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USPOULTRY and NCC Refute Claims on Poultry Worker Safety

In early March, the Southern Poverty Law Center and the Alabama Appleseed Center for Law & Justice released a report about the poultry industry in Alabama, entitled “Unsafe At These Speeds – Alabama’s Poultry Industry and its Disposable Workers” (“the SPLC report”, “the report”). The report alleges that employees performing the “grueling work” endure pain in their hands and fingers, respiratory problems and illnesses such as carpal tunnel syndrome while being intimidated by the threat of being fired or deported.

This paper will address some of the facts involving the poultry industry and our approach to worker safety. The industry is proud of the advancements in worker safety that have been made over the last 30+ years and the ongoing efforts for continuous improvement. These efforts, which have proved very successful in improving the poultry industry’s worker safety record, include:

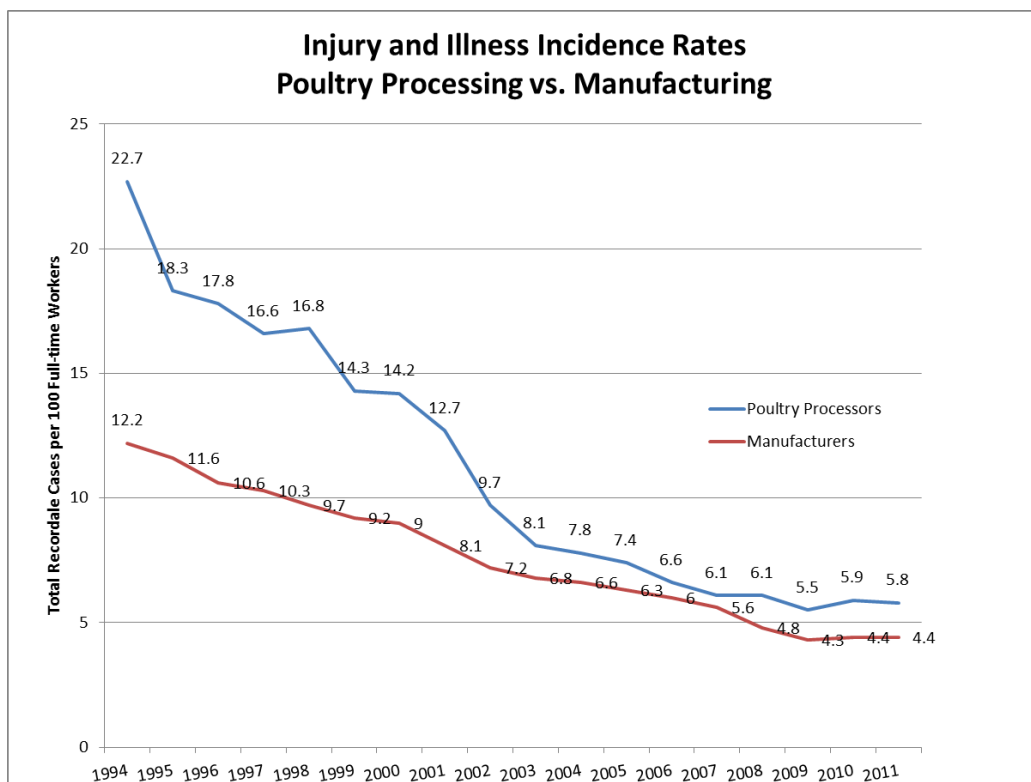
- Sharing non-competitive best practices, culminating with the January 2010 release of a white paper, *Ergonomics in the Poultry Industry – A Review of 25 Years of Industry Efforts*¹, which documents many of the industry’s efforts to improve worker safety;
- Partnering with the Georgia Tech Research Institute to develop an instrument to assess musculoskeletal disorder (MSD) risks in poultry tasks. The tool will measure upper extremity stresses associated with poultry deboning and cutting tasks and provide quantitative data to help in workstation and tool redesign and process workflow improvements to reduce the stresses and strains associated with repetitive work;
- Continuing to work with equipment manufacturers and suppliers to improve machine guarding on new equipment and the provision of adequate disconnects to assist and facilitate proper lock out/tag out procedures;
- Collaborating with personal protective equipment suppliers, leading to improvements in cut resistance of protective handwear, reduced fogging issues with safety eyewear, and improved slip resistance in safety footwear;
- Conducting monthly meetings of the Poultry Industry Safety & Health Committee to share best practices in hazard identification and risk control; and
- Holding an annual safety conference for the past 29 years – the National Safety Conference for the Poultry Industry. The June 2012 conference highlighted as areas such as “recognizing combustible dust hazards,” “current topics in industrial hygiene” and roundtable discussions covering many topics including machine guarding, fall protection and catastrophic event planning and response.

Unsafe At These Speeds begins by stating that injuries in the poultry industry are much more frequent than for the private workforce as a whole, citing 2010 OSHA data. The Bureau of Labor Statistics (BLS) reported that the injury and illness rate for poultry processing workers is 5.9% compared to 3.5% for all workers in the private sector. Recently released 2011 numbers place poultry processing workers at 5.8% compared to 3.5% for all workers in the private sector.

Several approaches should be taken to put the OSHA data in proper perspective. First, a more accurate comparison would be to compare poultry workers to all manufacturing workers, who incurred injuries and illnesses at a 4.4% rate in 2011.

It is also noteworthy to compare poultry processing’s 5.8% rate to other industries and professions. For 2011, the BLS reported injury / illness rate for automobile manufacturing workers (NAICS code 3361) was 7.5%; for office furniture manufacturing (NAICS code 3372), 5.2%; for passenger airline workers (NAICS code 481112), 7.9%; and for state and local government workers, 5.7%². The poultry industry’s injury and illness rates are in line with many other manufacturing industries.

Finally we should look at the steady and impressive reduction in injuries and illnesses in the poultry industry over time. As illustrated on the following graph, since 1994 the injury and illness rate for poultry has dropped from 22.7% to 5.8%, a 74.5% reduction which far exceeds the rate of reduction in injuries for the entire manufacturing sector.



Response to Allegations

The January 2010 white paper on the industry's ergonomics efforts establishes that worker safety programs and an emphasis on ergonomic improvements are in place and are being effective in reducing worker injuries countering the SPLC report's statement on Page 10 that "few poultry workers find ergonomics programs in place." That is simply untrue.

With that, we should look at some of the other allegations contained in the SPLC report.

Natashia Ford, a poultry processing worker who suffers from a lung disease, histoplasmosis, is highlighted in the report (page 14). Ms. Ford is described as a healthy person who worked in the debone department and developed the disease by breathing airborne spores in the plant. Histoplasmosis is a disease related to exposure to bird droppings. Employees that work in the debone department would not be exposed to bird droppings in the plant, so the exposure must have been from a source outside of her work environment. This type of misleading statement is found throughout the report.

Unionization

The SPLC report suggests that the lack of unionization is one reason for the current working conditions and goes on to state that Alabama's rate of union membership of 10% is less than the national average and that Alabama poultry workers in union plants are not automatically enrolled in the union (page 28). Both allegations are misleading. BLS reports that for 2012 the national average for union membership was 11.3% but goes on to report that the private sector union membership rate is 6.6% while the public sector is 35.9% union³. Alabama also prides itself on being a right-to-work state where state law protects employees from being forced to join the union as a condition of employment.

Facts about Anaerobic Manure Lagoons

In an effort to allege that the poultry industry is contributing to environmental and health problems, the SPLC report discusses the manure generated on family farms where chickens and turkeys are raised (page 34). Again, in an apparent effort to mislead the reader, it references anaerobic manure lagoons containing disease causing pathogens. Anaerobic lagoons may be used in other livestock industries but not in the chicken or turkey industry. Poultry grown for meat purposes are raised on absorbent bedding material such as wood shavings, peanut shells or rice hulls and therefore only solid "litter" is generated. Litter is a combination of poultry manure and the absorbent bedding material. This poultry litter is rich in nutrients and is often used as a natural fertilizer. As with all fertilizers, farmers apply the material to the land at proper agronomic rates meeting the appropriate nutrient needs of the field or crop that is grown. Pre-application soil tests allow the farmer to match the nutrient needs of the field or crop to the nutrient value of the fertilizer, eliminating the report's concern that the "heavy volume of waste overwhelms the ability of land, crops and watershed to absorb it all."

Worker Safety and Workers' Compensation

Since most of the report focuses on worker injuries and workers compensation issues, we'll direct the next comments toward those issues.

The report states that employees with safety and health problems do not have the ability to file lawsuits to enforce their rights under the OSHA statutes (page 36). This is another example of either the authors' ignorance of the law or intention to mislead the reader. It is true that workers cannot file lawsuits with OSHA, but only because the state workers compensation system is the authority having jurisdiction for resolving such disputes and for awarding damages or other relief. Workers compensation is designed to be a no-fault system – employers cannot hold the employee responsible for injuries and deny benefits even if the employee was careless or caused the accident; and employees accept workers compensation benefits as adequate compensation. However, employees have access to the courts to settle issues regarding medical treatment, lost wage payments, permanent disability ratings and compensation when disputes arise.

While there are slight differences from state to state, all workers compensation programs guarantee employees the right to receive medical treatment for injuries or illnesses that occur within the scope of employment and to receive compensation for lost wages and for temporary or permanent disability resulting from those work related incidents. Effective workers compensation programs understand the importance of providing adequate medical care for employees and of assisting the employee's return to work as soon as possible, both important aspects of a morally sound and financially sound program.

The SPLC report contains several accounts of employees being denied medical treatment or being fired or threatened for filing a work related injury report. Without knowing the details of the individual cases, we are not in a position to comment on the circumstances surrounding the claims, but without a doubt the law in each state provides employees with clear recourse in the event their rights have been denied. All employers must comply with the provisions of the law or face litigation. Trial attorneys throughout the state are more than willing to represent employees who have been denied their rights under the law following an injury. If the practices alleged in the report were widespread, both excessive workers compensation insurance premiums and the resulting litigation expenses would put the industry out of business.

Modernization of Poultry Inspection

It is unfortunate that the claims raised in this report are simply not grounded in facts, especially as they relate to USDA's proposal to modernize poultry inspection.

USDA is proposing to modernize its poultry inspection system, a system that was developed in the 1950s. The proposal is based on a pilot program running in 20 chicken plants since 1999 that has been studied, debated and reviewed thoroughly to determine the most effective way to modernize the system.

There is no evidence in the pilot program over the past 15 years to substantiate the assertion that increased line speeds will increase injuries. In fact, those employees working in second processing, such as cutters and deboners, would not be affected at all. Line speeds in those areas would not be increased as a result of this program. The rule would affect first processing and evisceration, which today are largely automated.

A recent survey of broiler establishments participating in the pilot project show, for both Total Recordable Injury Rates and Days Away/Restricted or Transfer Rates (DART), that these plants are as safe for workers as the plants that operate under traditional inspection. In fact, the data indicate that there is no statistical difference between plants involved in the pilot project and traditional inspected facilities with regards to Total Recordable Injury Rates and DART Rates. Specifically, in 2009 and 2010, total recordable injury rates in establishments participating in the pilot project were 5.6 and 5.3, respectively. Industry average was 6.1 and 5.5 in 2009 and 2010, respectively. In 2009 and 2010, DART rates in establishments participating in the pilot project were 3.4 and 3.9, respectively. Industry average was 4.0 and 3.9 in 2009 and 2010, respectively.

Conclusion

The two things we can agree on are the importance of workplace safety and the importance of the poultry industry to our workers and consumers purchasing our products.

Perhaps more than any other industry, the poultry industry over the last several decades has focused its energies on the prevention of workplace injuries and illnesses, especially musculoskeletal disorders like carpal tunnel syndrome, by recognizing the value of implementing ergonomics principles. Companies also adhere to OSHA's recommended guidelines that further help protect poultry workers.

While the past 25 years has seen a dramatic decrease in the numbers and rates injury and illnesses occurring in the industry, the poultry industry will continue to seek new and innovative ways to protect our workforce.

References:

¹<http://www.uspoultry.org/files/ergoan2010.pdf>

²<http://www.bls.gov/iif/oshwc/osh/os/ostb3191.pdf>

³<http://www.bls.gov/news.release/union2.nr0.htm>