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# PRESS RELEASE

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## **Attorney General Frosh Leads Amicus Brief Pushing Back on Tyson Foods' Attempt to Sidestep State Court Review of COVID-19 Outbreak**

*More Than One-Third of Workers Reportedly Infected at Meatpacking Plant*

**BALTIMORE, MD (April 12, 2021)** – Maryland Attorney General Brian E. Frosh today co-led a multistate coalition of 19 attorneys general pushing back on Tyson Foods' efforts to avoid state court review of its handling of a COVID-19 outbreak at its plant in Waterloo, Iowa, the largest pork-processing facility in the country. In an amicus brief filed in the U.S. Court of Appeals for the Eighth Circuit, the coalition urges the court to send a pair of cases filed by the families of former Tyson employees, alleging violations of Iowa state law, back to state court.

The coalition filed [the brief](#) in the consolidated cases of *Buljic v. Tyson Foods* and *Hernandez v. Tyson Foods*, lawsuits brought on behalf of several Tyson employees who died from COVID complications following an outbreak at the Waterloo plant, where more than 1,000 workers – a full one-third of the facility's employees – were reportedly infected at work. A lower court previously rejected Tyson's attempt to have the cases heard in federal court, concluding that none of the limited exceptions that permit federal courts to exercise jurisdiction over purely state-law claims applies.

Frontline workers employed in the meatpacking and processing industry have been some of the most severely impacted by the pandemic. By July 2020, more than 16,000 meat and poultry processing facility workers across 23 states were infected with COVID, and 86 died. Outbreaks at meatpacking and processing plants have also contributed to the spread of COVID within the surrounding communities, with employees exposed in the workplace bringing the disease home to their families and loved ones. In Maryland, communities on the Eastern Shore have been heavily impacted by outbreaks, with hundreds of cases of COVID linked to poultry workers in the state.

“Throughout the pandemic, frontline workers have put their lives on the line to keep the rest of us healthy, safe, and fed,” said Attorney General Frosh. “Those workers deserve protection from the virus while they are at work. When their employers put them at risk and violate state law, the workers are entitled to access state courts to seek safe conditions and accountability.”

In the brief, the coalition takes aim at Tyson's implausible claim that it is entitled to have the cases heard in federal court because the company was acting at the federal government's direction in keeping its meatpacking plants open. The coalition argues that the federal officer removal statute, the statute on which Tyson relies to establish federal jurisdiction, is limited to cases where a state-law claim would interfere with the actions of the federal government.

The attorneys general also explain why Tyson's arguments, if adopted, would set a dangerous precedent in future cases and do damage to important state interests. A ruling in Tyson's favor would invite a wide range of private actors – in the food industry and many other sectors of the economy – to divest state courts of jurisdiction over state-law claims simply because the alleged violations took place during a national emergency – such as the COVID pandemic. Also dangerous is Tyson's contention that federal law may allow it to escape liability for its alleged violations of state law, a result that would threaten the states' ability to protect the health and safety of their residents and workers, one of the core missions and responsibilities of state government.

Joining Attorney General Frosh in filing the brief are the attorneys general of California, Delaware, Minnesota, Colorado, Connecticut, the District of Columbia, Hawaii, Illinois, Maine, Michigan, Nevada, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Washington, and Wisconsin.

<https://www.marylandattorneygeneral.gov/press/2021/041221.pdf>