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# “When We’re Dead and Buried, Our Bones Will Keep Hurting”

Workers’ Rights Under Threat in US Meat and Poultry Plants



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## Glossary of Terms

BLS	Bureau of Labor Statistics, an agency of the Department of Labor
BPM	Birds per minute, a measure of line speed at poultry plants
CDC	Centers for Disease Control and Prevention
CTD	Cumulative Trauma Disorder
DART	Cases of occupational injury or illness that require a worker to take a day off work, or be placed on restricted duty, or transferred to another position
FSIS	Food Safety Inspection Service, an agency of the United States Department of Agriculture
GAO	Government Accountability Office
MSD	Musculoskeletal Disorder
NIOSH	National Institutes of Occupational Safety and Health, a research agency focused on the study of worker safety and health, that is a part of the Centers for Disease Control and Prevention
OSHA	Occupational Safety and Health Administration, an agency of the Department of Labor
SOII	Survey of Occupational Injuries and Illnesses, an annual survey of employers across industries in the United States
USDA	United States Department of Agriculture
Work Speed	A combination of line speed—the rate at which a worker is expected to conduct their duties—and staffing, the number of workers dedicated to that task

# Summary

We've already gone from the line of exhaustion to the line of pain.... When we're dead and buried, our bones will keep hurting.

—Ignacio Davalos, worker at a Smithfield-owned hog plant, Crete, Nebraska, March 2019

If you buy beef, pork, or chicken anywhere in the United States—whether from a grocery store, fast-food chain, or restaurant—you are likely buying it from a company included in the scope of this report.

Nearly 15 years ago, Human Rights Watch's *Blood, Sweat, and Fear* report documented government policies and widespread business practices that fueled abuses of workers' rights in the United States meat and poultry industry.

Since then, consumers have increasingly grown aware of a range of concerns with industrial animal agriculture in the United States, from the conditions and treatment of animals, to widespread antibiotic use and its environmental impact. However, even conscientious consumers who try to buy meat from humanely raised animals may not realize that these labels do not require companies to treat humanely the people who do the industry's dirty, demanding, and dangerous work.

Despite advances in technology, this work still depends on the strength of human hands. Hundreds of thousands of women and men do the killing, cutting, deboning, and packaging of American-grown meat, most of whom spend their entire shift operating as components of a continually moving dissection machine, fulfilling one need in the complex process of disassembling animals.

These workers have some of the highest rates of occupational injury and illness in the United States. They labor in environments full of potentially life-threatening dangers. Moving machine parts can cause traumatic injuries by crushing, amputating, burning, and slicing. The tools of the trade—knives, hooks, scissors, and saws, among others—can cut, stab, and infect. The cumulative trauma of repeating the same, forceful motions, tens of thousands of times each day can cause severe and disabling injuries.

Together, poultry slaughtering and processing companies reported more severe injuries to the US Occupational Safety and Health Administration (OSHA) than many industries that are popularly recognized as hazardous, such as sawmills, industrial building construction,



and oil and gas well drilling. These OSHA data show that a worker in the meat and poultry industry lost a body part or was sent to the hospital for in-patient treatment about every other day between 2015 and 2018.

Between 2013 and 2017, 8 workers died, on average, each year because of an incident in their plant.

This report describes alarmingly high rates of serious injury and chronic illness among workers at chicken, hog, and cattle slaughtering and processing plants, as well as business practices that endanger workers and obscure the reality of workplace hazards.

For decades, the US government has failed to implement domestic workplace safety and health standards that would regulate practices in the industry to the benefit of workers' health and safety. Under President Donald Trump, the US government is weakening oversight of meat and poultry companies, which could further undermine workers' right to safe and healthy working conditions in the process.

This report is based on nearly 50 interviews with workers who primarily live and work in Nebraska, Alabama, and North Carolina, although some interviews were conducted with workers in Arkansas, Tennessee, and Iowa as well. While the workers we interviewed do not constitute a representative sample of all meat and poultry workers nationwide, they described experiences at more than 15 different plants, owned by 12 different companies, across six states.

Most workers interviewed by Human Rights Watch for this report shared experiences of serious injury or illness caused by their work. Many showed the scars, scratches, missing fingers, or distended, swollen joints that reflected these stories. Some broke into tears describing the stress, physical pain, and emotional strain they regularly suffer. Almost all explained that their lives, both in the plant and at home, had grown to revolve around managing chronic pain or sickness.

Like many other hazardous and exhausting low-wage industries in the United States, this work depends on the labor of America's most marginalized communities. Most workers in the industry are people of color, many are women, and nearly one-third are immigrants.

In 1983, wages for workers in the meat and poultry industry fell, for the first time, below the national average for manufacturing work; in 1985, they were 15 percent lower; in 2002,



they were 24 percent lower; today, they are 44 percent lower. Workers earn, on average, less than \$15 an hour.

In the pursuit of profit, meat and poultry slaughtering and processing companies have sought to maximize the volume of production and minimize the cost of labor by pushing production speeds faster.

Human Rights Watch concluded that workers can be at risk of serious, potentially life-threatening, injury, and illness. In particular, disabling musculoskeletal illnesses, fueled by rapid line speeds that compound the highly repetitive, forceful movements required by meat and poultry slaughtering and processing work, were alarmingly common among workers whom Human Rights Watch interviewed. Workers, particularly in poultry plants, were also exposed to irritating chemicals that can cause chronic respiratory and other health issues.

The true extent of these harms, however, is little understood, as industry reporting on injuries and illnesses lacks transparency. OSHA has raised concerns about the accuracy of data on occupational injuries and illnesses in the industry, as well as incentives that may exist to limit reporting. Numerous studies have found discrepancies between the recording and reporting of occupational injuries and illnesses to federal authorities and the experiences of workers. The mechanisms that lead to these discrepancies are not fully understood, but workers interviewed by Human Rights Watch described practices that discourage self-reporting and accessing treatment.

Human Rights Watch found extremely difficult working conditions, including instances where workers said they were pushed to work past their physical and mental limits. Some workers also reported difficulties in accessing adequate health care, at times, waiting weeks or even months before being referred to physicians after visits to plant health facilities.

Some workers who spoke with Human Rights Watch described constant pressure from their supervisors to keep the line moving, sometimes with insults and humiliation. To ensure production speed, some workers said that supervisors even refuse to let them use the restroom during their shift or require them to wait for replacements who may never come, and described their colleagues wearing diapers as a result.

Large multinational corporations now dominate the industry, having consolidated market control through acquisitions of competitors and suppliers over the past several decades.

Today, the top four beef producers in the United States control over 80 percent of the market—and continue to grow.

Together, Tyson Foods, Cargill Meat Solutions, JBS USA, and National Beef slaughter and package about 85 percent of the beef cattle in the United States. The top four pork producers—Smithfield Foods, Tyson Foods, JBS USA, and Hormel—control nearly 65 percent of the market in hog protein. Tyson Foods, Pilgrim’s Pride, Sanderson Farms, and Perdue slaughter and process almost 60 percent of poultry in the United States.

OSHA, which creates and enforces worker safety and health regulations, has been unable to effectively exercise its statutory powers to investigate workplace conditions and penalize businesses that violate workers’ rights. Under the Trump administration, the agency is operating with the fewest safety and health inspectors in its 48-year history.

Moreover, instead of taking steps to address the harms documented in this report through increased regulation and oversight, the Trump administration is pursuing policies that are and will provide greater autonomy to meat and poultry slaughtering and processing companies. The Trump administration is granting poultry companies waivers to exceed limits on maximum slaughter line speeds established by an Obama-era rule and are accelerating efforts to deregulate slaughter inspection systems and line speeds in hog and possibly cattle plants. These policies are, and might increasingly, endanger workers, placing their physical and mental health, lives, and livelihoods at risk.

The Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the International Labour Organization’s Convention No. 155 and accompanying protocol, affirm that governments guarantee the human rights of workers to enjoy safe and healthy working conditions. Companies also have a responsibility under international human rights law to respect human rights and ensure that their practices do not cause or contribute to human rights abuses. Fundamental to this responsibility is the requirement that companies carry out human rights due diligence to identify the possible, and actual, human rights effects of their operations and establish meaningful processes to prevent, mitigate, and remediate harm when it occurs.

Harsh working conditions, long hours without breaks, or high production quotas can limit workers’ access to adequate sanitation facilities, undermining their right to safe and healthy working conditions, including to sanitation and the highest attainable standard of

health. The manner in which a person is able to manage bodily functions is at the core of human dignity.

Such conditions may also amount to gender-based discrimination at the workplace, as the right to health of women workers may be impacted by policies and practices that create practical barriers to managing menstruation or disproportionately impact pregnant workers by limiting regular access to restroom facilities.

To realize its obligations under international human rights law, the US should stop pursuing the deregulation of maximum slaughter line speeds in the meat and poultry slaughtering and processing industry. It should regulate companies by empowering OSHA to enact relevant standards concerning work speeds, ergonomic hazards, and chemical exposure, among other risks to workers' health and safety.

Consistent with international best practices, the US government, through the administration and Congress, should provide OSHA with sufficient resources, both in workforce and budget, to effectively oversee the implementation and enforcement of these standards, and require greater transparency from the industry by reforming occupational injury and illness reporting requirements and increasing audits of employer records.

The chicken, pork, and beef from meat and poultry slaughtering and processing plants in the United States enter the supply chains of innumerable other businesses, including grocery stores and restaurants, that either purchase these products directly through contracts or from suppliers. These businesses should also conduct human rights due diligence and examine their supply chains to ensure that the abuses of workers' rights documented in this report are not present in the establishments of their suppliers. They should also publicly disclose, on a regular basis, which meat and poultry slaughtering and processing plants provide protein products to their supply chains.

## Recommendations

### To the US Department of Labor

- Conduct a comprehensive rule-making effort regarding a work speed standard for meat and poultry slaughtering and processing establishments to reduce work speed to levels commensurate with worker health and safety.
- Conduct a comprehensive rule-making effort regarding a standard on best practices and airborne exposure limits for common chemicals used for sanitation and antimicrobial purposes in poultry and meat slaughtering and processing plants, such as peracetic acid (PAA), to reduce exposure to levels commensurate with workers' health and comfort.
- Conduct a comprehensive rule-making effort regarding an ergonomics standard to address repetitive motion strain in the meat and poultry industry, based on earlier efforts to promulgate a standard.
- Increase investigations and unannounced inspections of worker health and safety conditions at meat and poultry slaughtering and processing establishments and increase penalties for employers that maintain abusive working conditions.
- Increase audits of employer records of occupational injuries and illnesses at meat and poultry slaughtering and processing establishments.
- Re-introduce a column on employer occupational injury and illness record-keeping logs to indicate that a workers' injury or illness is related to cumulative trauma or musculoskeletal disorder.
- Commission, through the Department of Labor's Women's Bureau, a study to identify occupational health hazards in the industry that pose particular risks to women, including hazards to reproductive health, and outline reasonable accommodations for pregnant workers in the industry.

### To the US Department of Agriculture

- Stop issuing waivers for poultry slaughtering and processing establishments to operate slaughter lines at speeds in excess of the Food Safety and Inspection Service's rule-making on maximum line speeds (9 CFR 381.69(a)).

- Stop pursuing regulatory efforts to lift maximum slaughter line speed caps in the poultry, hog, and cattle industry. Particularly, stop pursuing the proposed rule, Modernization of Swine Slaughter Inspection (83 FR 4780).
- Assure that the Food Safety and Inspection Service will not conduct any rule-making efforts related to the modernization of cattle slaughter inspection systems, or the implementation of related inspection models based on Hazard Analysis and Critical Control Points (HACCP) systems in cattle slaughter processes.

## To the US Congress

- Allocate sufficient resources to the Department of Labor’s Occupational Health and Safety Administration to fulfill its mandate to assure safe and healthful working conditions through meaningful and effective inspections and oversight of establishments across industries in the United States.
- Pass a law authorizing the Department of Labor’s Occupational Safety and Health Administration to re-promulgate an ergonomics standard.
- Pass the POWER Act (Protecting our Workers from Exploitation and Retaliation), or similar legislation, which would help prevent retaliation based on immigration status by expanding the nonimmigrant U-visa category to include individuals who have suffered abuses or retaliation resulting from workplace violation claims, and by requiring the US Department of Homeland Security to stay deportation orders for individuals who have claims filed with the Department of Labor.

## To Meat and Poultry Slaughtering and Processing Companies

- Conduct human rights due diligence to identify abuses of workers’ human rights and establish internal procedures and mechanisms that effectively prevent such abuses from occurring and mitigate and remedy them when they do.
- Reduce work speeds at meat and poultry slaughtering and processing establishments to levels commensurate with worker health, safety, and the prevention of injury and illness by reducing line or chain speeds and ensuring adequate staffing of line positions.
- Implement voluntary guidelines for occupational airborne exposure to peracetic acid, such as those established by the American Conference of Governmental and Industrial Hygienists, to reduce exposure to levels commensurate with workers’

health and comfort, as well as an effective system for monitoring the airborne concentration and duration of exposure.

- Implement voluntary practices designed to reduce worker exposure to PAA, which include, among others, enclosing processes where PAA is used, prohibiting spraying PAA on open conveyor belts, preventing buildup of PAA in plant drains, ensuring adequate ventilation, and conducting routine symptom surveys among workers to assure exposure limitation measures are working.
- Ensure that all employees can use the restroom when they need to do so, and can do so without fear of retaliation.
- Allow workers who report injuries at work to be quickly referred to a physician, without additional cost to workers, who can promptly assess or address medical issues stemming from their work.
- Record and report cases of occupational illness and injury to federal authorities systematically and accurately.
- Ensure that establishments are in compliance with all safety and health standards, and provide workers with adequate, and free, personal protective equipment, including those necessary to guard against chronic exposure to chemicals.
- Assess risks for pregnant workers with respect to a number of occupational hazards, including lifting, standing, bending, repetitive motions, chemical exposure, and restroom access; evaluate internal safety protections for pregnant workers; and engage in an interactive process with employees to find reasonable accommodations that do not result in discrimination against women or pregnant workers.
- Comply with domestic US law with respect to workers' freedom of association rights, ensuring that workers have the freedom to form unions and bargain collectively to better working conditions and address safety and health concerns.
- Ensure that financial remuneration for supervisors and plant-level management do not incentivize excessive work speeds or dis-incentivize the reporting of occupational injuries and illnesses.

## To Grocery Stores, Restaurants, and Other Buyers of US Meat and Poultry

- Any business sourcing protein products from meat or poultry slaughtering and processing plants in the US should, at a minimum, examine their supply chains to

ensure that the abuses of human rights documented in this report are not present in the establishments of their suppliers.

- Publicly disclose, on a regular basis, which meat and poultry slaughtering and processing plants provide protein products to their supply chains.



## Methodology

This report is based on research conducted between September 2018 and May 2019. Human Rights Watch conducted interviews with 49 current and former meat and poultry slaughtering and processing plant workers, and also interviewed 53 professionals with relevant experience and expertise on issues discussed in this report, including community organization leaders, staff of nongovernmental organizations and workers' centers, trade union representatives, attorneys, journalists, academic researchers, experts on workers' safety and health, and former government officials.

Of the workers interviewed, 45 were currently employed at a meat or poultry plant and 4 were recently employed. Our findings also reflect conversations with dozens of other workers we met during our field research.

Workers interviewed for this report primarily live and work in Nebraska, Alabama, and North Carolina, although some interviews were conducted with workers in Arkansas, Tennessee, and Iowa as well. These primary locations of focus were selected for their high concentrations of workers in animal slaughtering and processing, and because Human Rights Watch's 2005 report, *Blood, Sweat, and Fear*, had included extensive interviews with workers in many of these locations.

Most of these interviews were conducted in person, either individually or in small groups, although some interviews were conducted by telephone. Interviews with workers were conducted in English or Spanish. Of those interviewed by Human Rights Watch, 35 were women and 14 were men; 33 workers were Latino, 10 were Black, five were White and two were Asian. All workers interviewed provided verbal informed consent to participate and did not receive any compensation for participating in interviews.

Most workers who spoke with Human Rights Watch requested to remain unidentified in the report, with many expressing fear of retaliation from their employer or potential immigration consequences if they were identified. Throughout this report, individuals who requested pseudonyms have been given first names and an initialized last name (e.g., Matthew R.). All individuals who appear in this report with full last names are identified by their real names and affirmed that they were willing to have their names and the contents of their interviews published.

Workers' fear of retaliation narrowed the pool of workers whom Human Rights Watch was able to interview. Most interviewed workers were identified through partner organizations, who helped Human Rights Watch connect with workers who were willing to share their experiences. These organizations included Nebraska Appleseed, the Heartland Workers' Center, the Western North Carolina Workers' Center, and the United Food and Commercial Workers, among others. Frequently, Human Rights Watch was not aware of the identity of the worker or their employer prior to our interview.

The workers we interviewed do not constitute a representative sample of all meat and poultry workers nationwide, but they described experiences at more than 15 different plants, owned or operated by 12 different companies, across six states.

Three of the 12 companies included within the scope of this report are owned by other companies included within the scope of this report. Human Rights Watch wrote letters to the nine companies that own or operate meat or poultry slaughtering and processing plants in the United States that were included within the scope of our research. These letters shared the findings of this report and requested information and clarification regarding their practices.

Of the nine companies we contacted, Tyson Foods, JBS USA, Cargill Meat Solutions, and Smithfield Foods provided written responses to at least one of these letters. More than three-quarters of the interviews conducted for this report were with workers currently or formerly employed at a facility that is owned or operated by one of these four companies. Relevant information provided in their responses is reflected throughout the report, including in some places to provide important contextual information about industry policies and practices.

Our correspondence with five companies named in the report, including responses from the four companies above, can be found in an online annex to this report. Our correspondence to other companies is on record with Human Rights Watch.

Human Rights Watch did not select workers with experiences of injury or illness for interviews; rather, our information reflects workers who were comfortable speaking with us about their experiences. Contents of interviews included within this report reflect practices and experiences that workers from a range of companies shared with us.

This report draws extensively on publicly available secondary sources of information to corroborate information gathered through interviews, including reports from

nongovernmental organizations and federal investigators, government and academic studies, publicly available data from federal departments and agencies, medical literature, legal proceedings and rulings, books on the meat and poultry slaughtering and processing industry, and relevant local and national reporting.

Access to meat and poultry slaughtering and processing plants is highly controlled and announced visits may not accurately represent working conditions. As such, Human Rights Watch did not visit workers' workplaces to visually confirm accounts. Where possible, Human Rights Watch cross-checked allegations with other workers at the same plant to ensure accuracy. Additionally, Human Rights Watch was unable to interview workers from any poultry plants that are allowed to operate in excess of the 140 birds per minute maximum slaughter line speed for New Poultry Inspection System plants, nor any of the five swine slaughter plants that currently operate under the HACCP-based Inspection Model Project.

Human Rights Watch wrote letters to government officials within the US Department of Agriculture and Department of Labor to share the findings of this report and solicit comments. As of the time of writing, we have not received written responses from these agencies, but Human Rights Watch has met with officials from the Food Safety and Inspection Service to discuss our findings.

## I. Background

Each year, at thousands of factories across the United States, workers kill and disassemble tens of millions of cattle, hundreds of millions of pigs, and over nine billion chickens.<sup>1</sup> Across the Southeast and Midwest, tractor-trailers loaded with chickens, hogs, or cattle stream into large factories along rural stretches of highway from nearby farms. Inside, workers transform these animals into products and brands familiar to most American consumers, including boneless, skinless chicken breasts, tenders, and nuggets; bacon and pork chops; and steaks and frozen hamburger patties.

Since Upton Sinclair dramatized the challenges and conditions of meatpacking work in *The Jungle* over a century ago, a handful of large, multinational corporations have changed the practice of killing and disassembling eight-hundred-pound cattle and eight-pound birds into a highly profitable, highly specialized, and labor-intensive process.<sup>2</sup>

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<sup>1</sup> See US Government Accountability Office, “Workplace Safety and Health: Additional Data Needed to Address Continued Hazards in the Meat and Poultry Industry,” April 2016, <https://www.gao.gov/products/GAO-16-337> (accessed June 18, 2019), p. 5; see also US Department of Agriculture, National Agriculture Statistics Service, “Poultry Slaughter: 2018 Summary,” April 2019, [http://www.nass.usda.gov/Publications/Todays\\_Reports/reports/pslaan19.pdf](http://www.nass.usda.gov/Publications/Todays_Reports/reports/pslaan19.pdf) (accessed July 30, 2019), p. 5 (listing 9,034,504 young chickens slaughtered in the US in 2018); US Department of Agriculture, National Agriculture Statistics Service, “Livestock Slaughter: 2018 Summary,” April 2019, [http://www.nass.usda.gov/Publications/Todays\\_Reports/reports/lsslan19.pdf](http://www.nass.usda.gov/Publications/Todays_Reports/reports/lsslan19.pdf) (accessed July 30, 2019), p. 8 (listing 33,004,000 head of cattle and 124,435,000 head of hog slaughtered in 2018). For the purposes of this report, “meat” refers generally to protein products derived from hog and cattle, and “poultry” refers generally to protein products derived from chicken. Although data regarding poultry plants in the United States include plants that process turkey and other fowl, they are outside of the scope of this report. Additionally, while some federal data on Animal Slaughtering and Processing includes seafood and fish, these animal proteins are outside the scope of this report. For the purposes of this report, “meat and poultry slaughtering and processing industry” refers to certain companies classified as animal slaughtering and processing businesses under the North American Industry Classification System (NAICS) code 31161, including: “animal (except poultry) slaughtering” (NAICS code 311611); “meat processed from carcasses” (NAICS code 311612); and “poultry processing” (NAICS code 311615). While not constituting a large portion of the workforce, data from “rendering and meat byproduct processing” (NAICS code 311613) and “rendering and meat processing from carcasses” (NAICS code 311614) plants are included within federal data on Animal Slaughtering and Processing, which is cited within this report. However, these plants fall outside of the scope of this report.

<sup>2</sup> See generally Human Rights Watch, *Blood, Sweat, and Fear: Workers’ Rights in US Meat and Poultry Plants*, January 24, 2005, <https://www.hrw.org/report/2005/01/24/blood-sweat-and-fear/workers-rights-us-meat-and-poultry-plants>; Michael J. Broadway and Donald D. Stull, “The Wages of Food Factories,” *Food and Foodways*, vol. 18 (2010), 43-65, <https://doi.org/10.1080/07409711003708413> (accessed June 19, 2019).

## US Meat and Poultry Plant Workers

More than 330,000 women and men do the killing, cutting, deboning, and packaging of American-grown meat, earning, on average, less than \$15 an hour.<sup>3</sup> Since 1983, when the wages of workers in the meat and poultry industry fell, for the first time, below the national average for manufacturing work, they have continued to steadily decline: in 1985, they were 15 percent lower; in 2002, they were 24 percent lower; as of July 2019, they are 44 percent lower.<sup>4</sup>

This decline has, in part, paralleled the decline in the prevalence and collective bargaining power of unions in the industry, as Human Rights Watch's *Blood, Sweat and Fear* summarized nearly 15 years ago:

Employers transformed the sector during the 1980s from one in which workers had secure organizations bargaining on their behalf to one where self-organization is a high-risk gauntlet for workers. Where they did not relocate, many companies shut down their plants, dismissed their long-time organized workers, then reopened with a nonunion immigrant workforce.... As the traditional structure of the industry and its labor relations fragmented, employers drove many workers' wages down to a fraction of what they had been, with parallel worsening of benefits and working conditions. The frequency of meatpacking workplace injuries soared.<sup>5</sup>

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<sup>3</sup> Currently, 331,890 women and men work in production jobs in the Animal Slaughtering and Processing Industry, and their mean hourly wage is \$14.66. See US Bureau of Labor Statistics, Occupational Employment Statistics, May 2018 National Industry-Specific Occupational Employment and Wage Estimates, NAICS 311600 - Animal Slaughtering and Processing, [https://www.bls.gov/oes/current/naics4\\_311600.htm](https://www.bls.gov/oes/current/naics4_311600.htm) (accessed July 12, 2019).

<sup>4</sup> See Human Rights Watch, *Blood, Sweat, and Fear: Workers' Rights in US Meat and Poultry Plants*, January 24, 2005, <https://www.hrw.org/report/2005/01/24/blood-sweat-and-fear/workers-rights-us-meat-and-poultry-plants>, pp. 12-13; US Bureau of Labor Statistics, Occupational Employment Statistics, May 2018 National Industry-Specific Occupational Employment and Wage Estimates, NAICS 311600 - Animal Slaughtering and Processing, [https://www.bls.gov/oes/current/naics4\\_311600.htm](https://www.bls.gov/oes/current/naics4_311600.htm) (accessed July 12, 2019); US Bureau of Labor Statistics, Establishment Data: Table B-8, Average hourly and weekly earnings of production and nonsupervisory employees on private nonfarm payrolls by industry sector, seasonally adjusted, July 14, 2019, <https://www.bls.gov/news.release/empst.t24.htm> (accessed July 14, 2019).

<sup>5</sup> Human Rights Watch, *Blood, Sweat, and Fear: Workers' Rights in US Meat and Poultry Plants*, January 24, 2005, <https://www.hrw.org/report/2005/01/24/blood-sweat-and-fear/workers-rights-us-meat-and-poultry-plants>, pp. 13-14.

Historically, America’s most marginalized communities have supplied the low-wage labor upon which the industry relies; until the end of the 20th century, most of the workers producing America’s poultry were Black women in the South.<sup>6</sup> Today, most workers in animal slaughter and processing in the United States are people of color, many are women, and nearly one-third are immigrants.<sup>7</sup>

Recently, some meat and poultry companies have contracted with refugee resettlement agencies and even state prisons to supply labor to their plants.<sup>8</sup>

Meat and poultry slaughtering and processing plants across the United States house mazes of machinery, called “lines,” which ferry animals on hooks, chains, and belts through each stage of the process needed to disassemble an animal.

In the slaughter and evisceration departments, animals are killed, hung, bled, cleaned, inspected, and often cut into more manageable pieces before they are chilled. On the cut floor, carcasses are progressively cut, trimmed, and sliced into increasingly recognizable portions and parts. In packaging and shipping, these parts are bagged and boxed for grocery stores, restaurants, or further-processing plants that will cook them into ready-to-consume products.

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<sup>6</sup> See Oxfam, “Lives on the Line,” p. 33; Oxfam, “Women on The Line: A Review of Workplace Gender Issues in the US Poultry Industry,” February 12, 2015, [https://www.oxfamamerica.org/static/media/files/Women\\_on\\_the\\_Line\\_Poultry\\_Workers.pdf](https://www.oxfamamerica.org/static/media/files/Women_on_the_Line_Poultry_Workers.pdf) (accessed June 18, 2019), p. 5.

<sup>7</sup> In 2018, the Bureau of Labor Statistics estimated that 41.2% of the workforce in Animal Slaughtering and Processing Industry are women; however, this statistical category includes additional “occupation titles” that fall outside of the scope of this report (e.g., transportation, sales, engineering, administrative support, industrial machinery installation, etc.), including many that are disproportionately occupied by men. All workers interviewed by Human Rights Watch for this report work at jobs that should be classified as “Productions Occupations” (e.g., food processing workers). However, there is not publicly available data on the gender and racial demographics of these “Productions Occupations” within the Animal Slaughtering and Processing Industry. See US Bureau of Labor Statistics, *Women in the Labor Force: A Databook*, Report 1077, December 2018, <https://www.bls.gov/opub/reports/womens-databook/2018/home.htm> (accessed July 12, 2019), p. 94; see also US Bureau of Labor Statistics, *Occupational Employment Statistics, May 2018 National Industry-Specific Occupational Employment and Wage Estimates, NAICS 311600 - Animal Slaughtering and Processing*, [https://www.bls.gov/oes/current/naics4\\_311600.htm](https://www.bls.gov/oes/current/naics4_311600.htm) (accessed July 12, 2019). 2017 data from the Bureau of Labor Statistics estimates that 25.5% of Animal Slaughtering and Processing workers are Black, 4.8% are Asian, and 34.8% are Hispanic or Latino. US Bureau of Labor Statistics, “2018: Household Data, Annual Averages, Employed persons by detailed industry, sex, race, and Hispanic or Latino ethnicity,” <https://www.bls.gov/cps/cpsaat18.htm> (accessed July 12, 2019); see also Oxfam, “Women on the Line,” p. 1 (“Roughly half of the 250,000 workers in the poultry industry are women”); Oxfam, “Lives on the Line,” p. 4 n.7.

<sup>8</sup> See Southern Poverty Law Center, “The Kill Line,” July 26, 2018, <https://www.splcenter.org/news/2018/07/26/kill-line> (accessed June 18, 2019); US Government Accountability Office, “Additional Data Needed,” p. 33; Oxfam, “Lives on the Line,” p. 34.

By its nature, this work is dirty, demanding, and dangerous. As the following sections discuss, workers in the meat and poultry industry have some of the highest rates of occupational injury and illness in the United States. The true extent of these harms, however, is little understood, as discussed in Section II.

Profits in the industry depend on calculations down to the cents per pound and, in part, on external costs that can vary wildly. The two factors over which companies have control in order to stay competitive are the two variables that impact workers most: the volume of production and the cost of labor.<sup>9</sup>

Line speeds have steadily increased over the past 30 years.<sup>10</sup> The faster and more continuously lines operate, the higher their output and the lower their total labor costs, as less time is needed for workers to complete orders or satisfy production-based quotas. Companies in the industry have been highly profitable. Tyson Foods, the largest poultry processor in the United States, had net profits of over US\$3 billion in 2018 alone, according to MarketWatch, a website owned by Dow Jones & Company that tracks financial information and stock market data.<sup>11</sup>

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<sup>9</sup> Oxfam, “Lives on the Line: The Human Cost of Cheap Chicken,” May 1, 2015, [https://www.oxfamamerica.org/static/media/files/Lives\\_on\\_the\\_Line\\_Full\\_Report\\_Final.pdf](https://www.oxfamamerica.org/static/media/files/Lives_on_the_Line_Full_Report_Final.pdf) (accessed June 18, 2019), pp. 4 n.4, 11 n.30.

<sup>10</sup> *Ibid.*, p. 12 (“The upper limit on line speed [for poultry plants] has increased from 70 [birds per minute] in 1979, to 91 in 1999, to 140 today.... The National Chicken Council (the industry’s largest trade association) recently strongly supported a proposal by USDA to raise the speed to 175 [birds per minute].”) (internal brackets added); see also Broadway and Stull, “The Wages of Food Factories,” *Food and Foodways*; Petition from Southern Poverty Law Center, Nebraska Appleseed et al. to Thomas Perez, secretary of labor, and Tom Vilsack, secretary of agriculture, September 3, 2013, <https://www.fsis.usda.gov/wps/wcm/connect/cab74978-9bac-4768-ad23-c11ff91e7257/Petition-Southern-Poverty-Law-Center-090313.pdf?MOD=AJPERES> (accessed June 19, 2019) (2013 Work Speed Petition), pp. 9-10 (“Several workers with years of experience also noted that production levels had increased from between 25% to 200% since they had first started.”).

<sup>11</sup> Tyson Foods’ FY2018 Net Income was US\$3.02 Billion. “Tyson Foods Inc., Financials, Net Income,” *MarketWatch*, <https://www.marketwatch.com/investing/stock/tsn/financials> (accessed June 19, 2019).



## SLAUGHTER



Live animals are brought in from holding pens or crates and inspected by a USDA veterinarian before being killed and prepared for processing.

**Bolt Stunner** (in beef/pork processing) uses a captive bolt gun to stun animals before they are killed.

**Live Hanger** (poultry) takes live birds from conveyors and hangs them upside-down onto moving shackles.

**Hide Remover** (beef) pulls away the hide from hanging, newly-killed cattle carcasses using powered shears.

## EVISCERATION



Workers remove innards from newly-killed animals to prepare them for USDA inspection and may divide large animal carcasses into more manageable pieces.

**Saw Operator** (beef/pork) cuts cows and hogs in half using a saw.

**Arranger** (poultry) pulls out bird innards and arranges them for inspection.

**USDA Inspector** (all) visually checks for defects or contamination on animal carcasses that could impact food safety.

After inspection, animal carcasses are quickly refrigerated for several hours.

## CUTTING & DEBONING



Carcasses leave the refrigerator and workers break them down into familiar products with knives, scissors and other tools.

**Cone Line** (poultry) removes bird carcasses hanging from shackles; places them onto cones moving on a conveyor.

**Trimmer** (all) removes unwanted bits of fat, skin or bone debris from meat and poultry products.

**Deboner** (all) uses knives or scissors to remove bones for meat and poultry products that are boneless.

**Tender** (poultry) removes tenders from deboned chicken breasts.

**Spreader** (poultry) spreads chicken breasts on a moving conveyor so they can be cut by machinery into smaller individual serving sizes.

## PACKING



Workers place beef, pork and chicken products into consumer-ready packaging, and pack them into boxes for shipment.

**Bagger** (all) places cuts of meat or poultry into bags, that they then weigh, seal and place into cardboard boxes for shipment.

## SANITATION



Often the “third shift,” these workers typically work overnight to quickly sanitize the plant and equipment before the next day.

**Cleaning Crew** (all) Cleans and sanitizes the plant and machine equipment using hot water and chemicals—one of the most dangerous jobs in the industry.

However, as documented in Section II, industry practices can put workers' health, physical ability, and livelihoods at risk. Instead of taking steps to effectively address these harms, the government is opening the door to faster production speeds across the industry that threaten to worsen workers' conditions, as discussed below in Section III.

Workers told Human Rights Watch that the risks and pressure of work in meat and poultry plants drove many to quit. One three-year study of over 5,000 workers at an Iowa hog slaughtering and processing plant found that over 65 percent of workers left each year for various reasons.<sup>12</sup> Smithfield Foods, one of the largest hog processors in the world, boasted of a 32.5 percent turnover rate at its establishments in 2018, compared to the meat industry's average of over 50 percent.<sup>13</sup> The churn of workers through these plants means that the industry always needs new hands.

### *Immigrant Workforce*

Like many other hazardous and exhausting low-wage industries in the United States, meat and poultry slaughtering and processing plants depend on the labor of immigrant workers.

Jobs in the meat and poultry industry have long been a starting point for many groups of new immigrants to the United States as many positions require little formal education, experience, or English-language skills.<sup>14</sup> In 2015, nearly 30 percent of meat and poultry workers were foreign-born non-citizens—about three times more than the percentage of manufacturing workers nationally.<sup>15</sup>

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<sup>12</sup> Kenneth Culp, et al., "Traumatic Injury Rates," *Journal of Agromedicine*, vol. 13 (2008), 7-16, p. 7; see also Nebraska Appleseed, "The Speed Kills You," p. 35; US Government Accountability Office, "Workplace Safety and Health: Safety in the Meat and Poultry Industry, While Improving, Could Be Further Strengthened," January, 28, 2005, [www.gao.gov/products/GAO-05-96](http://www.gao.gov/products/GAO-05-96) (accessed June 18, 2019), pp. 7, 31, 56; Broadway and Stull, "The Wages of Food Factories," *Food and Foodways*, pp. 47-48.

<sup>13</sup> Smithfield Foods, "2017 Sustainability Report, Employee Retention and Recruiting," 2018, <https://www.smithfieldfoods.com/integrated-report/2018/people/employee-retention-and-recruiting> (accessed June 24, 2019).

<sup>14</sup> US Government Accountability Office, "Additional Data Needed," <https://www.gao.gov/products/GAO-16-337>, p. 33; see also Midwest Coalition for Human Rights, "Always Working Beyond the Capacity of our Bodies: Meat and Poultry Processing Work, Conditions and Human Rights in the Midwest," October 2012, <https://neappleseed.org/wp-content/uploads/downloads/2012/10/MCHR-Report-Always-Working-Beyond-the-Capacity-of-Our-Bodies-2012.pdf> (accessed June 18, 2019), p. 6.

<sup>15</sup> US Government Accountability Office, "Additional Data Needed," p. 33. The high percentage of immigrant workers in the workforce also reflects a tendency among immigrant workers to stay at positions in the industry, despite conditions and treatment. See Northwest Arkansas Workers' Justice Center, "Wages and Working Conditions in Arkansas Poultry Plants," February 1, 2016,

Some of these plants have served as magnets for increased immigration into small, rural towns throughout the United States.<sup>16</sup> Monica R., a Mexican immigrant working at a Smithfield-owned hog plant in Nebraska, explained:

We were living in California.... The Latinos here said that they pay better here. We came with our family because we also knew that Nebraska was a state where there aren't as many gangs and it's a little safer for raising children.... I had never worked at a [meat] plant before, though, and for me the first [day] was horrible.<sup>17</sup>

A single plant's workforce can be incredibly diverse, with dozens of different languages spoken.<sup>18</sup> Human Rights Watch spoke with immigrant workers from the Dominican Republic, El Salvador, Guatemala, Haiti, Honduras, Mexico, and the Philippines for this report. These workers represented a wide variety of statuses: US citizens and permanent residents ("green card" holders), non-citizens with expired visas, non-citizens who entered the US illegally, non-citizens married to US citizens or permanent residents, asylum seekers, and persons holding temporary protected status.

Human Rights Watch spoke with several undocumented workers for this report and other workers who confirm there are undocumented workers in their plants. One estimate places the number of undocumented workers across the entire industry as high as about one-quarter of all workers.<sup>19</sup>

Human Rights Watch reached out to meat and poultry companies regarding their employment verification practices. In letters to Human Rights Watch, Cargill, JBS, and Tyson Foods wrote that they participate in E-Verify, a voluntary employment verification

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[https://www.uusc.org/sites/default/files/wages\\_and\\_working\\_conditions\\_in\\_arkansas\\_poultry\\_plants.pdf](https://www.uusc.org/sites/default/files/wages_and_working_conditions_in_arkansas_poultry_plants.pdf) (accessed June 18, 2019), p. 20.

<sup>16</sup> Northwest Arkansas Workers' Justice Center, "Wages and Working Conditions," pp. 11, 20. See also, for example, Angela Stuesse, *Scratching Out A Living: Latinos, Race, and Work in the Deep South*, University of California Press, January 2016; Leon Fink, *The Maya of Morganton: Work and Community in the Nuevo New South*, University of North Carolina Press, April 2003.

<sup>17</sup> Human Rights Watch interview with Monica R., March 7, 2019.

<sup>18</sup> Oxfam, "Lives on the Line," p. 34; US Government Accountability Office, "Additional Data Needed," p. 29.

<sup>19</sup> Southern Poverty Law Center, "Injustice on our Plates: Immigrant Women in the US Food Industry," November 16, 2010, <https://www.splcenter.org/20101107/injustice-our-plates>, (accessed June 18, 2019), p. 22.

program operated by the US government.<sup>20</sup> Some US states require private employers to enroll in the E-Verify program, including two states within the scope of this report: Alabama and North Carolina.<sup>21</sup> Tyson identified further measures it takes to ensure employees are legally authorized to work in the United States.<sup>22</sup>

It is unclear to what extent employers in the industry are aware of hiring undocumented workers.

Rosa P., an undocumented worker at a poultry plant, reported receiving a phone call from her employer, telling her that the identification documents she had provided to prove her work authorization had been flagged as fraudulent by the government. She stopped going to work but returned about a month later and applied to work at the same plant with new papers and a new name. She now works at the same position where she had worked for nearly a decade, with the same supervisor and same coworkers—but with a new name. “No one cares,” Rosa said.<sup>23</sup>

Under international human rights law, workplace protections apply to all workers, regardless of citizenship status. However, the fear of retaliation and possible deportation causes many workers who are undocumented, or have family members who are undocumented, to be hesitant to speak up in the workplace or report abusive employers and working conditions.<sup>24</sup> “We don’t work with our real names, so we are afraid,” said Rosa.<sup>25</sup> She feels that she and other undocumented workers “don’t have the right to speak up or ask for the bathroom.”<sup>26</sup>

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<sup>20</sup> Letter from Cargill Meat Solutions, to Human Rights Watch, May 28, 2019; Letter from JBS USA, to Human Rights Watch, May 14, 2019; Letter from Tyson Foods, Inc., to Human Rights Watch, May 20, 2019.

<sup>21</sup> See Jon Feere, An Overview of E-Verify Policies At the State Level, Center for Immigration Studies, July 2012, <https://cis.org/sites/cis.org/files/feere-e-verify-bg.pdf> (accessed August 19, 2019).

<sup>22</sup> Letter from Tyson Foods, Inc., to Human Rights Watch, May 20, 2019 (measures include use of the “Social Security Number Verification System,” training, audits of hiring processes, and membership in the “ICE Mutual Agreement between Government and Employers.”).

<sup>23</sup> Human Rights Watch interview with Rosa P.

<sup>24</sup> See generally Kathleen Kim, “Beyond Coercion,” *UCLA Law Review*, Vol. 62 (2015), 1558-88, [https://www.uclalawreview.org/wp-content/uploads/2015/08/Kim-final\\_8.15.pdf](https://www.uclalawreview.org/wp-content/uploads/2015/08/Kim-final_8.15.pdf) (accessed July 30, 2019), pp. 1560-1561, 1572; see also Midwest Coalition for Human Rights, “Always Working Beyond,” <https://neappleseed.org/wp-content/uploads/downloads/2012/10/MCHR-Report-Always-Working-Beyond-the-Capacity-of-Our-Bodies-2012.pdf> (accessed July 30, 2019), pp. 15-16.

<sup>25</sup> Human Rights Watch interview with Rosa P.

<sup>26</sup> *Ibid.*

Workers' rights advocates and religious and community leaders said that immigration enforcement actions in their communities and broader concerns related to documentation status have long impacted immigrant workers' sense of security.<sup>27</sup> Still, a number of these advocates and community leaders, as well as workers who spoke with Human Rights Watch, reported that the policies and rhetoric of the Trump administration have further intimidated them and their coworkers from reporting workplace issues, and increased workers' sense of insecurity.

"People don't know when or where there will be a raid," said Will Anaya, a former poultry plant worker who is now a union representative with the United Food and Commercial Workers. "People come in [to my office] saying, 'I don't know anything about Mexico'," he said, describing the anxiety of undocumented workers who have lived most of their lives in the United States and face the prospect of deportation. "There's a lot of fear."<sup>28</sup>

One community leader said the presence of agents from the US Department of Homeland Security's Immigration and Customs Enforcement (ICE) at the courthouse in their community had made undocumented workers more hesitant to use the court system to participate in legal matters.<sup>29</sup>

Even immigrants with work authorization can remain vulnerable to coercion from employers, as many are not aware of their workplace rights, may not be familiar with

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<sup>27</sup> For example, by Alabama's anti-immigrant state law HB 56 and local law agreements to coordinate with federal immigration enforcement under the 287(g) program. Human Rights Watch interviews with KC Alvarado, HOLA Lakeway, Morristown, Tennessee, December 5, 2018; Chris Branum, UFCW Local 1995, Morristown, Tennessee, December 5, 2018; Fr. Steve Pawelk, St. John Paul II, Rutledge, Tennessee, December 6, 2018; Donna Tocchi, St. John Paul II, Rutledge, Tennessee, December 7, 2018; Rita Castellano, Tennessee Immigrant & Refugee Rights Coalition, Morristown, Tennessee, December 8, 2019; Bacilio Castro, Western North Carolina Workers' Center, Morganton, North Carolina, December 12, 2018; and Human Rights Watch telephone interviews with Julia Solórzano, staff attorney, Southern Poverty Law Center, October 18, 2018; Esther Lopez, international secretary-treasurer, United Food and Commercial Workers, October 26, 2018; Camila Herrera, integration director, Tennessee Immigrant & Refugee Rights Coalition, November 9, 2018; Hunter Ogletree, Western North Carolina Workers' Center, November 14, 2018; Alessandra Ceccarelli, program leader, Catholic Charities of East Tennessee, December 21, 2018; Carlos Aleman, HICA, April 19, 2019.

<sup>28</sup> Human Rights Watch interview with Will Anaya, Omaha, Nebraska, March 12, 2019.

<sup>29</sup> Human Rights Watch telephone interview with Carlos Aleman, April 19, 2019. See, for an example of these enforcement actions, Ryan Devereaux, "ICE Courthouse Arrests in New York Increased 1,700 Percent Under Trump," *The Intercept*, January 28, 2019, <https://theintercept.com/2019/01/28/ice-courthouse-arrests-in-new-york-increased-1700-percent-under-trump/> (accessed June 19, 2019).

technical terms in English, or are otherwise hesitant to navigate the complex, and potentially costly, procedures to vindicate their rights.<sup>30</sup>

The result is a significant part of the low-wage workforce who are less likely to report workplace abuses or even injuries, and are therefore more easily exploitable than US citizens, for fear of their employers' power to fundamentally disrupt their lives and the lives of their families. "Us workers are afraid to lose our job," said Rebecca G., an immigrant worker at a poultry plant in Arkansas. "[P]eople don't speak up or say what's wrong about the chemicals, or the speed of the line, or the discrimination."<sup>31</sup>

"What's the point of complaining," said Grace D., an immigrant worker at a hog plant in Omaha, Nebraska. "They're not going to hear us, they're [just] going to treat us bad because you put in a complaint, and so the workers put up with it, and put up with it, and put up with it, and put up with it."<sup>32</sup>

"The industry recruits the most vulnerable workers as a business model and reaps the profits," said Debbie Berkowitz, a former Occupational Safety and Health Administration official who is now with the National Employment Law Project.<sup>33</sup>

## Corporate Consolidation and Political Influence

Large multinational corporations now dominate the US meat and poultry slaughtering and processing industry, having consolidated market control through acquisitions of competitors and suppliers over the past several decades.

In 1932, the US Supreme Court upheld the government's use of the Sherman Anti-Trust Act to break up a trust of five meatpacking companies. In the opinion of the court, Justice

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<sup>30</sup> Some temporary work visas, like H-2B, are terminated if the employee is fired, which gives employers a power that can also keep many workers from speaking out about abuses. In Fiscal Year 2017, there were more than 7,000 H-2B visa-holders working as meat, poultry, and fish cutters and trimmers. See US Department of Labor, Employment and Training Administration, Office of Foreign Labor Certification, "H-2B Temporary Non-Agricultural Labor Certification Program – Selected Statistics, FY 2017," September 30, 2017, [https://www.foreignlaborcert.doleta.gov/pdf/PerformanceData/2017/H-2B\\_Selected\\_Statistics\\_FY2017.pdf](https://www.foreignlaborcert.doleta.gov/pdf/PerformanceData/2017/H-2B_Selected_Statistics_FY2017.pdf) (accessed June 19, 2019).

<sup>31</sup> Human Rights Watch telephone interview with Rebecca G., February 18, 2019.

<sup>32</sup> Human Rights Watch interview with Grace D., Omaha, Nebraska, March 12, 2019.

<sup>33</sup> Human Rights Watch telephone interview Debbie Berkowitz, director, worker health and safety program, National Employment Law Project, October 31, 2018.

Benjamin Cardozo wrote that the “evil eminence” these companies had achieved through the control of about 55 percent of the US beef market, “carries with it an opportunity for abuse that is not to be ignored when the opportunity is proved to have been utilized in the past.”<sup>34</sup>

Today, Tyson Foods, Cargill Meat Solutions, JBS USA, and National Beef slaughter and package about 85 percent of the beef cattle in the United States.<sup>35</sup> The top four pork producers—Smithfield Foods, Tyson Foods, JBS USA, and Hormel—control nearly 65 percent of the market in hog protein.<sup>36</sup> Tyson Foods, Pilgrim’s Pride, Sanderson Farms, and Perdue slaughter and process almost 60 percent of poultry in the United States.<sup>37</sup>

Whether from a grocery store, fast food chain, or sit-down restaurant, the US consumer buying beef, pork, or chicken anywhere in the country is likely buying it from one of these companies.

US meat and poultry slaughtering and processing companies have attracted significant foreign investment. Of the nine companies listed above, three are wholly-owned subsidiaries of, or controlled by, foreign corporations.<sup>38</sup> Brazil-based JBS SA, the world’s largest meatpacking company, is the parent company of JBS USA and the majority-owner of Pilgrim’s Pride.<sup>39</sup> Smithfield, the largest producer of pork products in the US, was acquired

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<sup>34</sup> See *United States v. Swift & Co.*, Supreme Court of the United States, 286 U.S. 106 (1932); Michael J. Broadway and Donald D. Stull, “The Wages of Food Factories,” *Food and Foodways*, vol. 18 (2010), 43-65, 50-51, <https://doi.org/10.1080/07409711003708413> (accessed June 19, 2019).

<sup>35</sup> See US Government Accountability Office, “Additional Data Needed,” p. 33.

<sup>36</sup> Steve Meyer, “U.S. slaughter capacity settles into even keel,” *National Hog Farmer*, September 16, 2018, <https://www.nationalhogfarmer.com/marketing/us-slaughter-capacity-settles-even-keel> (accessed June 20, 2019).

<sup>37</sup> US Poultry and Egg Association, “Economic Data,” March 2018, [https://www.uspoultry.org/economic\\_data/](https://www.uspoultry.org/economic_data/) (accessed June 18, 2019).

<sup>38</sup> See Jeff Stein, “Chinese-owned company qualifies for Trump’s anti-China farm bailout,” *Washington Post*, October 23, 2018, [https://www.washingtonpost.com/business/economy/chinese-owned-pork-producer-qualifies-for-money-under-trumps-farm-bailout/2018/10/23/154764da-d3ce-11e8-83d6-291fceed2ab1\\_story.html?utm\\_term=.f9b717aaf25d](https://www.washingtonpost.com/business/economy/chinese-owned-pork-producer-qualifies-for-money-under-trumps-farm-bailout/2018/10/23/154764da-d3ce-11e8-83d6-291fceed2ab1_story.html?utm_term=.f9b717aaf25d) (accessed June 19, 2019); Cargill Meat Solution, “JBS USA Pork agrees to purchase Cargill Pork business,” July 1, 2015, <https://www.cargill.com/news/releases/2015/NA31861255.jsp> (accessed June 19, 2019); “Profile,” WH Group, accessed June 19, 2019, <http://www.wh-group.com/en/about/profile.php>; “Milestones,” WH Group, accessed June 19, 2019, <http://www.wh-group.com/en/about/milestones.php>.

<sup>39</sup> JBS USA, is a wholly owned subsidiary of JBS USA Holdings, Inc. JBS USA is a subsidiary of the publicly-listed, Brazilian-based company, JBS SA, which is traded on the Sao Paulo Stock Exchange. The controlling interest in the company is held by the Batista family through its holding company, J&F Investimentos. Ricardo Brito and Tatiana Bautzer, “Brazil’s J&F agrees to pay record \$3.2 billion fine in leniency deal,” Reuters, May 31, 2017, <https://www.reuters.com/article/us-brazil-corruption-jbs/brazils-jf-agrees-to-pay-record-3-2-billion-fine-in-leniency-deal-idUSKBN18R1HE> (accessed June 19, 2019).



in 2013 by China-based WH Group, which is now the largest producer of pork products in the world.<sup>40</sup>

Tyson Foods and JBS SA have been implicated in illegally seeking to influence political decision-making in the US or abroad. In the 1990s, Tyson Foods paid \$6 million in fines after pleading guilty to making illegal gifts to then-US Secretary of Agriculture Mike Espy, who, at the time, was overhauling the meat and poultry inspection system of the US Department of Agriculture (USDA).<sup>41</sup> Espy was ultimately acquitted of the charges against him.<sup>42</sup> In Brazil, JBS SA's primary shareholder, an investment corporation controlled by JBS SA's former chairman and chief executive officer, agreed to pay \$3.2 billion in fines to settle corruption and bribery charges in 2017.<sup>43</sup>

The meat processing industry, like other industries in the US, has sought to prevent unfavorable regulatory oversight by supporting lawmakers on both sides of the aisle. Since 2005, the meat processing industry spent over \$65 million on lobbying and nearly \$9 million on supporting political campaigns, according to Open Secrets, a website that tracks political spending.<sup>44</sup> In 2018 alone, Tyson Foods donated \$341,995 to political campaigns and spent over \$1.1 million on lobbying.<sup>45</sup>

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<sup>40</sup> "Profile," WH Group, accessed June 19, 2019, <http://www.wh-group.com/en/about/profile.php>; "Milestones," WH Group, accessed June 19, 2019, <http://www.wh-group.com/en/about/milestones.php>.

<sup>41</sup> David Stout, "Prosecution That Spared Espy Leaves a Top Aide in Ruins," *New York Times*, June 6, 1999, <https://www.nytimes.com/1999/06/06/us/prosecution-that-spared-espy-leaves-a-top-aide-in-ruins.html> (accessed June 19, 2019). As secretary of agriculture, Mike Espy had sought an overhaul to the department's meat and poultry inspection program. See Daniel P. Puzo, "News Maker: Mike Espy Fights Back," *Los Angeles Times*, August 11, 1994, <https://www.latimes.com/archives/la-xpm-1994-08-11-fo-25839-story.html> (accessed June 19, 2019). In 2011, Tyson Foods also agreed to pay a \$4 million criminal penalty for violations of the Foreign Corrupt Practices Act, after Tyson voluntarily disclosed bribes made by its Mexican subsidiary, Tyson de Mexico. Department of Justice, "Tyson Foods Inc. Agrees to Pay \$4 Million Criminal Penalty to Resolve Foreign Bribery Allegations," February 10, 2011, <https://www.justice.gov/opa/pr/tyson-foods-inc-agrees-pay-4-million-criminal-penalty-resolve-foreign-bribery-allegations> (accessed July 30, 2019).

<sup>42</sup> David Stout, "Prosecution That Spared Espy Leaves a Top Aide in Ruins," *New York Times*, June 6, 1999, <https://www.nytimes.com/1999/06/06/us/prosecution-that-spared-espy-leaves-a-top-aide-in-ruins.html> (accessed June 19, 2019).

<sup>43</sup> "Brazil's J&F agrees to pay record \$3.2 billion fine in leniency deal," *Reuters*, May 31, 2017, <https://www.reuters.com/article/us-brazil-corruption-jbs/brazils-jf-agrees-to-pay-record-3-2-billion-fine-in-leniency-deal-idUSKBN18R1HE> (accessed July 30, 2019).

<sup>44</sup> Open Secrets, Center for Responsive Politics, "Meat Processing & Products, Money to Congress, 2018," February 1, 2019, <https://www.opensecrets.org/industries/summary.php?ind=G2300&recipdetail=A&sortorder=U> (accessed June 19, 2019); Open Secrets, Center for Responsive Politics, "Meat Processing & Products, Lobbying, 2018," (accessed June 19, 2019).

<sup>45</sup> Open Secrets, Center for Responsive Politics, "Meat Processing & Products, Summary, 2017-2018," February 1, 2019, <https://www.opensecrets.org/industries/indus.php?cycle=2018&ind=G2300> (accessed June 19, 2019).

Meat and poultry companies and their trade associations have promoted deregulatory policies that have impacted, and will continue impacting, workers' rights, health, and lives. As discussed in greater detail in Section III, the Trump administration is pursuing the deregulation of slaughter inspection systems in plants that process chicken, hog, and potentially cattle, which lift caps on maximum slaughter line speeds and, as also described below, could further jeopardize workers' right to healthy working conditions.

The agency overseeing this deregulation is the Department of Agriculture's Food Safety and Inspection Service (FSIS), which is responsible for ensuring food safety in slaughterhouses and regulates slaughter line speeds. Since Trump took office in 2017, top FSIS officials have registered meetings with industry lobbyists to discuss these efforts to change inspection systems in poultry, hog, and cattle slaughtering plants at least 10 times.<sup>46</sup>

Among these visitors are trade groups, including the North American Meat Institute (NAMI), National Pork Producers Council, and the National Chicken Council (NCC). These groups, which lobby on behalf of the interest of their members, represent nearly all meat and poultry producers in the US. NAMI's members, which include the nation's top four beef and pork producers, produce 95 percent of the red meat processed in the US, and NCC's members, which include the top four poultry producers, produce more than 95 percent of the chicken sold in the US.<sup>47</sup> Each of these trade groups are vocal supporters of FSIS's efforts to deregulate maximum slaughter line speeds in the industry.<sup>48</sup>

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<sup>46</sup> December 12, 2018 (North American Meat Institute); October 2, 2018 (Tyson Foods); September 25, 2018 (OFW Law); July 16, 2018 (NAMI); June 12, 2018 (Cargill); June 20, 2018 (NAMI); May 9, 2018 (NAMI & American Association of Meat Processors); May 14, 2018 (NAMI, AAMP, Tyson Foods, JBS, National Beef, Agri Beef Co., American Foods Group, Cargill, Southwest Meat Association); September 28, 2017 (Tyson Foods, OFW); May 2, 2017 (Southwest Meat Ass., OFW, Morrilton Packing; Holmes Foods; Sysco). USDA, FSIS, "Officials' Calendar of Meetings Archives," (accessed June 19, 2019).

<sup>47</sup> See "About," North American Meat Institute, <https://www.meatinstitute.org/index.php?ht=d/sp/i/204/pid/204> (accessed June 19, 2019); "Overview," National Chicken Council, <https://www.nationalchickencouncil.org/about-ncc/overview> (accessed June 19, 2019).

<sup>48</sup> See, for example, National Chicken Council, "USDA Finalizes Poultry Inspection System," July 31, 2014, <https://www.nationalchickencouncil.org/national-chicken-council-statement-finalization-usda-poultry-inspection-modernization-rule/> (accessed June 19, 2019); North American Meat Institute, "USDA Announces Proposed Rule to Modernize Swine Inspection," January 22, 2018, <https://www.meatinstitute.org/index.php?ht=d/ArticleDetails/i/141903> (accessed June 19, 2019); Kevin Schulz, "Stamp of approval given to modernized swine inspection proposal," National Hog Farmer, January 19, 2018, <https://www.nationalhogfarmer.com/business/stamp-approval-given-modernized-swine-inspection-proposal> (accessed August 25, 2019).

Human Rights Watch reached out to meat and poultry companies regarding their involvement in lobbying that concerns regulatory matters. In a letter to Human Rights Watch, JBS USA stated that they “are not involved in—nor lobbying for—the proposed regulatory change” to hog slaughter plants, discussed below in Section III.<sup>49</sup> In a letter to Human Rights Watch, Smithfield Foods wrote, “Smithfield engages in a variety of public policy issues that are relevant to our company and our employees. We have not invested resources to lobby the government with the intent to increase line speeds at our facilities.”<sup>50</sup> However, Smithfield wrote that they “support[] modernizing the swine slaughter rules based on updated scientific data that improves efficiency and demonstrates equivalent or better public health protection compared to the existing inspection system.”<sup>51</sup> No other companies that Human Rights Watch wrote to for clarification of their involvement in lobbying concerning regulatory matters replied to our requests.

However, both JBS USA and Smithfield Foods are members of NAMI, one of these trade groups that has visited FSIS to discuss the progress of its deregulatory efforts.<sup>52</sup>

Human Rights Watch has also documented instances in which high-ranking FSIS officials have taken positions at meat and poultry companies or industry lobbying associations after leaving the agency, and in which individuals with close ties to the industry have also become high-ranking officials within FSIS.<sup>53</sup>

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<sup>49</sup> Letter from JBS USA, to Human Rights Watch, July 18, 2019, p. 1.

<sup>50</sup> Letter from Smithfield Foods, to Human Rights Watch, July 18, 2019, p. 3.

<sup>51</sup> *Ibid.* (“Smithfield supports modernizing the swine slaughter rules based on updated scientific data that improves efficiency and demonstrates equivalent or better public health protection compared to the existing inspection system.”).

<sup>52</sup> See “General (Packer/Processor) Members,” North American Meat institute, <https://www.meatinstitute.org/index.php?ht=d/sp/i/2343/pid/2343> (accessed August 1, 2019).

<sup>53</sup> For example, after stepping down as FSIS administrator in 2017, Al Almanza became the global head of food safety and quality assurance at JBS. “JBS Names Former U.S. Department of Agriculture Deputy Under Secretary for Food Safety as Global Head of Food Safety and Quality Assurance,” JBS, August 3, 2017, accessed July 30, 2019, <https://jbssa.com/about/news/2017/08-03/#.XUDW1-ipFPY>; “Al Almanza Exits USDA for Major Private Sector Meat Processor,” *Food Safety Magazine*, August 4, 2017, <https://www.foodsafetymagazine.com/news/al-almanza-exits-usda-for-major-private-sector-meat-processor/> (accessed July 30, 2019). Elsa Murano, former FSIS undersecretary for food safety until 2004 joined the board of directors of Hormel Foods, a large hog slaughter and animal protein processing company, in 2006. FSIS, “Statement of Dr. Elsa Murano, USDA Under Secretary For Food Safety,” December 2004, [https://www.fsis.usda.gov/wps/wcm/connect/fsis-archives-content/internet/main/newsroom/news-releases-statements-and-transcripts/news-release-archives-by-year/archives/ct\\_index132](https://www.fsis.usda.gov/wps/wcm/connect/fsis-archives-content/internet/main/newsroom/news-releases-statements-and-transcripts/news-release-archives-by-year/archives/ct_index132) (accessed July 30, 2019); “Leadership, Board of Directors,” Hormel Foods, accessed July 30, 2019, <https://www.hormelfoods.com/about/leadership/#directors>. Mindy Brashears, a food scientist, became acting head of the agency in January 2019. “Dr. Mindy Brashears Named USDA’s Deputy Under Secretary for Food Safety,” January 29, 2018, accessed August 25, 2019, <https://www.foodsafetymagazine.com/news/dr-mindy-brashears-named-usda-deputy-under-secretary-for-food-safety/>. Brashears has conducted research that received nearly \$4.5 million dollars of funding from industry associations and corporations—\$3.6 million of which came from the National Cattlemen’s Beef Association. See Mindy Brashears, CV, February 1, 2017, <https://www.depts.ttu.edu/afs/people/docs/MMBrashearsVita1Feb2017.pdf> (accessed July 30, 2019).

## II. Workers' Health and Safety

What they want to know is, can you still work without bleeding in the meat?

—Dominic P., worker at a hog plant in North Carolina, March 2019<sup>54</sup>

Workers in the meat and poultry industry labor in environments where workspaces are often refrigerator-cold or excessively hot, cramped, coated with grease and blood, and filled with deafening noise and the smell of dead animals or overpowering chemicals. Workers are regularly exposed to industrial equipment, stressful repetitive motions, sharp-edged hooks, knives, and band saws, heavy bags and boxes, and unpredictable animals, among uncountable other hazards.<sup>55</sup> Inherently difficult and dangerous work is exacerbated by industry practices.

“Everyone who goes to the plant is risking their lives every day,” said Monica R., a worker at a Smithfield-owned hog plant in Crete, Nebraska.<sup>56</sup> “You come home and give thanks to God because we don’t know when we’re going to get hurt.”<sup>57</sup>

The workers interviewed by Human Rights Watch for this report shared experiences of serious injury or illness caused by their work. They showed the scars, scratches, missing fingers, or distended, swollen joints that reflected these stories. Some broke into tears describing the stress, physical pain, and emotional strain they regularly suffer. Almost all explained that their lives, both in the plant and at home, had grown to revolve around managing chronic pain or sickness.

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<sup>54</sup> Human Rights Watch interview with Dominic P., North Carolina, March 20, 2019.

<sup>55</sup> See US Government Accountability Office, “Workplace Safety and Health: Additional Data Needed to Address Continued Hazards in the Meat and Poultry Industry,” April 2016, <https://www.gao.gov/products/GAO-16-337> (accessed June 18, 2019), pp. 1, 21 (citing US Government Accountability Office, “Workplace Safety and Health: Safety in the Meat and Poultry Industry, While Improving, Could Be Further Strengthened,” January, 28, 2005, [www.gao.gov/products/GAO-05-96](http://www.gao.gov/products/GAO-05-96) (accessed June 18, 2019)), 21 n.44. See Kenneth Culp, et al., “Traumatic Injury Rates,” *Journal of Agromedicine*, p. 8.

<sup>56</sup> Human Rights Watch interview with Monica R., March 7, 2019.

<sup>57</sup> Ibid.

Decades of federal studies, civil society surveys and reports, and academic literature underscore the myriad dangers of meat and poultry slaughtering and processing work and support the accounts of workers who spoke with Human Rights Watch.<sup>58</sup>

## Federal Data on Workers' Injury and Illness

Between January 2015 and August 2018, the Department of Labor's Occupational Safety and Health Administration (OSHA) received 770 reports of amputations, in-patient hospitalizations, or eye loss from meat and poultry plants.<sup>59</sup> Employers must report these "severe injuries" to OSHA within 24 hours, but these data do not reflect reports from employers in any of the 22 states that have their own state-based OSHA programs covering private-sector workers, which collect their data on these injuries separately.<sup>60</sup>

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<sup>58</sup> See, for example, Human Rights Watch, *Blood, Sweat, and Fear*; Midwest Coalition for Human Rights, "Always Working Beyond," <https://neappleseed.org/wp-content/uploads/downloads/2012/10/MCHR-Report-Always-Working-Beyond-the-Capacity-of-Our-Bodies-2012.pdf>, pp. 4-5 (citing a century of academic literature on conditions in the industry); US Government Accountability Office, "Additional Data Needed"; US Government Accountability office, "Safety in the Meat and Poultry Industry," [www.gao.gov/products/GAO-05-96](http://www.gao.gov/products/GAO-05-96); 2013 Work Speed Petition, September 3, 2013, <https://www.fsis.usda.gov/wps/wcm/connect/cab74978-9bac-4768-ad23-c11ff91e7257/Petition-Southern-Poverty-Law-Center-090313.pdf?MOD=AJPERES> (citing extensive academic literature and civil society surveys regarding dangers in the industry).

<sup>59</sup> 770 reports are included from establishments with the NAICS codes: 311611, "animal (except poultry) slaughtering;" 311612, "meat processed from carcasses;" and 311615, "poultry processing." Human Rights Watch data analysis based on OSHA Severe Injury Data January 1, 2015 to July 31, 2018; see US Department of Labor, OSHA, "Severe Injury Reports," <https://www.osha.gov/severeinjury/> (accessed June 19, 2019).

<sup>60</sup> US Government Accountability Office, "Additional Data Needed," pp. 9-10. The oversight of employer obligations under the Occupational Safety and Health Act of 1970 (Public Law 91-596) is shared between the federal Occupational Safety and Health Administration (OSHA), under the Department of Labor, and its state-based corollaries, or "state plans." See US Department of Labor, OSHA, "State Plans," <https://www.osha.gov/dcsp/osp/> (accessed July 30, 2019). These state plans are OSHA-approved workplace safety and health programs, housed within their respective state governments, that are required to perform "at least as effectively as OSHA," including in the application of OSHA's workplace standards. Many state plans adopt identical workplace standards as promulgated by OSHA, but they have the ability to form additional standards that cover hazards not addressed by OSHA. State plans can also conduct inspections to enforce their standards, like OSHA. See US Department of Labor, OSHA, "Frequently Asked Questions," [https://www.osha.gov/dcsp/osp/frequently\\_asked\\_questions.html](https://www.osha.gov/dcsp/osp/frequently_asked_questions.html) (accessed August 1, 2019). For the purposes of this report, OSHA refers to the federal agency of that name. Human Rights Watch has focused on OSHA as the primary agency governing worker safety and health in this report. However, some workers interviewed for this report work in North Carolina, Iowa, and Tennessee, which operate their own state plans. Since these state plans are required to be as effective as OSHA, focusing on the impact of OSHA's standards and enforcement activity on workers' safety and health in the meat and poultry industry necessarily also includes the performance expectations for these state plans.

Despite only covering just over half the country, these data show that a worker in the meat and poultry industry loses a body part or is sent to the hospital for in-patient treatment about every other day.<sup>61</sup>

Among the tens of thousands of companies that reported severe injuries to OSHA, several meat and poultry slaughtering and processing companies ranked among the highest reporters: Tyson Foods is fifth, Pilgrim's Pride is thirteenth, Cargill Meat Solutions is sixteenth, and JBS USA is seventeenth.<sup>62</sup> Smithfield, National Beef, and Koch Foods are all in the top thirty.<sup>63</sup> If Pilgrim's Pride, which is majority-owned by JBS SA, were combined with JBS USA, they would rank sixth.<sup>64</sup>

These meat and poultry companies have significantly smaller workforces than many other employers at the top of this list. Tyson Foods, for example, is behind the US Postal Service, UPS, and Walmart, each of which employs more workers in the United States than all production workers in the animal slaughtering and processing industry combined and more than three times Tyson's entire workforce, on the low end.<sup>65</sup> Together, poultry slaughtering and processing companies reported more severe injuries to OSHA than many

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<sup>61</sup> The scope of the geographically limited data set includes 1,308 days, over which 770 severe injuries were reported from establishments within the three NAICS industries covered by this report. Human Rights Watch data analysis based on OSHA Severe Injury Data January 1, 2015 to July 31, 2018; see US Department of Labor, OSHA, "Severe Injury Reports," <https://www.osha.gov/severeinjury/> (accessed June 19, 2019).

<sup>62</sup> Human Rights Watch data analysis based on OSHA Severe Injury Data, January 2015 and May 2018. Ibid.

<sup>63</sup> Ibid. The National Employment Law Project conducted a similar analysis based on OSHA Severe Injury data from 2015-2016 and found results consistent with our findings above. See Debbie Berkowitz and Hooman Hedayati, "OSHA Severe Injury Data from 29 States: 27 Workers a Day Suffer Amputation or Hospitalization; Poultry Processing Among Most Dangerous Industries," National Employment Law Project, April 2017, <https://www.nelp.org/wp-content/uploads/OSHA-Severe-Injury-Data-2015-2016.pdf> (accessed June 19, 2019).

<sup>64</sup> Human Rights Watch analysis of Occupational Safety and Health, "Severe Injury Reports" between January 2015 and May 2018. See US Department of Labor, OSHA, "Severe Injury Reports," <https://www.osha.gov/severeinjury/>.

<sup>65</sup> The Bureau of Labor Statistics estimates that animal slaughtering and processing plants in the United States employ over 500,000 workers, with 331,890 workers in production occupations. See US Department of Labor, Bureau of Labor Statistics, "May 2018 National Industry-Specific Occupational Employment and Wage Estimates," [https://www.bls.gov/oes/current/naics4\\_311600.htm#35-0000](https://www.bls.gov/oes/current/naics4_311600.htm#35-0000) (accessed June 18, 2019). In a letter to Human Rights Watch, responding to a query as to the number of workers it employs at slaughtering or processing establishments it owns or operates, Tyson indicated that, as of September 29, 2018, it employed approximately 121,000 team members globally. Letter from Tyson Foods, Inc., to Human Rights Watch, May 20, 2019. In 2018, USPS had 497,157 postal employees. See "Number of Postal Employees Since 1926," Historian, United States Postal Service, February 2019, <https://about.usps.com/who-we-are/postal-history/employees-since-1926.pdf> (accessed June 19, 2019). UPS had had 399,000 employees in the United States in the year 2018. UPS, "UPS Fact Sheet," <https://pressroom.ups.com/pressroom/ContentDetailsViewer.page?ConceptType=FactSheets&id=1426321563187-193> (accessed July 30, 2019). Walmart employs more than 1.5 million people in the US alone. Walmart, "Company Facts," <https://corporate.walmart.com/newsroom/company-facts> (accessed July 30, 2019). Note that Tyson's severe injury reports include its entire workforce, not just workers from production occupations.

industries that are popularly recognized as hazardous, like sawmills, industrial building construction, and oil and gas well drilling.<sup>66</sup>

Nationwide, between 2004 and 2013, more than 150 workers at meat and poultry plants died from work-related injuries according to OSHA data—more than one person per month.<sup>67</sup> Despite variance from year to year, between 2013 and 2017, 60 workers in the Animal Slaughtering and Processing Industry died as a result of a work-related incident or exposure—again averaging out to one person per month.<sup>68</sup> When worker fatalities stemming from transportation incidents are excluded, a grim picture remains; between 2013 and 2017, eight workers died, on average, each year because of an incident in their plant.<sup>69</sup>

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<sup>66</sup> NAICS Code 311615 (Poultry Processing) ranked 14th overall with 326 incidents, above NAICS Code 321113 (Sawmills) with 275 incidents; NAICS Code 236210 (Industrial Building Construction) with 263 incidents; and NAICS Code 213111 (Drilling Oil and Gas Wells) with 260 incidents. Human Rights Watch data analysis of Occupational Safety and Health, “Severe Injury Reports” between January 2015 and May 2018; see US Department of Labor, OSHA, “Severe Injury Reports,” <https://www.osha.gov/severeinjury/>.

<sup>67</sup> US Government Accountability Office, “Additional Data Needed,” p. 18 n.35. Transportation-related incidents were the leading cause of worker fatalities over this period. Of the 46 worker fatalities that occurred between 2011 and 2013, 19 were caused by transportation accidents. *Ibid.*

<sup>68</sup> BLS Census of Fatal Occupational Injuries data for the Animal Slaughtering and Processing Industry (NAICS 31161) between 2013 and 2017: 2013, 10 fatalities, 6 in transportation; 2014, 19 fatalities, 5 in transportation; 2015, 8 fatalities, 0 in transportation; 2016, 5 fatalities, 0 in transportation; 2017, 18 fatalities, 9 in transportation. Human Rights Watch analysis of BLS, “Census of Fatal Occupational Injuries,” between 2013 and 2017. US Department of Labor, Bureau of Labor Statistics, “Table A-1. Fatal occupational injuries by industry and event or exposure, all United States,” 2013-2017, <https://stats.bls.gov/iif/oshcfoi1.htm> (accessed July 31, 2019).

<sup>69</sup> *Ibid.* Twenty of the sixty fatalities included in the BLS data for this year range were tagged as transportation incidents.



## **Gina L.'s Story**

“I spent 10, 15 minutes there with my hand in the machine,” said Gina L. between quiet sobs, “I was crying and crying.” With her hand thoroughly bandaged, the 61-year-old woman recalled the accident at a hog plant in Nebraska that burned away most of the flesh from three of her fingers.

Before the accident, she was having problems with the machine they use to seal plastic bags around pork chops for shipment. Gina told her supervisor during her break that the machine was not working correctly, but they were under a lot of pressure that day to get the product out. By the time she got back from break, her table was already full of pork chops to bag. To help her get them ready to ship, her supervisor moved a coworker to her workstation. When her coworker pressed a button that activates the machine, they did not realize that Gina’s hand was in the way. The device clamped down onto the fingers of her right hand, searing away the top of her right middle finger to the knuckle, and severely burning her ring and pinky fingers.

Gina tried to pull her hand away, but it was trapped. Her coworker ran to press an emergency button to release her from the machine, but it did nothing. She stood with her hand trapped and burning, crying and crying. She cried again while speaking with Human Rights Watch. “Like always, the line was running so fast it felt like it would kill you,” she said, holding up her bandaged hand. “In our department, we say that line kills people and it kills hogs—because, in the end, you end up hurt.”

Her injury was debilitating. “After the accident, I was forced to hire a person to do housework, bathe me, comb my hair, and even help me pull up my underwear after using the bathroom,” she said.

The accident happened on a Friday. They told her to be back at work at 6:30 a.m., Monday morning. The plant sent Gina to their workers’ compensation doctor, who told her to rest at home. But when she went back to the plant to turn in medical documents, Gina was told that if she wanted to get paid, she would have to work. “That same day they put me to work with my other hand,” she said.

Every day since the accident, Gina has used her unbandaged hand to unpack and fold thousands of plastic gloves for her coworkers. “Eight hours of working with one hand



is not easy,” she said. “Imagine, now that I only have one good hand. I’m afraid that my other hand will get injured too.”<sup>70</sup>

National-level data on workers’ safety and health in the industry mainly comes from another agency within the Department of Labor, the Bureau of Labor Statistics (BLS). Each year, BLS sends out a Survey of Occupational Injuries and Illnesses (SOII) to a random sample of companies within each US industry to estimate worker injury and illness rates based on these companies’ internal records.

For decades, the animal slaughtering and processing industry has had among the highest rates of occupational injury and illness in the United States, according to BLS estimates based on these surveys.<sup>71</sup>

Although the rate of injury and illness for meat and poultry workers has declined alongside manufacturing in the United States, generally, the rate remains significantly higher than the average for manufacturing workers.<sup>72</sup> In 2017, meatpacking workers were nearly twice as likely to suffer an injury and more than 15-times as likely to suffer an occupational illness than the average private-sector worker—the second-highest rate of occupational illness among all US industries that year.<sup>73</sup> Over the past decade, workers at hog and cattle plants have had a higher average rate of recordable occupational injuries and illnesses

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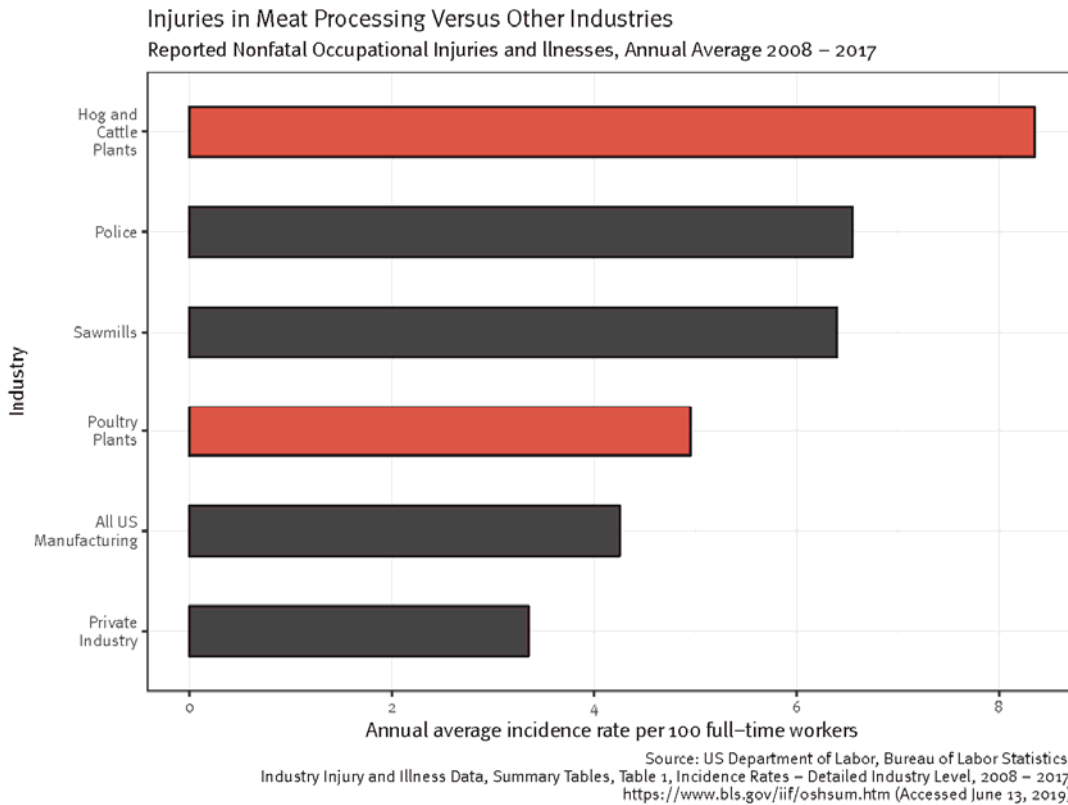
<sup>70</sup> Human Rights Watch interview with Gina L., Nebraska, March 2019, and Nebraska Appleseed interview with Gina L., March 2019.

<sup>71</sup> Broadway and Stull, “The Wages of Food Factories,” *Food and Foodways*, pp. 49-50. An “occupational injury” is any injury, such as a cut, fracture, sprain, amputation, that results from a work-related event. An “occupational illness” is any abnormal condition or disorder caused by exposure to factors associated with employment, other than an instantaneous event. Department of Labor, Bureau of Labor Statistics, “Handbook of Methods: Survey of Occupational Injuries and Illnesses,” last modified November 3, 2017, <https://www.bls.gov/opub/hom/soii/pdf/soii.pdf> (accessed June 19, 2019).

<sup>72</sup> US Government Accountability Office, “Additional Data Needed,” p. 13.

<sup>73</sup> The hog and cattle industry had an incidence rate 199.2 illnesses per 10,000 full-time workers in 2017; the private sector had 12.8 per 10,000; poultry processing had 77.6 per 10,000; and animal slaughtering and processing, generally, had 111.8 per 10,000. Human Rights Watch data analysis of US Department of Labor, Bureau of Labor Statistics, Industry Injury and Illness Data, Summary Tables, “Table SNRo8, Incidence Rates of Nonfatal Occupational Illness, by Industry and Category of Illness,” 2017, <https://www.bls.gov/iif/oshsum.htm>. In 2017, hog and cattle plant workers had an incidence rate of recordable, occupational injuries and illnesses of 6.4 cases per 100 full-time workers; the average incidence rate for US manufacturing facilities that year was 3.5 cases per 100 full-time workers. US Department of Labor, Bureau of Labor Statistics, Industry Injury and Illness Data, Summary Tables, “Table 1, Incidence Rates of Nonfatal Occupational Injuries and Illnesses by Industry and Case Types,” 2017, <https://www.bls.gov/iif/oshsum.htm>.

than police officers or workers at sawmills—more than twice the national average for private sector workers.<sup>74</sup>



## Systemic Risks for Worker Health and Safety

### *Cumulative Trauma Injuries and Musculoskeletal Disorders*

By far, the most common ailments for workers in the industry are musculoskeletal disorders (MSD)—cumulative trauma injuries like carpal tunnel or tendinitis that develop through repeated stress over time.<sup>75</sup> Work at meat and poultry slaughtering and processing plants requires thousands—or even tens of thousands—of motions each shift, often requiring significant force or twisting. As discussed in Section III, the inherent physical

<sup>74</sup> See US Department of Labor, Bureau of Labor Statistics, “Industry Injury and Illness Data, Summary Tables, Table 1, Incidence Rates – Detailed Industry Level,” 2008 – 2017, <https://www.bls.gov/iif/oshsum.htm> (accessed June 13, 2019).

<sup>75</sup> US Government Accountability office, “Safety in the Meat and Poultry Industry,” [www.gao.gov/products/GAO-05-96](http://www.gao.gov/products/GAO-05-96), p. 21 n.22.

strain of this work is made far more dangerous to workers' health when the speed of this work is accelerated.

Nearly all workers who spoke with Human Rights Watch suffered from chronic nerve or muscle pain in their hands, arms, or shoulders. "When I was on the knife line, every day for four years, my hands were numb after work," said John D., a worker at a beef plant in Nebraska. "I couldn't close [my hands]. I couldn't open a jar of mayonnaise ... I was in so much pain."<sup>76</sup>

However, as discussed in Section IV, industry-wide data on MSDs are hard to gather because OSHA recordkeeping forms no longer have a column for employers to explicitly indicate that a workers' illness is related to cumulative trauma.<sup>77</sup> Before reforms to OSHA recordkeeping in 2001, these forms had a column that required employers to list occupational injuries and illnesses caused by "repeated trauma," which captured some MSDs.<sup>78</sup> Now, all cases of MSDs fall into a catch-all category, "All Other Occupational Illnesses," which aggregates and obscures the prevalence of MSDs in the workforce. After this change was implemented, the rates of reported occupational injury and illness among meat and poultry workers dropped in half between 2000 and 2006.<sup>79</sup> It is likely that these changes to occupational injury and illness reporting requirements had some effect on employers recording practices that contributed to this decline.<sup>80</sup>

Numerous studies have found, however, that MSDs are endemic in the meat and poultry industry, and indicate that government estimates based on employer data may not accurately reflect the ergonomic hazards of the work.<sup>81</sup>

In 2013, for example, the National Institute of Occupational Safety and Health (NIOSH) studied the rate of MSDs among over 300 workers at a South Carolina poultry plant and

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<sup>76</sup> Human Rights Watch telephone interview with John D., March 26, 2019.

<sup>77</sup> US Government Accountability Office, "Additional Data Needed," p. 10 n.17.

<sup>78</sup> *Ibid.*, p. 40.

<sup>79</sup> Broadway and Stull, "The Wages of Food Factories," *Food and Foodways*, pp. 49-50.

<sup>80</sup> See *ibid.*

<sup>81</sup> See 2013 Work Speed Petition, September 3, 2013, <https://www.fsis.usda.gov/wps/wcm/connect/cab74978-9bac-4768-ad23-c11ff91e7257/Petition-Southern-Poverty-Law-Center-090313.pdf?MOD=AJPERES> (citing extensive academic and medical literature and civil society research concerning the prevalence of MSDs in the industry).

found that 42 percent of workers at the plant met the case definition for carpal tunnel syndrome, and 57 percent of workers reported at least one musculoskeletal symptom.<sup>82</sup> Although all meat and poultry plant workers are exposed to these dangers, poultry workers, in particular, experience extremely high rates of MSDs.<sup>83</sup> There is also significant evidence suggesting that women working at these plants suffer injury and illness at higher rates than men, possibly due to biological differences and inadequate ergonomic accommodation.<sup>84</sup>

Since cumulative trauma damages internal parts of the body—muscles, tendons, bones, and nerves—it may not be immediately apparent and is often not treated until damage is permanent and disabling.

“You'll be asleep and when your hands start hurting it wakes you up,” said Nicole Bingham, a worker at the Tyson plant in Albertville, Alabama. “Some days it's like throbbing pain—it's indescribable.”<sup>85</sup>

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<sup>82</sup> Kristin Musolin et al., “Evaluation of Musculoskeletal Disorders and Traumatic Injuries,” US Department of Health and Human Services, Centers for Disease Control and Prevention, and National Institute for Occupational Safety and Health, March 2014, <https://www.cdc.gov/niosh/hhe/reports/pdfs/2012-0125-3204.pdf> (accessed July 30, 2019), p. i; see also US Government Accountability Office, “Additional Data Needed,” p. 12; Jessica Ramsey and Kristin Musolin, “High Prevalence of Carpal Tunnel Syndrome among Poultry Workers,” *CDC NIOSH Science Blog*, April 6, 2015, <http://blogs.cdc.gov/niosh-scienceblog/2015/04/06/poultry-workers-cts/> (accessed June 18, 2019).

<sup>83</sup> See Letter from Alfred V. Almanza, administrator, Food Safety and Inspection Service to Poultry Industry Employers, August 1, 2014, [https://www.osha.gov/dep/poultry\\_letter.html](https://www.osha.gov/dep/poultry_letter.html) (accessed June 19, 2019); Musolin et al., “Evaluation of Musculoskeletal Disorders and Traumatic Injuries among Employees at a Poultry Processing Plant,” US Department of Health and Human Services, Centers for Disease Control and Prevention, and National Institute for Occupational Safety and Health, March 2014, <https://www.cdc.gov/niosh/hhe/reports/pdfs/2012-0125-3204.pdf> (accessed June 18, 2019), p. 21; US Government Accountability Office, “Additional Data Needed,” <https://www.gao.gov/products/GAO-16-337>, p. 37; see also Oxfam, “Lives on the Line,” pp. 22 (citing Letter from David Michaels, assistant secretary of labor for Occupational Safety and Health Administration, to Southern Poverty Law Center, February 25, 2015), 23 n.103 (citing decades of medical literature documented the elevated rates of MSDs among poultry workers); Southern Poverty Law Center and Alabama Appleseed, “Unsafe at These Speeds: Alabama’s Poultry Industry and its Disposable Workers,” February 28, 2013, [https://www.splcenter.org/sites/default/files/Unsafe\\_at\\_These\\_Speeds\\_web.pdf](https://www.splcenter.org/sites/default/files/Unsafe_at_These_Speeds_web.pdf) (accessed June 18, 2019), pp. 7-8.

<sup>84</sup> The different rates of injury and illness are partly explained by biological differences, which can result in different rates of exertion. Disparities may also result from industrial ergonomic standards or business practices that do not adequately accommodate workers’ physical needs. Other, non-biological factors like societal gender roles can also impact the safety and health of women workers. See, for example, Oxfam, “Women on the Line,” p. 1; Kenneth Culp, et al., “Traumatic Injury Rates,” *Journal of Agromedicine*, pp. 7, 13 (finding that women experienced a higher incidence for injury than men); Northwest Arkansas Workers’ Justice Center, “Wages and Working Conditions,” [https://www.uusc.org/sites/default/files/wages\\_and\\_working\\_conditions\\_in\\_arkansas\\_poultry\\_plants.pdf](https://www.uusc.org/sites/default/files/wages_and_working_conditions_in_arkansas_poultry_plants.pdf), p. 4.

<sup>85</sup> Human Rights Watch interview with Nicole Bingham, Albertville, Alabama, February 14, 2019.



The most common ailments for workers in the industry are musculoskeletal disorders—cumulative trauma injuries like carpal tunnel or tendinitis that develop through repeated stress over time. © 2019 Brian Stauffer for Human Rights Watch

Many workers reported similar experiences with severe pain that wakes them at night, numbness, tingling, loss of grip strength or agility, twitching, or burning in their muscles and joints. Jessica N., a worker at the Smithfield plant in Tar Heel, North Carolina, described the symptoms of Raynaud’s phenomenon, a medical disorder prevalent in the industry, and the disabling effects of chronic hand pain:

It feels like your hand’s getting stung by bees. Your fingertips turn ashen white. There’s an immediate loss of circulation to your hands—it’s extremely painful.... I couldn’t hold a coffee cup, couldn’t hold a pen. I couldn’t hold onto anything.<sup>86</sup>

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<sup>86</sup> Human Rights Watch telephone interview with Jessica N., March 22, 2019. See also Kaminski et al., “Risk Factors for Raynaud’s phenomenon among workers in poultry slaughterhouses and canning factories,” *International Journal of Epidemiology*, vol. 26 (1997), 371-80, <https://www.ncbi.nlm.nih.gov/pubmed/9169173> (accessed June 19, 2019) (affirming the prevalence of Raynaud’s phenomenon among poultry plant workers). Many risk factors, some of which are common in the meat and poultry industry, increase the likelihood of developing Raynaud’s phenomenon. Joseph Grzywacz, Thomas Arcury et al., “The Organization of Work: Implications for Injury and Illness Among Immigrant Latino Poultry-Processing

These types of debilitating impacts can be long-lasting. During an interview with a mother and son who had both worked for years at the JBS beef plant in Grand Island, Nebraska, the son stood up to grab a bottle of water from the small kitchen of the church where Human Rights Watch had met them. When he returned, he cracked open the bottle and placed it down in front of his mother. “It’s a habit,” he said, pointing over to the plastic bottle and sitting down. “She can’t open stuff on her own anymore.”<sup>87</sup>

Many workers who spoke with Human Rights Watch reported that they were diagnosed by physicians with carpal tunnel, tendinitis, or other nerve or musculoskeletal damage, for which some have had surgery.

Anna Spurlock started working in the industry only three years ago, removing bones from cuts of pork with a knife at the Smithfield hog plant in Tar Heel, North Carolina. Since then, Anna has had three surgeries on her hands to treat medical conditions that she has developed from her work: carpal tunnel and “trigger finger,” which left her ring finger tightly locked in a curled position. She explained:

I would come home and go to sleep. When I woke up I couldn’t really use my hands. Couldn’t brush my hair or put on my clothes. My hands were just locked up. It would take a couple hours to open and loosen up and start to get feeling back. It felt like they were essentially paralyzed.<sup>88</sup>

Of the four-dozen current and former workers in the meat and poultry industry interviewed for this report, only three did not report frequent pain or numbness in their hands, arms, shoulders, or back.

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Workers,” *Environmental & Occupational Health*, vol. 62 no. 1 (2007), 19-26, 20 (“Working in awkward postures, measured in terms of poorly fitted workstations, performing repetitive movements, and arm exertion were associated with greater risk of Raynaud’s phenomenon, general sickness absence, and musculoskeletal-related sickness absence. Psychological strain from work requiring focused concentration, irregular working hours, and the quality of supervisor-subordinate and coworker relations were also associated with greater risk of Raynaud’s phenomenon, elevated blood pressure, and sickness absence.”).

<sup>87</sup> Human Rights Watch group interview with two former workers, mother and son, from the JBS beef plant in Grand Island, Nebraska, Grand Island, Nebraska, March 8, 2019.

<sup>88</sup> Human Rights Watch interview and telephone interview with Anna Spurlock, Tar Heel, North Carolina, March 20 and 24, 2019.

One worker in her late 70s from a further-processing plant in Alabama described how taking regular breaks during her shift has kept her injury-free for decades. “Hands are not as fast as the machine,” she said.<sup>89</sup> However, nearly all workers who spoke with Human Rights Watch reported that they do not have the ability to take regular breaks when they felt pain or otherwise control the pace of their work.

As described in Section III, some workers Human Rights Watch interviewed at plants that slaughter cattle, pigs, and chickens described supervisors pushing them to labor at work speeds far above what they feel is safe, including with abusive language and threats of termination. “No one asks for breaks,” reported Lidia J., a worker at the Case Farms poultry plant in North Carolina, referring to requests to leave the line outside scheduled breaks. “They won’t give them.”<sup>90</sup>

We sent two letters to Case Farms regarding a range of issues covered in this report, requesting information regarding their policies and practices. They did not respond to our requests.

Both workers and the companies that responded to Human Rights Watch’s inquiries in this regard stated that their plants have safety mechanisms in place that allow workers to shut down the line in case of an emergency.

Human Rights Watch reached out to meat and poultry companies for information about their policies and practices regarding workers’ ability to regulate line speed. Two companies stated that they have policies in place that protect workers’ ability to have a say in their work speed. In a letter to Human Rights Watch, Smithfield Foods wrote “[e]mployees are trained during orientation that they have the right, without fear of reprisal, to stop production when they feel their safety is at risk. Supervisors and employees are asked questions during internal and external audits to confirm that they are aware of the right to stop production and bring safety concerns to the management team to address their concerns.”<sup>91</sup> Tyson Foods wrote, “[w]e maintain policies and practices that allow any team member to stop a line at any time for worker or food safety issues.”<sup>92</sup>

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<sup>89</sup> Human Rights Watch interview with Janice Brisker, Gadsden, Alabama, February 19, 2019.

<sup>90</sup> Human Rights Watch interview with Lidia J., worker at a poultry plant in North Carolina, December 14, 2018.

<sup>91</sup> Letter from Smithfield Foods, to Human Rights Watch, July 18, 2019, p. 3.

<sup>92</sup> Letter from Tyson Foods, Inc., to Human Rights Watch, May 20, 2019.



Consistent with the experiences of workers who spoke with Human Rights Watch about intense production pressures that limit their ability to take breaks or regulate the pace of their work, the Southern Poverty Law Center’s survey of over 300 Alabama poultry workers found that nearly 99 percent reported having no opportunity to influence their line speed.<sup>93</sup>

This lack of control underscores the concerns of workers and workers’ rights advocates who spoke with Human Rights Watch, regarding the impact that deregulating slaughter line speeds, discussed in Section III, could have on workers’ safety and health.

### *Harmful Chemical Exposure*

There are many environmental factors within meat and poultry slaughtering and processing plants that endanger workers’ health and safety, such as temperature extremes, sullied and slippery conditions, and biological hazards associated with live animals—including contact with feces, blood, and pathogens that increase their risk of disease and illness.<sup>94</sup>



Workers, particularly in poultry plants, are exposed to irritating chemicals that can cause chronic respiratory and other health issues. © 2019 Brian Stauffer for Human Rights Watch

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<sup>93</sup> See Southern Poverty Law Center and Alabama Appleseed, “Unsafe at These Speeds,” February 28, 2013, [https://www.splcenter.org/sites/default/files/Unsafe\\_at\\_These\\_Speeds\\_web.pdf](https://www.splcenter.org/sites/default/files/Unsafe_at_These_Speeds_web.pdf), p. 10.

<sup>94</sup> See US Government Accountability Office, “Additional Data Needed,” pp. 24-25; Kenneth Culp, et al., “Traumatic Injury Rates,” *Journal of Agromedicine*, p. 8; Oxfam, “Lives on the Line,” pp. 25-27; Midwest Coalition for Human Rights, “Always Working Beyond,” <https://neappleseed.org/wp-content/uploads/downloads/2012/10/MCHR-Report-Always-Working-Beyond-the-Capacity-of-Our-Bodies-2012.pdf>, pp. 9-10, 15.



However, the most pressing environmental concern for many workers who spoke with Human Rights Watch is the immediate and long-term consequences of their daily exposure to chemicals used to kill bacteria on animal products, especially chicken. Rebecca G., a poultry worker in Arkansas, explained:

As soon as we would enter we would start to tear up.... It was really strong. We felt like we were getting sick—your throat, nose. For me, I would cry. I was always crying. I also had really strong pain in my throat. Some people would get bloody noses.... Almost every day it was one person or another [complaining to management]. One pregnant woman went to ask what chemicals they were using and what [they would] do to [her] child [but the company] said that it was within the permitted standards.... Their solution is to say: ‘If you don’t want to stay here, go.’<sup>95</sup>

The Centers for Disease Control and Prevention (CDC) found that poultry plant workers commonly report stinging or burning of eyes, noses, and throats, shortness of breath and asthma-like symptoms, headaches, and nausea.<sup>96</sup> Surveys of workers in poultry slaughtering and processing plants have also reinforced the prevalence of workers’ exposure to noxious chemicals.<sup>97</sup>

Nearly all poultry workers who spoke with Human Rights Watch reported regular exposure to strong, irritating chemicals and described severe impacts on their daily health in line with those identified by the CDC above. Workers at the Tyson plant in Albertville, Alabama who spoke with Human Rights Watch reported similar health issues stemming from their exposure to chemicals at work. “Sometimes I can’t breathe and it just burns my eyes,” said Anna K., a worker at the plant, “I’m always sick.”<sup>98</sup>

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<sup>95</sup> Human Rights Watch telephone interview with Rebecca G., February 18, 2019.

<sup>96</sup> See Centers for Disease Control and Prevention, “Evaluating Eye and Respiratory Irritation in Poultry Slaughter and Processing Facilities,” April 7, 2014, [www.cdc.gov/niosh/topics/poultry/evaluating.html](http://www.cdc.gov/niosh/topics/poultry/evaluating.html) (accessed June 18, 2019).

<sup>97</sup> Oxfam, “Lives on the Line,” p. 26 (“100% of the workers reported exposure to chemicals while at work.”) (Internal citations omitted); Northwest Arkansas Workers’ Justice Center, “Wages and Working Conditions,” [https://www.uusc.org/sites/default/files/wages\\_and\\_working\\_conditions\\_in\\_arkansas\\_poultry\\_plants.pdf](https://www.uusc.org/sites/default/files/wages_and_working_conditions_in_arkansas_poultry_plants.pdf), p. 29 (“One out of five workers (20%) responded that they frequently come into contact with toxic chemical substances or their residues”).

<sup>98</sup> Human Rights Watch interview with Anna K., Albertville, Alabama, February 20, 2019. See text box at p. 65 for Tyson’s response to this issue.

Although cattle and hog slaughter plants use chemicals to sanitize equipment and kill bacteria on animal carcasses, the poultry industry is uniquely reliant on the frequent use of chemicals in its processes, partly because of special standards regarding salmonella contamination that USDA has imposed just on poultry plants.<sup>99</sup>

Among the most commonly used chemicals is peracetic acid (PAA), an unstable combination of hydrogen peroxide and acetic acid.<sup>100</sup> PAA is commonly added to water to make a solution which is then used as an antimicrobial agent to reduce contamination of meat by salmonella, campylobacter, and fecal pathogens.<sup>101</sup> Peracetic acid has been increasingly favored by the industry because, the industry argues, PAA is an effective agent for addressing pathogen contamination and dissipates before reaching consumers without altering the taste or texture of their products.<sup>102</sup> Both the Food and Drug Administration and Department of Agriculture have approved the use of PAA as an antimicrobial in meat and poultry plants.<sup>103</sup>

PAA is a highly corrosive and strong irritant to the eyes, skin, and respiratory tract, and can cause injury to the eyes and skin on contact.<sup>104</sup> Moreover, the Association of Occupational and Environmental Clinics, a non-profit association of clinics and physicians working on occupational health that publishes information about occupational health hazards, classifies PAA as an asthmagen, and both the National Institute for Occupational Safety and Health (NIOSH) and the CDC have found that repeated and prolonged exposure to high

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<sup>99</sup> See US Government Accountability Office, “Additional Data Needed,” <https://www.gao.gov/products/GAO-16-337>, pp. 23-24.

<sup>100</sup> PAA is not the only chemical commonly used at plants that poses a danger to workers’ health and safety. Incidents involving workers’ exposure to potentially life-threatening chemicals like ammonia and chlorine are common. See *Ibid.*, pp. 20, 23-24.

<sup>101</sup> See Submission from Debbie Berkowitz, senior fellow, National Employment Law Project, and Celeste Monforton, co-chair, policy committee, OHS Section American Public Health Association, to Special Rapporteur on Human Rights and Hazardous Substances, United Nations Office of the High Commissioner for Human Rights, March 8, 2018, <https://www.ohchr.org/Documents/Issues/ToxicWastes/Exposure/AmericanPublicHealthAssociation.pdf> (accessed June 18, 2019).

<sup>102</sup> *Ibid.*, p. 1.

<sup>103</sup> See FSIS, “FSIS Directive 7120.1,” June 7, 2019, <https://www.fsis.usda.gov/wps/wcm/connect/bab10e09-aefa-483b-8be8-809a1f051d4c/7120.1.pdf?MOD=AJPERES> (accessed July 31, 2019), p. 2.

<sup>104</sup> According to the Globally Harmonized System of Classification and Labelling of Chemicals (GHS), peracetic acid is labelled with the following, relevant GHS Hazard Statements: H302: Harmful if swallowed [Warning Acute toxicity, oral]; H312: Harmful in contact with skin [Warning Acute toxicity, dermal]; H314: Causes severe skin burns and eye damage [Danger Skin corrosion/irritation]; H332: Harmful if inhaled [Warning Acute toxicity, inhalation]. See National Institutes of Health, US National Library of Medicine, National Center for Biotechnology Information, PubChem Database, Compound Summary: Peracetic Acid, <https://pubchem.ncbi.nlm.nih.gov/compound/Peracetic-acid> (accessed on July 14, 2019).

concentrations of peracetic acid can lead to respiratory problems and other health issues.<sup>105</sup>

Despite these risks, neither OSHA nor NIOSH has established permissible exposure limits for PAA, meaning that there is no legal airborne exposure limit for PAA to which workers may be exposed.<sup>106</sup> Although the American Conference of Governmental and Industrial Hygienists (ACGIH) established benchmark exposure limits to airborne PAA that the industry generally accepts, they are not legally binding.<sup>107</sup>

## Under-Reporting of Injury and Illness

The Government Accountability Office, OSHA, Department of Health and Human Services, Centers for Disease Control and Prevention, NIOSH, and peer-reviewed medical literature have found that federal data on occupational injuries and illnesses do not accurately reflect workers' experiences or conditions.<sup>108</sup>

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<sup>105</sup> The Association of Occupational and Environmental Clinics classifies PAA as an asthmagen under the name peroxyacetic acid, a commonly used alternative name for peracetic acid, when used in combination with hydrogen peroxide (AOEC Exposure Codes 050.42, 050.480). See Association of Occupational and Environmental Clinics, Comprehensive Occupational & Environmental Exposure Database, <http://www.aoecdata.org/ExpCodeLookup.aspx> (accessed July 13, 2019); Julie Crewe, Renee Carey, et al., "A Comprehensive List of All Asthmagens to Inform Health Interventions in the Australian Workplace," *Australian and New Zealand Journal of Public Health*, vol. 40 no. 2 (2015), <https://onlinelibrary.wiley.com/doi/epdf/10.1111/1753-6405.12479> (accessed July 13, 2019); see also National Institute for Occupational Safety and Health, US Centers for Disease Control and Prevention, Request for Information: Health Risks to Workers Associated With Occupational Exposures to Peracetic Acid, 82 FR 12819-12821, March 7, 2017, <https://www.federalregister.gov/documents/2017/03/07/2017-04319/health-risks-to-workers-associated-with-occupational-exposures-to-peracetic-acid-request-for> (accessed July 13, 2019).

<sup>106</sup> National Institute for Occupational Safety and Health, US Centers for Disease Control and Prevention, Request for Information: Health Risks to Workers Associated With Occupational Exposures to Peracetic Acid, 82 FR 12819-12821, 12820, March 7, 2017, <https://www.federalregister.gov/documents/2017/03/07/2017-04319/health-risks-to-workers-associated-with-occupational-exposures-to-peracetic-acid-request-for> (accessed July 13, 2019).

<sup>107</sup> The American Conference of Government and Industrial Hygienists establishes threshold limit values (TLV) that are based on the duration of exposure. For example, the time weighted average TLV is based on an 8-hour day and a 40-hour week schedule, and the short-term exposure limit TLV is based on a 15-minute window of exposure that is not repeated more than 4 times during an 8-hour shift. See Department of Agriculture, Food Safety and Inspection Service, Environmental, Safety and Health group, "Health Hazard Information Sheet: Peroxyacetic Acid (PAA)," undated, <https://www.fsis.usda.gov/wps/wcm/connect/df3f6030-a4c4-4064-b156-e813bb49e577/Peroxyacetic-Acid.pdf?MOD=AJPERES> (accessed June 19, 2019).

<sup>108</sup> See, for example, US Government Accountability Office, "Additional Data Needed," <https://www.gao.gov/products/GAO-16-337>, pp. 1-2; US Government Accountability Office, "Workplace Safety and Health: Enhancing OSHA's Records Audit Process Could Improve the Accuracy of Worker Injury and Illness Data," Oct. 15, 2009, <https://www.gao.gov/products/GAO-10-10> (accessed June 20, 2019), pp. 26-27; USDA, FSIS, "Modernization of Poultry Slaughter Inspection," 79 FR 49565-49637, 49600, <https://www.federalregister.gov/documents/2014/08/21/2014-18526/modernization-of-poultry-slaughter-inspection> (accessed June 18, 2019) (citing Musolin et al., "Evaluation of Musculoskeletal Disorders and Traumatic Injuries," US Department of Health and Human Services, Centers for Disease Control and Prevention, and National Institute for

Under OSHA’s recordkeeping regulations, employers are required to record all work-related injuries and illnesses that are diagnosed by a physician, require medical treatment beyond first aid, or result in death or loss of consciousness.<sup>109</sup> Additionally, employers are required to report any “DART” cases—where a worker misses more than one day away from work, or is placed on restricted duty or transferred to another job as a result of an occupational injury or illness.<sup>110</sup> Employers are required to keep these records on file for five years and, if requested, supply a summary of their records to the BLS, which produces the federal estimates of occupational injury and illness discussed above.<sup>111</sup>

This system places the obligation to record and report occupational injuries and illnesses on employers. While practical, it also makes employers, which have financial and reputational interests to report low rates of injuries and illnesses, a filter through which all routinely reported federal data on the hazards facing workers must pass.<sup>112</sup>

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Occupational Safety and Health, March 2014) (“FSIS [asked] NIOSH to evaluate the effects of increased inspection line speeds on establishment worker safety by collecting data from establishments that had been granted waivers from line speed restrictions ... NIOSH initiated such a study in one non-HIMP establishment ... The results from this study lend support to the concerns noted in the comments that poultry processors’ injury and illness logs often do not reflect the full extent of work-related conditions experienced by poultry workers”); Musolin et al., “Evaluation of Musculoskeletal Disorders and Traumatic Injuries,” US Department of Health and Human Services, Centers for Disease Control and Prevention, and National Institute for Occupational Safety and Health, March 2014, <https://www.cdc.gov/niosh/hhe/reports/pdfs/2012-0125-3204.pdf> (accessed July 31, 2019), p. 18; Kathleen Fagan and Michael Hodgson, “Under-recording of work-related injuries and illnesses: An OSHA priority, *Journal of Safety Research*, vol. 60 (2017), [https://www.osha.gov/ooc/underrecording\\_fagan\\_hodgson.pdf](https://www.osha.gov/ooc/underrecording_fagan_hodgson.pdf) (accessed June 20, 2019); Rep. George Miller, “Hidden Tragedy: Underreporting of Workplace Injuries and Illnesses,” US Committee on Education and Labor, US House of Representatives, June 2008, <https://www.bls.gov/iif/laborcommreporto61908.pdf> (accessed July 31, 2019).

<sup>109</sup> US Government Accountability Office, “Additional Data Needed,” pp. 9-10

<sup>110</sup> *Ibid.*

<sup>111</sup> *Ibid.*

<sup>112</sup> Rep. George Miller, “Hidden Tragedy: Underreporting of Workplace Injuries and Illnesses,” US Committee on Education and Labor, US House of Representatives, June 2008, <https://www.bls.gov/iif/laborcommreporto61908.pdf> (accessed July 31, 2019), pp. 14-15 (“There are many incentives built into the injury and illness reporting system for some employers to underreport injuries and illnesses.... Low injury and illness rates decrease the chance of being inspected by OSHA[,] decrease workers’ compensation expenses[,] can earn businesses bonuses and incentives [and] look good to the public and to customers.”); see also US Government Accountability Office, “Workplace Safety and Health: Enhancing OSHA’s Records Audit Process Could Improve the Accuracy of Worker Injury and Illness Data,” Oct. 15, 2009, <https://www.gao.gov/products/GAO-10-10> (accessed June 20, 2019), p. 18 (“Various disincentives may also discourage employers from recording workers’ injuries and illnesses. Stakeholders told us employers are concerned about the impact of higher injury and illness rates on their workers’ compensation costs.... Stakeholders also told us employers may not record injuries and illnesses because having high injury and illness rates can affect their ability to compete for contracts for new work”); US Government Accountability Office, “Additional Data Needed,” <https://www.gao.gov/products/GAO-16-337>, p. 34.

Workers who spoke with Human Rights Watch from plants in Alabama, North Carolina, and Nebraska reported practices that discourage workers from reporting their injuries and illnesses.<sup>113</sup>

OSHA requires all employers to have procedures and supplies to provide first aid to workers.<sup>114</sup> Some industrial facilities, including nearly all of the more than 15 meat and poultry plants covered in this report, have in-house medical units or nursing stations, which are staffed with nurses, emergency medical technicians, or others who are trained to provide first aid. More serious injuries are expected to be cared for outside of the plant at a hospital or by a doctor.

Following a work-related injury or illness, the first step in the process of recording and reporting it to federal authorities is generally when a worker seeks medical care from this in-house health unit. In many cases where this in-house health unit is present at meat and poultry plants, if a worker does not report their occupational injury or illness to this health unit, the case will not be reflected in their employer's records.<sup>115</sup>

Workers told Human Rights Watch that pressure from supervisors is a factor in their decisions not to report injuries to in-house health units.<sup>116</sup> Two workers said they were

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<sup>113</sup> The meat and poultry slaughtering and processing industry is particularly plagued by reporting errors that hide abusive employers and obscure the dangers facing workers. OSHA implemented a National Emphasis Program on Injury and Illness Recordkeeping from 2009 to 2012, which audited the records of hundreds of employers in traditionally high-risk industries—including the meat and poultry industry—that had reported fewer incidents of worker injury and illness than their industrial average. US Government Accountability Office, “Additional Data Needed,” pp. 31-32. OSHA found that the number of unrecorded or misrecorded cases of worker injury and illness “was notably higher” at meat and poultry plants than any of the other high-risk industries included in the audit. 2013 Work Speed Petition, pp. 26-27 (citing Department of Labor, “Report on the findings of the Occupational Safety and Health Administration’s National Emphasis Program on Recordkeeping and Other Department of Labor Activities Related to the Accuracy of Employer Reporting of Injury and Illness Data,” May 7, 2012, pp. 4-5); see also Kathleen Fagan and Michael Hodgson, “Under-recording of work-related injuries and illnesses: An OSHA priority,” *Journal of Safety Research*, vol. 60 (2017), [https://www.osha.gov/ooc/underrecording\\_fagan\\_hodgson.pdf](https://www.osha.gov/ooc/underrecording_fagan_hodgson.pdf) (accessed June 20, 2019), p. 2.

<sup>114</sup> US Government Accountability Office, “Additional Data Needed,” p. 35 n.83.

<sup>115</sup> See generally, Lance Azaroff, et al., “Occupational Injury and Illness Surveillance: Conceptual Filters Explain Under-reporting,” *American Journal of Public Health*, vol. 92 (2002), 1421-1429, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1447253/> (accessed July 31, 2019) (describing conceptual filters through which occupational injuries and illnesses must pass, across industries, in order to be reflected in BLS data); Rep. George Miller, “Hidden Tragedy: Underreporting of Workplace Injuries and Illnesses,” US Committee on Education and Labor, US House of Representatives, June 2008, <https://www.bls.gov/iif/laborcommreporto61908.pdf> (accessed July 31, 2019), p. 15.

<sup>116</sup> Studies of workers in the industry have found that financial incentives in employer-sponsored safety programs can pressure meat and poultry workers not to report work-related injuries and illnesses. See 2013 Work Speed Petition, September 3, 2013, <https://www.fsis.usda.gov/wps/wcm/connect/cab74978-9bac-4768-ad23-c11ff91e7257/Petition-Southern-Poverty-Law-Center-090313.pdf?MOD=AJPERES>, pp. 28-29. In theory, some financial incentives can promote and

explicitly told by supervisors to return to work—without receiving care—following an injury at their workstation or when complaining about severe muscle or joint pain. Abel S., a worker at a beef plant in Nebraska, said that his former supervisor prevented him from promptly reporting an injury:

My old foreman said to me: ‘If you [report] the pain, I’m going to be on top of you, I’m going to make your life impossible.’<sup>117</sup>

For the most part, workers said that they feared drawing attention to themselves and incurring negative repercussions from supervisors by reporting injuries or leaving the line to seek care.

A perception among some workers interviewed was that supervisors at meat and poultry plants are keen to penalize workers for reporting injuries or complaining about illnesses. “People are afraid that [the company] will blame them for the accident and they’re afraid they’ll get fired or suspended for it,” said Teresa Jose, a worker at the Tyson poultry plant in Albertville, Alabama.<sup>118</sup>

A survey of Arkansas poultry workers by the Northwest Arkansas Workers Justice Center found that 57 percent reported not taking any action following an injury at work.<sup>119</sup> Similarly, a survey of Alabama poultry workers by the Southern Poverty Law Center found

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reward managers for ensuring practices that protect worker safety and health. However, OSHA officials have expressed concerns that employer-sponsored safety programs with incentives may pressure meat and poultry workers to not report work-related injuries and illnesses. See, for example, US Government Accountability Office, “Additional Data Needed,” <https://www.gao.gov/products/GAO-16-337>, p. 34; US Government Accountability Office, “Workplace Safety and Health: Safety in the Meat and Poultry Industry, While Improving, Could Be Further Strengthened,” January, 28, 2005, [www.gao.gov/products/GAO-05-96](https://www.gao.gov/products/GAO-05-96) (accessed June 18, 2019), pp. 29-30; US Government Accountability Office, “Workplace Safety and Health: Enhancing OSHA’s Records Audit Process Could Improve the Accuracy of Worker Injury and Illness Data,” Oct. 15, 2009, <https://www.gao.gov/products/GAO-10-10> (accessed June 20, 2019), pp. 18-20; 2013 Work Speed Petition, pp. 28-29.

<sup>117</sup> Human Rights Watch interview with Abel S., Nebraska, March 8, 2019. See also Human Rights Watch interview with Jim C., Nebraska, March 14, 2019.

<sup>118</sup> Human Rights Watch interview with Teresa Jose, Albertville, Alabama, February 14, 2019.

<sup>119</sup> Northwest Arkansas Workers’ Justice Center, “Wages and Working Conditions,” [https://www.uusc.org/sites/default/files/wages\\_and\\_working\\_conditions\\_in\\_arkansas\\_poultry\\_plants.pdf](https://www.uusc.org/sites/default/files/wages_and_working_conditions_in_arkansas_poultry_plants.pdf) (August 1, 2019), p. 27.

that workers did not report 40 percent of work-related injuries.<sup>120</sup> Several studies have found that immigrant workers are especially likely not to report injuries.<sup>121</sup>

Workers who spoke with Human Rights Watch also described how their plant's in-house medical units encouraged workers to return to their workstations or kept their medical treatment at the level of first aid, even in cases where workers believed they needed substantive care. Some workers also told us that they no longer go to in-house health units given their concerns about the adequacy of care provided.

The fact that staff at these in-house medical units may have a range of medical experience—and, at the plants within the scope of this report with in-house medical units, none included physicians—may account for these workers' experiences.<sup>122</sup> However, as described above, employers are not obligated to record an employee's work-related illness if it only rises to the level of first aid.<sup>123</sup>

Regardless of what causes delays in referrals, these in-house health unit staff have a duty to refer workers who need medical treatment beyond first aid to physicians.<sup>124</sup> Moreover, failing to promptly refer workers to physicians can lead to workers' continued exposure to factors that can have a substantial impact on the severity of their injuries and illnesses. Workers told Human Rights Watch that treatment of work-related injuries and illnesses, including symptoms of potentially disabling musculoskeletal disorders, did not always

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<sup>120</sup> The Southern Poverty Law Center's survey of Alabama poultry workers also found that 66 percent of workers reported that workers were scared or reluctant to report injuries. Of these workers, 78 percent attributed this reluctance to fear of being fired. Southern Poverty Law Center and Alabama Appleseed, "Unsafe at These Speeds," pp. 14, 16.

<sup>121</sup> See Kenneth Culp, et al., "Traumatic Injury Rates," *Journal of Agromedicine*, p. 14; US Government Accountability Office, "Additional Data Needed," p. 33; US Government Accountability office, "Safety in the Meat and Poultry Industry," [www.gao.gov/products/GAO-05-96](http://www.gao.gov/products/GAO-05-96), p. 29; and Northwest Arkansas Workers' Justice Center, "Wages and Working Conditions," [https://www.uusc.org/sites/default/files/wages\\_and\\_working\\_conditions\\_in\\_arkansas\\_poultry\\_plants.pdf](https://www.uusc.org/sites/default/files/wages_and_working_conditions_in_arkansas_poultry_plants.pdf), p. 30.

<sup>122</sup> See Tustin, Fagan, and Hodgson, "What Are a Consulting Physician's Responsibilities When Reviewing and Approving the Medical Protocols of a Company's On-Site Clinic?," *American College of Occupational and Environmental Medicine*, vol. 60:7 (July 2018), [https://journals.lww.com/joem/Citation/2018/07000/What\\_Are\\_a\\_Consulting\\_Physician\\_s\\_Responsibilities.15.aspx](https://journals.lww.com/joem/Citation/2018/07000/What_Are_a_Consulting_Physician_s_Responsibilities.15.aspx) (accessed June 20, 2019).

<sup>123</sup> US Government Accountability Office, "Additional Data Needed," pp. 9-10.

<sup>124</sup> See Tustin, Fagan, and Hodgson, "What Are a Consulting Physician's Responsibilities When Reviewing and Approving the Medical Protocols of a Company's On-Site Clinic?," *American College of Occupational and Environmental Medicine*, vol. 60:7 (July 2018), [https://journals.lww.com/joem/Citation/2018/07000/What\\_Are\\_a\\_Consulting\\_Physician\\_s\\_Responsibilities.15.aspx](https://journals.lww.com/joem/Citation/2018/07000/What_Are_a_Consulting_Physician_s_Responsibilities.15.aspx) (accessed June 20, 2019).



make it past over-the-counter pain relievers and ice packs in these in-house medical units. Some workers who persistently followed up their care reported getting a referral to see a physician only after weeks or even months of routine visits to their in-house health units.

This anecdotal perception of some of the workers who spoke with Human Rights Watch is consistent with investigations by OSHA and the Government Accountability Office (GAO), which have found that plant health units can act as a filter that limits the number of injuries and illnesses reported to federal authorities.<sup>125</sup>

OSHA has cited meat and poultry companies for failing to make timely and appropriate medical referrals for employees with persistent and continuous pain in the upper extremities to prevent the development of musculoskeletal disorders.<sup>126</sup>

Human Rights Watch reached out to meat and poultry companies for information regarding their in-house health units and their policies and practices concerning workers' reporting of occupational injury and illness. In a letter to Human Rights Watch, Tyson Foods wrote:

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<sup>125</sup> See, for example, US Government Accountability Office, "Additional Data Needed," <https://www.gao.gov/products/GAO-16-337>, p. 35 ("Plant health units, which provide certain types of medical assistance to workers with injuries and illnesses at some plants, may also discourage reporting of injuries and illnesses ... In an effort to maintain a clean safety record and avoid recording injuries in their OSHA logs, some plant health units may repeatedly offer first aid treatments—for example, compresses and over-the-counter painkillers and ointments—rather than refer workers to a doctor, according to two OSHA hazard alert letters, worker advocacy groups, and workers we interviewed"); Letter from US Department of Labor, Occupational Safety and Health Administration, to Paula Gray, safety, health and risk control manager, Allen Harim Foods, LLC, August 7, 2015, [https://www.osha.gov/ooc/reg3\\_harim\\_letter.html](https://www.osha.gov/ooc/reg3_harim_letter.html) (accessed August 1, 2019) ("workers who present with signs and symptoms of MSDs are not referred to physicians for evaluation and treatment. Workers are, in fact, discouraged from reporting symptoms and injuries. By discouraging workers from seeking care and avoiding referral to higher level care, workers go back to the jobs that are causing their injuries. The injured body parts are not allowed to heal, which may lead to worse injuries.... Rather, the first aid station appears to be used to prevent injuries from appearing on the OSHA 300 logs. Thus, the medical management practices noted above lead to increased MSDs, lack of intervention to eliminate or reduce ergonomic hazards, and recordkeeping violations."); see also Southern Poverty Law Center and Alabama Appleseed, "Unsafe at These Speeds," pp. 22, 27; Kerry Hall, Franco Ordoñez, and Ames Alexander, "Workers Say They're Denied Proper Medical Care," *Charlotte Observer*, September 30, 2008, <https://www.charlotteobserver.com/news/special-reports/cruellest-cuts/article9012839.html> (accessed June 20, 2019); Debbie Berkowitz, "What the label on your Thanksgiving turkey won't tell you," *Washington Post*, November 23, 2016, [https://www.washingtonpost.com/opinions/what-the-label-on-your-thanksgiving-turkey-wont-tell-you/2016/11/23/977fe740-boe1-11e6-8616-52b15787addo\\_story.html?noredirect=on&utm\\_term=.79123e4c59b9](https://www.washingtonpost.com/opinions/what-the-label-on-your-thanksgiving-turkey-wont-tell-you/2016/11/23/977fe740-boe1-11e6-8616-52b15787addo_story.html?noredirect=on&utm_term=.79123e4c59b9) (accessed July 14, 2019).

<sup>126</sup> See, for example, US Department of Labor, OSHA, "Citation and Notification of Penalty, Pilgrim's Pride Corporation, Inspection Number 1122733," July 21, 2016, <https://www.dol.gov/sites/default/files/newsroom/newsreleases/OSHA20161541b.pdf> (accessed June 20, 2019).



We follow a systematic approach for the early reporting, intervention, evaluation and treatment of injuries and illness.... team members have various ways to report concerns without fear of retaliation. We take reports of alleged misconduct seriously.... At some of our larger facilities, we have on-site case managers who attend post-injury medical appointments with team members to ensure they understand medical issues and the road to recovery and rehabilitation. These managers also assist in identifying light or limited duty work for team members that is consistent with any medical restrictions.<sup>127</sup>

Smithfield Foods wrote, “Smithfield facilities have either licensed medical providers or trained staff on site to assist workers with first aid. Any needs beyond first aid, as well as all emergency care, are referred to outside medical providers.”<sup>128</sup>

Surveys of meatpacking and poultry workers have consistently found much higher rates of injury and illness than the already high rates indicated by federal data.

In 2009, Nebraska Appleseed, a non-profit that works on immigration, health care and economic justice issues in Nebraska, surveyed 455 workers at meatpacking plants in Nebraska and found that 62 percent of workers reported experiencing an injury during the past year.<sup>129</sup> In 2013, the Southern Poverty Law Center surveyed 302 current and former workers at poultry slaughtering and processing plants in Alabama and found that 72 percent of workers reported a significant work-related injury or illness.<sup>130</sup> Similarly, a 2016 survey of 500 Arkansas poultry processing workers by the Northwest Arkansas Workers’ Justice Center found that 59 percent of workers reported work-related injuries or health issues.<sup>131</sup>

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<sup>127</sup> Letter from Tyson Foods, Inc., to Human Rights Watch, May 20, 2019.

<sup>128</sup> Letter from Smithfield Foods, to Human Rights Watch, July 18, 2019, p. 3.

<sup>129</sup> Nebraska Appleseed, “The Speed Kills You,” p. 3.

<sup>130</sup> Southern Poverty Law Center and Alabama Appleseed, “Unsafe at These Speeds,” pp. 11-12.

<sup>131</sup> Northwest Arkansas Workers’ Justice Center, “Wages and Working Conditions,”

[https://www.uusc.org/sites/default/files/wages\\_and\\_working\\_conditions\\_in\\_arkansas\\_poultry\\_plants.pdf](https://www.uusc.org/sites/default/files/wages_and_working_conditions_in_arkansas_poultry_plants.pdf), p. 18.

### III. Risks Fueled by Rapid Work Speed

Nearly all workers who spoke with Human Rights Watch identified the same factor that compounds their risk of injury and illness: speed. “It’s like a storm,” said John D., a worker at a beef plant in Nebraska. “The speed of the line is fast, fast.”<sup>132</sup>

For decades, federal studies, medical literature, and workers’ surveys have found that rapid work speed in the meat and poultry industry increases risk of injury and illness.<sup>133</sup>

Work speed is a combination of two factors, line speed and staffing, which contribute to the amount and pace of labor a worker must do during their shift. Together, these two elements define the total number of motions that a worker must do, a major contributing factor to musculoskeletal disorders, as well as the pace at which workers must do their job, a major contributing factor to severe injury incidents.<sup>134</sup>

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<sup>132</sup> Human Rights Watch telephone interview with John D., March 26, 2019.

<sup>133</sup> See, for example, Ramsey et al., “Evaluation of Carpal Tunnel Syndrome and Other Musculoskeletal Disorders among Employees at a Poultry Processing Plant,” US Department of Health and Human Services, Centers for Disease Control and Prevention, and National Institute for Occupational Safety and Health, March 2015 (Revised June 2015), <https://www.cdc.gov/niosh/hhe/reports/pdfs/2014-0040-3232.pdf> (accessed June 20, 2019), p. 17; Musolin et al., “Evaluation of Musculoskeletal Disorders and Traumatic Injuries,” US Department of Health and Human Services, Centers for Disease Control and Prevention, and National Institute for Occupational Safety and Health, March 2014, <https://www.cdc.gov/niosh/hhe/reports/pdfs/2012-0125-3204.pdf>, p. 11; US Government Accountability Office, “Additional Data Needed,” <https://www.gao.gov/products/GAO-16-337>, pp. 29-31; Kenneth Culp, et al., “Traumatic Injury Rates,” *Journal of Agromedicine*; Nebraska Appleseed, “The Speed Kills You,” p. 29 n.55 (citing extensive medical literature); Southern Poverty Law Center and Alabama Appleseed, “Unsafe at These Speeds,” p. 8 (finding that 78 percent of workers felt that line speed made them feel less safe, made their work more painful, and caused more injuries); Northwest Arkansas Workers’ Justice Center, “Wages and Working Conditions,” [https://www.uusc.org/sites/default/files/wages\\_and\\_working\\_conditions\\_in\\_arkansas\\_poultry\\_plants.pdf](https://www.uusc.org/sites/default/files/wages_and_working_conditions_in_arkansas_poultry_plants.pdf), pp. 4, 30; Oxfam, “Lives on the Line;” Midwest Coalition for Human Rights, “Always Working Beyond the Capacity of our Bodies: Meat and Poultry Processing Work, Conditions and Human Rights in the Midwest,” October 2012, <https://neappleseed.org/wp-content/uploads/downloads/2012/10/MCHR-Report-Always-Working-Beyond-the-Capacity-of-Our-Bodies-2012.pdf> (accessed June 18, 2019), p. 9; Nebraska Appleseed, “The Speed Kills You,” p. 54; see also Human Rights Watch, *Blood, Sweat, and Fear*, <https://www.hrw.org/sites/default/files/reports/usao105.pdf>, pp. 33-38; 2013 Work Speed Petition, September 3, 2013, <https://www.fsis.usda.gov/wps/wcm/connect/cab74978-9bac-4768-ad23-c11ff91e7257/Petition-Southern-Poverty-Law-Center-090313.pdf?MOD=AJPERES>, pp. 34-35; Kerry Hall, Franco Ordoñez, and Ames Alexander, “Workers Say They’re Denied Proper Medical Care,” *Charlotte Observer*, September 30, 2008, <https://www.charlotteobserver.com/news/special-reports/cruellest-cuts/article9012839.html> (accessed June 20, 2019).

<sup>134</sup> See generally Northwest Arkansas Workers’ Justice Center, “Wages and Working Conditions,” [https://www.uusc.org/sites/default/files/wages\\_and\\_working\\_conditions\\_in\\_arkansas\\_poultry\\_plants.pdf](https://www.uusc.org/sites/default/files/wages_and_working_conditions_in_arkansas_poultry_plants.pdf), p. 4; 2013 Work Speed Petition, September 3, 2013, <https://www.fsis.usda.gov/wps/wcm/connect/cab74978-9bac-4768-ad23-c11ff91e7257/Petition-Southern-Poverty-Law-Center-090313.pdf?MOD=AJPERES>, p. 14; see also Midwest Coalition for Human Rights, “Always Working Beyond,” [49](https://neappleseed.org/wp-content/uploads/downloads/2012/10/MCHR-Report-</a></p></div><div data-bbox=)

As described below, although line speeds in meat and poultry plants can impact workers' safety and health, OSHA does not have a standard regulating them. Rather, only the US Department of Agriculture's Food Safety and Inspection Service (FSIS) regulates line speeds, but only slaughter lines and for a very different purpose than worker safety.

Workers who spoke to Human Rights Watch corroborated decades of research that has found that rapid work speeds compound the highly repetitive, forceful movements required by meat and poultry slaughtering and processing work and increase the risk of developing musculoskeletal disorders.<sup>135</sup> "There isn't any one there [at the plant] who can say, my hands don't hurt, or my shoulders don't hurt," said Abel S. a worker at a beef plant in Nebraska.<sup>136</sup> "It's because it's too fast."<sup>137</sup>

## Maximum Slaughter Line Speeds

"Line Speed" refers to the rate of operation for production machinery at meat or poultry slaughtering and processing plants, which ferry animal carcasses on hooks, chains, and belts at each stage of the process needed to turn a living animal into a packaged meat product.

The Poultry Products Inspection Act and the Federal Meat Inspection Act require that all animals slaughtered at industrial facilities in the United States are inspected for defects or contamination that can affect food safety.<sup>138</sup> As such, at every plant that slaughters animals in the United States, at least one inspector from the US Department of Agriculture

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Always-Working-Beyond-the-Capacity-of-Our-Bodies-2012.pdf, p. 5 (finding that rushing, attributed primarily to line speed, was the most often self-reported reason for laceration injuries reported by workers).

<sup>135</sup> See US Government Accountability Office, "Additional Data Needed," pp. 20, 22, 37; 2013 Work Speed Petition, September 3, 2013, <https://www.fsis.usda.gov/wps/wcm/connect/cab74978-9bac-4768-ad23-c11ff91e7257/Petition-Southern-Poverty-Law-Center-090313.pdf?MOD=AJPERES>, p. 14; see also, *ibid.*, p. 14 n.51 (citing decades of medical and academic literature on the relationship between highly repetitive, forceful movements as a result of work speed and musculoskeletal injuries). Many factors increase the risk of developing cumulative trauma and repetitive strain disorders, however, including environmental factors like cold and humidity—environmental concerns that are also common in meat and poultry plants. See generally, US Government Accountability Office, "Additional Data Needed," <https://www.gao.gov/products/GAO-16-337>, p. 37; Kenneth Culp, et al., "Traumatic Injury Rates," *Journal of Agromedicine*, p. 8; Southern Poverty Law Center and Alabama Appleseed, "Unsafe at These Speeds," February 28, 2013, p. 14. Line speeds can also limit workers' ability to adequately maintain equipment and tools which can also contribute to MSDs. See, for example, US Government Accountability office, "Safety in the Meat and Poultry Industry," pp. 31–32.

<sup>136</sup> Human Rights Watch interview with Abel S., March 8, 2019.

<sup>137</sup> *Ibid.*

<sup>138</sup> US Government Accountability Office, "Additional Data Needed," p. 12.

(USDA) does this work on the slaughter line, where newly killed animals are gutted, cleaned, inspected, and then prepared for the next stages of processing.<sup>139</sup>

FSIS, the agency within USDA responsible for this work, imposes line speed caps on slaughter lines based on the number of carcasses that a single inspector can effectively inspect and the number of inspectors available to oversee slaughter operations in the plant.<sup>140</sup> Accordingly, the maximum line speeds for slaughtering cattle, hogs, and chicken are based on the physical nature of the animals being killed and the practical differences in the process of doing so.

For chicken slaughter plants that have implemented the New Poultry Inspection System, discussed below, the maximum speed at which they can slaughter chickens, absent a special line speed waiver from the FSIS, also discussed below, is a staggering 140 birds per minute (bpm).<sup>141</sup> At beef and hog plants, line speeds are measured by animals per hour—for example, large hog plants with seven inspectors are capped at 1,106 hogs per hour.<sup>142</sup>

Despite the differences between the maximum line speeds at which plants are allowed to operate, workers at several plants told us that line speeds have steadily increased.<sup>143</sup>

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<sup>139</sup> Ibid. For information about the types of hazards for which USDA inspects, see USDA, FSIS, “Meat and Poultry Hazards and Controls Guide,” March 2018, [https://www.fsis.usda.gov/wps/wcm/connect/3cdo6a65-fcff-4809-a298-030f3cd711a9/Meat\\_and\\_Poultry\\_Hazards\\_Controls\\_Guide\\_10042005.pdf?MOD=AJPERES](https://www.fsis.usda.gov/wps/wcm/connect/3cdo6a65-fcff-4809-a298-030f3cd711a9/Meat_and_Poultry_Hazards_Controls_Guide_10042005.pdf?MOD=AJPERES) (accessed August 1, 2019).

<sup>140</sup> See USDA, FSIS, “Inspection Responsibilities and Authorities for Reducing Evisceration Line Speed,” February 3, 2016, <https://www.fsis.usda.gov/wps/wcm/connect/b5ac2e33-7fe2-4e3b-b967-44faa9c26a67/10-16.pdf?MOD=AJPERES> (accessed June 20, 2019); USDA, FSIS, “Post-Mortem Livestock Inspection,” October 24, 2016,

<https://www.fsis.usda.gov/wps/wcm/connect/1001245c-4b56-444c-bc03-8686ebb48b3e/6100.2.pdf?MOD=AJPERES> (accessed June 20, 2019), Chapter IX (I)(B); see also USDA, FSIS, “9 CFR § 310.1: Extent and time of post-mortem inspection; post-mortem inspection staffing standards,” <https://www.law.cornell.edu/cfr/text/9/310.1> (accessed June 20, 2019); US Government Accountability Office, “Additional Data Needed,” <https://www.gao.gov/products/GAO-16-337>, p.12.

<sup>141</sup> See USDA, FSIS, “Inspection Responsibilities and Authorities for Reducing Evisceration Line Speed,” February 3, 2016, <https://www.fsis.usda.gov/wps/wcm/connect/b5ac2e33-7fe2-4e3b-b967-44faa9c26a67/10-16.pdf?MOD=AJPERES> (accessed June 20, 2019), p. 3; USDA, FSIS, “Modernization of Poultry Slaughter Inspection,” 79 FR 49565, <https://www.federalregister.gov/documents/2014/08/21/2014-18526/modernization-of-poultry-slaughter-inspection>; 2013 Work Speed Petition, September 3, 2013, <https://www.fsis.usda.gov/wps/wcm/connect/cab74978-9bac-4768-ad23-c11ff91e7257/Petition-Southern-Poverty-Law-Center-090313.pdf?MOD=AJPERES>, pp. 46-47.

<sup>142</sup> For hog and cattle slaughter establishments, their maximum slaughter line speeds are based on the number of inspectors available for post-mortem inspection at various stations (e.g., for the head, viscera and carcass) and the distance between inspection stations. See USDA, FSIS, “9 CFR § 310.1: Extent and time of post-mortem inspection; post-mortem inspection staffing standards,” <https://www.law.cornell.edu/cfr/text/9/310.1> (accessed June 20, 2019).

<sup>143</sup> This perception is consistent with other research on the industry. See, for example, 2013 Work Speed Petition, September 3, 2013, <https://www.fsis.usda.gov/wps/wcm/connect/cab74978-9bac-4768-ad23-c11ff91e7257/Petition-Southern-Poverty-Law-Center-090313.pdf?MOD=AJPERES>, pp. 9-10.

However, the actual numerical rate of these lines in bpm or animals per hour is often not known by workers.

For departments after slaughter and evisceration, line speeds are primarily up to the discretion of supervisors, who purportedly consider a variety of factors when determining the line speeds of their operations, including the number of staff available, the capacity of their equipment, and the layouts of the lines and workspaces.<sup>144</sup> Human Rights Watch reached out to meat and poultry companies for information regarding how they determine line speeds. In a letter to Human Rights Watch, Tyson Foods summarized its practices:

Production line speeds in our plants follow USDA limits and vary based on stage of production, layout and capacity of a plant and number of workers available.... Safety is a key consideration, and any team member may stop a production line at any time for worker or food safety issues, without fear of retaliation.<sup>145</sup>

Smithfield Foods wrote to Human Rights Watch that “[e]mployees are trained during orientation that they have the right, without fear of reprisal, to stop production when they feel their safety is at risk.”<sup>146</sup> Smithfield Foods additionally clarified that “[l]ine rates are established by facility management, industrial engineering, and in some cases, United States Department of Agriculture (USDA) standards.”<sup>147</sup> They went on to write, “[l]ine rates vary during operations and are slowed for a number of reasons including staffing, new employee onboarding, and quality improvement initiatives, among others. Lines do not run faster than established speeds.... If staffing levels are reduced... lines are slowed down accordingly.<sup>148</sup>

JBS USA wrote to Human Rights Watch that their “rates of operation are determined daily and modified as necessary during shifts, and are based on our internal crewing guides... The factors affecting line speed that are used by our personnel in determining line speeds

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<sup>144</sup> See North American Meat Institute, “Fact Sheet: Line Speeds in Meat and Poultry Plants,” January 2015, <https://www.meatinstitute.org/index.php?ht=a/GetDocumentAction/i/93046>. (accessed June 20, 2019).

<sup>145</sup> Letter from Tyson Foods, Inc., to Human Rights Watch, May 20, 2019.

<sup>146</sup> Letter from Smithfield Foods, to Human Rights Watch, July 18, 2019, p. 3.

<sup>147</sup> *Ibid.*

<sup>148</sup> *Ibid.*, pp. 2-3.

are dynamic, and can change throughout a production shift as circumstances require.”<sup>149</sup> They indicated that, “[a]ny employee (including supervisors and other plant-level officials) who disregards company policy and procedures—especially those intended to protect employee safety—are subject to discipline, up to and including termination.”<sup>150</sup> JBS also wrote, “[w]e operate all of our facilities in compliance with labor and human rights laws and adhere to strict internal policies and programs that provide additional guidance to best serve our Team Members.”<sup>151</sup>

Cargill wrote, “[w]hen necessary, we adjust production and we reallocate labor based on facility capacity and demand. We are committed to ensuring that production only takes place at safe speeds, and is maintainable based on staffing levels.”<sup>152</sup>

Workers who spoke with Human Rights Watch cited several goals that their supervisors balance when determining the pace of work. In general, supervisors aim to process the most meat possible, at the highest quality possible, with the least contamination, and the least amount of staff and hours necessary.

“‘Why did you stop? Why did you stop? Don’t stop the line!’” said Veronica G., a worker at a hog plant in Nebraska, mimicking her supervisor. “If it’s too fast and we’re hurting ourselves, doesn’t matter to them. They just want more and more and more.”<sup>153</sup>

“We have about two minutes for each piece, that’s what the [company’s] rules say,” said Abel S., a worker at a beef plant in Nebraska, who trims cuts of beef from larger pieces of carcass. “The issue is, when they’re running the line, they don’t even give us a minute sometimes. It doesn’t have to be like that—fast, fast, fast.”<sup>154</sup>

“The company likes the supervisors that keep the line moving,” said John D., a worker at a beef processing plant in Nebraska. “If you’re slow,” he explained, “the supervisors get annoyed... they come and intimidate [the workers].... There isn’t anybody who can speak up to them—the supervisors are untouchable. No one listens to [the line workers].”<sup>155</sup>

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<sup>149</sup> Letter from JBS USA, to Human Rights Watch, July 18, 2019, p. 2.

<sup>150</sup> Ibid.

<sup>151</sup> Letter from JBS USA, to Human Rights Watch, May 14, 2019.

<sup>152</sup> Letter from Cargill Meat Solutions, to Human Rights Watch, May 28, 2019.

<sup>153</sup> Human Rights Watch interview with Veronica G., Nebraska, March 7, 2019.

<sup>154</sup> Human Rights Watch interview with Abel S., March 8, 2019.

<sup>155</sup> Human Rights Watch telephone interview with John D., March 26, 2019.

An advocate with knowledge of the meat and poultry industry who spoke with Human Rights Watch expressed concern that policies which may incentivize supervisors to increase output or productivity, such as production quotas and production-based bonuses, could contribute to pressure placed on workers to labor at rapid work speeds.<sup>156</sup> Information about meat and poultry companies' remuneration of supervisors is not commonly known or available to workers. Accordingly, Human Rights Watch's findings on the impact of such policies on workers' conditions is limited.

Human Rights Watch contacted companies for information regarding their policies on production quotas and production-based bonuses for supervisors and plant-level management. Smithfield Foods wrote that they do not incentivize or reward supervisory employees for production volume or productivity.<sup>157</sup> In letters to Human Rights Watch, both JBS USA and Cargill Meat Solutions said that they do not use any form of quota in their operations.<sup>158</sup>

In its correspondence with Human Rights Watch, Cargill alluded to the impact that such quotas can have on workers' conditions, writing, "[Cargill] appreciates that the health and safety of our employees can be impacted by line speed, and we do not use quotas to drive production."<sup>159</sup> However, Cargill confirmed that they do provide "incentives that focus[] on factors such as safety performance, food safety and quality, employee engagement and process efficiencies and productivity."<sup>160</sup>

In a letter to Human Rights Watch, Tyson Foods wrote that managers and supervisors at their establishments receive financial rewards based on company and plant-level performance, and are also "held accountable for meeting goals related to ... operation (e.g., yield, efficiency, variances)" on an individual level.<sup>161</sup>

"We've already gone from the line of exhaustion to the line of pain," said Ignacio Davalos, a worker at the Smithfield-owned hog plant in Crete, Nebraska. "When we're dead and buried, our bones will keep hurting."<sup>162</sup>

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<sup>156</sup> Human Rights Watch telephone interview with Julia Solórzano, October 18, 2018.

<sup>157</sup> Letter from Smithfield Foods, to Human Rights Watch, July 18, 2019.

<sup>158</sup> Letter from JBS USA, to Human Rights Watch, May 14, 2019; Letter from Cargill Meat Solutions, to Human Rights Watch, May 28, 2019.

<sup>159</sup> Letter from Cargill Meat Solutions, to Human Rights Watch, May 28, 2019.

<sup>160</sup> Ibid.

<sup>161</sup> Letter from Tyson Foods, Inc., to Human Rights Watch, May 20, 2019.

<sup>162</sup> Human Rights Watch interview with Ignacio Davalos, Crete, Nebraska, March 7, 2019.



## Privatizing Inspection and Deregulating Line Speed

Under the Trump administration, the industry is set to achieve even greater autonomy over its line speeds. As described above, federal regulators have not established any standard or guidelines for line speed in the industry to address workers' safety and health. USDA only considers whether maximum line speeds are consistent with their consumer food safety goals.

However, two recent rule-making efforts by USDA have sought to provide greater autonomy to meat and poultry slaughtering and processing companies to oversee their operations. Both of these deregulatory decisions will significantly increase workers' exposure to the risk factors that cause the injuries and illnesses described above.

In 2014, USDA's Food Safety Inspection Service enacted the Modernization of Poultry Slaughter Inspection, which allowed US poultry plants to opt-in to a new inspection system, the New Poultry Inspection System (NPIS), which privatizes some of the work previously being done by USDA inspectors.<sup>163</sup> When the rule was initially proposed in 2012,

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<sup>163</sup> The rule, as originally proposed, would have allowed plants nationwide to adopt a pilot inspection project, the HACCP-based Inspection Model Project (HIMP), which had been implemented in 20 poultry plants (18 chicken and 2 turkey) and 5 hog plants since 1998, and increase their slaughter line operations to a maximum of 175 birds per minute after changing over to the new system. See USDA, FSIS, "Modernization of Poultry Slaughter Inspection," 79 FR 49565, <https://www.federalregister.gov/documents/2014/08/21/2014-18526/modernization-of-poultry-slaughter-inspection>; US Government Accountability Office, "Food Safety: More Disclosure and Data Needed to Clarify Impact of Changes to Poultry and Hog Inspections," August 2013, <https://www.gao.gov/products/GAO-13-775> (accessed June 20, 2019). HIMP plants have company employees perform additional inspection tasks formerly conducted by additional USDA inspectors. US Government Accountability Office, "Food Safety: More Disclosure and Data Needed to Clarify Impact of Changes to Poultry and Hog Inspections," August 2013, <https://www.gao.gov/products/GAO-13-775> (accessed June 20, 2019), p. 8. These employees, called "sorters," "make a decision about the wholesomeness and fitness of each carcass and viscera and properly dispose of unwholesome carcasses, parts and viscera to ensure they are not used as human food," before the carcass reaches a USDA inspector. USDA, FSIS, "Compliance Guideline for Training Establishment Carcass Sorters in the New Poultry Inspection System (NPIS)," September 2014, <https://www.fsis.usda.gov/wps/wcm/connect/8a08b1a2-37d5-458e-84d2-8e7412318284/compliance-guide-NPIS.pdf?MOD=AJPERES> (accessed August 1, 2019). FSIS has previously disagreed with reporting that characterized this system as shifting power over to plants, as "by law only federal inspectors do meat inspections." US Department of Agriculture, Food Safety Inspection Service, "USDA's FSIS Condemns *The Washington Post* for False Reporting on a Critical Public Health Issue," April 8, 2019, <https://www.fsis.usda.gov/wps/portal/fsis/newsroom/news-releases-statements-transcripts/news-release-archives-by-year/archive/2019/nr-040819-01> (accessed June 20, 2019). It is true that under this new system, all post-mortem inspection of carcasses must still pass by a USDA inspector on the slaughter line who "visually inspect[s] (observe[s]) each carcass after the viscera are separated from it and after plant personnel [sorters] have sorted carcasses, at a point near the end of the slaughter line." US Government Accountability Office, "Food Safety: More Disclosure and Data Needed to Clarify Impact of Changes to Poultry and Hog Inspections," August 2013, <https://www.gao.gov/products/GAO-13-775> (accessed June 20, 2019), p. 8 (internal brackets added). However, the sole remaining USDA inspector is able to take on the visual inspection work formerly done by additional inspectors because of the increased responsibilities of these sorters, who are employees of a private business. For a list of plants participating in HIMP, see USDA, FSIS, "Salmonella Initiative Program (SIP) Participants



it sought to allow all plants that opted-in to this new inspection system to increase their slaughter line speeds up to 175 bpm—a 25 percent rise from the highest existing maximum at the time.<sup>164</sup>

After intense pressure from stakeholder groups and advocates for workers' safety and health, however, FSIS's final rule in 2014 limited this 175 bpm increase in slaughter line speeds to just the 20 plants that had already implemented the privatized inspection system during its pilot program.<sup>165</sup> However, the rule also allowed poultry plants that were not included within this pilot program to adopt the new inspection system—NPIS—and increase their slaughter line speeds up to 140 bpm.<sup>166</sup> At time of writing, 99 chicken slaughter plants now operate under the NPIS.<sup>167</sup>

USDA enforces a wide array of regulations to ensure that animals are slaughtered and processed in a manner commensurate with food safety, including the ability to dictate the pace of production to ensure that companies maintain “process control.” Whenever an inspector believes that a company is operating its line speeds in a way that is too fast for them to inspect the animals adequately for food safety concerns, the USDA inspector in charge has the power to require the plant to reduce their slaughter line speeds.<sup>168</sup> The privatized inspection system transfers some responsibility of checking for contamination or defects to the company by removing all but one USDA inspector from the slaughter line and allowing companies to designate employees to do some of the work previously conducted by federal inspectors.<sup>169</sup>

While FSIS claims that this system improves food safety and the effectiveness of poultry slaughter inspection systems by removing unnecessary regulatory obstacles to innovation

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Table,” May 24, 2019, [https://www.fsis.usda.gov/wps/wcm/connect/188bf583-45c9-4837-9205-37e0eb1ba243/waiver\\_table.pdf?MOD=AJPERES](https://www.fsis.usda.gov/wps/wcm/connect/188bf583-45c9-4837-9205-37e0eb1ba243/waiver_table.pdf?MOD=AJPERES) (accessed June 20, 2019).

<sup>164</sup> USDA, FSIS, “Modernization of Poultry Slaughter Inspection,” 79 FR 49565-49637, 49570, <https://www.federalregister.gov/documents/2014/08/21/2014-18526/modernization-of-poultry-slaughter-inspection>.

<sup>165</sup> US Government Accountability Office, “Additional Data Needed,” pp. 2, 29-31.

<sup>166</sup> USDA, FSIS, “Modernization of Poultry Slaughter Inspection,” 79 FR 49565-49637, 49570, <https://www.federalregister.gov/documents/2014/08/21/2014-18526/modernization-of-poultry-slaughter-inspection>.

<sup>167</sup> USDA, FSIS, “New Poultry Inspection System Plant Numbers,” July 15, 2019, <https://www.fsis.usda.gov/wps/portal/fsis/topics/regulatory-compliance/haccp/haccp-based-inspection-models-project/himp-study-plans-resources/npis-plants> (accessed August 1, 2019).

<sup>168</sup> USDA, FSIS, “9 CFR § 310.1: Extent and time of post-mortem inspection; post-mortem inspection staffing standards,” <https://www.law.cornell.edu/cfr/text/9/310.1> (accessed June 20, 2019); see also 9 CFR 381.65(a), 67, 68, and 76.

<sup>169</sup> *Ibid.*, p. 2.

and making better use of the agency’s resources, it also removes some of the only individuals, aside from plant supervisors and management, who can control line speeds.<sup>170</sup>

The new inspection system appears to have weakened USDA inspectors’ ability to slow down line speeds. A USDA inspector from one of the five hog plants in the country that also implemented the privatized inspection system during its pilot program explained in an interview with the *Texas Observer* that, “[i]ndustry dictates to inspectors how to do our jobs. We cannot impede the right to do business.”<sup>171</sup> In the interview, the inspector claimed that, after implementing the inspection system changes, USDA inspectors who try to slow down line speeds to better inspect for contaminated meat or carcasses are rebuffed by plant officials or even their own supervisors.<sup>172</sup>

“All the power gets handed over to the plant,” said Joseph Ferguson, a retired USDA hog inspector who worked in the industry for 23 years in an interview with the *Washington Post*, echoing how these changes to the inspection system affect USDA inspector’s control.<sup>173</sup> In his interview, Ferguson said that federal regulators lost control when plant workers supplanted them under this new system, which resulted in hog carcasses whizzing past him and the plant’s “sorters” too fast to detect fecal contamination.<sup>174</sup>

As noted above, in response to criticism around these changes to the inspection system, FSIS wrote, “only federal inspectors do meat inspections and under the proposed rule, FSIS inspectors would continue to conduct 100% ante-mortem inspection and 100% carcass-by-carcass inspection at post-mortem.”<sup>175</sup> Human Rights Watch was unable to

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<sup>170</sup> See USDA, FSIS, “Modernization of Poultry Slaughter Inspection,” 79 FR 49565, <https://www.federalregister.gov/documents/2014/08/21/2014-18526/modernization-of-poultry-slaughter-inspection>, pp. 4413, 4423, 4454.

<sup>171</sup> Christopher Collins, “Under Mindy Brashears’ Leadership, USDA Will Let Swine Slaughter Facilities Go Hog Wild,” *Texas Observer*, March 26, 2019, <https://www.texasobserver.org/under-mindy-brashears-leadership-usda-will-let-swine-slaughter-facilities-go-hog-wild/> (accessed June 20, 2019). For a list of hog plants that have adopted the new inspection system, see USDA, FSIS, “Salmonella Initiative Program (SIP) Participants Table,” May 24, 2019, [https://www.fsis.usda.gov/wps/wcm/connect/188bf583-45c9-4837-9205-37e0eb1ba243/waiver\\_table.pdf?MOD=AJPERES](https://www.fsis.usda.gov/wps/wcm/connect/188bf583-45c9-4837-9205-37e0eb1ba243/waiver_table.pdf?MOD=AJPERES) (accessed June 20, 2019).

<sup>172</sup> Christopher Collins, “Under Mindy Brashears’ Leadership, USDA Will Let Swine Slaughter Facilities Go Hog Wild,” *Texas Observer*, March 26, 2019, <https://www.texasobserver.org/under-mindy-brashears-leadership-usda-will-let-swine-slaughter-facilities-go-hog-wild/> (accessed June 20, 2019).

<sup>173</sup> Kimberly Kindy, “Pork industry soon will have more power over meat inspections,” *Washington Post*, April 3, 2019, [https://www.washingtonpost.com/business/economy/pork-industry-soon-will-have-more-power-over-meat-inspections/2019/04/03/12921fea-4f30-11e9-8d28-f5149e5a2fda\\_story.html?noredirect=on&utm\\_term=.fde3702b87a1](https://www.washingtonpost.com/business/economy/pork-industry-soon-will-have-more-power-over-meat-inspections/2019/04/03/12921fea-4f30-11e9-8d28-f5149e5a2fda_story.html?noredirect=on&utm_term=.fde3702b87a1) (accessed June 20, 2019).

<sup>174</sup> *Ibid.*

<sup>175</sup> US Department of Agriculture, Food Safety Inspection Service, “USDA’s FSIS Condemns *The Washington Post* for False Reporting on a Critical Public Health Issue,” April 8, 2019, <https://www.fsis.usda.gov/wps/portal/fsis/newsroom/news-releases-statements-transcripts/news-release-archives-by-year/archive/2019/nr-040819-01> (accessed June 20, 2019).

interview workers from any poultry plant that is currently allowed to operate in excess of the 140 birds per minute maximum slaughter line speed for plants operating under the NPIS, or any of the five swine slaughter plants that currently operate under the HACCP-based Inspection Model Project, discussed below. However, Human Rights Watch spoke with workers at two poultry plants that implemented this new privatized inspection system, the NPIS.

Workers who spoke with Human Rights Watch from one of these plants that implemented the NPIS, a Tyson poultry plant in Alabama, said that they perceived notable increases in line speeds throughout all departments of their plant since the company implemented the new inspection system, removing most USDA inspectors, in the summer of 2018.

Frank Pritchett has worked at the Tyson plant in Alabama for 29 years, rehanging newly killed chickens onto shackles before they are eviscerated and inspected. He explained:

USDA stops that line, the company is not allowed to start that line back up until the USDA tells them to.... When the machine's running correctly and the lines are down to [the speed] where they were supposed to be when USDA was there, it was all well and good [but] they keep them lines speeded up so fast [now].<sup>176</sup>

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<sup>176</sup> Human Rights Watch interview with Frank Pritchett, February 14, 2019.

## Inspection System Changes and Chemical Exposure

Some advocates for worker health and safety in the industry who spoke with Human Rights Watch believe that employers have increasingly relied on chemicals to provide antimicrobial protection against food safety contamination as plants have adopted USDA's privatized inspection system. They argue that, as plants have moved away from the traditional method of USDA inspectors visually inspecting carcasses for contamination and defects to the system described above, in which plant employees play a greater role, companies have increasingly relied on bathing carcasses and meat in antimicrobial solutions to provide an additional guard against possible contamination.<sup>177</sup>

Anti-microbial chemicals provide safeguards against food safety concerns, which become a more acute issue as rates of production are increased and plants process a higher volume of animals. Accordingly, as line speeds have generally increased, advocates and workers who spoke with Human Rights Watch speculate that the use of antimicrobial chemicals have increased as well.

In 2018, USDA inspectors working at this Tyson Foods plant in Albertville, Alabama, complained to their union about their chronic exposure to PAA in the plant. This complaint triggered a USDA safety and industrial hygiene investigation to determine whether Tyson was exposing their inspectors to airborne concentrations above the non-binding benchmarks established by the American Conference of Governmental and Industrial Hygienists (ACGIH). While the investigation found readings both below and above the ACGIH 15-minute exposure benchmark of 0.4 ppm, and OSHA does not validate meters used in these tests, one sensor used in the inquiry detected airborne concentrations of PAA as high as of 1.42 ppm in some parts of the plant—more than three times this limit.<sup>178</sup>

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<sup>177</sup> Submission from Debbie Berkowitz, senior fellow, National Employment Law Project, and Celeste Monforton, co-chair, policy committee, OHS Section American Public Health Association, to Special Rapporteur on Human Rights and Hazardous Substances, United Nations Office of the High Commissioner for Human Rights, March 8, 2018, <https://www.ohchr.org/Documents/Issues/ToxicWastes/Exposure/AmericanPublicHealthAssociation.pdf> (accessed June 18, 2019).

<sup>178</sup> USDA Administrative Services Division, Environmental Safety and Health Group, "Safety Inspection Report/Industrial Hygiene Report, Tyson Foods, Albertville, AL Est # 00559P," August 17, 2018. On record with Human Rights Watch; see also

This PAA exposure benchmark assumes a 15-minute limit of exposure that is not repeated more than four times per an eight-hour shift, with at least an hour between each exposure.<sup>179</sup> Workers from this plant who spoke with Human Rights Watch, however, described frequent exposure to uncomfortable concentrations of PAA.

Teresa Jose works in product wash at the Albertville Tyson plant, standing above a sink flowing with water that contains PAA for her entire shift and washing chicken products that have fallen on the floor. She explained:

A lot of people don't like doing my job because of the PAA.... It's under my nose eight hours a day.... It really irritates your nose and throat. Your nose is always running.... We've complained to supervisors and they say that it's not high ... they're checking the levels for the product, not for the people.<sup>180</sup>

In a letter to Human Rights Watch, Tyson Foods wrote, “[w]e maintain personal protective equipment requirements for team members working with ... and around chemicals, including PAA. First and foremost, we follow manufacturer’s recommendations regarding personal protective equipment requirements.... We require the use of safety glasses in and around these areas. We also make voluntary N-95 odor masks available for team members.”<sup>181</sup> Tyson also wrote, “[p]eracetic acid (PAA) is used in our harvest and further processing facilities as an antimicrobial in spray cabinets, chillers, dip tanks, etc.”<sup>182</sup> They continued, “[f]or PAA, the point of application (e.g., dips and sprays) is usually less than 1000 parts per million (0.1%).”<sup>183</sup> However, this describes the concentration of PAA within water-based solutions, not airborne concentrations. Regarding workers’ exposure to airborne concentrations of PAA, Tyson wrote:

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Department of Agriculture, Food Safety and Inspection Service, Environmental, Safety and Health group, “Health Hazard Information Sheet: Peroxyacetic Acid (PAA),” undated, <https://www.fsis.usda.gov/wps/wcm/connect/df3f6030-a4c4-4064-b156-e813bb49e577/Peroxyacetic-Acid.pdf?MOD=AJPERES> (accessed June 19, 2019).

<sup>179</sup> See Department of Agriculture, Food Safety and Inspection Service, Environmental, Safety and Health group, “Health Hazard Information Sheet: Peroxyacetic Acid (PAA),” undated, <https://www.fsis.usda.gov/wps/wcm/connect/df3f6030-a4c4-4064-b156-e813bb49e577/Peroxyacetic-Acid.pdf?MOD=AJPERES> (accessed June 19, 2019).

<sup>180</sup> Human Rights Watch interview with Teresa Jose, Albertville, Alabama, February 14, 2019.

<sup>181</sup> Letter from Tyson Foods, Inc., to Human Rights Watch, May 20, 2019.

<sup>182</sup> *Ibid.*

<sup>183</sup> *Ibid.*

Team members are instructed to report any irritations immediately to their manager. If a complaint is received, the work area is surveyed to determine if there are any on-the-spot remedies to control PAA in the work area. If an immediate remedy is not identified, or the complaint persists or worsens, the safety manager or other designee is contacted for an investigation. Area air samples are taken and the liquid concentration of PAA is tested to determine if the concentration is in the expected range. Response actions are implemented as needed.<sup>184</sup>

Teresa and other workers at the Albertville plant explained that if the level of PAA in water-based solutions used to treat chicken is too low for food safety purposes, the plant will stop the line to correct it. But sometimes, if workers complain about it being too high, “they say that ‘it’s within range,’” said Teresa.<sup>185</sup>

As noted above, FSIS’s final rule limited the number of plants that were allowed to increase their slaughter line speeds above 140 bpm to plants that had already adopted the privatized inspection system years ago. However, it left open the possibility that USDA could, once enough plants had converted over to this new system, reevaluate whether and how other plants could also increase their slaughter line speeds past this limit.

In May 2017, less than a month after Sonny Perdue was sworn in as US Secretary of Agriculture, Congressman Doug Collins of Gainesville, Georgia—which fashions itself the “Poultry Capital of the World”—wrote to the secretary requesting that USDA reconsider the Obama-era line speed rule.<sup>186</sup>

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<sup>184</sup> Ibid.

<sup>185</sup> Ibid. See also Human Rights Watch interview with Lynnette Douglas, Albertville, Alabama, February 14, 2019; Human Rights Watch interview with Nicole Bingham, Albertville, Alabama, February 14, 2019; Human Rights Watch interview with Frank Pritchett, February 14, 2019; Human Rights Watch interview with Dustin G., Albertville, Alabama, February 20, 2019; Human Rights Watch interview with Anna K., Albertville, Alabama, February 20, 2019.

<sup>186</sup> US Department of Agriculture, “Sonny Perdue Sworn in as 31st U.S. Secretary of Agriculture,” April 25, 2017, <https://www.usda.gov/media/press-releases/2017/04/25/sonny-perdue-sworn-31st-us-secretary-agriculture> (accessed June 20, 2019); Jeff Gill, “U.S. Rep. Doug Collins pushes increasing line speeds at poultry plants,” Gainesville Times, May 24, 2017, <https://www.gainesvilletimes.com/news/us-rep-doug-collins-pushes-increasing-line-speeds-at-poultry-plants/>

Within the year, USDA published a set of criteria that it indicated it would use in the future to determine whether to grant requests from poultry plants to operate their slaughter lines above 140 bpm.<sup>187</sup> In September 2018, FSIS published these criteria in the *Federal Register* and began accepting requests from poultry companies that had opted-in to the new inspection system for waivers that would allow them to operate up to 175 bpm.<sup>188</sup>

None of the criteria established by FSIS concern the impact that increasing slaughter line speeds may have on workers' safety and health. A redacted waiver request from a poultry plant, obtained under the Freedom of Information Act (FOIA) and shared with Human Rights Watch, is attached as an appendix to this report. The waiver request, which outlines the company's compliance with FSIS's criteria, is less than one page long; FSIS granted

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(accessed June 20, 2019). Later in 2017, the poultry industry petitioned USDA to allow all poultry plants to be exempt from the 2014 rule's line speed limits. Petition from Michael J. Brown, President, National Chicken Council, to Carmen Rottenberg, Acting Under Deputy Under Secretary for Food Safety, US Department of Agriculture, Food Safety and Inspection Service (September 1, 2017), <https://www.fsis.usda.gov/wps/wcm/connect/7734f5cf-05d9-4f89-a7eb-6d85037ad2a7/17-05-Petition-National-Chicken-Council-09012017.pdf?MOD=AJPERES> (accessed August 1, 2019). The industry petition requested that poultry plants be allowed to increase their lines speeds as fast as they wanted. After opposition from worker and consumer food safety advocates and animal welfare groups, however, USDA rejected the industry's petition on January 29, 2018, but signaled that it would soon establish criteria that it would use to consider waiver requests for plants to operate at 175 bpm. Letter from Carmen Rottenberg, Acting Under Deputy Under Secretary for Food Safety, USDA, FSIS, to Michael J. Brown, President, National Chicken Council (January 29, 2018), <https://www.fsis.usda.gov/wps/wcm/connect/235092cf-e3c0-4285-9560-e60cf6956df8/17-05-FSIS-Response-Letter-01292018.pdf?MOD=AJPERES> (accessed August 1, 2019).

<sup>187</sup> In February 2018, USDA announced in its Constituent Update that it would allow poultry plants that have adopted the New Poultry Inspection System to apply for a waiver that would exempt them from line speed limits determined by the 2014 rule. See USDA, FSIS, "Constituent Update - February 23, 2018: FSIS' Criteria for Consideration of Waiver Requests from Young Chicken Slaughter Establishments to Operate at Line Speeds Up to 175 Birds Per Minute," February 23, 2018, <https://www.fsis.usda.gov/wps/wcm/connect/FSIS-Content/internet/main/newsroom/meetings/newsletters/constituent-updates/archive/2018/ConstUpdate022318> (accessed June 20, 2019) ("To be eligible for a line speed waiver, a young chicken slaughter establishment: Must have been operating under the New Poultry Inspection System (NPIS) for at least one year, during which time it has been in compliance with all NPIS requirements; Must be in Salmonella performance standard category 1 or 2 for young chicken carcasses; Must have a demonstrated history of regulatory compliance. ... and Must be able to demonstrate that the new equipment, technologies, or procedures that allow the establishment to operate at faster line speeds will maintain or improve food safety.").

<sup>188</sup> See USDA, FSIS, "Petition To Permit Waivers of Maximum Line Speeds for Young Chicken Establishments Operating Under the New Poultry Inspection System; Criteria for Consideration of Waiver Requests for Young Chicken Establishments To Operate at Line Speeds of Up to 175 Birds per Minute," *Federal Register*, Vol. 83:189 (2018), <https://www.fsis.usda.gov/wps/wcm/connect/5bd6c2c0-5e37-4397-9ed4-2468c2168557/2018-0014.htm?MOD=AJPERES> (accessed June 20, 2019). By granting waivers instead of trying to pass another rule, the agency argues that it does not have to go through the public notice and comment process or conduct any additional fact-finding, as these waivers were included in the rule promulgated by FSIS. Worker safety and health advocates, however, have argued that these waivers are a violation of the Administrative Procedure Act. See, for example, National Employment Law Project, Letter to Carmen Rottenberg, Acting Deputy Under Secretary for Food Safety, Food Safety and Inspection Service (December 11, 2017).

their request.<sup>189</sup> “They’re meaningless criteria,” said Julia Solórzano, staff attorney for the Southern Poverty Law Center.<sup>190</sup>

Defenders of raising maximum line speeds in the industry argue that increasing the pace of slaughter lines will not impact line speeds in other departments farther down the line, which, as discussed above, operate with independent line speeds established at the discretion of supervisors.<sup>191</sup>

The testimony of workers who spoke with Human Rights Watch, however, indicates that line speeds in different departments, even those separated by full stops in processing, such as the freezer, remain closely related. Jessica N., a worker at the Smithfield hog plant in Tar Heel, North Carolina, who packages pork chops and other products into Styrofoam trays for sale in grocery store meat sections, explained:

The [supervisors] on freezer have carte blanche on how fast they want to run the freezer [but] if the speed limit is 55 miles per hour and the traffic slows down to 35, you can’t keep doing 55, because something’s going to happen. We’re at the end of the line. There’s no one else who can get it after us.<sup>192</sup>

Under the Trump administration, USDA has pursued a similar effort to privatize slaughter inspection and increase slaughter line speeds in hog plants. In February 2018, FSIS proposed the Modernization of Swine Slaughter Inspection, which will similarly allow hog plants to opt-in to a new inspection system, the New Swine Slaughter Inspection System (NSIS), which shifts most inspection work to plant employees.<sup>193</sup> While very similar to the

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<sup>189</sup> Human Rights Watch redacted the name of the company from the waiver request appended to this report. However, it appears at USDA, FSIS, “Salmonella Initiative Program (SIP) Participants Table,” May 24, 2019, [https://www.fsis.usda.gov/wps/wcm/connect/188bf583-45c9-4837-9205-37e0eb1ba243/waiver\\_table.pdf?MOD=AJPERES](https://www.fsis.usda.gov/wps/wcm/connect/188bf583-45c9-4837-9205-37e0eb1ba243/waiver_table.pdf?MOD=AJPERES) (accessed June 20, 2019).

<sup>190</sup> Human Rights Watch telephone interview with Julia Solórzano, October 18, 2018.

<sup>191</sup> See, for example, Congressman Doug Collins (R-GA), “Liberals Shun Science, Defy Obama in Poultry Production,” Op-ed, *The Hill*, September 27, 2017, <https://thehill.com/blogs/congress-blog/labor/352659-liberals-shun-science-defy-obama-in-poultry-production> (accessed June 20, 2019).

<sup>192</sup> Human Rights Watch telephone interview with Jessica N., March 22, 2019.

<sup>193</sup> USDA, FSIS, “Modernization of Swine Slaughter Inspection,” 83 FR 4780, 4780-4823, <https://www.federalregister.gov/documents/2018/02/01/2018-01256/modernization-of-swine-slaughter-inspection> (accessed June 18, 2019).



poultry rule, the proposed swine slaughter rule will reportedly eliminate all caps on maximum slaughter line speeds for hog plants. Under the proposed rule, plants could, in theory, operate their slaughter lines as fast as they want.<sup>194</sup> The only limitation would be whether the sole, remaining USDA inspector determines that the company is maintaining “process control” over food safety. However, as described above, “process control” is not synonymous with safe and healthy working conditions for workers and USDA whistleblowers have suggested that these remaining inspectors may not have much power.<sup>195</sup>

Similar to the poultry rule, five hog plants that already implemented the inspection system changes during the program’s pilot will be able to increase their slaughter line speeds immediately.<sup>196</sup> Another 35 plants, however, already plan to adopt the new privatized inspection system.<sup>197</sup> Together, these plants would produce 90 percent of pork consumed in the US.<sup>198</sup> Bloomberg reports that these changes to the slaughter inspection system, and resulting line speed increases, could generate an additional \$2 million in revenue per year for an average-sized hog plant that implements them.<sup>199</sup>

In the preamble of the proposed hog rule, FSIS stated that they had conducted an analysis that found that the five hog plants that had participated in the privatized inspection

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<sup>194</sup> However, USDA anticipates about a 12.5 percent increase in slaughter line speeds at large plants that adopt the new system. See Kimberly Kindy, “USDA to shift some inspector tasks to pork plant workers—in everything but name,” *Washington Post*, May 24, 2019, [https://www.washingtonpost.com/national/usda-to-shift-some-inspector-tasks-to-pork-plant-workers--in-everything-but-name/2019/05/23/9808cc50-66af-11e9-82ba-fcfeff232e8f\\_story.html?utm\\_term=.2b5209dab8fe](https://www.washingtonpost.com/national/usda-to-shift-some-inspector-tasks-to-pork-plant-workers--in-everything-but-name/2019/05/23/9808cc50-66af-11e9-82ba-fcfeff232e8f_story.html?utm_term=.2b5209dab8fe) (accessed June 20, 2019).

<sup>195</sup> See Christopher Collins, “Under Mindy Brashears’ Leadership, USDA Will Let Swine Slaughter Facilities Go Hog Wild,” *Texas Observer*, March 26, 2019, <https://www.texasobserver.org/under-mindy-brashears-leadership-usda-will-let-swine-slaughter-facilities-go-hog-wild/> (accessed June 20, 2019); Kimberly Kindy, “Pork industry soon will have more power over meat inspections,” *Washington Post*, April 3, 2019, [https://www.washingtonpost.com/business/economy/pork-industry-soon-will-have-more-power-over-meat-inspections/2019/04/03/12921fea-4f30-11e9-8d28-f5149e5a2fda\\_story.html?noredirect=on&utm\\_term=.fde3702b87a1](https://www.washingtonpost.com/business/economy/pork-industry-soon-will-have-more-power-over-meat-inspections/2019/04/03/12921fea-4f30-11e9-8d28-f5149e5a2fda_story.html?noredirect=on&utm_term=.fde3702b87a1) (accessed June 20, 2019).

<sup>196</sup> See USDA, FSIS, “Salmonella Initiative Program (SIP) Participants Table,” May 24, 2019, [https://www.fsis.usda.gov/wps/wcm/connect/188bf583-45c9-4837-9205-37e0eb1ba243/waiver\\_table.pdf?MOD=AJPERES](https://www.fsis.usda.gov/wps/wcm/connect/188bf583-45c9-4837-9205-37e0eb1ba243/waiver_table.pdf?MOD=AJPERES) (accessed June 20, 2019).

<sup>197</sup> Kimberly Kindy, “USDA to shift some inspector tasks to pork plant workers—in everything but name,” *Washington Post*, May 24, 2019, [https://www.washingtonpost.com/national/usda-to-shift-some-inspector-tasks-to-pork-plant-workers--in-everything-but-name/2019/05/23/9808cc50-66af-11e9-82ba-fcfeff232e8f\\_story.html?utm\\_term=.2b5209dab8fe](https://www.washingtonpost.com/national/usda-to-shift-some-inspector-tasks-to-pork-plant-workers--in-everything-but-name/2019/05/23/9808cc50-66af-11e9-82ba-fcfeff232e8f_story.html?utm_term=.2b5209dab8fe) (accessed June 20, 2019).

<sup>198</sup> *Ibid.*

<sup>199</sup> Andrew Martin, “Killing 22 Hogs a Minute, Meatpackers Test Old Limits of Safety: Trump’s USDA is looking to speed up the slaughter line,” *Bloomberg*, February 1, 2019, <https://www.bloomberg.com/news/articles/2019-02-01/killing-22-hogs-a-minute-meatpackers-test-old-limits-of-safety> (accessed June 20, 2019).

systems' pilot program had lower average, annual rates of injury than hog plants operating under the traditional inspection system.<sup>200</sup> Its analysis, however, was not included in the rule itself or otherwise publicly available for scrutiny.

Experts on worker safety and health obtained some of the data used by FSIS in its analysis through FOIA requests and concluded there were significant flaws in the agency's conclusions.<sup>201</sup> The experts found significant gaps in the nine-year dataset from plants that had implemented the inspection system changes, which fundamentally undermined the value of FSIS comparing their average, annual injury rates to those of traditional plants.<sup>202</sup>

The agency's assertion regarding the potential safety and health impacts of the rule also drew the attention of 16 members of Congress, who wrote to the USDA's inspector general, requesting an investigation into FSIS's rule-making and consultation process.<sup>203</sup> In June 2019, the USDA's inspector general announced that they were opening this audit.<sup>204</sup>

At time of writing, FSIS had not enacted the rule, but workers' rights and food safety advocates who spoke with Human Rights Watch anticipate that the rule will be promulgated soon. USDA appears determined to see it through, in spite of concerns raised

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<sup>200</sup> USDA, FSIS, "Modernization of Swine Slaughter Inspection," 83 FR 4780, 4780-4823, <https://www.federalregister.gov/documents/2018/02/01/2018-01256/modernization-of-swine-slaughter-inspection> (accessed June 18, 2019). See also Celeste Monforton and Phillip W. Vaughan, "Review of the Analysis Prepared by the Food Safety and Inspection Service (USDA/FSIS) of Plant Employee-Injury Rates at Swine Slaughtering Operations," 2018, <https://s27147.pcdn.co/wp-content/uploads/Monforton-Vaughan-Review-USDA-FSIS-Injury-Data.pdf> (accessed June 20, 2019), p. 1.

<sup>201</sup> Monforton and Vaughan, "Review of the Analysis," 2018, <https://s27147.pcdn.co/wp-content/uploads/Monforton-Vaughan-Review-USDA-FSIS-Injury-Data.pdf> (accessed June 20, 2019); see also Letter from US Senator Durbin et al. to Phyllis K. Fong, inspector general, US Department of Agriculture, March 26, 2019. On record with Human Rights Watch.

<sup>202</sup> Monforton and Vaughan, "Review of the Analysis," 2018, <https://s27147.pcdn.co/wp-content/uploads/Monforton-Vaughan-Review-USDA-FSIS-Injury-Data.pdf> (accessed June 20, 2019), p. 3 ("For one [HIMP] plant, an annual injury rate was available for only three of the nine-year periods. For the other four plants, an annual injury rate was available for only five of the nine years. The average injury rate for the five HIMP plants is based on 24 observations over a nine-year period (2002-2010). The average injury rate for the 24 traditional plants is based on 119 observations over the nine-year period.... Likewise, only three of the five HIMP plants had data for consecutive years, and none had data available for the full 9-year period of analysis.")

<sup>203</sup> Letter from US Senator Durbin et al. to Phyllis K. Fong, inspector general, US Department of Agriculture, March 26, 2019. On record with Human Rights Watch.

<sup>204</sup> Kimberly Kindy, "Inspector General Wants to Know if USDA Concealed Worker Safety Data," *Washington Post*, June 25, 2019, [https://www.washingtonpost.com/national/inspector-general-wants-to-know-if-usda-concealed-worker-safety-data/2019/06/24/6e6b17a2-969a-11e9-8doa-5edd7e2025b1\\_story.html?utm\\_term=.72073d256144](https://www.washingtonpost.com/national/inspector-general-wants-to-know-if-usda-concealed-worker-safety-data/2019/06/24/6e6b17a2-969a-11e9-8doa-5edd7e2025b1_story.html?utm_term=.72073d256144) (accessed July 14, 2019).

about the rule’s impact on worker safety and health and whether it is consistent with FSIS’s food safety mandate.<sup>205</sup>

Several advocates who spoke with Human Rights Watch expressed concern that USDA will soon push for similar deregulations of cattle slaughter operations. There is some indication this may already be happening, as a lobbyist from the North American Meat Institute visited the acting FSIS administrator in December 2018 to discuss “Beef Modernization.”<sup>206</sup> Moreover, in a March 2019 letter to FSIS, obtained by FOIA request and shared with Human Rights Watch, Tyson Foods requested permission to implement the same HACCP-based inspection model used in poultry and hog processing plants at a Tyson-owned cattle slaughter and processing plant.<sup>207</sup>

It is unclear whether this request has been granted by FSIS. It appears, however, that beef producers in the industry might be positioning themselves for a similar deregulation of their slaughter inspection systems.

## Inadequate Staffing and Mistreatment

The second component of work speed, staffing, describes the number of workers at a given position. Inadequate staffing can negatively impact workers’ ability to do their job safely and effectively. For example, if a person is working at a station that should have eight workers, but one of the workers is sick, and another has been removed from the line temporarily to help elsewhere, the remaining six workers must work faster to keep up—

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<sup>205</sup> See generally, US Department of Agriculture, Food Safety Inspection Service, “USDA’s FSIS Condemns *The Washington Post* for False Reporting on a Critical Public Health Issue,” April 8, 2019, <https://www.fsis.usda.gov/wps/portal/fsis/newsroom/news-releases-statements-transcripts/news-release-archives-by-year/archive/2019/nr-040819-01> (accessed June 20, 2019); United States Department of Agriculture, Office of Inspector General, “Food Safety and Inspection Service – Inspection and Enforcement Activities at Swine Slaughter Plants, Audit Report 24601-001-41,” May 2013, <https://www.usda.gov/oig/webdocs/24601-0001-41.pdf> (accessed June 20, 2019), p. 17; “Food & Water Watch, “Translating the New Swine Inspection System,” February 15, 2018, <https://www.foodandwaterwatch.org/insight/translating-new-swine-inspection-system> (accessed August 1, 2019).

<sup>206</sup> USDA, FSIS, “Officials’ Calendar of Meetings, December 2018.” See also Casey Gallimore, “Beef Modernization Update Pathogen Control and Regulatory Compliance in Beef Processing,” North American Meat Institute, undated, <https://www.meatinstitute.org/index.php?ht=a/GetDocumentAction/i/148634> (accessed June 20, 2019). See also Food & Water Watch, “Confirmed: USDA Now Pursuing Privatized Beef Inspections,” June 10, 2019, <https://www.foodandwaterwatch.org/news/confirmed-usda-now-pursuing-privatized-beef-inspections> (accessed July 14, 2019).

<sup>207</sup> Letter from Tyson Foods to Dr. Bryan Trout, USFA/FSIS, RE: Proposed Beef Modernization Protocol Plant Request – Tyson 278, March 11, 2019. On record with Human Rights Watch.

unless the speed of the line is reduced, or their coworkers replaced. Abel S., a worker at a beef plant in Nebraska, explained:

It's high pressure. They demand such high quality from the work but there aren't enough workers that need to be there. Sometimes there's one or two or even three people missing, but there aren't any substitutes that can come in and replace them.... We have to do the work of ten with only seven, eight people.<sup>208</sup>

Nearly all workers who spoke with Human Rights Watch said that adequate staffing was equally important to safe working conditions as line speed. Many long-term workers, however, described a slow attrition in the number of workers at their stations, which has meant progressively more work for those that remain.

Lynnette Douglas, a worker at the Tyson plant in Albertville, Alabama, recently injured her neck and back while managing an increase in the amount of chicken breasts coming down the line. She reported that her supervisor and plant manager toured the plant with an industrial engineer before her injury. Soon, the plant removed two of four workers from her workstation. Not long after, the plant also increased line speeds at her station, after adopting the new privatized inspection system discussed above. She explained:

When I filled out the paperwork for my injury, they asked, "How did you get injured? What happened? Could it have been prevented?" Yes, it could have been prevented. If you left the speed where it was when there were four people there [at my station] there's a chance it never would have happened. But when you removed a person from each side ... and then upped the line speed—yes, hurting myself could have been prevented.... That's too much work for one person to do all day.<sup>209</sup>

Human Rights Watch reached out to meat and poultry companies for information regarding how they factor staffing and their employees' work speeds when determining rates of

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<sup>208</sup> Human Rights Watch interview with Abel S., March 8, 2019.

<sup>209</sup> Ibid.

production. Every company that responded to Human Rights Watch’s requests for information stated that they consider staffing when determining production speeds.<sup>210</sup> Tyson Foods wrote, “[w]e use industrial engineers to evaluate line speeds and, in general, don’t implement increases without improvements in technology, additional staff or both.”<sup>211</sup> In a letter to Human Rights Watch, JBS wrote, “[o]ur internal crewing guides—which are used in determining line speeds—incorporate ... available personnel.”<sup>212</sup>

Smithfield wrote, “[l]ine rates vary during operations and are slowed for a number of reasons including staffing, new employee onboarding, and quality improvement initiatives, among others. Lines do not run faster than established speeds.”<sup>213</sup> Cargill wrote, “[w]hen necessary, we adjust production and we reallocate labor based on facility capacity and demand. We are committed to ensuring that production only takes place at safe speeds, and is maintainable based on staffing levels.”<sup>214</sup>

At times, the meat and poultry slaughtering and processing industry has responded to criticism of its work speeds by pointing out that it is actually against its economic interests to operate lines at rates faster than what workers can reasonably handle. If line speeds operate above their optimal levels for the number of available workers, it argues, line workers will not perform their duties properly, resulting in costly “miscuts” that devalue their products or line stoppages as products back up.<sup>215</sup> In a letter to Human Rights Watch, Smithfield Foods echoed this, writing, “[l]ine speeds are set so our staff can meet our quality specifications.”<sup>216</sup>

Workers who spoke with Human Rights Watch shared stories about struggling to properly perform their duties at work speeds above their capacity, sometimes producing these miscuts.

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<sup>210</sup> Letter from Cargill Meat Solutions, to Human Rights Watch, May 28, 2019; Letter from JBS USA, to Human Rights Watch, July 18, 2019; Letter from Smithfield Foods, to Human Rights Watch, July 18, 2019, p. 3; Letter from Tyson Foods, Inc., to Human Rights Watch, May 20, 2019.

<sup>211</sup> Letter from Tyson Foods, Inc., to Human Rights Watch, May 20, 2019.

<sup>212</sup> Letter from JBS USA, to Human Rights Watch, July 18, 2019, p. 2.

<sup>213</sup> Letter from Smithfield Foods, to Human Rights Watch, July 18, 2019, p. 3.

<sup>214</sup> Letter from Cargill Meat Solutions, to Human Rights Watch, May 28, 2019.

<sup>215</sup> North American Meat Institute, “Fact Sheet: Line Speeds in Meat and Poultry Plants,” January 2015, <https://www.meatinstitute.org/index.php?ht=a/GetDocumentAction/i/93046>. (accessed June 20, 2019) (“Clearly, no benefit exists for plant management to operate production lines at speeds that will not permit all work to be performed at high levels of skill and competence.”)

<sup>216</sup> Letter from Smithfield Foods, to Human Rights Watch, July 18, 2019, p. 3.

Workers described feeling like they are in a triple-bind when people are missing from their workstation. If they complain to their supervisors about the speed of the line and request that they slow it down, they fear they may be berated, threatened with termination, or told to quit. If they try to work at the same line speeds, despite their missing coworkers, but make mistakes while keeping up with the pace, they fear they may be berated or threatened with termination. If they try to work at these speeds, and manage to keep pace and do their job without mistakes, they put themselves at increased risk of serious injury and illness, and their employers may see this as evidence that fewer workers are needed to do the job.

The Southern Poverty Law Center's 2013 survey of over 300 Alabama poultry workers found that eight percent of workers reported having a coworker who was fired or threatened by their supervisors for requesting to reduce the speed of the line—12 percent of the workers reported that supervisors actually accelerated the line when asked to slow it down.<sup>217</sup> Nebraska Appleseed's 2009 survey of Nebraska meatpacking workers found that 73 percent of workers reported increases in the line speeds over the past year, while 94 percent reported that the number of staff had decreased or stayed the same.<sup>218</sup>

Workers from several companies who spoke with Human Rights Watch described constant pressure from their supervisors to keep the line moving, often through insults and humiliation.<sup>219</sup> For example, Monica R., who works at a Smithfield-owned hog plant in Crete, Nebraska, explained:

What they ask is impossible. You're there with your knife and the line is running ... it's just one [piece] after the other after the other. You're nearly cutting yourself and you have to cut your [piece] real clean or else they'll come and yell.<sup>220</sup>

Ilda G., who works at the same Smithfield-owned hog plant in Nebraska, described how she is required to debone frozen cuts of pig with an electric knife:

They said they were going to add people to the line back around the end of the year but as of now, they still haven't. The line is real fast and the

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<sup>217</sup> Southern Poverty Law Center and Alabama Appleseed, "Unsafe at These Speeds," p. 8, 10, 14.

<sup>218</sup> Nebraska Appleseed, "The Speed Kills You," p. 3.

<sup>219</sup> Nearly a third of workers surveyed by Nebraska Appleseed also reported abusive behavior by supervisors. *Ibid.*

<sup>220</sup> Human Rights Watch interview with Monica R., March 7, 2019.

supervisor is yelling every day.... Sometimes the meat is really, really hard. Sometimes it's covered in frost.... You have to use all of your strength to cut it because its frozen like a rock and then the supervisor will come and yell and yell in English.... 'Fucking people! Lazy people! What the hell!' ... The last time [this happened] ... I said, 'How are we supposed to do this? We can't do this. Look at how the meat is.' ... I told him, 'You think that you're working with dead animals and living animals but no, we're not animals. You're dealing with people, not animals.'<sup>221</sup>

The stress of dangerous conditions and mistreatment by supervisors can have an emotional and psychological toll on workers.<sup>222</sup> Some workers who spoke with Human Rights Watch for this report cried during their interviews when relaying their experiences with abusive supervisors or injuries. Ilda G. explained:

It affects me a lot.... I think it was last Thursday, I left work and came [home] so tired and so stressed that the only thing I could do was cry and cry. When my husband came home, he asked me what happened. I told him that I didn't know and that I just wanted to cry, and that my day was really difficult and the line was too much. I told him about the yelling and everything and that I was tired ... every day they're yelling at you and yelling at you. It's stressful there, you can't concentrate.... It's worse for us women because we have to work hard at home too—clean, cook, and everything else. It adds to the stress.<sup>223</sup>

“The major issue is the psychological harm,” said Victor Corrales, a pastor at the Radiant Spring Church in Crete, Nebraska, whose congregation consists almost entirely of families of workers at the nearby Smithfield-owned hog plant.<sup>224</sup> Other studies have also found that

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<sup>221</sup> Human Rights Watch interview with Ilda G., Crete, Nebraska, March 7, 2019.

<sup>222</sup> See, for example, Nebraska Appleseed, “The Speed Kills You,” p. 51; Jennifer Dillard, “A Slaughterhouse Nightmare: Psychological Harm Suffered by Slaughterhouse Employees and the Possibility of Redress through Legal Reform,” *Georgetown Journal on Poverty Law & Policy*, vol. 15:391 (2008), <http://ssrn.com/abstract=1016401> (accessed June 20, 2019).

<sup>223</sup> Human Rights Watch interview with Ilda G., March 7, 2019.

<sup>224</sup> Human Rights Watch interview with Pastor John C., Crete Nebraska, March 7, 2019.

workers in the meat and poultry industry suffer mental health issues due to their working environment.<sup>225</sup> “We get hurt physically, but mentally as well,” said Monica R.<sup>226</sup>

In a letter to Human Rights Watch, Smithfield wrote, “Smithfield supervisors are provided Safety & Health Training that includes all aspects of their responsibilities for employee safety ... Human Resources conducts regular training for employees on anti-harassment, civil treatment of employees, leadership coaching and development, and other similar types of relevant training ... information pertaining to the Smithfield Ethics Hotline is communicated through posters, company websites, training, and the human resource office that typically leads the investigation.... The Hotline is anonymous, and employees are protected from retaliation. Remediation, if warranted, is promptly addressed.”<sup>227</sup>

Human Rights Watch reached out to other meat and poultry companies for information about how the treatment of workers’ in their plants by supervisors and other plant-level management. In letters to Human Rights Watch, Cargill Meat Solutions, JBS, and Tyson Foods also provided information about hotlines and other internal mechanisms for workers to report abusive treatment by supervisors or other issues in their plants.<sup>228</sup> Other companies contacted by Human Rights Watch did not respond to our requests for clarification of their policies and practices regarding mistreatment, verbal abuse, or other malfeasance by supervisors or managers.

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<sup>225</sup> See, for example, Oxfam, “Lives on the Line,” p. 26 (citing several studies that found notable rates of depressive and anxiety disorders among poultry workers).

<sup>226</sup> Human Rights Watch interview with Monica R., March 7, 2019.

<sup>227</sup> Letter from Smithfield Foods, to Human Rights Watch, July 18, 2019, pp. 3-4.

<sup>228</sup> Letter from Smithfield Foods, to Human Rights Watch, July 18, 2019; Letter from Cargill Meat Solutions, to Human Rights Watch, May 28, 2019; Letter from JBS USA, to Human Rights Watch, July 18, 2019; Letter from Tyson Foods, Inc., to Human Rights Watch, May 20, 2019.



## Denying Restroom Access

For workers facing constant pressure from supervisors and managers to prevent the production line from stopping or slowing, even basic biological necessities can be deemed unacceptable, with serious health consequences for workers. Interviews conducted for this report are consistent with research by nongovernmental organizations that have found that meat and poultry slaughtering and processing companies routinely limit the ability of employees, particularly line workers, to access restrooms during shifts.<sup>229</sup>

Several workers reported that their supervisors deny their requests to use the restroom during their shift, telling them to wait until their break. Some workers told us supervisors do not provide any reason for denying these requests.

While no worker interviewed by Human Rights Watch reported that their employer denied them their regular, legally mandated breaks from the line, several workers said they are required to wait until another worker is available to take their spot, which often results in them waiting until their scheduled breaks to use the restroom. “You have to decide,” said Monica R., a worker from the Smithfield-owned hog plant in Crete, Nebraska, “whether you’re going to eat [during your break] or go to the bathroom.”<sup>230</sup>

Lidia J., a worker at the Case Farms poultry plant in Morganton, North Carolina, reported only having about five minutes to use the restroom during her break. “We have to go downstairs, get out of our gear, and there aren’t enough bathrooms for all of us,” she said.<sup>231</sup> “Just taking off your equipment and putting it back on takes up almost all of your time,” said Abel S., a beef plant worker in Nebraska.<sup>232</sup>

Human Rights Watch reached out to meat and poultry companies for information regarding their policies concerning workers’ access to restrooms during their shift.

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<sup>229</sup> See Northwest Arkansas Workers’ Justice Center, “Wages and Working Conditions,” [https://www.uusc.org/sites/default/files/wages\\_and\\_working\\_conditions\\_in\\_arkansas\\_poultry\\_plants.pdf](https://www.uusc.org/sites/default/files/wages_and_working_conditions_in_arkansas_poultry_plants.pdf), p. 24; Oxfam, “Women on the Line,” [https://www.oxfamamerica.org/static/media/files/Women\\_on\\_the\\_Line\\_Poultry\\_Workers.pdf](https://www.oxfamamerica.org/static/media/files/Women_on_the_Line_Poultry_Workers.pdf), pp. 2, 10, 11.

<sup>230</sup> Human Rights Watch interview with Monica R., March 7, 2019.

<sup>231</sup> Human Rights Watch interview with Lidia J., December 14, 2018.

<sup>232</sup> Human Rights Watch interview with Abel S., March 8, 2019.

Most companies that Human Rights Watch contacted for clarification of their policies and practices regarding breaks and restroom access did not respond to our requests, including Case Farms.

In letters to Human Rights Watch, JBS USA initially wrote that their policies regarding access to restroom facilities for employees are “non-public,” but later clarified that their “internal crewing guides—which are used in determining line speeds—incorporate both available personnel and temporary breaks including employee restroom breaks.”<sup>233</sup> Cargill wrote, “[a]lthough regular breaks and the ability to request additional time away from the production line to attend to personal needs are available each day, employees can request more formal accommodations.”<sup>234</sup> Tyson Foods wrote, “[w]e have regular work breaks and also allow team members to leave the production line if they need to use the restroom. We do not tolerate the refusal of requests to use the restroom.”<sup>235</sup>

A few workers who spoke with Human Rights Watch described coworkers wearing diapers at their workstations or urinating on themselves.<sup>236</sup> Spencer Lo, who helps organize poultry workers with the Western North Carolina Workers’ Center, said, “[w]hen the women get pregnant, they have to use diapers.... Lots of workers cry when they speak to me.”<sup>237</sup>

Some research suggests that denying workers’ access to the restroom can have serious consequences for their health, increasing the risk of urinary tract infections and other adverse health effects, especially for workers who menstruate.<sup>238</sup> Pregnant

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<sup>233</sup> Letter from JBS USA, to Human Rights Watch, May 14, 2019; Letter from JBS USA, to Human Rights Watch, July 18, 2019.

<sup>234</sup> Letter from Cargill Meat Solutions, to Human Rights Watch, May 28, 2019.

<sup>235</sup> Letter from Tyson Foods, Inc., to Human Rights Watch, May 20, 2019.

<sup>236</sup> Similar methods of coping with these practices are reported by civil society organizations or evinced in public reporting. See, for example, Oxfam, “Lives on the Line,” pp. 35-36; Charles Duncan, “Smithfield Foods investigates whether worker peed on factory line, as video may show,” *The Charlotte Observer*, October 17, 2018, <https://www.charlotteobserver.com/news/nation-world/national/article220149970.html> (accessed August 20, 2019).

<sup>237</sup> Human Rights Watch Interview with Spencer Lo, North Carolina, December 13, 2018.

<sup>238</sup> Oxfam, “Lives on the Line,” pp. 27; See also Southern Poverty Law Center, “Injustice on our Plates,” <https://www.splcenter.org/20101107/injustice-our-plates>, pp. 35-36; Oxfam, “Women on the Line,” [https://www.oxfamamerica.org/static/media/files/Women\\_on\\_the\\_Line\\_Poultry\\_Workers.pdf](https://www.oxfamamerica.org/static/media/files/Women_on_the_Line_Poultry_Workers.pdf), p. 2; Northwest Arkansas Workers’ Justice Center, “Wages and Working Conditions,” [https://www.uusc.org/sites/default/files/wages\\_and\\_working\\_conditions\\_in\\_arkansas\\_poultry\\_plants.pdf](https://www.uusc.org/sites/default/files/wages_and_working_conditions_in_arkansas_poultry_plants.pdf), p. 24.

workers, in particular, face heightened risk of health impacts from common workplace hazards.<sup>239</sup>

The manner in which a person is able to manage bodily functions of urination, defecation, and menstruation is at the core of human dignity. Harsh working conditions, long hours without breaks, or high production quotas can limit workers' access to adequate sanitation facilities, undermining their right to sanitation.<sup>240</sup> Such challenges may also amount to gender-based discrimination at the workplace, as the right to health of women workers may be impacted by policies and practices that create practical barriers to managing menstruation or disproportionately impact pregnant workers by limiting regular access to restroom facilities.

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<sup>239</sup> See generally US Department of Labor, OSHA, Safety and Health Topics: Reproductive Hazards, <https://www.osha.gov/SLTC/reproductivehazards/> (accessed July 14, 2019); Centers for Disease Control and Prevention, The National Institute for Occupational Safety and Health, Reproductive Health and the Workplace, Pregnancy and Your Job, <https://www.cdc.gov/niosh/topics/repro/pregnancyjob.html> (accessed July 14, 2019).

<sup>240</sup> See generally Human Rights Watch, “Going to the Toilet When You Want’: Sanitation as a Human Right,” April 19, 2017, <https://www.hrw.org/report/2017/04/19/going-toilet-when-you-want/sanitation-human-right#page> (accessed July 12, 2019). See also United Nations, Report of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, July 1, 2009, UN Doc. A/HRC/12/24, [http://www.ohchr.org/Documents/Press/IE\\_2009\\_report.pdf](http://www.ohchr.org/Documents/Press/IE_2009_report.pdf) (accessed July 13, 2019), para. 55 (“Sanitation, more than any other human rights issue, evokes the concept of human dignity.”). See also Section V of this report.

## IV. The Way Forward

### Regulate and Improve Oversight

The Department of Labor’s Occupational Safety and Health Administration (OSHA) should enact relevant, binding standards to protect workers from the abuses to health and safety documented in this report, particularly concerning ergonomic hazards, exposure to chemicals commonly used in the industry, and work speeds. OSHA has issued non-binding guidelines for the industry concerning some of these issues.<sup>241</sup> However, as documented in this report, and in decades of reporting on the risks to workers’ health and safety, companies in the industry are unlikely to adhere to these recommendations unless they are established by binding standards and followed-up with adequate enforcement.

#### *Ergonomic Hazards*

As described in *Blood, Sweat, and Fear*, OSHA enacted an ergonomics standard to address cumulative trauma injuries after years of study and public notice and comment in 2000.<sup>242</sup> However, this ergonomics standard was the first regulation repealed under the Congressional Review Act (CRA) in 2001—the only rule repealed through the CRA prior to the Trump administration.<sup>243</sup> As a result of its repeal through the CRA, OSHA is prohibited from enacting a “substantially similar” rule to its previous ergonomics standard, absent express congressional authorization.<sup>244</sup>

To help OSHA address endemic cumulative trauma and musculoskeletal disorders in the industry, as described in the sections above, Congress should pass a law expressly authorizing OSHA to enact an ergonomics standard. In the absence of this express authorization, OSHA should issue a modified ergonomics standard that effectively addresses the hazards specific to the meat and poultry industry.

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<sup>241</sup> See, for example, US Department of Labor, OSHA, “Ergonomics: Guidelines for Poultry Processing,” September 2, 2004, <https://www.osha.gov/ergonomics/guidelines/poultryprocessing/index.html> (accessed June 20, 2019).

<sup>242</sup> The proposed standard would have covered a range of industries identified as rife with ergonomic hazards, including the meat and poultry industry. It would have required employers to implement practices designed to limit and prevent workers’ exposure to many of the factors discussed above, by rotating their job positions, slowing the speed of work, and requiring more frequent rest breaks. See Human Rights Watch, *Blood, Sweat, and Fear*, <https://www.hrw.org/sites/default/files/reports/usao105.pdf>, pp. 47-51.

<sup>243</sup> The Congressional Review Act gave Congress the power to repeal an administrative rule issued by a federal agency within the past 60 days. See 5 USC § 801, “Congressional Review.”

<sup>244</sup> See *Ibid.*, § 801(b)(2).

### *Harmful Chemical Exposure*

As described above, workers' chronic exposure to high concentrations of chemicals, particularly in poultry plants, can have severe effects on workers' health. OSHA, however, does not have a standard regulating the use of peracetic acid (PAA), a commonly used antimicrobial, in a manner commensurate with worker safety and health.

OSHA should identify an occupational exposure limit for airborne PAA, alone and in combination with other commonly used chemicals at meat and poultry plants, and enact a standard that would limit workers' exposure to airborne PAA to levels commensurate with their long-term health and comfort. Until a standard has been developed, OSHA and NIOSH should immediately develop and distribute guidelines for the industry on controlling worker exposure to PAA, including recommendations concerning adequate ventilation and symptom monitoring practices.

OSHA should also evaluate risks and develop guidelines and recommendations for the industry regarding health risks for women, including particular risks and appropriate accommodations for pregnant workers.

Meat and poultry slaughtering and processing companies, for their part, should commit to implementing voluntary guidelines for occupational exposure to PAA, such as those established by the National Institute for Occupational Safety and Health (NIOSH) and the American Conference of Governmental and Industrial Hygienists (ACGIH). Ideally, companies should implement procedures that include workers in the system of monitoring and regulating exposure limits consistent with such guidelines. Companies should also ensure that they are complying completely with OSHA's standard for chemical hazard right-to-know and personal protective equipment and eyewash stations to guard against the harmful effects of exposure to chemicals.

Companies can also implement practices to immediately reduce workers' exposure to PAA and other chemicals, for example, by introducing closed systems for using PAA, ensuring adequate ventilation, developing mechanisms to guard against the build-up of PAA in drains, and providing workers with adequate personal protective equipment. Employers should also assess risks for pregnant workers in their processes, evaluate their safety protections, engage in an interactive process with employees to find reasonable accommodations, and ensure that this process does not result in discrimination.

## *Work Speeds*

OSHA should also conduct a comprehensive rule-making effort to regulate work speeds to levels commensurate with worker safety and health. In 2013, a coalition of stakeholder groups wrote to OSHA and the Department of Agriculture, petitioning OSHA for a work speed standard in the industry.<sup>245</sup> The petition proposed, among other things, regulating line speeds based on available staff to “reduce the speed of the processing line to minimize the severe and systemic risks faced by workers in the meatpacking and poultry industries, particularly the prevalence of serious and crippling musculoskeletal disorders.”<sup>246</sup>

Ultimately, OSHA denied the petition, citing limited resources to conduct the comprehensive analysis and rule-making effort needed to pass such a standard, but it did not deny the evidence of injuries, the need for protections, or the rationale for creating ergonomics and work speed protections for meat and poultry workers.<sup>247</sup>

The Government Accountability Office has previously found that it takes OSHA, on average, over seven years to develop and issue workplace safety and health standards.<sup>248</sup>

The US government, via the administration and Congress, should uphold its obligations under international human rights law to safe and healthy working conditions by providing OSHA with sufficient workforce and budgetary resources to enact standards concerning these and other risks to workers’ health and safety, and effectively oversee these standards’ implementation and enforcement.

## *Increased Enforcement*

OSHA has been unable to effectively exercise its statutory powers to investigate workplace conditions and issue penalties and orders for businesses that have not ensured a

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<sup>245</sup> US Government Accountability Office, “Additional Data Needed,” pp. 29-30.

<sup>246</sup> See 2013 Work Speed Petition, September 3, 2013, <https://www.fsis.usda.gov/wps/wcm/connect/cab74978-9bac-4768-ad23-c11ff91e7257/Petition-Southern-Poverty-Law-Center-090313.pdf?MOD=AJPERES>, pp. 3-4.

<sup>247</sup> Letter from David Michaels, assistant secretary for Occupational Safety and Health, US Department of Labor to Richard Cohen, President of the Southern Poverty Law Center (February 25, 2015), p. 2.

<sup>248</sup> US Government Accountability Office, “Additional Data Needed,” pp. 29-31.

workplace that is free from recognized hazards that cause, or are likely to cause, death or serious physical harm.<sup>249</sup>

Before the Trump administration, OSHA's capacity was already limited, but there are indications that its inspection and enforcement activity has declined under the Trump administration.<sup>250</sup> In January 2019, federal OSHA employed only 875 compliance officers responsible for conducting inspections of all establishments within its mandate across the country, the fewest safety and health inspectors in its 48-year history.<sup>251</sup> The Trump administration did not hire a single new compliance officer in its first full budget year.<sup>252</sup> A 2018 report by the AFL-CIO found, "the current level of federal and state OSHA inspectors provides one inspector for every 77,908 workers."<sup>253</sup> OSHA's estimate of "one compliance officer for every 59,000 workers" is still nearly six-times larger than the number of workers the International Labour Organization recommends for safety and health inspectors in industrial market economies to oversee.<sup>254</sup>

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<sup>249</sup> In the absence of clearly articulated standards, the only enforcement mechanism OSHA has to address work speed hazards and other dangers discussed in this report is Section 5(a)(1) of the OSH Act (General Duty Clause). Under the General Duty Clause, employers have a legal obligation to provide employees with a work environment free of recognizable hazards likely to cause serious harm or death, where feasible methods of abatement are available. See 2013 Work Speed Petition, September 3, 2013, <https://www.fs.is.usda.gov/wps/wcm/connect/cab74978-9bac-4768-ad23-c11ff91e7257/Petition-Southern-Poverty-Law-Center-090313.pdf?MOD=AJPERES>, pp. 36-37.

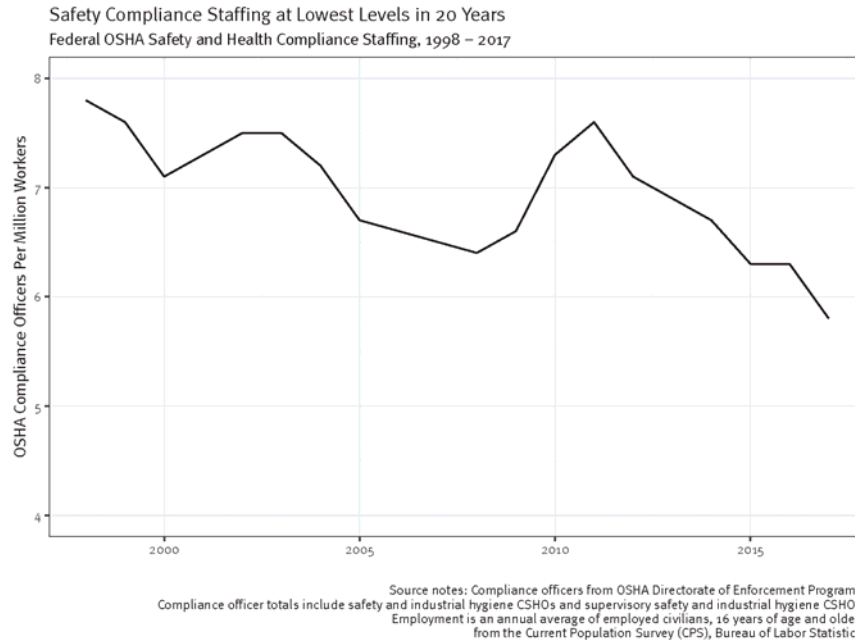
<sup>250</sup> Debbie Berkowitz, "OSHA Enforcement Activity Declines Under Trump Administration," National Employment Law Project, June 11, 2018, <https://www.nelp.org/publication/osha-enforcement-activity-declines-trump-administration/> (accessed June 20, 2019).

<sup>251</sup> See AFL-CIO, "Death on the Job: The Toll of Neglect, 2018," April 2018, <https://aflcio.org/reports/death-job-toll-neglect-2018> (accessed June 20, 2019), p. 109; Debbie Berkowitz, "Workplace Safety Enforcement Continues to Decline in Trump Administration," National Employment Law Project, March 14, 2019, <https://www.nelp.org/publication/workplace-safety-enforcement-continues-decline-trump-administration/> (accessed June 20, 2019).

<sup>252</sup> Debbie Berkowitz, "Workplace Safety Enforcement Continues to Decline in Trump Administration," March 14, 2019, <https://www.nelp.org/publication/workplace-safety-enforcement-continues-decline-trump-administration/> (accessed August 20, 2019).

<sup>253</sup> AFL-CIO, "Death on the Job," April 2018, p. 15.

<sup>254</sup> Department of Labor, Occupational Safety and Health Administration, "Commonly Used Statistics," <https://www.osha.gov/oshstats/commonstats.html>. The International Labour Organization's recommended benchmark is one labor inspector per 10,000 workers for industrial market economies. International Labor Office, "Strategies and Practice for Labor Inspection," G.B. 297/ESP/3, November 2006.



“At its current staffing and inspection levels,” the AFL-CIO report continues, “it would take federal OSHA, on average, 158 years to inspect each workplace under its jurisdiction just once.”<sup>255</sup> When the AFL-CIO first conducted this analysis in 1992, it found that “federal OSHA could inspect workplaces under its jurisdiction once every 84 years.”<sup>256</sup>

In the 2018 fiscal year, federal OSHA conducted 130 inspections of animal slaughter and processing establishments, issuing 342 citations with cumulative penalties worth only \$1.7 million across the entire industry.<sup>257</sup>

Since 2016, OSHA has measured its enforcement effectiveness by “enforcement units,” which add weight to more-complex investigations, rather than by the total number of inspections.<sup>258</sup>

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<sup>255</sup> AFL-CIO, “Death on the Job,” April 2018, pp. 16-17.

<sup>256</sup> *Ibid.*

<sup>257</sup> US Department of Labor, OSHA, “Cited Standards, NAICS Code: 31161 Animal Slaughtering and Processing,” October 2017 to September 2018, [https://www.osha.gov/pls/imis/citedstandard.naics?p\\_esize=&p\\_state=FEFederal&p\\_naics=31161](https://www.osha.gov/pls/imis/citedstandard.naics?p_esize=&p_state=FEFederal&p_naics=31161) (accessed June 20, 2019).

<sup>258</sup> Debbie Berkowitz, “Workplace Safety Enforcement Continues to Decline in Trump Administration,” National Employment Law Project, March 14, 2019, <https://www.nelp.org/publication/workplace-safety-enforcement-continues-decline-trump-administration/> (accessed August 20, 2019).



Analysis of OSHA enforcement data by the National Employment Law Project found a decline in enforcement activity between 2016 and 2018, primarily due to cutbacks in more complex safety and health investigations, such as those involving ergonomic hazards that cause musculoskeletal disorders.<sup>259</sup> OSHA conducted one-third the number of inspections concerning hazards that cause musculoskeletal disorders in 2018 than it did in 2016.<sup>260</sup> As noted above, MSDs are the most common ailment faced by workers in the meat and poultry industry.

The Department of Agriculture (USDA) should also heed available medical literature, research conducted by the Government Accountability Office (GAO), NIOSH, and OSHA, as well as the abuses documented in this and other reports on the industry, that affirm the impact of line speeds on workers' safety and health.

USDA, consistent with US obligations under international human rights law, as further discussed in Section V below, should not make regulatory decisions that will undermine workers' right to safe and healthy working conditions. That means FSIS should, at a minimum, stop providing poultry slaughter establishments with waivers that allow them to exceed 140 birds per minute line speeds in their slaughter processes. Additionally, FSIS should stop pursuing the Modernization of Swine Slaughter Inspection rule and clarify that the agency will not pursue similar attempts to deregulate line speeds for cattle slaughter operations.

## Improve Transparency

### *Injury and Illness Records Transparency*

The US government should take steps to ensure that data on workers' occupational injuries and illnesses is accurate and available for both federal regulatory officials and the public. Accurate data on incidents and trends of occupational injuries and illnesses is necessary to identify unscrupulous employers and exploitative workplaces, develop effective remediation programs and strategies, and prevent abuses of workers' right to workplace health and safety in the meat and poultry industry.

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<sup>259</sup> Ibid.

<sup>260</sup> Ibid.

The OSHA Form 300-A Log that employers use to respond to Survey of Occupational Injuries and Illnesses (SOII) requests from the Bureau of Labor Statistics (BLS), which is used to create estimates of industrial occupational injury and illness rates, is merely a summary of the cases of occupational injuries and illnesses that have occurred at their plant.<sup>261</sup> Copies of OSHA injury and illness recording logs are included in Appendix I.

But this form does not include a specific space for employers to indicate workers' illness was caused by a MSD, as it does for skin disorders, hearing loss, poisoning, or respiratory conditions.<sup>262</sup> Instead, all recordable cases of MSDs fall within the "all other illnesses" column on these recording documents.<sup>263</sup> Before reforms to OSHA recordkeeping following the repeal of the ergonomics standard in 2001, these OSHA 300 forms had a column that required employers to list occupational injuries and illnesses caused by "repeated trauma," which captured most MSDs.<sup>264</sup>

Not having a space to indicate that a workers' illness is a case of MSD or cumulative trauma makes it difficult for these records to accurately reflect the ergonomic hazards that workers face, and, in turn, for OSHA to design and implement strategies to address these hazards, both at specific plants and across the industry. As the Government Accountability Office found, "[w]ithout improving data on MSDs, BLS's statistics on these conditions will remain limited and OSHA's efforts to oversee employers and ensure workplace safety and health will continue to be hindered."<sup>265</sup>

OSHA proposed a rule in 2010 to modify forms to include such a column but the bills passed by Congress for the Department of Labor's appropriations for fiscal years 2012 and 2013 explicitly prohibited any funds from being used to implement this change.<sup>266</sup> Since then, OSHA has not attempted to add a column for MSDs to its reporting forms.<sup>267</sup>

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<sup>261</sup> US Government Accountability Office, "Additional Data Needed," pp. 9-10. Employers with more than ten employees and without partial exemption per § 1904.2 (66 FR 6122) must prepare an injury and illness report for each case (OSHA Form 301), compile a log of these cases (OSHA Form 300), and complete and post in the workplace an annual summary of work-related injuries and illnesses (OSHA Form 300-A). The form that employers use to prepare information for BLS's SOII is Form 300-A. See 66 FR 6122; see also OSHA, "Improve Tracking of Workplace Injuries and Illnesses," May 12, 2016, 81 FR 29623-29694, 29627, <https://www.federalregister.gov/documents/2016/05/12/2016-10443/improve-tracking-of-workplace-injuries-and-illnesses> (accessed July 30, 2019) (summarizing employer recordkeeping obligations and relevant forms).

<sup>262</sup> US Government Accountability Office, "Additional Data Needed," pp. 38-40

<sup>263</sup> *Ibid.*

<sup>264</sup> *Ibid.*, p. 40.

<sup>265</sup> *Ibid.*, pp. 40-42.

<sup>266</sup> *Ibid.*, pp. 38-40.

<sup>267</sup> *Ibid.*

OSHA should add a column on MSDs or cumulative trauma back to these logs to improve the accuracy of data, help target inspections and enforcement actions, and keep workers and employers better informed of workplace hazards.

However, OSHA's past attempts to implement positive changes to its own rules and regulations around recordkeeping to address these and other data issues have been gradually pared back by Congress and the courts.

A 2016 OSHA recordkeeping rule, "Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness," was one of the first regulations repealed by Congress through the CRA under the Trump administration.<sup>268</sup> This rule addressed the outcome of a 2012 DC Circuit case, *AKM LLC v. Secretary of Labor*, which established a six-month statute of limitations, from the injurious incident, on OSHA's ability to issue penalties to employers for recordkeeping violations.<sup>269</sup> The rule sought to reaffirm non-exempt employers' obligations to maintain accurate records for five years, pursuant to existing OSHA regulations, but clarified that each "employer's duty includes both creating and preserving accurate records of recordable injuries and illnesses."<sup>270</sup> In effect, this extended the statute of limitations on fining employers by re-characterizing the failure to accurately record an occupational injury or illness as a continuous violation.

As a result of Congress's repeal of this rule, presently, employers can only be cited and fined by OSHA for recordkeeping violations in which the case of unrecorded or under-recorded occupational injury or illness happened within six months of the date of OSHA's inspection. However, a 2018 appeals court decision further limited OSHA's capacity to

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<sup>268</sup> OSHA, Department of Labor, "Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness," 81 Fed. Reg. 91792, Dec. 19, 2016, <https://www.gpo.gov/fdsys/pkg/FR-2016-12-19/pdf/2016-30410.pdf> (accessed July 15, 2019); HJ Res. 83, "Disapproving the rule submitted by the Department of Labor relating to "Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness,"" 115<sup>th</sup> Congress (2017-2018), April 3, 2017, <https://www.congress.gov/bill/115th-congress/house-joint-resolution/83> (accessed July 30, 2019).

<sup>269</sup> See *AKM LLC v. Sec'y of Labor*, 675 F.3d 752, D.C. Cir., 2012, [https://www.cadc.uscourts.gov/internet/opinions.nsf/018A542863EAA754852579D8004EAF4/\\$file/11-1106-1367462.pdf](https://www.cadc.uscourts.gov/internet/opinions.nsf/018A542863EAA754852579D8004EAF4/$file/11-1106-1367462.pdf) (accessed July 31, 2019).

<sup>270</sup> OSHA, Department of Labor, "Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness," 81 Fed. Reg. 91792, 91803 Dec. 19, 2016, <https://www.gpo.gov/fdsys/pkg/FR-2016-12-19/pdf/2016-30410.pdf> (accessed July 15, 2019). See also 29 CFR § 1904.33 ("You must save the OSHA 300 Log, the privacy case list (if one exists), the annual summary, and the OSHA 301 Incident Report forms for five (5) years following the end of the calendar year that these records cover.").

access employers' occupational injury and illness records when investigations are triggered as a result of worker injury.<sup>271</sup>

Congress should empower OSHA to ensure that data on worker injury and illness is accurate by passing legislation that, among other things, expressly provides OSHA with the authority to conduct multi-year audits of employers' occupational injury and illness records, permits a five-year statute of limitations on citations for failing to record and report injuries, and dedicates more resources to OSHA to conduct inspections and audits of employer occupational injury and illness records.

### *Supply Chain Transparency*

Meat and poultry companies should take steps to adhere to their human rights responsibilities by undertaking adequate human rights due diligence to identify and prevent, or at least effectively mitigate, the human rights problems documented in this report.<sup>272</sup> Where abuses of workers' rights to safe and healthy working conditions have occurred, meat and poultry companies should ensure that effective remedy is available to victims, and participate in their remediation.

The chicken, pork, and beef from meat and poultry slaughtering and processing plants in the United States enter the supply chains of innumerable other businesses, including grocery stores and restaurants, that either purchase these products directly through contracts or from suppliers. These businesses have responsibilities under the United Nations Guiding Principles on Business and Human Rights to prevent, address, and

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<sup>271</sup> In 2016, OSHA initiated an inspection of a Mar-Jac Poultry plant in Georgia after a worker was electrocuted and found several misrecorded incidents in their occupational injury and illness records for which they issued a citation. In 2018, the 11<sup>th</sup> Circuit ruled that OSHA lacked the reasonable suspicion necessary to issue violations based on their audit of the company's injury and illness records because, in summary, OSHA selected the plant for closer scrutiny because of the electrocution—not for a general investigation into conditions at the plant or the accuracy of the employer's records. See Mar-Jac Poultry, Inc. (N.D. Ga. 2016), <https://cases.justia.com/federal/appellate-courts/ca11/16-17745/16-17745-2018-10-09.pdf?ts=1539093628>, pp. 5-6 (accessed July 15, 2019).

<sup>272</sup> Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, "Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework," UN document A/HRC/17/31, March 21, 2011, principle 17(a); Special Representative of the secretary-general on the issue of human rights and transnational corporations and other business enterprises, "Protect, Respect and Remedy: A Framework for Business and Human Rights," UN document A/HRC/8/5, April 7, 2008.

remedy the human rights impacts of their business operations, including those of their suppliers.<sup>273</sup>

In particular, the United Nations' Guiding Principles on Business and Human Rights (UN Guiding Principles) state that businesses' human rights due diligence "should cover adverse human rights impacts that the business enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships."<sup>274</sup>

These businesses should conduct human rights due diligence to examine their supply chains and ensure that the abuses of workers' rights documented in this report are not present in the establishments of their suppliers. In addition, these companies should publicly disclose information about the plants that supply their operations with protein products.

Publishing supply chain information is consistent with these buyers' responsibilities under the UN Guiding Principles, which call on businesses to externally communicate how they address their human rights impacts in "a form and frequency that ... are accessible to its intended audiences."<sup>275</sup> Supply chain transparency is a powerful tool for building stakeholder trust, advancing ethical business practices, committing a business' operations to the protection of human rights, and avoiding reputational harm. By publishing the names and other relevant information about suppliers (company, city, street address, etc.), the businesses that buy animal protein products can give workers, labor, and human rights advocates the ability to alert them of human rights and labor rights abuses that may be present in their supply chain. Moreover, the transparency of supply chains has increasingly been recognized by investors as a metric for evaluating the robustness of a business' human rights practices.<sup>276</sup>

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<sup>273</sup> Office of the High Commissioner for Human Rights, "UN Guiding Principles on Business and Human Rights, Implementing the United Nations 'Protect, Respect, and Remedy' Framework," 2011, [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf) (accessed June 20, 2019), p. 18.

<sup>274</sup> Ibid.

<sup>275</sup> Ibid., pp. 23-24. The commentary on the Guiding Principles states that the "responsibility to respect human rights requires that business enterprises have in place policies and processes through which they can both know *and show* [emphasis added] that they respect human rights in practice." Further, "[s]howing involves communication, providing a measure of transparency and accountability to individuals or groups who may be impacted and to other relevant stakeholders, including investors." Ibid.

<sup>276</sup> For example, the Corporate Human Rights Benchmark (CHRB), a collaborative effort by business and human rights organizations and investors, developed a public scorecard for the human rights practices of apparel, agricultural, and

It is also advantageous for consumers, who should know where the products they purchase are made, and workers, who should know which brands, grocery stores, fast-food chains, and restaurants are purchasing the products they make.

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extractive companies. As of 2017, the benchmark has been endorsed by 85 investors representing \$5.3 trillion in assets. CHRБ's indicators include whether the company publishes supply chain information. Specifically, the CHRБ scorecard assesses whether companies map suppliers and publicly disclose this mapping. See Corporate Human Rights Benchmark, 2018, <https://www.corporatebenchmark.org/> (accessed July 15, 2019).

## V. International Human Rights Law

The issues addressed in this report implicate a range of basic rights protected under international law, including: the right to safe and healthy working conditions, including a right to a working environment free from violence and harassment, the right to the highest attainable standard of health, the right to sanitation, and the right to equal protection under the law.

### Right to Safe and Healthy Working Conditions, Highest Attainable Standard of Health

International human rights law protects the right of all people to safe and healthy working conditions, as well as the right to the highest attainable health. In addition, as recently reaffirmed by the newly adopted International Labour Organization (ILO) Convention No. 190, Concerning the Elimination of Violence and Harassment in the World of Work, everyone has a right “to a world of work free from violence and harassment.”<sup>277</sup>

The Universal Declaration of Human Rights, which is widely accepted as reflecting customary international law, states that “[e]veryone has the right to ... just and favorable conditions of work.”<sup>278</sup> Similarly, the International Covenant on Economic, Social and Cultural Rights (ICESCR) guarantees “the right of everyone to the enjoyment of just and favorable conditions of work which ensure ... safe and healthy working conditions.”<sup>279</sup>

International human rights law also recognizes the right of all people to the highest attainable standard of physical and mental health.<sup>280</sup> A component of this right obligates states to take the necessary steps for the “prevention, treatment and control of ... occupational and other diseases.”<sup>281</sup> The Committee on Economic, Social and Cultural

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<sup>277</sup> ILO Convention No. 190, Violence and Harassment Convention, adopted on June 21, 2019. The convention has yet to be ratified by any country and has not entered into force.

<sup>278</sup> Universal Declaration of Human Rights (UDHR), adopted December 10, 1948, G.A. Res. 217A(III), U.N. Doc. A/810 at 71 (1948), art. 23(1).

<sup>279</sup> International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAORR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, arts. 7. The US signed the Covenant in 1977.

<sup>280</sup> *Ibid.*, art. 12(1).

<sup>281</sup> *Ibid.*, art. 12(2)(c).

Rights (CESCR), which interprets the ICESCR, has affirmed states' obligations to protect the health of workers. States are obligated under the ICESCR to ensure "[p]reventative measures in respect of occupational accidents and diseases ... [and] the minimization, so far as is reasonably practicable, of the causes of health hazards inherent in the working environment."<sup>282</sup>

These rights, moreover, must be enjoyed equally by both men and women in the workplace.<sup>283</sup>

The CESCR has affirmed that states have "a minimum core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights."<sup>284</sup> This duty extends to preventing and protecting against human rights abuses committed by businesses and non-state actors, and may include or require effective regulation of their activities.<sup>285</sup>

The United States has signed, but not yet ratified, the ICESCR. As a signatory, the US is obligated to refrain from acts that would defeat the treaty's object and purpose.<sup>286</sup> Fundamental to the object and purpose of the ICESCR is the commitment by states to the dedication of available resources toward the progressive realization of the rights enumerated in the treaty. At a minimum, this entails that they avoid, wherever possible, regressive policies and practices that will harm rights protected under the treaty.

As documented in this report, the US government is pursuing policies that will place meat and poultry workers at greater risk of severe injury and illness. The ongoing deregulatory efforts by the Department of Agriculture's Food Safety and Inspection Service, discussed above, are inconsistent with the US government's obligation as an ICESCR signatory to

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<sup>282</sup> UN Committee on Economic, Social and Cultural Rights, General Comment No. 14, The Right to the Highest Attainable Standard of Health, UN Doc. E/C.12/2000/4, August 11, 2000, para. 15.

<sup>283</sup> ICESCR, art. 3; International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), U.N. Doc. A/6316 (1966), entered into force March 23, 1976, art. 26.

<sup>284</sup> UN Committee on Economic, Social and Cultural Rights, General Comment No. 3, The Nature of States Parties Obligations, UN Doc. E/1991/23, December 14, 1990, para. 10.

<sup>285</sup> UN Committee on Economic, Social and Cultural Rights, The Maastricht Guidelines on Violations of Economic, Social and Cultural Rights, U.N. Doc. E/C.12/2000/13, October 2, 2000, para. 18.

<sup>286</sup> Vienna Convention on the Law of Treaties adopted May 22, 1969, G.A. Res. 2166 (XXI), 2287 (XXII), 1155 U.N.T.S. 331, U.N. Doc. A/CONF.39/11/Add.2, entered into force January 27, 1980, art. 18. The Vienna Convention is widely viewed as being reflective of customary international law.



avoid regressive policies that undermine meat and poultry workers' right to safe and healthy working conditions.

The United States is not a party to the ILO Convention No. 155, Occupational Safety and Health Convention (1981) or ILO Convention No. 161, Occupational Health Services Convention (1985). However, these ILO conventions are recognized as a statement of international best practices on workers' right to occupational health. ILO Convention No. 155 calls on states "to prevent accidents and injuries to health arising out of, linked with or occurring in the course of work, by minimizing, so far as is reasonably practicable, the causes of hazards inherent in the working environment."<sup>287</sup> ILO Convention No. 161 similarly calls on states to identify health hazards in the workplace and to progressively develop occupational health services for all workers, "which will facilitate optimal physical and mental health in relation to work."<sup>288</sup>

ILO Convention No. 155 also recognizes that "[t]he enforcement of laws and regulations concerning occupational safety and health and the working environment shall be secured by an adequate and appropriate system of inspection [that] shall provide for adequate penalties."<sup>289</sup>

As discussed in Section IV, OSHA has been unable to effectively exercise its statutory powers to investigate workplace conditions and issue penalties and orders for businesses that have been found to violate their obligations to ensure a workplace that is free from recognized hazards that cause, or are likely to cause, death or serious physical harm.<sup>290</sup>

While OSHA has lacked sufficient enforcement capacity under previous administrations, under the Trump administration, inspections and enforcement activities by OSHA have

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<sup>287</sup> ILO Convention No. 155, Occupational Safety and Health Convention, adopted June 22, 1981, entered into force August 11, 1983, [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_instrument\\_id:312300](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_instrument_id:312300) (accessed August 25, 2019), art. 4(2).

<sup>288</sup> ILO Convention No. 161, Occupational Health Services Convention, adopted June 25, 1985, entered into force February 17, 1988, [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C161](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C161) (accessed August 25, 2019), arts. 1(a), 3(1), 5(a).

<sup>289</sup> ILO Convention No. 155, art. 9(1)-(2); see also ILO Protocol P.155, Protocol of 2002 to the Occupational Safety and Health Convention, 1981, February 9, 2005, [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:P155](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:P155), arts. 6, 7.

<sup>290</sup> Occupational Safety and Health Act of 1970, Public Law 91-596, December 29, 1970 (amended January 1, 2004), <https://www.osha.gov/laws-regs/oshact/completeoshact> (accessed June 20, 2019).

declined. The CESCR considers the failure to enforce relevant domestic laws as a possible violation of the state's obligations towards realizing the human right to health.<sup>291</sup>

According to a set of principles proposed by the UN Special Rapporteur on hazardous substances and wastes, governments have an obligation to do everything in their power to protect all workers from occupational exposures to toxic substances.<sup>292</sup> This extends to “effective policies, legislation, regulation and enforcement” of occupational exposure to toxic and otherwise hazardous substances.<sup>293</sup>

The United States is bound under ILO Convention No. 160, Labour Statistics Convention (1985), which requires states to “regularly collect, compile and publish basic labour statistics [that] cover ... occupational injuries and, as far as possible, occupational diseases.”<sup>294</sup>

As discussed above, the US government has stopped collecting specific information on the prevalence of cumulative trauma and musculoskeletal disorders on employer injury and illness records.<sup>295</sup> Congress, moreover, barred OSHA from re-implementing the practice, although these limitations are no longer binding.<sup>296</sup> This is in addition to the other serious limitations to OSHA's ability to collect and publish accurate occupational injury and illness data discussed above. Together, these factors indicate that the US government is failing to meet its obligations under ILO Convention No. 160.

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<sup>291</sup> CESCR General Comment No. 14, para 49.

<sup>292</sup> United Nations Office of the Human Commissioner on Human Rights, “Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes,” A/HRC/39/48, August 3, 2018, [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/39/48](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/39/48) (accessed August 4, 2019), para. 77.

<sup>293</sup> *Ibid.* (citing Office of the High Commissioner for Human Rights, “UN Guiding Principles on Business and Human Rights, Implementing the United Nations ‘Protect, Respect, and Remedy’ Framework,” 2011, [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf) (accessed June 20, 2019), principles 1, 4, and 15).

<sup>294</sup> International Labour Organization, Convention No. 160, Labour Statistics Convention, adopted June 25, 1985, entered into force April 24, 1988, [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_INSTRUMENT\\_ID:312305](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312305) (accessed July 14, 2019), arts. 1(h), 14 (entered into force in the United States on June 11, 1990).

<sup>295</sup> US Government Accountability Office, “Additional Data Needed,” pp. 38-40.

<sup>296</sup> *Ibid.*

## Right to Sanitation, Equal Protection of the Law

The manner in which a person is able to manage bodily functions of urination, defecation, and menstruation is at the core of human dignity. Lack of adequate sanitation is not only an affront to an individual's dignity but also endangers their right to safe and healthy working conditions and to the highest attainable standard of health.

Though not explicitly stated in the ICESR, the right to sanitation is derived from the right to an adequate standard of living.<sup>297</sup> The CESCR has reaffirmed that the right to sanitation is an essential component of the right to an adequate standard of living, and “integrally related, among other Covenant rights, to the right to health.”<sup>298</sup>

In the workplace, access to adequate water and sanitation facilities are necessary components of the right to safe and healthy working conditions.<sup>299</sup> Without safe drinking water, adequate sanitation facilities, and materials and information necessary to promote good hygiene, the right to health and safety at work cannot be fulfilled.

The existence and adequacy of water and sanitation has a specific importance for workers who must manage menstruation.<sup>300</sup> Women and girls encounter difficulties in managing hygiene during menstruation when there is not an enabling environment to do so; for example, if they lack access to water, sanitation, or health care. States therefore need to ensure that women have access to private, safe, and hygienic facilities for managing menstruation at the workplace.<sup>301</sup>

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<sup>297</sup> See, for example, UN General Assembly, “The human right to safe drinking water and sanitation,” Resolution 68/157, U.N. Doc. A/Res/68/157, December 18, 2013, <https://undocs.org/A/RES/68/157> (accessed August 25, 2019).

<sup>298</sup> UN Committee on Economic, Social and Cultural Rights, Statement on the Right to Sanitation, Forty-fifth session, E/C.12/2010/1, November 19, 2010, <http://www2.ohchr.org/english/bodies/cescr/docs/statements/E-C-12-2010-1.doc>, para. 7.

<sup>299</sup> ILO Convention No. 161, art. 5.

<sup>300</sup> See generally, “Understanding Menstrual Hygiene Management & Human Rights,” Human Rights Watch news release, August 27, 2017, <https://www.hrw.org/news/2017/08/27/menstrual-hygiene-human-rights-issue> (accessed July 12, 2019).

<sup>301</sup> T. Winkler and V. Roaf, “Taking the bloody linen out of the closet: Menstrual hygiene as a priority for achieving gender equality,” *Cardozo Journal of Law & Gender*, vol. 21, no. 1. The Committee on Economic, Social and Cultural Rights has specifically clarified that it is essential that these facilities “meet women’s specific hygiene needs.” See Committee on Economic, Social and Cultural Rights, General Comment No. 23 on the Right to just and favorable conditions of work, U.N. Doc E/C.12/GC/23, April 7, 2016, <https://www.refworld.org/docid/5550a0b14.html> (accessed August 25, 2019), para. 30.

As describe above, harsh working conditions, long hours without breaks, or high production quotas can limit workers’ access to adequate sanitation facilities, undermining their right to sanitation. These conditions, in turn, may leave workers with little choice but to not change menstrual materials frequently enough, increasing the risk of vaginal infections or other negative impacts. Pregnant workers, too, may face adverse health effects from practices and policies that limit their regular access to restroom facilities.

The right to health of women workers may be impacted by policies and practices that create practical barriers to managing menstruation, which, in turn, may amount to gender-based discrimination in the workplace. The United Nations Human Rights Council and General Assembly have both affirmed that inadequate sanitation facilities, which, for example, do not allow women to change menstrual materials in the workplace, place women at a discriminatory disadvantage based on their gender.<sup>302</sup>

The US Pregnancy Discrimination Act of 1978, which amended Title VII of the US Civil Rights Act of 1964, affirms that employers must treat pregnant employees the same as any other temporarily disabled employee.<sup>303</sup> This may include providing pregnant workers with reasonable accommodations where it does not present an undue hardship for the employer.<sup>304</sup>

## Corporate Human Rights Responsibilities

Under the UN Guiding Principles on Business and Human Rights (UN Guiding Principles), all businesses have a responsibility to respect human rights and ensure that they do not cause or contribute to human rights abuses.<sup>305</sup>

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<sup>302</sup> See generally UN Human Rights Council Resolution, “The human right to safe drinking water and sanitation,” Resolution 27/7, September 24, 2014, <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G14/170/41/PDF/G1417041.pdf?OpenElement> (accessed August 25, 2019). See also see UN Committee on the Elimination of Discrimination against Women, “General Recommendation No. 34 on the rights of rural women,” [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1\\_Global/INT\\_CEDAW\\_GEC\\_7933\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_7933_E.pdf) (accessed August 25, 2019), paras. 81-85 (highlighting the importance of adequate sanitation and hygiene, and sanitary pads, to enable menstrual hygiene).

<sup>303</sup> See Equal Opportunity Employment Commission, “Facts About Pregnancy Discrimination,” <https://www.eeoc.gov/eeoc/publications/fs-preg.cfm> (accessed August 20, 2019).

<sup>304</sup> *Ibid.*

<sup>305</sup> Office of the High Commissioner for Human Rights, “UN Guiding Principles on Business and Human Rights, Implementing the United Nations ‘Protect, Respect, and Remedy’ Framework,” 2011, [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf) (accessed June 20, 2019).

Fundamental to this responsibility is the requirement that companies carry out human rights due diligence to identify the possible and actual human rights impacts of their operations and supply chains, and to establish meaningful processes to prevent and mitigate those risks.

In particular, the UN Guiding Principles state that businesses' human rights due diligence "should cover adverse human rights impacts that the business enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships."<sup>306</sup>

Moreover, businesses that seek to conduct their operations in accordance with international human rights best practices should adhere to ILO Convention No. 155 to record and report accurate data on occupational injuries and illnesses.<sup>307</sup>

The responsibilities of businesses under the UN Guiding Principles also extend to businesses that purchase animal protein products from meat and poultry slaughtering and processing plants.

These businesses have a responsibility to prevent, address, and remedy human rights impacts of their business operations, including those of their suppliers.<sup>308</sup> The UN Guiding Principles also call on businesses to externally communicate how they address their human rights impacts in "a form and frequency that ... are accessible to its intended audiences."<sup>309</sup>

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<sup>306</sup> Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, "Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework," UN document A/HRC/17/31, March 21, 2011, [https://www.ohchr.org/Documents/Issues/Business/A-HRC-17-31\\_AEV.pdf](https://www.ohchr.org/Documents/Issues/Business/A-HRC-17-31_AEV.pdf) (accessed August 25, 2019), principle 17(a).

<sup>307</sup> ILO Convention No. 155, art. 3.

<sup>308</sup> See Office of the High Commissioner for Human Rights, "UN Guiding Principles on Business and Human Rights, Implementing the United Nations 'Protect, Respect, and Remedy' Framework," 2011, [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf) (accessed June 20, 2019).

<sup>309</sup> *Ibid.*, p. 23.

## Acknowledgments

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# Appendices

## OSHA Injury and Illness Reporting Forms

### OSHA's Form 300 (Rev. 01/2004) Log of Work-Related Injuries and Illnesses

You must record information about every work-related injury or illness that involves loss of consciousness, restricted work activity or job transfer, days away from work, or medical treatment beyond first aid. You must also record significant work-related injuries and illnesses that are diagnosed by a physician or licensed health care professional. You must also record work-related injuries and illnesses that meet any of the specific recording criteria listed in 29 CFR Part 1904.8 through 1904.12. Recordable cases also include a single case if you need to. You must complete an injury and illness incident report (OSHA Form 301) or equivalent form at each injury or illness recorded on this form. If you do not have written a case to recordable, call your local OSHA office for help.

**Attention:** This form contains information relating to employees' health and must be used in a manner that protects the confidentiality of employees to the extent possible while the information is being used for occupational safety and health purposes.

Year 20\_\_\_\_  
U.S. Department of Labor  
Occupational Safety and Health Administration  
Form approved OSHA no. 2184-0176

Establishment name \_\_\_\_\_ State \_\_\_\_\_  
City \_\_\_\_\_

Identify the person		Describe the case		Classify the case		Enter the number of days the injured or ill worker was:		Check the "Injury" column or choose one type of illness									
(A) Case no.	(B) Employee's name	(C) Job title (e.g., "Miller")	(D) Date of injury or onset	(E) Where the event occurred (e.g., "Loading dock north end")	(F) Describe injury or illness, parts of body affected, and object/substance that directly injured or made person ill (e.g., "second degree burns on right forearm from soldering iron")	Death (10)	Days away from work or restriction (7)	Job transfer or restriction (9)	Other record-able case (8)	Away from work (6)	On job transfer or restriction (5)	(M) Laceration	(N) Skin disorder	(O) Respiratory condition	(P) Poisoning	(Q) Hearing loss	(R) Other illness
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# Summary of Work-Related Injuries and Illnesses

All establishments covered by Part 1904 must complete this Summary page, even if no work-related injuries or illnesses occurred during the year. Remember to review the Log to verify that the entries are complete, and that each case is coded properly for each category. Then write the totals below, making sure you've added the entries from every page of the Log. If you had no cases, write "0".  
 Employees, former employees, and their representatives have the right to review the OSHA Form 300 in its entirety. They also have limited access to the OSHA Form 301 or its equivalent. See 29 CFR Part 1904.35. In OSHA's recordkeeping rule, for further details on the access provisions for these items.

### Number of Cases

Total number of deaths	Total number of cases with days away from work	Total number of cases with job transfer or restriction	Total number of other recordable cases
(a) _____	(b) _____	(c) _____	(d) _____

### Number of Days

Total number of days away from work	Total number of days of job transfer or restriction
(e) _____	(f) _____

### Injury and Illness Types

Total number of . . .	
(M) _____	(N) _____
(1) Injuries _____	(2) Poisonings _____
(3) Skin disorders _____	(4) Hearing loss _____
(5) Respiratory conditions _____	(6) All other illnesses _____

Post this Summary page from February 1 to April 30 of the year following the year covered by the form.

Public reporting burden for this collection of information is estimated to average 38 minutes per response, including time for reviewing the instructions, searching existing data sources, gathering the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any aspect of this collection of information, including suggestions for reducing this burden, to Washington, DC 20503. Do not send the completed form to the office.

**Establishment Information**

Your establishment name \_\_\_\_\_  
 Street \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Industry description (e.g., Manufacturer of metal truck parts)  
 Standard Industrial Classification (SIC), if known (e.g., 3719) \_\_\_\_\_  
 OR  
 North American Industrial Classification (NAICS), if known (e.g., 33212) \_\_\_\_\_

**Employment information** (If you don't have these figures, use the provisions on the back of this page as a guide.)

Annual average number of employees \_\_\_\_\_  
 Total hours worked by all employees last year \_\_\_\_\_

**Sign here**  
 Knowingly falsifying this document may result in a fine.

I certify that I have examined this document and that to the best of my knowledge the entries are true, accurate, and complete.

Company name \_\_\_\_\_ Title \_\_\_\_\_  
 Printed name \_\_\_\_\_ Date \_\_\_\_\_

# OSHA's Form 301 Injury and Illness Incident Report

**Attention:** This form contains information relating to employee health and must be used in a manner that protects the confidentiality of employees to the extent possible while the information is being used for occupational safety and health purposes.



Form approved OSHA no. 12184-176

This *Injury and Illness Incident Report* is one of the first forms you must fill out when a recordable work-related injury or illness has occurred. Together with the *Log of Work-Related Injuries and Illnesses* and the accompanying *Summary*, these forms help the employer and OSHA develop a picture of the extent and severity of work-related incidents.

Within 7 calendar days after you receive information that a recordable work-related injury or illness has occurred, you must fill out this form or an equivalent. Some state workers' compensation, insurance, or other reports may be acceptable substitutes. To be considered an equivalent form, any substitute must contain all the information asked for on this form.

According to Public Law 91-596 and 29 CFR 1904, OSHA's recordkeeping rule, you must keep this form on file for 5 years following the year to which it pertains.

If you need additional copies of this form, you may photocopy and use as many as you need.

### Information about the employee

- 1) Full name \_\_\_\_\_
- 2) Street \_\_\_\_\_
- City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_
- 3) Date of birth \_\_\_\_/\_\_\_\_/\_\_\_\_
- 4) Date hired \_\_\_\_/\_\_\_\_/\_\_\_\_
- 5)  Female  Male  Unable

### Information about the physician or other health care professional

- 6) Name of physician or other health care professional \_\_\_\_\_
- 7) If treatment was given away from the workplace, where was it given?  
 Facility: \_\_\_\_\_  
 Street: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_
- 8) Was employee treated in an emergency room?  
 Yes  No
- 9) Was employee hospitalized overnight as an inpatient?  
 Yes  No

### Information about the case

- 10) Case number from the *Log* \_\_\_\_\_ (Transfer the case number from the *Log* when you record the case.)
- 11) Date of injury or illness \_\_\_\_/\_\_\_\_/\_\_\_\_ AM / PM
- 12) Time employee began work \_\_\_\_:\_\_\_\_ AM / PM  Check if time cannot be determined
- 13) Time of event \_\_\_\_:\_\_\_\_ AM / PM  Check if time cannot be determined
- 14) **What was the employee doing just before the incident occurred?** Describe the activity as well as the work, equipment, or material the employee was using. Be specific. *Examples:* "climbing a ladder while carrying roofing material"; "spraying chlorine from hand sprayer"; "daily computer key-entry"
- 15) **What happened?** Tell us how the injury occurred. *Examples:* "When ladder slipped on wet floor, worker fell 30 feet"; "Worker was sprayed with chlorine when gasket broke during replacement"; "Worker developed asthma in 1981 over time."
- 16) **What was the nature of the illness?** Tell us the part of the body that was affected and how it was affected. Be more specific than "hurt," "pain," or "sore." *Examples:* "strained back"; "chronical burn; hand"; "carpal tunnel syndrome."
- 17) **What object or substance directly harmed the employee?** *Examples:* "concrete floor"; "chlorine"; "radial arm saw." *If this question does not apply to the incident, leave it blank.*
- 18) **If the employee died, when did death occur?** Date of death \_\_\_\_/\_\_\_\_/\_\_\_\_

Completed by: \_\_\_\_\_

Title: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_-\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Public reporting burden for this collection of information is estimated to average 25 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Persons are not required to respond to the collection of information unless it displays a certain valid OSHA control number. If you have any comments about this estimate or any other aspect of this data collection, including suggestions for reducing this burden, contact US Department of Labor, OSHA Office of Statistical Analysis, Room N5964, 200 Constitution Avenue, NW, Washington, DC 20390. Do not send the completed form to this office.

# Bureau of Labor Statistics' Survey of Occupational Injuries and Illnesses (Notification to Participate)

U.S. Department of Labor  
Bureau of Labor Statistics



## Notice of Recordkeeping Requirements for the 2019 Survey of Occupational Injuries and Illnesses



### ————— Important —————

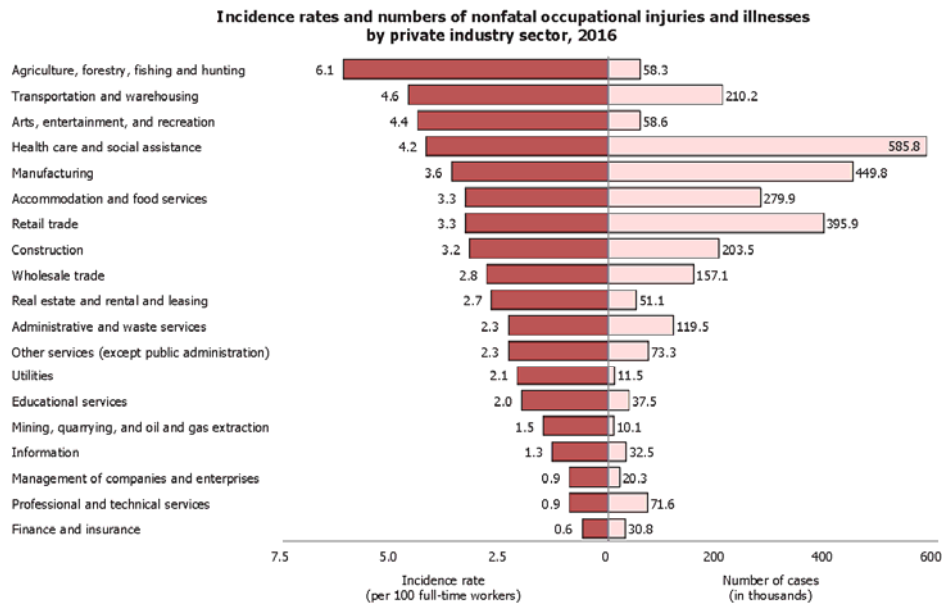
- ◆ Keep a record of all recordable work-related injuries and illnesses that occur between January 1 and December 31, 2019, for the establishment(s) identified above.
- ◆ Keep these records and use them to complete the Survey of Occupational Injuries and Illnesses (SOII) using the instructions that **we will send to you in January 2020.**
- ◆ Visit our respondents' page at [www.bls.gov/respondents/iif](http://www.bls.gov/respondents/iif) for more information about the Bureau of Labor Statistics Survey of Occupational Injuries and Illnesses and your recordkeeping requirements.
- ◆ Please contact us at the phone number(s) listed above for help clarifying the establishment(s) for which you should keep records.

## Overview of Your Recordkeeping Requirements

- ♦ You must maintain the information required for all recordable work-related injuries and illnesses that occur during calendar year 2019 for the establishment(s) identified on the front.
- ♦ The enclosed OSHA *Forms for Recording Work-Related Injuries and Illnesses* provide instructions for filling out the *Log of Work-Related Injuries and Illnesses* (OSHA Form 300) and the *Injury and Illness Incident Report* (OSHA Form 301). In addition, this survey will ask for optional race and/or ethnicity information that is not included on the OSHA forms.
- ♦ At the end of 2019, complete the enclosed *Summary of Work-Related Injuries and Illnesses* (OSHA Form 300A) even if you had **NO** work-related injuries or illnesses.
- ♦ **In January 2020**, you will be sent instructions for completing the Survey of Occupational Injuries and Illnesses.
- ♦ If you have any questions about your record-keeping requirements for this survey, or if you need help, **call the phone number(s) on the front of this form.**

## How Your Injury and Illness Data Are Used

Your data are important for making American workplaces safer. Data you report are aggregated with data from other establishments and used to identify injury and illness patterns among industries and occupations. For more information about injury and illness statistics, please visit our website at [www.bls.gov/iif](http://www.bls.gov/iif).



Source: U.S. Bureau of Labor Statistics, U.S. Department of Labor, November 2017

# Line Speed Waiver Request Example



03.16.18

Risk, Innovations, and Management Staff  
USDA/FSIS/OPPD  
Patriot's Plaza III Mail Stop 3782  
1400 Independence Ave. SW  
Washington, DC 20250

requests a waiver to 9 CFR 381.69(a); a request that the Company be allowed to operate its evisceration line over 140 birds per minute and up to 175 bpm.

Regarding the criteria listed in the Feb. 23, 2018, vol. 21, no. 19 issue of the FISI Constituent Update:

- We have been operating under NPIS since November 2, 2015 and in compliance with all NPIS regulatory requirements
- We are category 1 in young chicken carcass salmonella performance standards
- Regulatory compliance:
  - No public health alert in the past 120 days
  - No enforcement action as a result of an FSA conducted in the last 120 days
  - No enforcement action related to public health in the last 120 days
- We intend to demonstrate maintenance or improvement of food safety outcomes at line speeds faster than 140 and up to 175 bpm.

Regarding the use of a granted waiver:

- **Evisceration equipment** has a (b) (4) evisceration system designed to run at (b) (4) birds per hour, (b) (4) bpm. (b) (4) Even though (b) (4) is meeting all regulatory standards while running at the regulatory 140 bpm our line speed is (b) (4) (b) (4) We intend to demonstrate that utilizing the (b) (4) equipment at the higher end of design speeds, rather than at the lower end, will improve our evisceration and sanitary dressing results; thus improve overall food safety.
- **Additional changes to support a line speed waiver:** With the exception of two IOBW's all evisceration equipment water is treated with peracetic acid (PAA) as an antimicrobial intervention. Anticipating a greater incoming load, due solely to the increased volume of birds, (b) (4) is designing and plans to (b) (4) in the company HACCP Plan; between (b) (4) initial testing has demonstrated a decrease from (b) (4) salmonella positive to (b) (4) salmonella positive on incoming carcasses.

Included in this packet: (b) (4) equipment specifications, HACCP Hazard analysis, food safety support documents, antimicrobial intervention use & data & in-house sampling data and test results.

Thank you for your review of this information.



# “When We’re Dead and Buried, Our Bones Will Keep Hurting”

## Workers’ Rights Under Threat in US Meat and Poultry Plants

The meat and poultry industry is among the toughest in the US. The hundreds of thousands of women and men who kill, cut, debone, and package American-grown meat suffer some of the highest rates of occupational injury and illness in the country. In recent years, meat and poultry slaughtering and processing companies have accelerated production speeds. Now, under President Donald Trump, workers’ conditions could worsen, as the US government opens the door further to faster production across the industry.

*“When We’re Dead and Buried, Our Bones Will Keep Hurting:” Workers’ Rights Under Threat in US Meat and Poultry Plants* describes alarmingly high rates of serious injury and chronic illness among workers at slaughterhouses in the United States, as well as practices and policies that endanger workers and obscure the reality of workplace hazards.

Based on extensive interviews with workers at chicken, pig, and cattle slaughtering and processing plants in several US states, the report documents how rapid work speeds place workers at risk of serious, potentially life-threatening, injury and illness, and contribute to abusive workplace environments. It reveals how, rather than addressing these harms, the US government is undermining the already-flawed oversight of the meat and poultry industry and lifting caps on maximum slaughter line speeds—threatening to further jeopardize workers’ right to safe and healthy working conditions.

Human Rights Watch calls on the US government to end these deregulatory policies and improve workers’ conditions through increased oversight, regulation, and transparency. The report also recommends ways for meat and poultry slaughtering companies and the buyers of their products to identify, prevent, and remediate human rights abuses.



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