

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED FOOD AND COMMERCIAL
WORKERS UNION, LOCAL No. 227, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
AGRICULTURE,

Defendant.

No. 1:20-cv-2045-TJK

JOINT STATUS REPORT

Pursuant to this Court’s minute order of August 15, 2022, the parties, through undersigned counsel, submit the following:

1. On July 29, 2022, defendant United States Department of Agriculture (USDA) issued a Constituent Update announcing that the agency will undertake a study on the effects of increased line speeds on worker safety. *See* ECF 34-1.

2. As stated in the Constituent Update, “[p]oultry establishments with existing line speed waivers received a letter [on July 29, 2022] with information about the study and how to apply for [a] modified waiver.”

3. As further stated in the Constituent Update, “[e]stablishments have until September 1, 2022, to let [USDA’s Food Safety and Inspection Service] know whether they consent to participate in the study, and until September 30, 2022, to submit the initial requested worker safety information.”

4. As further stated in the Constituent Update, “[i]f an establishment refuses to participate in the study or provide the worker-safety information, then its waiver will be

terminated. Termination will occur after a 60-day grace period after the close of applications, for establishments that do not submit an application, or after the date of the denial of an application, for establishments whose application is denied.”

5. In light of the foregoing, the parties (1) have agreed that USDA shall, by September 9, 2022, furnish Plaintiffs United Food and Commercial Workers Union, Local No. 227, et al. (collectively, UFCW) and Intervenor National Chicken Council (NCC) with information as to whether the ten poultry establishments identified in UFCW’s complaint (ECF 1) filed applications for “modified waivers” by the September 1 deadline and (2) propose that the parties file a joint status report by September 23, 2022, setting forth the parties’ views on how this case should proceed. UFCW believes that it will be in a better position to assess and propose next steps in this litigation after it knows which, if any, of the establishments at which UFCW members work have applied to participate in USDA’s study. USDA’s consent to provide Plaintiffs and Intervenor with the information described above does not constitute a position on appropriate next steps in this litigation beyond a further joint status report following the September 1 application deadline.

6. A proposed order is submitted along with this joint status report.

Date: August 29, 2022

Respectfully submitted,

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[PROPOSED] ORDER

Upon consideration of the joint status report filed on August 29, 2022, and the full record before the Court,

It is hereby ORDERED that the parties, on or before September 23, 2022, file a joint status report setting forth their views on appropriate next steps in this litigation.

SO ORDERED.

Dated _____, 2022

By: _____
Timothy J. Kelly
United States District Judge