



May 18, 2020

Dear Industry Partners:

As the nation grapples with the COVID-19 public health emergency, the U.S. Food and Drug Administration (FDA) is grateful for all that the food and agriculture sector is doing to provide safe and wholesome food to consumers during this difficult time. I am encouraged to see that, for the most part, food facilities and farms under FDA's jurisdiction continue to operate ensuring Americans have access to food despite challenges posed by the current outbreak of COVID-19. Indeed, all components of the food and agriculture sector are considered critical infrastructure, and it is vital for the public health that they continue to operate in accordance with guidance from the Centers for Disease Control and Prevention (CDC) and the Department of Labor's (DOL) Occupational Safety and Health Administration (OSHA) regarding worker health and safety.

FDA, together with the United States Department of Agriculture (USDA), is fully committed to helping industry maintain continuity of operations. I write now to inform you of an additional preparedness measure that could be used, only if needed, to help minimize disruptions in the Nation's food supply caused by COVID-19.

[Executive Order](#) (E.O.) 13917, signed by President Trump on April 28, 2020, delegated to the Secretary of Agriculture the powers of the President under the Defense Production Act (DPA) to take all appropriate action to ensure America's meat and poultry processors continue operations. Additionally, the E.O. specified that: "Under the delegation of authority provided in this order, the Secretary of Agriculture may identify additional specific food supply chain resources that meet the criteria of section 101(b)."

Accordingly, a subsequent [Memorandum of Understanding](#), between USDA and FDA, established a process by which determinations will be made about circumstances in which USDA could exercise its authority under the DPA over certain FDA-regulated entities. Although we hope the DPA authority will not need to be invoked, this MOU is an important part of our preparedness efforts to make sure there are processes in place to protect the food supply and prevent significant food shortages during the COVID-19 public health emergency.

As needed, FDA will work in consultation with state, local, tribal and territorial regulatory and public health partners; industry or commodity sector; and other relevant stakeholders (e.g. CDC, OSHA) to chart a path toward resuming and/or maintaining operations while keeping employees safe.

Maintaining the health and safety of employees in the food and agriculture sector is paramount while you endeavor to ensure continued operations and a plentiful food supply during this

unprecedented time. FDA is working with our relevant stakeholders in the public and private sectors to develop additional information on protecting worker health, as we understand that healthy workers are key to food security, as well as ensuring continuation of food safety activities, in FDA-regulated food facilities and farms. We are also working with other federal partners to assist the food and agriculture industry in addressing shortages of personal protective equipment (PPE), cloth face coverings, disinfectants, and sanitation supplies. We expect to release more information about these efforts soon.

As we work to get through the current challenge together, the FDA remains committed to working with you as we strive to ensure the availability of FDA-regulated foods, and that our food remains among the safest in the world. We thank you for your dedication to ensuring that your employees are kept safe and healthy so they can keep providing Americans with safe and available food.

Sincerely,

/S/

Stephen M. Hahn, M.D.  
Commissioner of Food and Drugs