2 date.

3 (5) An employee shall be paid the regular rate of pay
4 during training.

5 Section 4. ~~Sick and medical~~ EMERGENCY MEDICAL TRANSPORTATION <--
6 benefits.

7 ~~(a) Sick time.~~ <--

8 ~~(1) An employer shall provide its full time employees~~
9 ~~not less than seven unpaid sick days to be used for illness~~
10 ~~or injury annually. Unpaid sick time may be used for care to~~
11 ~~the employee or for care to a sick or injured immediate~~
12 ~~family member.~~

13 ~~(2) An employer shall provide its part time employees~~
14 ~~five unpaid sick days to be used for illness or injury~~
15 ~~annually. Unpaid sick time may be used to care for the~~
16 ~~employee or to care for a sick or injured immediate family~~
17 ~~member.~~

18 ~~(3) This subsection shall not apply to an employer that~~
19 ~~provides paid sick time to its employees.~~

20 ~~(b) Medical transportation.~~ If an employee is injured or
21 becomes ill at the facility as a result of duties associated
22 with the employee's employment and requires immediate emergency
23 medical attention that cannot be acquired from an on-site
24 licensed medical professional, the employer shall pay for out-
25 of-pocket expenses not covered by an insurance plan associated
26 with the emergency medical transportation.

27 Section 5. Facility health and safety committee.

28 (a) Establishment.--An employer shall establish and
29 administer a joint labor-management facility health and safety
30 committee to help reduce the risk of injury and unsafe

1 conditions at the facility.

2 (b) Committee membership.--

3 (1) The committee membership shall represent all primary
4 operations of the workplace.

5 (2) The committees shall be composed of a minimum of two
6 employer-representatives and a minimum of two employee-
7 representatives. If more than two employees are required to
8 represent each office of the workplace, the employer shall
9 require a minimum number of employees from each office to be
10 represented on the committee.

11 (3) Employer-representatives must be individuals who,
12 regardless of job title or labor organization affiliation,
13 based upon an examination of that individual's authority or
14 responsibility, perform one or more of the following duties:

15 (i) Select or hire an employee.

16 (ii) Remove or terminate an employee.

17 (iii) Direct the manner of employee performance.

18 (iv) Control an employee.

19 (4) Employee-representatives must be individuals who
20 perform services for an employer for valuable consideration
21 and do not possess the authority or responsibility described
22 in paragraph (3).

23 (5) An individual may not function as both an employer-
24 representative and an employee-representative.

25 (6) If a collective bargaining agreement is in place at
26 the facility:

27 (i) Paragraph (4) shall not apply.

28 (ii) The union may select the employee-
29 representatives.

30 (iii) Employee-representatives may be union

1 representatives who are not employees at the facility.

2 (c) Committee formation.--

3 (1) An employer that has only one workplace within this
4 Commonwealth shall form a single workplace safety committee
5 at the workplace.

6 (2) An employer that has more than one workplace within
7 this Commonwealth shall form separate and individual safety
8 committees at each facility within this Commonwealth.

9 (3) The committee shall be composed of at least an equal
10 number of employer-representatives and employee-
11 representatives.

12 (4) The committee shall establish procedures that retain
13 a core group of experienced members to serve on the committee
14 at all times.

15 (5) Employee-representatives of the committees shall:

16 (i) Be permitted to take reasonable time from work
17 to perform committee duties without loss of pay or
18 benefits.

19 (ii) Join the committee for a continuous term of one
20 year from the date of the first meeting attended.

21 (d) Committee responsibilities.--The facility health and
22 safety committee shall have the following responsibilities:

23 (1) Represent the accident and illness prevention
24 concerns of employees for the employer.

25 (2) Review the employer's hazard detection and accident
26 and illness prevention programs and formulate written
27 proposals.

28 (3) Establish procedures for periodic workplace
29 inspections by the committee for the purpose of locating and
30 identifying health and safety hazards. The locations and

1 identity of hazards shall be documented in writing, and the
2 committee shall make proposals to the employer regarding
3 correction of the hazards.

4 (4) Conduct a review of incidents resulting in work-
5 related deaths, injuries and illnesses and of complaints
6 regarding health and safety hazards made by committee members
7 or other employees.

8 (5) Conduct follow-up evaluations of newly implemented
9 health and safety equipment or health and safety procedures
10 to assess effectiveness.

11 (6) Establish a system to allow the committee members to
12 obtain safety-related proposals, reports of hazards or other
13 information directly from individuals involved in the
14 operation of the workplace.

15 (7) Develop operating procedures, including rules or
16 bylaws prescribing the committee's duties.

17 (8) Develop and maintain membership lists.

18 (9) Develop a written agenda for meetings.

19 (10) Maintain committee meeting attendance lists.

20 (11) Take and maintain minutes of committee meetings
21 that the employer shall review. Copies of minutes shall be
22 posted or made available for all employees and shall be sent
23 to each committee member.

24 (12) Ensure that the reports, evaluations and proposals
25 of the committee become part of the minutes of the meeting
26 which shall include:

27 (i) Inspection reports.

28 (ii) Reports on specific hazards and corrective
29 measures taken.

30 (iii) Reports on workplace injuries or illnesses.

1 (iv) Management responses to committee reports.

2 (e) Committee meetings.--

3 (1) A quorum of committee members shall meet at least
4 monthly. A quorum shall consist of at least two-thirds of
5 committee members being present.

6 (2) All decisions made by the committee at a meeting
7 shall be made by a majority vote.

8 (f) Committee member training.--The employer shall provide
9 adequate, annual training programs for each committee member.
10 Committee member training shall, at a minimum, address:

11 (1) Hazard detection and inspection.

12 (2) Accident and illness prevention and investigation,
13 including substance abuse awareness and prevention training,
14 safety committee structure and operation.

15 (3) Other health and safety concerns specific to the
16 business of the employer.

17 (g) Committee training records.--An employer shall provide
18 verification of trainer qualifications to the industry workers'
19 rights coordinator appointed under subsection (j) and supply, as
20 necessary, documentation supporting individual trainer
21 qualifications. The employer shall maintain written records of
22 facility health and safety committee training, including:

23 (1) The names of committee members trained.

24 (2) The dates of training.

25 (3) The training time period.

26 (4) The training methodology.

27 (5) The names and credentials of personnel conducting
28 the training.

29 (6) The names of training organizations sponsoring
30 training, if applicable.

1 (7) The training location.

2 (8) The training topics.

3 (h) Interference prohibited.--No employer may interfere with
4 the selection of employee-representatives to serve on the
5 committee or the ability for employee-representatives to perform
6 the duties authorized under this section.

7 (i) Loss of pay prohibited during training.--An employer
8 shall permit committee members to attend a training without loss
9 of pay.

10 (j) Industry workers' rights coordinator.--

11 (1) The secretary shall appoint an industry workers'
12 rights coordinator to the department to help enforce this
13 section.

14 (2) The coordinator shall review and investigate
15 complaints and make recommendations on worker health and
16 safety standards of employers in this Commonwealth.

17 (3) An employer shall provide the coordinator full
18 access to facility operations at times that employees are
19 performing job-related duties at the facility.

20 (4) The coordinator, either on the coordinator's
21 initiative or in response to a complaint, shall investigate
22 an employer's compliance with this section.

23 ~~Section 6. Public health emergency response.~~ <--

24 ~~(a) General rule. After a declaration of a public health~~
25 ~~emergency, the department, in consultation with the Secretary of~~
26 ~~Health, shall create and publish, in English, Spanish and any~~
27 ~~language spoken by at least 5% of the workforce in this~~
28 ~~Commonwealth, a model infectious disease exposure prevention~~
29 ~~plan and a model infectious disease exposure prevention standard~~
30 ~~to address the public health emergency specific to the meat~~

1 ~~packing and food processing industry to prevent infectious~~
2 ~~disease exposure, and to protect employees and the food chain~~
3 ~~from exposure to infectious disease.~~

4 ~~(b) Plan contents.—~~

5 ~~(1) Each model infectious disease exposure prevention~~
6 ~~plan and model infectious disease exposure prevention~~
7 ~~standard shall take into account the types of risks present~~
8 ~~at industry facilities, including:~~

9 ~~(i) A facility's maximum occupancy.~~

10 ~~(ii) The proximity of workstations to each other and~~
11 ~~the proximity of employees to each other.~~

12 ~~(iii) Access to personal protective equipment.~~

13 ~~(iv) The ability to socially distance while~~
14 ~~performing job duties.~~

15 ~~(2) Each model infectious disease exposure prevention~~
16 ~~plan and model infectious disease exposure prevention~~
17 ~~standard shall take into consideration all applicable~~
18 ~~Federal, State and local established standards.~~

19 ~~(3) The models shall include establishing requirements~~
20 ~~on procedures and methods for:~~

21 ~~(i) Employee health screenings.~~

22 ~~(ii) Face coverings at no cost to the employee.~~

23 ~~(iii) Required personal protective equipment~~
24 ~~applicable to the industry for eyes, face, head and~~
25 ~~extremities, protective clothing, respiratory devices and~~
26 ~~protective shields and barriers that shall be provided,~~
27 ~~used and maintained in a sanitary and reliable condition~~
28 ~~at the expense of the employer.~~

29 ~~(iv) Accessible facility hand hygiene stations to~~
30 ~~maintain healthy hand hygiene, and that employers provide~~

1 ~~adequate break times for workers to use hand washing~~
2 ~~facilities as needed.~~

3 ~~(v) Regular cleaning and disinfecting of shared~~
4 ~~equipment and frequently touched surfaces, including~~
5 ~~workstations, equipment, door handles, railings and all~~
6 ~~surfaces and washable items in other high risk areas,~~
7 ~~including restrooms, dining areas, break rooms and locker~~
8 ~~rooms.~~

9 ~~(vi) Effective social distancing for employees as~~
10 ~~the risk of illness may warrant, including options for~~
11 ~~social distancing, including sign postage or markers,~~
12 ~~increasing physical space between workers at the~~
13 ~~facility, limiting the maximum occupancy of facilities,~~
14 ~~reconfiguring spaces where workers congregate or~~
15 ~~implementing flexible work hours such as staggered~~
16 ~~shifts.~~

17 ~~(vii) Compliance with mandatory or precautionary~~
18 ~~orders of isolation or quarantine that have been issued~~
19 ~~to employees.~~

20 ~~(viii) Compliance with applicable engineering~~
21 ~~controls, including proper air flow, exhaust ventilation~~
22 ~~or other special design requirements.~~

23 ~~(ix) Designation of one or more supervisory~~
24 ~~employees to enforce compliance with the infectious~~
25 ~~disease exposure prevention plan and other Federal, State~~
26 ~~or local guidelines related to avoidance of spreading an~~
27 ~~infectious disease as applicable to employees.~~

28 ~~(x) Compliance with applicable laws, rules,~~
29 ~~regulations, standards or guidelines on notification to~~
30 ~~employees and relevant Federal, State and local agencies~~

1 ~~of potential exposure to infectious disease at the~~
2 ~~facility.~~

3 ~~(xi) Verbal review of infectious disease standards,~~
4 ~~employer policies and employee rights under this section,~~
5 ~~including an employee's right to an interpreter for the~~
6 ~~purpose of reviewing infectious disease standards.~~

7 ~~(xii) Anti retaliation provisions.~~

8 ~~Section 7. Employer duties during public health emergency.~~

9 ~~(a) Adoption of plan.~~

10 ~~(1) Upon declaration of a public health emergency, an~~
11 ~~employer shall adopt an infectious disease exposure~~
12 ~~prevention plan either through adopting the model infectious~~
13 ~~disease exposure prevention plan developed by the department~~
14 ~~under section 6 that applies to the employer's industry or by~~
15 ~~designing, adopting and implementing an infectious disease~~
16 ~~exposure prevention plan that equals or exceeds the model~~
17 ~~plan developed by the department.~~

18 ~~(2) If the employer does not adopt the model plan, the~~
19 ~~adopted plan shall be made in consultation with the designee~~
20 ~~from the collective bargaining agreement, if any, and the~~
21 ~~facility health and safety committee.~~

22 ~~(b) Distribution of plan to employees.~~

23 ~~(1) Employers shall distribute, in writing, the~~
24 ~~infectious disease prevention plan adopted under subsection~~
25 ~~(a) to each employee in the language that the employee~~
26 ~~speaks, for each language spoken by at least 5% of the~~
27 ~~workforce.~~

28 ~~(2) The infectious disease prevention plan shall be~~
29 ~~posted in visible and prominent locations within the~~
30 ~~facility, including break areas, restrooms, dining areas and~~

1 ~~locker rooms.~~

2 ~~(c) Adverse action prohibited. An employer or employer's~~
3 ~~agent may not threaten, retaliate against or take adverse action~~
4 ~~against an employee for:~~

5 ~~(1) Exercising the employee's rights under this section~~
6 ~~or under the applicable infectious disease exposure~~
7 ~~prevention plan.~~

8 ~~(2) Reporting violations of this section or the~~
9 ~~applicable infectious disease exposure prevention plan to a~~
10 ~~Federal, State or local government entity, public officer or~~
11 ~~elected official.~~

12 ~~(3) Reporting an infectious disease exposure concern to,~~
13 ~~or seeking assistance or intervention with respect to~~
14 ~~airborne infectious disease exposure concerns, the employer,~~
15 ~~Federal, State or local government entity, public officer or~~
16 ~~elected official.~~

17 ~~(4) Refusing to work where the employee reasonably~~
18 ~~believes, in good faith, that the work exposes the employee,~~
19 ~~or other workers or the public, to an unreasonable risk of~~
20 ~~exposure to an infectious disease due to the existence of~~
21 ~~working conditions that are inconsistent with law, rule,~~
22 ~~policy or order of a governmental entity, including the~~
23 ~~minimum standards provided by the model infectious disease~~
24 ~~exposure prevention standard, if:~~

25 ~~(i) the employee, another employee or employee~~
26 ~~representative notified the employer of the inconsistent~~
27 ~~working conditions and the employer failed to cure the~~
28 ~~conditions; or~~

29 ~~(ii) the employer had or should have had reason to~~
30 ~~know about the inconsistent working conditions and~~

1 ~~maintained the inconsistent working conditions.~~

2 ~~Section 8. Public health emergency unpaid sick time.~~

3 ~~(a) Adoption of policy required.~~

4 ~~(1) During a public health emergency, an employer shall~~
5 ~~adopt an unpaid sick time policy that provides not less than~~
6 ~~80 additional hours to an employee to be used for an~~
7 ~~employee's or immediate family member's exposure or infection~~
8 ~~to the infectious disease related to the declaration.~~

9 ~~(2) An employer may not require an employee to use~~
10 ~~unpaid sick time provided under section 4 before utilizing~~
11 ~~public health emergency unpaid sick time as provided under~~
12 ~~this section.~~

13 ~~(3) Public health emergency unpaid sick time may not be~~
14 ~~carried forward and shall cease at the expiration of the~~
15 ~~declaration of the public health emergency.~~

16 ~~(b) (Reserved).~~

17 Section 9 6. Anti-retaliation. <--

18 An employer may not penalize, discriminate against, dismiss
19 or discharge an employee for exercising any of the employee's
20 rights under this act.

21 Section 10 7. Enforcement and penalties. <--

22 ~~(a) Employer failure to comply.~~ <--

23 ~~(1) Upon investigation and a determination by the~~
24 ~~department that an employer failed to comply with the~~ <--
25 ~~provisions of section 3, 4, 5 or 9 THIS ACT, the department~~ <--
26 may assess an administrative penalty of \$500 per day until
27 the failure is cured. If the employer does not cure the
28 failure within 10 days, the department may assess an
29 administrative penalty of not more than \$10,000 per day for
30 every day exceeding 10 days.

1 ~~(2) Upon investigation and determination that an~~ <--
2 ~~employer has failed to comply with the provisions of section~~
3 ~~7, the department may assess an administrative penalty of~~
4 ~~\$500 per day that the employer fails to adopt an infectious-~~
5 ~~disease exposure prevention plan, not to exceed \$100,000 for~~
6 ~~failure to comply with an adopted infectious disease exposure~~
7 ~~prevention plan.~~

8 ~~(b) Civil actions.—~~

9 ~~(1) An employee may bring a civil action seeking~~
10 ~~injunctive relief in a court of competent jurisdiction~~
11 ~~against an employer alleged to have violated the infectious-~~
12 ~~disease exposure prevention plan in a manner that creates a~~
13 ~~substantial probability that death or serious physical harm~~
14 ~~could result from a condition which exists, unless the~~
15 ~~employer did not know and could not have known, with the~~
16 ~~exercise of reasonable diligence, of the presence of the~~
17 ~~violation.~~

18 ~~(2) The court shall have jurisdiction to restrain the~~
19 ~~violation and to order all appropriate relief, including~~
20 ~~enjoining the conduct of the employer, awarding costs and~~
21 ~~reasonable attorney fees to the employee and ordering payment~~
22 ~~of liquidated damages of no greater than \$10,000, unless the~~
23 ~~employer can demonstrate a good faith belief that the~~
24 ~~established and implemented health and safety measures were~~
25 ~~in compliance with the applicable infectious disease exposure-~~
26 ~~prevention standard.~~

27 Section ~~11~~ 8. Regulations. <--

28 The department may promulgate regulations as necessary to
29 carry out the provisions of this act.

30 Section ~~12~~ 9. Collective bargaining agreements. <--

1 Nothing in this act shall be construed to diminish the
2 rights, privileges or remedies of an employee under a collective
3 bargaining agreement. The provisions of this act may be waived
4 by a collective bargaining agreement provided that, for the
5 waiver to be valid, the waiver explicitly references the section
6 of this act that is waived. Upon mutual agreement with a union
7 currently representing or negotiating the terms of a contract
8 for representation of the employees at the facility, an employer
9 may opt out of the provisions of this act. The mutual agreement
10 shall be in writing and shall be binding against the employer
11 and the union to the full extent of a collective bargaining
12 agreement.

13 Section ~~13~~ 10. Abrogation of regulations. <--

14 Any and all regulations are abrogated to the extent of any
15 inconsistency with this act.

16 Section ~~14~~ 11. Effective date. <--

17 This act shall take effect in 90 days.