



CHERIE K. BERRY
COMMISSIONER

ANNE P. WEAVER
BUREAU CHIEF
PLANNING STATISTICS AND INFORMATION MANAGEMENT
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

November 23, 2020

Hannah Critchfield
North Carolina Health News
hcritchfield@northcarolinahealthnews.org

Butterball, LLC	OSH No. 209663897	Log No. 26422
Butterball, LLC	OSH No. 209659432	Log No. 26423
Butterball, LLC	OSH No. 209658830	Log No. 26424
Butterball, LLC	OSH No. 209657972	Log No. 26425

Dear Ms. Critchfield:

Per your written request, enclosed is an expunged copy of the occupational safety and health case, pertaining to the above. There is a total of 30 pages attached at no charge to you.

In accordance with North Carolina Department of Labor policies **case files are redacted prior to release so that personal identifiers, medical records, names and other identifiers of witnesses and complainants, trade secret information and records of accidents, injuries, illnesses and settlements received from the Industrial Commission are removed as required by and in accordance with NCGS 132-1.10; NCGS 14-43.17; NCGS 14-113.20(b); 13 NCAC 07A.0301; 13 NCAC 07A.0303; 13 NCAC 7A.0900; NCGS 95-136; NCGS 95-152; NCGS 132-1.2; NCGS 132-1.7; NCGS 97-81; and NCGS 97-92.**

If we may be of further assistance, please do not hesitate to contact us.

Sincerely,

Rose Gray

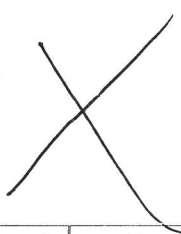
Rose Gray
Statistical and Historical
Document Processor

Enclosure (s)

North Carolina Department of Labor
Occupational Safety and Health Division
Notice of Alleged Safety or Health Hazards

Tuesday 7/28/2020 12:11:36

Reporting ID	Complaint Number	Complaint Date/Time		Optional Number	City	County	Employer ID
0453710	209663897	05/06/2020	08:00 AM	1000	1880	191	
Establishment Name	Butterball, LLC				Ownership	A Private Sector	
Site Address	510 N Oak Forest Rd Goldsboro, NC 27530			Site Phone	- -	Site Fax	- -
Mailing Address	510 N Oak Forest Rd Goldsboro, NC 27530			Mailing Phone	- -	Mailing Fax	- -



		Fax	- -
	Method Received	Federal Email	
		Supervisor(s) Assigned	
		F2142	

Valid Complaint?	Formality	Intake	Send OSHA-7?	Primary SIC	Primary NAICS
Yes	Non-Formal	Jeffrey Mitchell		2015	311615
Complaint Classification	Health - Serious		Inspection Planned?	Priority	Close Complaint
			No		Yes

Hazard Description:
 The plant is continuing to operate after confirmed COVID-19 cases and the employer did not inform other employees until 4 days later. The employer is not addressing employees which have been exposed.

Hazard Location:
 Inside facility

Send Letter	Type	Date Letter Sent	Date Response Due
Receive Letter	Type	Date Received	Evaluation
			Abatement Date
Strategic Plan			
National Emphasis			
Local Emphasis			
Type	ID	Optional Information	

Complaint of Occupational Safety or Health Hazards

North Carolina Department of Labor Occupational Safety and Health Division	Complaint Number 209663897	Optional Number 1000
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Employer Name

Butterball, LLC

Site Location (Street, City, State, ZIP)

**510 N Oak Forest Rd
Goldsboro NC 27530**

Mailing Address (Street, City, State, ZIP)

**510 N Oak Forest Rd
Goldsboro NC 27530**

Management Official

Telephone Number

Complaint Assigned To

F2142

SIC/NAICS

2015 311615

Hazard Description:

The plant is continuing to operate after confirmed COVID-19 cases and the employer did not inform other employees until 4 days later. The employer is not addressing employees which have been exposed.

Hazard Location:

Inside facility



CHERIE BERRY
COMMISSIONER OF LABOR

OCCUPATIONAL SAFETY AND HEALTH DIVISION
RALEIGH FIELD OFFICE

May 8, 2020

Butterball, LLC
510 N Oak Forest Rd
Goldsboro, NC 27530

Re: Complaint Number 209663897

Dear Management:

Recently the North Carolina Department of Labor Occupational Safety and Health Division received a complaint alleging health and/or safety hazards related to **coronavirus disease 2019 (COVID-19)**, which is the illness caused by coronavirus, at your establishment at 510 N Oak Forest Rd, Goldsboro, NC 27530. The specific nature of the complaint is described in detail on the attached page.

Information about COVID-19, including guidance on preventing worker exposure and for preparing your workplace, can be found at the following locations:

- OSHA COVID-19 website – <https://www.osha.gov/SLTC/covid-19/>
- CDC COVID-19 website – <https://www.cdc.gov/coronavirus/2019-ncov/index.html>
- CDC info for healthcare workers – <https://www.cdc.gov/coronavirus/2019-nCoV/hcp/index.html>
- NC Division of Public Health website – <https://www.ncdhhs.gov/divisions/dph>
- NC's Stay at Home Order, including list of essential businesses - <https://files.nc.gov/governor/documents/files/EO121-Stay-at-Home-Order-3.pdf>

We have not determined whether the hazards, as alleged, exist at your workplace; and we are not conducting an inspection, at this time. However, since allegations of violations have been made, you should investigate the alleged conditions and make any necessary corrections or modifications. Within 7 working days of your receipt of this letter, please advise us, in writing, by certified mail, or submitting electronically of your finds and the action you have taken. Your response should be detailed stating specifically what action you have taken to correct each hazard. You should enclose any supporting documentation, such as monitoring results, equipment purchases, photographs etc.

The complainant has been advised of this preliminary response to the complaint and furnished a copy of this letter. An un-redacted employer response will be forwarded to the complainant. Please focus on providing documentation on the alleged conditions and do not include any comments or information about the person(s) that you believe filed the complaint. You should be aware that North Carolina General Statute 95-241 provides that "no person shall discriminate or take any retaliatory action against an employee because the employee in good faith does or threatens to file a claim or complaint, initiate any inquiry, investigation, proceeding or other action, or testify or provide information to any person with

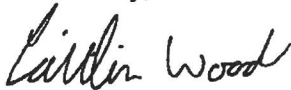
respect to ... the Occupational Safety and Health Act of North Carolina.”

This letter is not a citation nor is it a notification of proposed penalty, which according to the Occupational Safety and Health Act, may be issued only after an inspection or investigation of the workplace. If we do not receive a response from you within 7 working days of your receipt of this letter indicating that appropriate action has been taken or that no hazard exists and why, an inspection may be conducted.

You are requested to post a copy of this letter and your response to it where it will be readily accessible for review by your employees. Please send your written response electronically to me at Nesia.Hill@labor.nc.gov, with a carbon copy to Charmaine.Burnett@labor.nc.gov. Supporting documentation, such as photos or safety policies, should be attached to the email if applicable.

If you have any questions about this letter, please contact me at 919-779-8570. Your personal support and interest in the safety and health of your employees are appreciated.

Sincerely,



b Neesia Hill
District Supervisor

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- Certified Mail Restricted Delivery \$ _____
- Adult Sign _____
- Adult Sign _____

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Total Postage

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City, State, ZIP+4®

5-8-20

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209663897-OS0117

Butterball, LLC

510 N Oak Forest Rd

Goldsboro, NC 27530

440T 25ET 1352 1044
2016 2070 0001 1352 1044
0202 9702

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

209663897-OS0117
Butterball, LLC
510 N Oak Forest Rd
Carrboro, NC 27530



9590 9402 4344 8190 0811 65

2. Article Number (Transfer from service label)

7016 2070 0001 1352 1044

COMPLETE THIS SECTION ON DELIVERY

A
X
B
- Agent
 Addressee

C. Date of Delivery
5/15/20

D. Is delivery address different from Item 1? Yes
If YES, enter delivery address below: No

MAY 15 2020

NCDOL-OSH COMPLIANCE
RALEIGH FIELD OFFICE

3. Service Type
- Adult Signature
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 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Return Receipt for Merchandise
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

BUTTERBALL

May 12, 2020

Neesia Hill
District Supervisor
North Carolina Department of Labor – Occupational Safety and Health Division
Neesia.hill@labor.nc.gov

Cc: Charmaine.burnett@labor.nc.gov

RE: Complaint Number 209663897

Dear Neesia Hill:

In response to your letter of May 8, 2020 reference the above Complaint Number, we first bring your attention to the fact that Butterball, LLC does not have a location at 510 N. Oak Forest Road, Goldsboro, NC. However, Butterball, LLC does have an office and warehouse location at 501 N. Oak Forest Road, Goldsboro, NC. We will respond on the assumption that the address was transposed.

We confirm to you that Butterball, LLC is committed to the health and safety of its employees at all times and most acutely during this current COVID-19 pandemic.

At 501 N. Oak Forest Road, Butterball, LLC maintains accounting office functions, as well as certain human resources and accounting functions which support the business and operations of live turkey production and processing. In the review of the complaint, it specifically outlines two separate hazard descriptions which are outlined below.

Hazard Description #1:

“The plant is continuing to operate after confirmed COVID-19 cases and the employer did not inform other employees until 4 days later”.

Response to #1:

At the time of this reply, there have been no cases of COVID-19 reported from Butterball employee(s) working at the 501 N. Oak Forest Road, Goldsboro location.



Likewise, the company has not received any notification from the County Health Department notifying of any such positive testing result from an employee working at that location. It is however important to understand that Butterball, LLC has a robust and well documented COVID-19 employee communication and notification protocol which contains very detailed guidelines should such be required

Hazard Description #2:

"The employer is not addressing employees which have been exposed".

Response to #2:

As outlined in hazard description #1, there have been no cases of COVID-19 reported from Butterball employee(s) working at the 501 N. Oak Forest Road, Goldsboro location. Likewise, the company has not received any notification from the County Health Department notifying of any such positive testing result from an employee working at that location. As such, in the absence of any positive COVID-19 testing result(s) at this location, the need to communicate to employees' reference exposure does not exist. It is however important to understand that Butterball, LLC has a robust and well documented COVID-19 employee communication strategy should such be required.

Further, as a food manufacturing company, the business is deemed an essential business and is remaining in operation to provide essential services to the State. Further, on April 28, 2020, President Trump issued an Executive Order deeming beef, pork and poultry plants as critical under the Defense Production Act. Again, the functions being performed at the 501 N. Oak Forest Road office supports an essential and critical business.

In this regard, we actively monitor and seek to implement the guidance being issued by the CDC and OSHA as well as other regulatory bodies to promote the safety and health of our employees.

As recognized in current guidance, our mitigation efforts at the 501 N. Oak Forest Road, Goldsboro office location consists of the following:

- Social distancing whereas only essential staff are working at that facility and others (approx. 90%) are telecommuting. Employees are working in hard wall confined offices and in cubicle spaces with considerable space cushioning far in excess of the 6'ft separation as recommended by CDC and OSHA;



- A supply of surgical masks are provided to our employees as part of the daily PPE and required use in the facility. Sanitizing hand-washing stations are located at all employee entrance locations, bathrooms and scattered throughout the facility;
- Employees are actively encouraged to stay at home should they experience any of the signs and symptoms being associated with COVID-19 as per CDC/OSHA guidance.

If there are any other steps that you think we should consider, we would value your suggestions.

Sincerely

A handwritten signature consisting of a large 'X' shape.

Hill, Neesia

From: [REDACTED]
Sent: Tuesday, May 12, 2020 5:20 PM
To: Hill, Neesia
Cc: Burnett, Charmaine
Subject: [External] NC OSHA Complaint #209663897
Attachments: NC OSHA Complaint 209663897 Final.docx

Importance: High

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to reportspam@nc.gov.

Ms. Hill

Please see our response to complaint #209663897. If you have any questions whatsoever, please contact me anytime.

Thank you





CHERIE BERRY
COMMISSIONER OF LABOR

OCCUPATIONAL SAFETY AND HEALTH DIVISION
RALEIGH FIELD OFFICE

May 15, 2020

[REDACTED]
Butterball, LLC
510 N Oak Forest Rd
Goldsboro, NC 27530

Re: Complaint Number 209663897

Dear [REDACTED]

Your letter received on May 12, 2020 concerning the above referenced complaint has been reviewed. Based on the information you have provided, OSHNC feels the case can be closed on the grounds that the alleged hazardous conditions have been corrected or no longer exist. This letter does not prohibit OSHNC from initiating an inspection of this complaint.

Your actions on behalf of safety and health in the workplace are appreciated.

Sincerely,


 Neesia Hill
District Supervisor

North Carolina Department of Labor
Occupational Safety and Health Division
Notice of Alleged Safety or Health Hazards

Tuesday 7/28/2020 15:13:59

Reporting ID	Complaint Number	Complaint Date/Time		Optional Number	City	County	Employer ID
0453710	209659432	04/17/2020	08:00 AM	0670	3200	061	

Establishment Name	Butterball, LLC			Ownership	A Private Sector		
Site Address	1628 Garner Chapel Road Mount Olive, NC 28365		Site Phone	919-658-6743	Site Fax	- -	
Mailing Address	1628 Garner Chapel Road Mount Olive, NC 28365		Mailing Phone	919-658-6743	Mailing Fax	- -	

			Fax	- -		
			Method Received		Telephone	
			Supervisor(s) Assigned		C7621	

Valid Complaint?	Formality	Intake	Send OSHA-7?	Primary SIC	Primary NAICS
Yes	Non-Formal	Deborah Samad	Yes	2015	311615
Complaint Classification	Health - Serious		Inspection Planned?	Priority	Close Complaint
			No		Yes

Hazard Description:
 Employees' health could be seriously harmed due to exposure to CoViD-19 which, now they have 17 cases in the workforce, appears to be getting transmitted at the workplace. There is concern that the virus is spreading due to employees working very close to each other.

Hazard Location:
 Lines.

Send Letter	Type	Date Letter Sent	Date Response Due

Receive Letter	Type	Date Received	Evaluation	Abatement Date

Strategic Plan	
National Emphasis	
Local Emphasis	

Type	ID	Optional Information

7016 2070 0001 1354 3701

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- Return Receipt (electronic) \$ _____
- Certified Mail Restricted Delivery \$ _____
- Adult Signature Required \$ _____
- Adult Signature Required (over 18) \$ _____

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Postage

\$

209659432-OSHA-7

Total Postage

\$

Sent To

3201 Central Heights Road
Goldsboro, NC 27534

Street &

City, State, ZIP+4®



CHERIE BERRY
COMMISSIONER OF LABOR

OCCUPATIONAL SAFETY AND HEALTH DIVISION
COMPLIANCE BUREAU

April 22, 2020

[REDACTED]
Butterball, LLC
1628 Garner Chapel Road
Mount Olive, NC 28365

Re: Complaint Number 209659432

Dear Management:

Recently the North Carolina Department of Labor Occupational Safety and Health Division received a complaint alleging health and/or safety hazards related to **coronavirus disease 2019 (COVID-19)**, which is the illness caused by coronavirus, at your establishment at 1628 Garner Chapel Road, Mount Olive, NC 28365. The specific nature of the complaint is described in detail on the attached page.

We have evaluated the alleged hazard and determined it is not covered by an OSHA standard, nor would it likely meet the criteria for a General Duty Clause citation under the OSH Act of North Carolina. However, since a complaint has been received, we are asking you to investigate the allegations and ensure your COVID-19 policies and procedures are consistent with the current guidelines published by OSHA, the Centers for Disease Control and Prevention (CDC), the NC Governor's Office, and other agencies as applicable to your industry and establishment. Links to the various websites can be found below:

- OSHA COVID-19 website – <https://www.osha.gov/SLTC/covid-19/>
- CDC COVID-19 website – <https://www.cdc.gov/coronavirus/2019-ncov/index.html>
- CDC info for healthcare workers – <https://www.cdc.gov/coronavirus/2019-nCoV/hcp/index.html>
- NC Division of Public Health website – <https://www.ncdhhs.gov/divisions/dph>
- NC's Stay at Home Order, including list of essential businesses - <https://files.nc.gov/governor/documents/files/EO121-Stay-at-Home-Order-3.pdf>

Since the allegation does not fall under an OSHA standard or the General Duty Clause, a written response to this letter is not required. We simply want you to investigate and, if needed, take corrective action to ensure employees are properly protected against COVID-19. The complainant has been furnished a copy of this letter. You should be aware that North Carolina General Statute 95-241 provides that "no person shall discriminate or take any retaliatory action against an employee because the employee in good faith does or threatens to file a claim or complaint, initiate any inquiry, investigation, inspection, proceeding or other action, or testify or provide information to any person with respect tothe Occupational Safety and Health Act of North Carolina."

If you have any questions about this letter, please contact me via email at lafayette.atkinson@labor.nc.gov or by phone at 910-530-6840. Your personal support and interest in the safety and health of your employees are appreciated.

Sincerely,

Handwritten signature of Caitlin Wood in cursive script.

Lafayette Atkinson
District Supervisor

Complaint of Occupational Safety or Health Hazards

North Carolina Department of Labor Occupational Safety and Health Division	Complaint Number 209659432	Optional Number 0670
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Employer Name
Butterball, LLC

Site Location (Street, City, State, ZIP)
**1628 Garner Chapel Road
Mount Olive NC 28365**

Mailing Address (Street, City, State, ZIP)
**1628 Garner Chapel Road
Mount Olive NC 28365**

Management Official	Telephone Number 919-658-6743
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Complaint Assigned To C7621	SIC/NAICS 2015 311615
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Hazard Description:
Employees' health could be seriously harmed due to exposure to CoViD-19 which, now they have 17 cases in the workforce, appears to be getting transmitted at the workplace. There is concern that the virus is spreading due to employees working very close to each other.

Hazard Location:
Lines.



CHERIE BERRY
COMMISSIONER OF LABOR

OCCUPATIONAL SAFETY AND HEALTH DIVISION
COMPLIANCE BUREAU

April 21, 2020

Re: Complaint No. 209659432

Dear [REDACTED]

This letter is in response to your complaint concerning employee safety and/or health hazard(s) related to **coronavirus disease 2019 (COVID-19)** at Butterball, LLC.

Your complaint has been reviewed and evaluated by a representative from the Compliance Bureau of the Occupational Safety & Health (OSH) Division. While your concern is understandable, it was determined the alleged hazard is not covered by an OSHA standard, nor would it meet the criteria for a General Duty Clause citation under NCGS 95-129(l) of the OSH Act of North Carolina. We have sent a letter to the employer requesting they investigate your allegation and take any action necessary to ensure their COVID-19 policies and procedures are in accordance with the most current guidelines from Federal or State agencies, such as the Centers for Disease Control and Prevention (CDC), OSHA, and the NC Governor's Office. We have included a copy of that letter with this correspondence.

The OSH Act of North Carolina provides that no person shall discharge or discriminate against any employee because that employee has filed a complaint.

Your interest in workplace safety and health is appreciated. If you have any questions, please contact me at lafayette.atkinson@labor.nc.gov or 910-530-6840.

Sincerely,

Lafayette Atkinson
District Supervisor



CHERIE BERRY
COMMISSIONER OF LABOR

OCCUPATIONAL SAFETY AND HEALTH DIVISION
COMPLIANCE BUREAU

April 22, 2020

Dear [REDACTED]

This letter is in response to your recent complaint of unsafe (and/or unhealthful) conditions where you are employed. The information you provided has been inserted into the enclosed Notice of Alleged Safety or Health Hazards, OSHA-7 Form. For verification processes please sign on the "signature" line and give signature date.

The form has been completed in every respect. However, if you are aware of new or additional information that you think might be important, please add it to a separate sheet of paper and submit it with the form. It is important that you do not write on the form, except where required in paragraph one. Please mail the signed "Complaint" form in the return addressed envelope provided for your use.

The North Carolina Occupational Safety and Health Act provides that the confidentiality of the complainant be maintained. The Act provides that "No employee shall be discharged or discriminated against because such employee has filed any complaint". Further, the North Carolina General Statute Chapter 95-139 (e) states that "anyone knowingly making any false statement, representation, or certification in any document filed pursuant to the Article shall be guilty of a Class 2 misdemeanor which may include a fine".

Your interest in workplace health and safety and your cooperation is appreciated. An investigation of the alleged hazards will be scheduled after receipt of the signed form. If you do not return the signed form within 7 working days, your complaint shall be treated as a nonformal complaint.

Sincerely,

Lafayette Atkinson
District Supervisor

04/23/2020

Lafayette Atkinson
District Supervisor
North Carolina Department of Labor
Lafayette.atkinson@labor.nc.gov

RE: Complaint Number 209659432

Dear Lafayette Atkinson:

In response to your letter of April 22, 2020 reference the above Complaint Number, we confirm to you that Butterball, LLC is committed to the health and safety of its employees at all times and most acutely during this current COVID-19 pandemic. The complaint was as follows:

“Employees’ health could be seriously harmed due to exposure to CoVID-19 which, now they have 17 cases in the workforce, appears to be getting transmitted at workplace. There is a concern that the virus is spreading due to employees working very close to each other”

As you may know, the operations of Butterball, LLC at the Mt. Olive facility include the processing of turkeys and production of food products. As a food manufacturing facility, the business is deemed an essential business and is remaining in operation to provide essential services to the State.

As previously advised, we actively monitor and meet or exceed the guidance issued by the CDC and OSHA as well as other regulatory bodies to promote the safety and health of our employees. Just this week:

1. A delivery of 16,000 surgical masks were received and as of April 20, 2020, these masks are being provided to our employees as part of the daily PPE and required in the facility.
2. We anticipate delivery of 4000 face shields and erection of separation barriers in the near future as best suited for each work area.

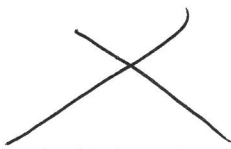
Continued actions to address concern:

1. We continue to conduct 24-hour daily temperature screening of all associates as they enter our operations.
2. We have hired additional cleaning crews to cover all bathroom and common areas. This crew continues to clean all touch surfaces 24 hours a day.

3. We have reduced touch surfaces in our operations by putting common doors on sensors which open when the associate enters the area.
4. We have rented a large tent (40' X 60') to expand the cafeteria eating areas to increase social distancing. We monitor the area frequently to encourage social distancing.
5. We are also in frequent, if not daily contact with the various county health departments.

If there are any other steps that you think that we should consider, we would value your suggestions.

Sincerely,

A handwritten signature consisting of a large, stylized 'X' shape with a small flourish at the top right.

1628 Garner Chapel Road

PO BOX 589

Mount Olive, NC 28365

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May 7, 2020 at 11:07 am
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GOLDSBORO, NC 27534

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North Carolina Department of Labor
Occupational Safety and Health Division
Notice of Alleged Safety or Health Hazards

Tuesday 7/28/2020 15:00:20

Reporting ID	Complaint Number	Complaint Date/Time		Optional Number	City	County	Employer ID
0453710	209658830	04/15/2020	08:00 AM	0611	3200	061	

Establishment Name	Butterball, LLC	Ownership	A Private Sector
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Site Address	1628 Garner Chapel Road Mount Olive, NC 28365	Site Phone	919-658-6743	Site Fax	- -
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Mailing Address	1628 Garner Chapel Road Mount Olive, NC 28365	Mailing Phone	919-658-6743	Mailing Fax	- -
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	Phone	- -	Fax	- -
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	Method Received	Telephone
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	Supervisor(s) Assigned
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	C7621
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Valid Complaint?	Formality	Intake	Send OSHA-7?	Primary SIC	Primary NAICS
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Yes	Non-Formal	Deborah Samad		2015	311615
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Complaint Classification	Health - Serious	Inspection Planned?	Priority	Close Complaint
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		No		Yes
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Hazard Description:

Where there have been confirmed cases of COVID-19 in the workforce: employees were not notified in a timely manner; the plant was not shut down and/or cleaned; and employees could still be exposed due to not practicing distancing, due to working close to each other.

Hazard Location:

Processing Lines.

Send Letter	Type	Date Letter Sent	Date Response Due
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Receive Letter	Type	Date Received	Evaluation	Abatement Date
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Strategic Plan	
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National Emphasis	
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Local Emphasis	
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Type	ID	Optional Information
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CHERIE BERRY
COMMISSIONER OF LABOR

NICOLE BROWN
EAST COMPLIANCE BUREAU CHIEF
OCCUPATIONAL SAFETY AND HEALTH DIVISION

April 20, 2020

[REDACTED]
Butterball, LLC
1628 Garner Chapel Road
Mount Olive, NC 28365

Re: Complaint Number 209658830

Dear [REDACTED]

Recently the North Carolina Department of Labor Occupational Safety and Health Division received a complaint alleging health and/or safety hazards related to **coronavirus disease 2019 (COVID-19)**, which is the illness caused by coronavirus, at your establishment at 1628 Garner Chapel Road, Mount Olive, NC 28365. The specific nature of the complaint is described in detail below:

Where there have been confirmed cases of COVID-19 in the workforce: employees were not notified in a timely manner; the plant was not shut down and/or cleaned; and employees could still be exposed due to not practicing distancing, due to working close to each other.

Location: Processing Lines

We have evaluated the alleged hazard and determined it is not covered by an OSHA standard, nor would it likely meet the criteria for a General Duty Clause citation under the OSH Act of North Carolina. However, since a complaint has been received, we are asking you to investigate the allegations and ensure your COVID-19 policies and procedures are consistent with the current guidelines published by OSHA, the Centers for Disease Control and Prevention (CDC), the NC Governor's Office, and other agencies as applicable to your industry and establishment. Links to the various websites can be found below:

- OSHA COVID-19 website – <https://www.osha.gov/SLTC/covid-19/>
- CDC COVID-19 website – <https://www.cdc.gov/coronavirus/2019-ncov/index.html>
- CDC info for healthcare workers – <https://www.cdc.gov/coronavirus/2019-nCoV/hcp/index.html>
- NC Division of Public Health website – <https://www.ncdhhs.gov/divisions/dph>
- NC's Stay at Home Order, including list of essential businesses - <https://files.nc.gov/governor/documents/files/EO121-Stay-at-Home-Order-3.pdf>

Since the allegation does not fall under an OSHA standard or the General Duty Clause, a written response to this letter is not required. We simply want you to investigate and, if needed, take corrective action to ensure employees are properly protected against COVID-19. The complainant has been furnished a copy of this letter. You should be aware that North Carolina General Statute 95-241

provides that "no person shall discriminate or take any retaliatory action against an ayette because the employee in good faith does or threatens to file a claim or complaint, initiate any inquiry, investigation, inspection, proceeding or other action, or testify or provide information to any person with respect tothe Occupational Safety and Health Act of North Carolina."

If you have any questions about this letter, please contact me via email at lafayette.atkinson@labor.nc.gov or by phone at 910-530-6840. Your personal support and interest in the safety and health of your employees are appreciated.

Sincerely,

Lafayette Atkinson

Lafayette Atkinson
District Supervisor

/smp

Phillips, Sherry

From: Microsoft Outlook
To: [REDACTED]
Sent: Monday, April 20, 2020 6:26 PM
Subject: Relayed: OSHNC Nonvalid COVID19 Letter to Complainant #209658830

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[REDACTED]
Subject: OSHNC Nonvalid COVID19 Letter to Complainant #209658830

04/22/2020

Lafayette Atkinson
District Supervisor
North Carolina Department of Labor
Lafayette.atkinson@labor.nc.gov

RE: Complaint Number 209658830

Dear Lafayette Atkinson:

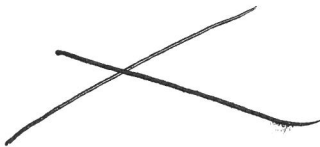
In response to your letter of April 20, 2020 reference the above Complaint Number, we confirm to you that Butterball, LLC is committed to the health and safety of its employees at all times and most acutely during this current COVID-19 pandemic.

As you may know, the operations of Butterball, LLC at the Mt. Olive facility include the processing of turkeys and production of food products. As a food manufacturing facility, the business is deemed an essential business and is remaining in operation to provide essential services to the State.

As previously advised, we actively monitor and meet or exceed the guidance issued by the CDC and OSHA as well as other regulatory bodies to promote the safety and health of our employees. Just this week, a delivery of surgical masks was received and as of April 20, 2020, these masks are being provided to our employees as part of the daily PPE and required in the facility. We anticipate delivery of face shields and erection of separation barriers in the near future as best suited for each work area. We continue to conduct daily temperature screening which started on April 14, 2020 and monitor social distancing. We are also in frequent contact with the county health departments.

If there are any other steps that you think that we should consider, we would value your suggestions.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'X' shape, is written over a faint rectangular border.

North Carolina Department of Labor
Occupational Safety and Health Division
Notice of Alleged Safety or Health Hazards

Tuesday 7/28/2020 16:04:15

Reporting ID	Complaint Number	Complaint Date/Time		Optional Number	City	County	Employer ID
0453710	209657972	04/06/2020	01:11 PM	0543	3200	061	

Establishment Name	Butterball, LLC				Ownership	A Private Sector	
Site Address	1628 Garner Chapel Rd Mount Olive, NC 28365			Site Phone	919-658-6743	Site Fax	- -
Mailing Address	1628 Garner Chapel Rd Mount Olive, NC 28365			Mailing Phone	919-658-6743	Mailing Fax	- -



	Phone	- -	Fax	- -
	Method Received		Telephone	
	Supervisor(s) Assigned			
				C7621

Valid Complaint?	Formality	Intake	Send OSHA-7?	Primary SIC	Primary NAICS
Yes	Non-Formal	Ric Schumann		2015	311615
Complaint Classification	Health - Serious		Inspection Planned?	Priority	Close Complaint
			No		Yes

Hazard Description:

There have been cases of COVID-19 in the plant. One employee was taken out due to being sick. The employer has known for over a week. The employer is exposing employees to the virus and still wanting them to come to work.

Hazard Location:

At the facility.

Send Letter	Type	Date Letter Sent	Date Response Due

Receive Letter	Type	Date Received	Evaluation	Abatement Date

Strategic Plan	
National Emphasis	
Local Emphasis	

Type	ID	Optional Information



CHERIE BERRY
COMMISSIONER OF LABOR

NICOLE BROWN
EAST COMPLIANCE BUREAU CHIEF
OCCUPATIONAL SAFETY AND HEALTH DIVISION

April 14, 2020

Butterball, LLC

Attn: [REDACTED]
1628 Garner Chapel Rd
Mount Olive, NC 28365

Re: Complaint Number 209657972

Dear [REDACTED]

Recently the North Carolina Department of Labor, Occupational Safety and Health Division received a complaint alleging health and/or safety hazards related to **coronavirus disease 2019 (COVID-19)**, **which is the illness caused by coronavirus**, at your establishment at 1628 Garner Chapel Rd, Mount Olive, NC 28365. The specific nature of the complaint is described in detail below:

1. There have been cases of COVID-19 in the plant. One employee was taken out due to being sick. The employer has known for over a week. The employer is exposing employees to the virus and still wanting them to come to work.

We have evaluated the alleged hazard and determined it is not covered by an OSHA standard, nor would it likely meet the criteria for a General Duty Clause citation under the OSH Act of North Carolina due to the constantly changing guidance during the COVID-19 pandemic. However, since a complaint has been received, we are asking you to investigate the allegations and ensure your COVID-19 policies and procedures are consistent with the current guidelines published by OSHA, the Centers for Disease Control and Prevention (CDC), the NC Governor's Office, and other agencies as applicable to your industry and establishment. Links to the various websites can be found below:

- OSHA COVID-19 website – <https://www.osha.gov/SLTC/covid-19/>
- CDC COVID-19 website – <https://www.cdc.gov/coronavirus/2019-ncov/index.html>
- CDC info for healthcare workers – <https://www.cdc.gov/coronavirus/2019-nCoV/hcp/index.html>
- NC Division of Public Health website – <https://www.ncdhhs.gov/divisions/dph>
- NC's Stay at Home Order, including list of essential businesses - <https://files.nc.gov/governor/documents/files/EO121-Stay-at-Home-Order-3.pdf>

Since the allegation does not fall under an OSHA standard or the General Duty Clause, a written response to this letter is not required. We simply want you to investigate and, if needed, take corrective action to ensure employees are properly protected against COVID-19. The complainant has

been furnished a copy of this letter. You should be aware that North Carolina General Statute '95-241 provides that "no person shall discriminate or take any retaliatory action against an employee because the employee in good faith does or threatens to file a claim or complaint, initiate any inquiry, investigation, inspection, proceeding or other action, or testify or provide information to any person with respect to... the Occupational Safety and Health Act of North Carolina."

If you have any questions about this letter, please contact me via email at lafayette.atkinson@labor.nc.gov or by phone at 910-251-2678. Your personal support and interest in the safety and health of your employees are appreciated.

Sincerely,

Lafayette Atkinson

Lafayette Atkinson
District Supervisor



April 17, 2020

Lafayette Atkinson
District Supervisor
North Carolina Department of Labor
Lafayette.atkinson@labor.nc.gov

RE: Complaint Number 209657972

Dear Lafayette Atkinson:

In response to your letter of April 14, 2020 reference the above Complaint Number, we confirm to you that Butterball, LLC is committed to the health and safety of its employees at all times and most acutely during this current COVID-19 pandemic.

As you may know, the operations of Butterball, LLC at the Mt. Olive facility include the processing of turkeys and production of food products. As a food manufacturing facility, the business is deemed an essential business and is remaining in operation to provide essential services to the State.

We are actively monitoring the guidance issued by the CDC and OSHA as well as other regulatory bodies to promote the safety and health of our employees. For example, Butterball has taken the following steps that meet or exceed this guidance: working with local health departments, isolating employees, social distancing in welfare areas, allowing employees to wear masks subject to food safety coverings and the institution of daily temperature screening. In addition, we are evaluating the possibilities of supplying masks and erecting separation barriers in the production areas.

If there are any other steps that you think that we should consider, we would value your suggestions.

Sincerely,

A handwritten signature consisting of a large, stylized 'X' shape, enclosed within a rectangular box.

Butter Ball, LLC
1628 Garner Chapel Rd.
Po Box 589
Mount Olive, NC 28365