



BY ELECTRONIC MAIL

November 11, 2021

The Honorable Martin Walsh
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, D.C. 20210

The Honorable Thomas J. Vilsack
U.S. Department of Agriculture
14th St & Independence Avenue, SW
Washington, DC 20250

The Honorable Pete Buttigieg
U.S. Department of Transportation
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

The Honorable Martin Oberman
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Dear Secretaries Walsh, Vilsack, Buttigieg and Chairman Oberman:

The National Grain and Feed Association (NGFA) writes as a follow-up to our letter to Secretaries Walsh and Vilsack dated September 20, 2021, to provide comments and recommendations for your consideration in response to the federal COVID-19 emergency temporary standard (ETS) promulgated on November 5, requiring all employers with more than 100 employees to ensure they are either vaccinated or tested weekly.

The NGFA, established in 1896, consists of more than 1,000 grain, feed, processing, exporting and other grain-related companies operating more than 8,000 facilities handling the large majority of the U.S. grains and oilseeds used for domestic and export purposes annually. Its membership includes private companies and farmer owned cooperatives, including grain elevators; feed and feed ingredient manufacturers; biofuels companies; grain and oilseed processors and millers; exporters; livestock and poultry integrators; transportation companies; and associated firms that provide goods and services to the nation's grain, feed, and processing industry.

All sectors of NGFA membership and the food chain were designated essential at the onset of the COVID-19 pandemic in March 2020. These workers have come to work every day, performed admirably in often difficult situations, and have ensured there has been no shortage of human and animal food in the United States. They are to be commended for these incredible efforts.

As noted in our prior letter, NGFA fully supports and believes in the use of vaccines in the battle against COVID-19. Many of our member companies implemented prevention programs months ago and have pursued educational campaigns to encourage vaccinations among their workers.

Based on the requirements of the ETS, NGFA is concerned with the impact it will have on the agricultural supply chain. Inadequate labor availability is arguably the largest supply chain constraint facing the U.S. agricultural industry. Every NGFA member, regardless of size, has vacancies they

cannot fill. According to the Federal Reserve Board's economic data, unfilled vacancies in the last year across the U.S. economy have increased from under 7 million to almost 11 million.

Many of our members are unable to fill open positions throughout the production, transportation, warehousing, and processing phases of the supply chain. These shortages are directly impacting our members' ability to meet consumer demands. Additionally, we have heard reports of NGFA members having to shift and rotate workers among facilities to keep them operational due to the very real labor challenges in the industry. Not only do labor shortages make it difficult to keep pace with open positions, but it also makes it more challenging to add shifts to address increasing demand for agricultural products. The lack of access to labor threatens operations and supply chain resiliency and leads to lost productivity and higher prices for food and agricultural products along the supply chain.

Some member companies with 100+ employees have estimated they could lose up to an additional 20 percent of their current employees as they opt for retirement or leave to take employment with both agricultural and non-agricultural businesses employing fewer than 100 workers in their trade area. In fact, we are aware that many applicants for positions at NGFA companies are asking if the employer has less than 100 employees.

The challenges to the transportation side of the supply chain are well documented. Rail service has already been challenged in some areas and we are concerned this mandate could severely exacerbate the problem resulting in difficulties moving 2021 harvested crops to both domestic and export markets. We are aware that some railroads believe they must comply with the ETS and will lose workers. Additionally, for those railroads considered federal contractors, we have concerns they will not even have the option to allow testing of unvaccinated workers.

The workforce situation for rail transportation is especially tight right now and even a small percentage of lost labor could have a major impact on the movement of commodities, products and supplies to both industry and consumers. We believe the rail industry, a critical component of the supply chain, is at significant risk of a severe slowdown if an exemption or flexibility is not provided. We strongly recommend more flexibility for the agricultural and transportation sectors as they employ essential workers. Without added flexibility, we believe further slowing of the U.S. supply chain is imminent.

Thank you for your attention to our comments and we stand ready to partner in developing solutions and educational programs that will expand the number of vaccinated workers without introducing additional staffing challenges to the agricultural supply chain.

Sincerely,



Michael J. Seyfert
President and Chief Executive Officer
National Grain and Feed Association