

Congress of the United States
Washington, DC 20515

February 1, 2021

Mr. James Frederick
Deputy Assistant Secretary of Labor for Occupational Safety and Health
Occupational Safety and Health Administration
200 Constitution Avenue, N.W.
Room Number N3626
Washington, D.C. 20210

Dear Mr. Frederick:

The Select Subcommittee on the Coronavirus Crisis is investigating the impact of the coronavirus pandemic on workers in the meatpacking industry. Public reports indicate that under the Trump Administration, the Occupational Safety and Health Administration (OSHA) failed to adequately carry out its responsibility for enforcing worker safety laws at meatpacking plants across the country, resulting in preventable infections and deaths. It is imperative that the previous Administration's shortcomings are swiftly identified and rectified to save lives in the months before coronavirus vaccinations are available for all Americans. The Select Subcommittee strongly encourages you to take all necessary steps, including under President Biden's Executive Order on Protecting Worker Health and Safety¹ and your other existing statutory authorities, to protect workers from the risks of the coronavirus by issuing clear guidance to employers, enacting an emergency temporary standard, and enhancing enforcement efforts.

The Coronavirus is Spreading Rapidly in Meatpacking Plants

According to media reports, nearly 54,000 workers at 569 meatpacking plants in the United States have tested positive for the coronavirus, and at least 270 have died.² Despite the clear risk, testing in many of these facilities has been inadequate. At least 45 facilities owned by JBS, Smithfield Foods, Tyson Foods, and Cargill have had 50 or more confirmed cases, yet fewer than half of these facilities have ordered wide-scale employee testing. Many plants reportedly rejected testing offered by state authorities without arranging for alternative testing. Others reportedly told employees they needed to get tested "on their own."³

¹ Exec. Order No. 13999, 86 F.R. 7211 (Jan. 21, 2021).

² Food and Environment Reporting Network, *Mapping Covid-19 Outbreaks in the Food System* (online at <https://thefern.org/2020/04/mapping-covid-19-in-meat-and-food-processing-plants/>) (accessed Jan. 21, 2021); *More Than 200 Meat Plant Workers in The U.S. Have Died of Covid-19. Federal Regulators Just Issued Two Modest Fines*, Washington Post (Sept. 13, 2020) (online at www.washingtonpost.com/national/osha-covid-meat-plant-fines/2020/09/13/1dca3e14-f395-11ea-bc45-e5d48ab44b9f_story.html).

³ *The Coronavirus Outbreaks in Meatpacking Plants Were Likely Much Worse than Official Numbers Show*, BuzzFeed News (Nov. 27, 2020) (online at www.buzzfeednews.com/article/karensiqiwang/meatpacking-coronavirus-outbreaks-testing).

Some of these companies have shown a callous disregard for the health of their workers,⁴ most of whom earn low wages.⁵ Tyson, one of the largest meatpackers, allegedly ordered workers in an Iowa plant to remain on the job and then “organized a cash-buy-in, winner-take-all, betting pool for supervisors and managers to wager how many plant employees would test positive for COVID-19.”⁶ According to the health department in Black Hawk County, Iowa, more than 1,000 workers at the plant contracted the virus and at least five employees died.⁷ After investigating the allegations, Tyson terminated seven plant management employees.⁸

The Centers for Disease Control and Prevention (CDC) has identified meatpacking plants as a source for “rapid transmission” of the coronavirus. In August 2020, CDC issued a report showing that a single case of the coronavirus spread to 929 employees of a South Dakota meatpacking facility in just five weeks. At least two employees died. CDC explained that its findings “highlight the potential for rapid transmission of SARS-CoV-2 among employees in meat processing facilities.”⁹

Meatpacking plants have also spread the coronavirus into nearby communities. According to a study by the National Academy of Sciences, meatpacking plants were associated with between 236,000 to 310,000 coronavirus cases and 4,300 to 5,200 coronavirus deaths as of July 21, 2020. These findings suggest these plants “may act as transmission vectors into the surrounding population and accelerate the spread of the virus beyond what would be predicted solely by population risk characteristics.” When large meatpacking plants closed down temporarily, the rates of coronavirus spread slowed in those counties, strongly suggesting that the plants were contributing to community transmission. This study also found that meatpacking

⁴ *Emails Reveal Chaos as Meatpacking Companies Fought Health Agencies Over COVID-19 Outbreaks in Their Plants*, ProPublica (June 12, 2020) (online at www.propublica.org/article/emails-reveal-chaos-as-meatpacking-companies-fought-health-agencies-over-covid-19-outbreaks-in-their-plants); *What Happened When Health Officials Wanted to Close a Meatpacking Plant but the Governor Said No*, ProPublica (May 7, 2020) (online at propublica.org/article/what-happened-when-health-officials-wanted-to-close-a-meatpacking-plant-but-the-governor-said-no), *Coronavirus at Meatpacking Plants Worse than First Thought, USA Today Investigation Finds*, USA Today (Apr. 22, 2020) (online at www.usatoday.com/in-depth/news/investigations/2020/04/22/meat-packing-plants-covid-may-force-choice-worker-health-food/2995232001/).

⁵ Bureau of Labor Statistics, *Occupational Employment and Wages: 51-3023 Slaughterers and Meat Packers* (May 2018) (online at www.bls.gov/oes/2018/may/oes513023.htm).

⁶ *Tyson Foods Managers Had a ‘Winner-Take-All’ Bet on How Many Workers Would Get Covid-19, Lawsuit Alleges*, Washington Post (Nov. 19, 2020) (online at www.washingtonpost.com/nation/2020/11/19/tyson-foods-waterloo-bets-covid/).

⁷ *Lawsuit: Tyson Managers Bet Money on How Many Workers Would Contract COVID-19*, Iowa Capital Dispatch (Nov. 19, 2020) (online at <https://iowacapitaldispatch.com/2020/11/18/lawsuit-tyson-managers-bet-money-on-how-many-workers-would-contract-covid-19/>).

⁸ Tyson Foods, *Press Release: Tyson Foods Completes Waterloo Investigation* (Dec. 16, 2020) (online at www.tysonfoods.com/news/news-releases/2020/12/tyson-foods-completes-waterloo-investigation).

⁹ Centers for Disease Control and Prevention, *COVID-19 Outbreak Among Employees at a Meat Processing Facility—South Dakota, March–April 2020* (Aug. 7, 2020) (online at www.cdc.gov/mmwr/volumes/69/wr/mm6931a2.htm?s_cid=mm6931a2_w).

plants that received permission from the federal government “to increase their production-line speeds saw more county-wide cases;”¹⁰ a conclusion reinforced by a *Washington Post* analysis calculating that poultry plants with line-speed waivers were 10 times as likely to have coronavirus cases compared to plants without waivers.¹¹

During the Trump Administration, OSHA Failed to Protect Meatpacking Workers

OSHA’s mission is “to ensure safe and healthful working conditions for working men and women by setting and enforcing standards.”¹² Yet under the previous Administration, OSHA did not set a single new standard or regulation requiring employers to protect meatpacking workers from the coronavirus—and did not meaningfully enforce existing standards.

OSHA is authorized by law to issue “an emergency temporary standard” if needed to protect workers who are “exposed to grave danger from exposure to substances or agents determined to be toxic or physically harmful or from new hazards.”¹³ Given the hundreds of meatpacking worker deaths associated with meatpacking plants, there is ample evidence of the grave risk they have faced at their jobs during the pandemic. Yet rather than use its authority to create an enforceable standard, under the previous Administration, OSHA only suggested non-binding guidance that companies are free to ignore.¹⁴

Under the Trump Administration, OSHA failed to bring meaningful enforcement actions against meatpacking companies that violated existing worker safety standards during the pandemic. OSHA issued penalties related to the coronavirus totaling over \$3.9 million, but the agency issued only eight citations and less than \$80,000 in penalties for coronavirus-related violations at meatpacking companies.¹⁵ These citations address only a tiny fraction of the thousands of instances of coronavirus infections, and hundreds of virus-caused deaths, in meatpacking plants.

¹⁰ Proceedings of the National Academy of Sciences, *Livestock Plants and COVID-19 Transmission* (Nov. 19, 2020) (online at www.pnas.org/content/early/2020/11/25/2010115117).

¹¹ *The Trump Administration Approved Faster Line Speeds at Chicken Plants. Those Facilities are More Likely to Have Covid-19 Cases.*, *Washington Post* (Jan. 3, 2021) (online at www.washingtonpost.com/politics/trump-chicken-covid-coronavirus-biden/2021/01/03/ea8902b0-3a39-11eb-98c4-25dc9f4987e8_story.html).

¹² Occupational Safety and Health Administration, *About OSHA* (online at www.osha.gov/aboutosha) (accessed Jan. 21, 2021).

¹³ 29 U.S.C. § 655(c)(1).

¹⁴ *See, e.g.*, Occupational Safety and Health Administration, *Guidance on Preparing Workplaces for Covid-19* (Mar. 9, 2020) (online at www.osha.gov/Publications/OSHA3990.pdf).

¹⁵ Department of Labor, *U.S. Department of Labor’s OSHA Announces \$3,849,222 In Coronavirus Violations* (Dec. 31, 2020) (online at www.dol.gov/newsroom/releases/osha/osha20201231); *OSHA Comes Under Fire for ‘Paltry’ Fines and Lax Guidance to Meat Plants*, *Food Dive* (Nov. 17, 2020) (online at www.fooddive.com/news/osha-comes-under-fire-for-paltry-fines-and-lax-guidance-to-meat-plants/589129/).

Despite OSHA’s recognition that “Congress has made clear that penalty amounts should be sufficient to serve as a deterrent to violations,”¹⁶ the few meager fines OSHA issued to meatpacking companies under the last Administration fell far short of that threshold. For example, on September 8, 2020, OSHA cited Smithfield Foods in Sioux Falls, South Dakota “for failing to protect employees from exposure to the coronavirus.” OSHA concluded that at least 1,294 Smithfield workers contracted the coronavirus, and four employees died. Yet the agency cited the company for just a single violation of the “general duty” of employers to “provide a workplace free from recognized hazards that can cause death or serious harm” and fined the company only \$13,494.

Although OSHA’s citation identified four distinct actions Smithfield failed to take to protect its workers, the agency lumped them together as a single violation¹⁷ and declined to classify the conduct as “willful”—decisions that reduced a potential \$2.7 million penalty down to just a few thousand dollars.¹⁸ OSHA’s paltry fine, amounting to less than \$11 per employee infected with the virus and under \$3,400 per employee who died, is unlikely to spur better worker safety at a company as large as Smithfield, which paid its Chief Executive Officer \$14 million last year.¹⁹

OSHA took the same ineffectual approach following an outbreak at a Colorado plant owned by JBS in which 290 employees contracted the coronavirus and six died.²⁰ On September 11, 2020, OSHA cited JBS with just one violation for failure to provide a workplace free from recognized hazards and an additional violation for failure to provide timely injury logs, and imposing a total fine of \$15,615.²¹ OSHA failed again to issue citations for multiple safety violations. A fine this small imposed on JBS, the world’s largest meatpacker with \$51.7 billion

¹⁶ Occupational Safety and Health Administration, *Field Operations Manual: Penalties and Debt Collection* (online at www.osha.gov/enforcement/directives/cpl-02-00-164/chapter-6) (accessed Jan. 21, 2020).

¹⁷ Occupational Safety and Health Administration, *U.S. Department of Labor Cites Smithfield Packaged Meats Corp. for Failing to Protect Employees from Coronavirus* (Sept. 10, 2020) (online at www.osha.gov/news/newsreleases/region8/09102020); Occupational Safety and Health Administration, *Citation and Notification of Penalty: Inspection Number 1472736* (Sept. 8, 2020) (online at www.documentcloud.org/documents/7205901-OSHA-Citations-Smithfield.html).

¹⁸ *Trump’s Paltry Meatpacking Fine Signals That “Workers are Worth Less Than Pork Shoulders”*, Mother Jones (Sept. 11, 2020) (online at www.motherjones.com/food/2020/09/trumps-paltry-meatpacking-fine-signals-that-workers-lives-are-worth-less-than-pork-shoulders/).

¹⁹ WH Group Limited: *2019 Annual Report* (Mar. 2020) (online at http://media-whgroup.todayir.com/202004220141321708635820_en.pdf).

²⁰ Occupational Safety and Health Administration, *Citation and Notification of Penalty: Inspection Number 1475131* (Sept. 11, 2020) (online at www.warren.senate.gov/imo/media/doc/jbs-osha-citations.pdf).

²¹ Occupational Safety and Health Administration, *U.S. Department of Labor Cites JBS Foods Inc. for Failing to Protect Employees from Exposure to the Coronavirus* (Sept. 11, 2020) (online at www.osha.gov/news/newsreleases/region8/09112020).

in annual revenue, is effectively meaningless.²² Indeed, JBS has already brought back workers who are at high risk of serious illness.²³

OSHA also failed to show urgency in addressing safety hazards at the meatpacking facilities it inspected. OSHA received complaints about the JBS and Smithfield plants months before conducting inspections.²⁴ OSHA inspected Smithfield's South Dakota plant in April 2020 and JBS's Colorado plant in May 2020 but did not issue citations for either company until September 2020.²⁵ Employees at these plants continued to work in unsafe, hazardous workplaces for months before OSHA conducted inspections and issued token fines.

A swift and forceful response from OSHA could have led meatpacking companies to adopt stronger safety measures, preventing outbreaks and saving lives. But in the last year, OSHA failed to issue enforceable rules, respond in a timely manner to complaints, and issue meaningful fines when a company's unsafe practices led to the deaths of employees. As a result, I am concerned that under the Trump Administration, OSHA did not fulfill its mission to protect vulnerable meatpacking workers during the pandemic. These failures appear to be part of a broader pattern. On January 28, 2021, the nonpartisan Government Accountability Office identified "gaps in OSHA's oversight and tracking of its adapted enforcement methods" during the pandemic that prevented the agency from ensuring that it caught violations and that employers remediated violations after they were found.²⁶ It is urgent that improvements are made swiftly to protect workers moving forward.

The Select Subcommittee requests that you provide a staff briefing on these issues by February 15, 2021. In addition, please provide the following documents and information by February 22, 2021, covering the time period from January 1, 2020, to present:

1. A list of each coronavirus-related complaint OSHA has received in connection with meatpacking and meat processing facilities (including, but not limited to, NAICS #311611; #311612, #311613 and #311615). For each complaint:

²² *More Than 200 Meat Plant Workers in The U.S. Have Died of Covid-19. Federal Regulators Just Issued Two Modest Fines*, Washington Post (Sept. 13, 2020) (online at www.washingtonpost.com/national/osha-covid-meat-plant-fines/2020/09/13/1dca3e14-f395-11ea-bc45-e5d48ab44b9f_story.html).

²³ *OSHA Criticized for Lax Regulation of Meatpacking in Pandemic*, New York Times (Oct. 22, 2020) (online at www.nytimes.com/2020/10/22/business/economy/osha-coronavirus-meat.html).

²⁴ *Id.*

²⁵ Occupational Safety and Health Administration, *Citation and Notification of Penalty: Inspection Number 1475131* (Sept. 11, 2020) (online at www.warren.senate.gov/imo/media/doc/jbs-osha-citations.pdf); Occupational Safety and Health Administration, *Citation and Notification of Penalty: Inspection Number 1472736* (Sept. 8, 2020) (online at <https://big.assets.huffingtonpost.com/athena/files/2020/09/10/5f5a5589c5b62874bc19d98b.pdf>).

²⁶ Government Accountability Office, *COVID-19: Critical Vaccine Distribution, Supply Chain, Program Integrity, and Other Challenges Require Focused Federal Attention* (Jan. 28, 2021) (online at <https://www.gao.gov/reports/GAO-21-265/>).

- a. Identify the name of the plant or facility, name of the company, and address;
 - b. Identify the nature of the complaint;
 - c. Indicate OSHA's assigned priority level to the complaint, if any, i.e., imminent danger, fatality or catastrophe, employee complaints and referrals, or other priority level; and
 - d. Indicate whether OSHA took any action, such as contacting the employer, conducting an off-site inspection, conducting an on-site inspection, or issuing a citation.
2. All documents related to each complaint responsive to Question 1.
 3. A list of coronavirus-related on-site inspections of meatpacking or processing facilities that OSHA has performed, including:
 - a. the name and address of the plant or facility;
 - b. the name of the company;
 - c. the date of the inspection;
 - d. any violations identified;
 - e. any recommendations of the inspector for follow-up or enforcement action, and;
 - f. a description of any follow-up or enforcement actions taken and citations or fines issued.
 4. All documents relating to inspections, enforcement actions, citations, or fines responsive to Question 3.
 5. All documents related to training and guidance OSHA provides to inspectors to identify a violation of the general duty clause by an employer.
 6. All documents related to training and guidance OSHA provides to inspectors on conducting inspections of meatpacking and processing facilities during the coronavirus pandemic.
 7. All documents related to any policies, directives, training, or other guidance regarding inspections of meatpacking and processing facilities during the coronavirus pandemic.

The House of Representatives established the Select Subcommittee on the Coronavirus Crisis “to conduct a full and complete investigation” of “issues related to the coronavirus crisis,” including the “preparedness for and response to the coronavirus crisis” and “executive branch policies, deliberations, decisions, activities, and internal and external communications related to the coronavirus crisis.”²⁷

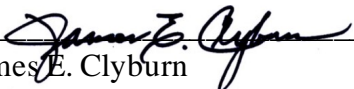
²⁷ H.Res. 935, 116th Cong. (2020); H.Res. 8, sec. 4(f), 117th Cong. (2021).

Mr. James Frederick

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An attachment to this letter provides additional instructions for responding to the Select Subcommittee's request. If you have any questions regarding this request, please contact Select Subcommittee staff at (202) 225-4400.

Sincerely,


James E. Clyburn
Chairman
Select Subcommittee on the Coronavirus Crisis

Enclosure

cc: The Honorable Steve Scalise, Ranking Member
Select Subcommittee on the Coronavirus Crisis

Responding to Oversight Committee Document Requests

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
 - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - b. Document numbers in the load file should match document Bates numbers and TIF file names.
 - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.

7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.
21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic

message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.